Information related to Domain transfer disputes

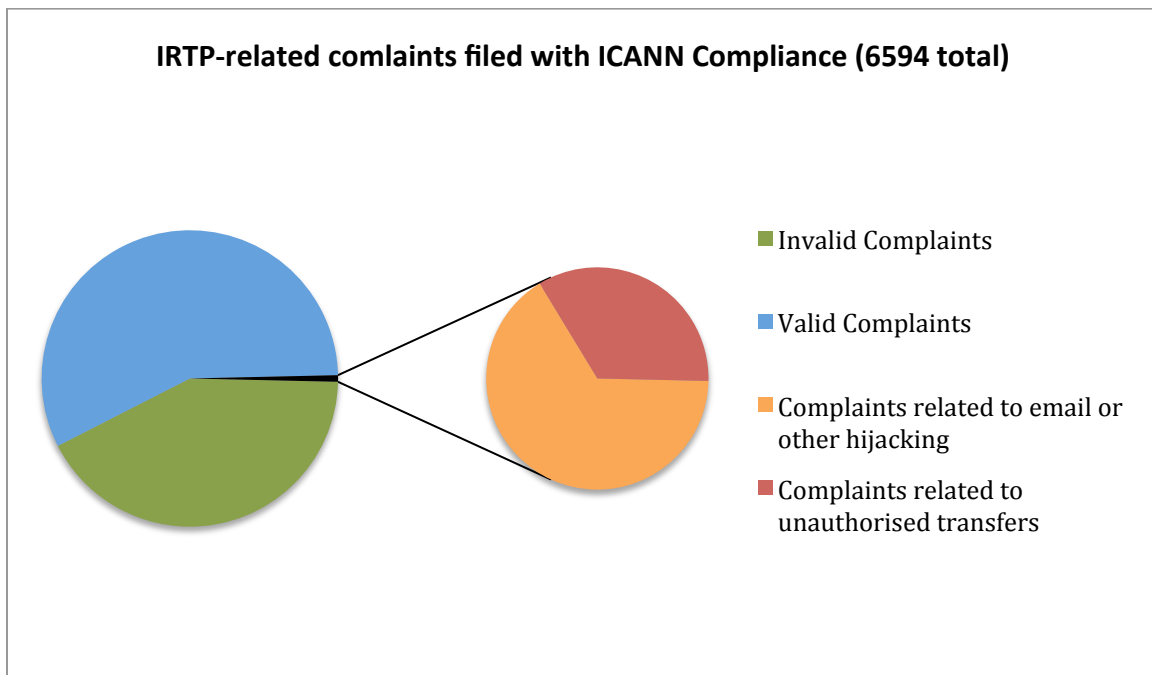**ICANN's Contractual Compliance Department (period: January 2012-February 2013)**

Total of **6594 received** and processed IRTP-related complaints

Of those, 2778 complaints (42%) corresponded to invalid (those that did not involve a potential breach to the IRTP) or FAQ-type complaints

Remaining **3816 complaints** (58%) were **valid IRTP complaints**, of which **47** (1.2%) were related to **unauthorized transfers** of domain names.

Of the 47 complaints related to unauthorized transfers of domain names, 31 complaints (0.8% of the total valid IRTP complaints) were related to email address hijacking or hijacking of access credentials to the registrant's control panel.

While processing the 16 remaining complaints related to unauthorized transfers (0.4% of the total valid IRTP complaints) none of the involved registrars stated, or provided evidence that they initiated a TDRP procedure.

IRTP-related comlaints filed with ICANN Compliance (6594 total)

- Invalid Complaints
- Valid Complaints
- Complaints related to email or other hijacking
- Complaints related to unauthorised transfers

Anecdotal Evidence from Registrars about non-escalated inter-registrar disputes

Key-Systems also in the last 5-6 years has initiated or been subject to **zero** TDRP-procedures.

Tucows has taken part in approximately **four** TDRPs ever (none in the past couple years). Tocows reports that there is a low level number of complaints and issues around transfers that they deal with informally (ca. 12 per year) with the other registrars. These include both gaining and losing issues. As their model is primarily wholesale, it's safe to assume there is going to be at least some transfer issues that are dealt with at the reseller level without reaching us, but the volume is low enough not to generate any material issues.

TDRP-Data from Verisign

Since October 2009 there were **154 cases** filed with Verisign, of which 142 were related to .com and 12 to .net

Of the 154 cases, **109 were Requests for Enforcement** (RFEs) and 45 were Application for Reinstatement of Sponsorships (ARSs).[1]

Of these 109 cases, **Verisign rendered a decision on 59 cases (38** times the filing registrar prevailed; **2 cases** were 'nacked'; 2 cases were appealed to dispute provider, original decision upheld in both cases) and issued a no-decision on the remaining 50.

Of these 59 cases the complaint was related to:

- Someone other than the Admin Contact or Registered Name Holder listed in the Losing Registrar's Whois record authorized the transfer (37 cases)
- Administrative contact authorized the transfer without knowledge of the registered name holder (8 cases)
- Failure by gaining registrar to obtain express written consent of the transfer from the administrative contact or registered name holder (5 cases)
- Payment for the domains was disputed (3 cases)
- Domain transferred without the original registrant's approval (2 cases)
- Gaining registrar failed to provide FOA within 5 days of request (2 cases)
- Losing registrar failed to provide evidence relied on for denial of transfer when requested (1 case)
- Other (1 case)

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[1] If the registrars are able to resolve the dispute between themselves but just need assistance with reversing a transfer, they may file an Application for Reinstatement of Sponsorship, or ARS, with Verisign. Upon receipt of agreement by both registrars that a domain name transfer should be reversed, Verisign will perform the 'transfer undo' process to return the domain name at issue to the losing registrar. This allows the domain to be 'reinstated' with the agreed upon registrar without adding an additional year to the registration period.

TDRP cases from the National Arbitration Forum (NAF)

The NAGF has dealt with **6 TDRP cases**
- **All 6 were appeals of first level decisions** and concerned versigin-administered domains
- At the first level (of those 6 cases), the gaining registrar prevailed once, one request was denied and four resulted in no-decision
- At the second level (NAF) the appellant prevailed in 5 cases and the appellee prevailed in 1 case
- 5 of these cases were fraudulent transfers and 1 case was an attempted transfer

TDRP cases from the Asian Doman Name Dispute Resolution Centre (ADNDRC)

The ADNDRC has dealt with **4 TDRP cases**
- Procedural problems in all four cases
- In all **4 cases did the appellee fail to provide sufficient information** or any information at all.
- In 2 cases did the appellant fail to provide sufficient information
- This resulted in only one case being properly arbitrated – with the appellant prevailing
- In 2 cases no-decision was rendered, in 1 case the ADNDRC determined that it had no jurisdiction to render a decision.