

## Annex Case Study for Recommendation D and the DADRP

### An example of DNS Abuse and difficulties encountered where the DADRP could intervene to deal with such abuse

The attached is a complaint to ICANN Compliance concerning PDR. The events up to the complaint are summarised in the actual complaint (included for ease of reference).

In the table below there is a summary and timeline of events that unfolded once ICANN were contacted. All the correspondence is provided in Annexes 1-11 attached.

No action was taken and the complaint closed due to absence of any breach to the RAA.

Timeline		
Date	Actions	Annex
11/14/2017	The Complainant's lawyers submitted the complaint through ICANN's Registrar Standards Complaint Form.	1
11/14/2017	ICANN acknowledged receipt of the complaint and requested additional information.	2
11/21/2017	The Complainant's lawyers submitted a full complaint to ICANN outlining the factual grounds and providing copies of all correspondence with the registrar as well as other relevant information.	3
12/6/2017	ICANN reviewed and closed the complaint for the following two reasons: <ul style="list-style-type: none"> <li>1) The registrar of the domain name in question was different at the time of filing of the complaint;</li> <li>2) The 2013 RAA simply requires registrars to respond to abuse reports (as did the registrar in question).</li> </ul>	4
12/20/2017	The Complainant's lawyers requested ICANN to reconsider its position, notably taking into account the registrar's serious breaches of the RAA during the time that it was managing the domain name.	5
1/2/2018	ICANN confirmed the closing of the matter again on the grounds that: <ul style="list-style-type: none"> <li>1) Registrars are only required by the 2013 RAA to respond to abuse reports but are not required to suspend or delete domain names in response to such reports;</li> <li>2) ICANN does not regulate the content and the enforcement of registrars' abuse policies.</li> </ul>	6
1/17/2018	The Complainant's lawyers rebutted ICANN's arguments by reiterating the registrar's breaches: <ul style="list-style-type: none"> <li>1) Its failure to "appropriately" respond to the Complainant's abuse reports;</li> </ul>	7

	<p>2) Its failure to take "reasonable and prompt" steps to investigate; and</p> <p>3) Its failure to publish the procedure for tracking abuse reports.</p>	
1/24/2018	ICANN agreed to re-open the complaint and informed the Complainant's lawyers that it would send an inquiry to the registrar in question.	8
1/27/2018	The Complainant's lawyers thanked ICANN for re-opening the matter, reiterated the registrar's three breaches outlined above and underlined that any further information provided by the latter could not alter these breaches.	9
1/27/2018	ICANN acknowledged receipt of the Complainant's lawyers' reply and promised to follow-up as appropriate.	10
2/13/2018	Based on the evidence provided by the registrar, ICANN closed the complaint again due to the absence of any established breaches (the registrar did respond and was apparently going to suspend the domain name, but it was then transferred away).	11