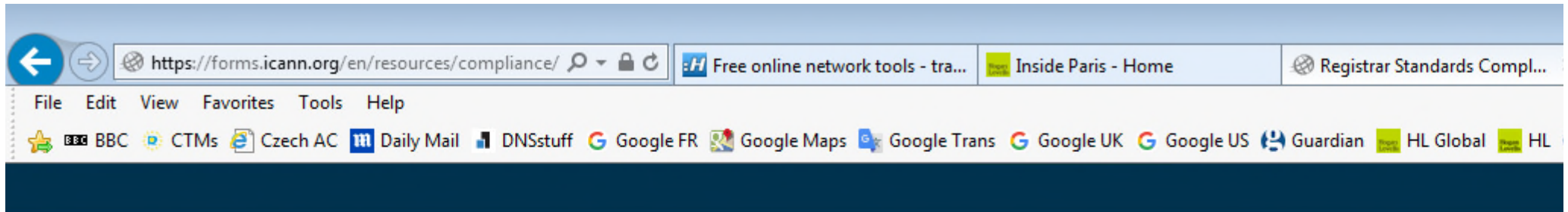


ANNEX 1

From: Seager, Jane
Sent: Tuesday, November 14, 2017 12:06 AM
To: Seager, Jane
Subject: doxagram9.com ICANN complaint



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Registrar Standards Complaint Form

This form allows Internet users to submit one of the registrar complaints below to [ICANN](#) regarding a registrar or its reseller, if applicable. The information provided to [ICANN](#) via the complaint forms may be forwarded to the contracted party. To remain anonymous, please request in the comment box.

[Items with an asterisk (*) are required]

Name *



jane.seager@hoganlovells.com

Telephone Number

+33 1 53 67 48 38

Domain Name that is subject of complaint *

doxagram9.com

Registrar or reseller, if applicable, that is subject of complaint *

PDR Ltd. d/b/a PublicDomainRegistry.com

Please select the type of complaint (choose one) *

- Registrar does not provide required information on website
- Registrar does not have abuse contact data on website or did not investigate report of abuse
- Registrar did not provide customer service handling process
- Registrar does not support DNSSEC, IDN, or IPv6
- Registrar failed to display required Trademark Notice to a potential registrant

Brief Description of Problem *

Recently a malicious third party stole important personal data belonging to Instagram users. This third party then set up a website illegally selling such stolen personal information and publicized this on an internet forum. They originally used the domain name <doxagram.com> to point to the website, but this was suspended by the registrar. They then used a number of



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[COMMUNITY](#)

Thank you, your submission has been received.

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Dark blue navigation bar with social media icons and labels: YouTube, Twitter, LinkedIn, Flickr, Facebook, RSS Feeds, and Community.

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Help
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[Domain Name Dispute Resol](#)
[Name Collisio](#)
[Registrar Prot](#)
[Whois](#)

ANNEX 2

From: Compliance Tickets <compliance-tickets@icann.org>
Sent: Tuesday, November 14, 2017 7:54 PM
To: Seager, Jane
Subject: [~VJW-103-76084]: Additional information for Abuse complaint re: PDR Ltd. d/b/a PublicDomainRegistry.com

Dear Jane Seager,

Thank you for submitting an Abuse complaint concerning the registrar PDR Ltd. d/b/a PublicDomainRegistry.com.

Please note that ICANN does not register domain names or control their content, and has no ability to activate, suspend or otherwise modify domain names. However, registrars under the 2013 Registrar Accreditation Agreement (RAA) are required to respond to abuse reports that are sent to its published abuse contact details. However, please note that registrars are not required by the RAA to suspend or delete domain names in response to abuse reports.

Although the 2013 RAA requires registrars to publish their abuse policies, it does not regulate the content of such policies, or how they are enforced. The content of each registrar's abuse policies and the actions each registrar takes to enforce them are within the registrar's own discretion, subject to compliance with the RAA and applicable laws.

ICANN reviewed your complaint and requires additional information. Please provide ICANN the following before 21 November 2017:

- Copies of your abuse report (including email headers) and any response(s) from the registrar (including auto-responses and bounce-back or returned "undeliverable" emails)
- Any other records or information relevant to your complaint.
- Confirm your permission for ICANN to forward your complaint below, your response(s) and any additional information or attachment you may provide in your response(s) to the registrar and any other party with whom ICANN may consult in order to address your complaint.

Please send the information and records requested above via reply mail (no more than 4 MB total) and do not change the email subject heading. Please provide records as attachments in .TXT, .PDF or .DOC(X) format.

If you do not provide this information before 21 November 2017, ICANN will close your complaint.

Sincerely,

ICANN Contractual Compliance

#####

The problem summary

Time of submission/processing: Mon Nov 13 23:05:01 2017
Reporter Name: Jane Seager
Reporter Organization: Hogan Lovells
Reporter Email: jane.seager@hoganlovells.com
Reporter Telephone Number: +33 1 53 67 48 38
Domain Name that is subject of complaint: doxagram9.com
Registrar that is subject of complaint: PDR Ltd. d/b/a PublicDomainRegistry.com
Description of problem: Recently a malicious third party stole important personal data belonging to Instagram users. This third party then set up a website illegally selling such stolen personal

information and publicized this on an internet forum. They originally used the domain name <doxagram.com> to point to the website, but this was suspended by the registrar. They then used a number of other domain names, all of which have now been successfully suspended. In fact eight different registries / registrars have previously reacted almost immediately when presented with the same evidence of abuse.

10/06/2017 - 10/12/2017: We repeatedly reported abusive use to PDR by sending six emails, using PDR's online abuse form and leaving telephone messages, but had no reply;

10/13/2017: We liaised with the compliance manager at Endurance, PDR's parent company, and PDR's abuse mitigation team finally replied to us, confirming the launch of their investigation and asking us to provide evidence of abuse (even though we had already provided this);

10/14/2017: We continued to email PDR;

10/19/2017: PDR replied that it would need three more days;

10/23/2017: PDR promised to update us within 24h;

10/25/2017: PDR replied stating that it was unable to access the content of the website to see the infringement behind the log in page (we had never cited infringement) and asked us to refer the issue to the hosting provider;

10/25/2017 - 10/27/2017: We emailed the Endurance compliance manager again;

10/28/2017: PDR replied that it would check with its legal counsel and get back to us on 10/30;

10/30/2017 - today: No further response from PDR despite several reminders.

In view of the above, it is clear that PDR has not promptly replied to our report of abuse and has never seriously investigated this, in breach of the 2013 RAA. PDR has permitted illegal activity by allowing the domain name to be used and this is putting Instagram users' privacy and security at risk.

The whois at the time of processing is:

*** whois.pm: using real servers

REGISTRAR WHOIS:

Domain Name: DOXAGRAM9.COM
Registry Domain ID: 2162088450_DOMAIN_COM-VRSN
Registrar WHOIS Server: whois.publicdomainregistry.com
Registrar URL: www.publicdomainregistry.com
Updated Date: 2017-11-12T02:43:00Z
Creation Date: 2017-09-12T13:37:38Z
Registrar Registration Expiration Date: 2018-09-12T13:37:38Z
Registrar: PDR Ltd. d/b/a PublicDomainRegistry.com
Registrar IANA ID: 303
Domain Status: clientTransferProhibited <https://icann.org/epp#clientTransferProhibited>
Registry Registrant ID: Not Available From Registry
Registrant Name: Domain Administrator Number 45510
Registrant Organization: c/o RespectMyPrivacy, LLC
Registrant Street: 1540 INTERNATIONAL PKWY STE 2000
Registrant City: LAKE MARY
Registrant State/Province: FL
Registrant Postal Code: 32746-5096
Registrant Country: US
Registrant Phone: +1.3212342069
Registrant Phone Ext:
Registrant Fax: +1.3214005209
Registrant Fax Ext:
Registrant Email: doxagram9.com@RespectMyPrivacy.COM

Registry Admin ID: Not Available From Registry
Admin Name: Domain Administrator Number 45510
Admin Organization: c/o RespectMyPrivacy, LLC
Admin Street: 1540 INTERNATIONAL PKWY STE 2000
Admin City: LAKE MARY
Admin State/Province: FL
Admin Postal Code: 32746-5096
Admin Country: US
Admin Phone: +1.3212342069
Admin Phone Ext:
Admin Fax: +1.3214005209
Admin Fax Ext:
Admin Email: doxagram9.com@RespectMyPrivacy.COM
Registry Tech ID: Not Available From Registry
Tech Name: Domain Administrator Number 45510
Tech Organization: c/o RespectMyPrivacy, LLC
Tech Street: 1540 INTERNATIONAL PKWY STE 2000
Tech City: LAKE MARY
Tech State/Province: FL
Tech Postal Code: 32746-5096
Tech Country: US
Tech Phone: +1.3212342069
Tech Phone Ext:
Tech Fax: +1.3214005209
Tech Fax Ext:
Tech Email: doxagram9.com@RespectMyPrivacy.COM
Name Server: merlin.ns.cloudflare.com
Name Server: vera.ns.cloudflare.com
DNSSEC:Unsigned
Registrar Abuse Contact Email: abuse-contact@publicdomainregistry.com
Registrar Abuse Contact Phone: +1.2013775952
URL of the ICANN WHOIS Data Problem Reporting System: <http://wdprs.internic.net/>
>>> Last update of WHOIS database: 2017-11-14T18:53:36Z <<<

For more information on Whois status codes, please visit <https://icann.org/epp>

Registration Service Provided By:

The data in this whois database is provided to you for information purposes only, that is, to assist you in obtaining information about or related to a domain name registration record. We make this information available "as is", and do not guarantee its accuracy. By submitting a whois query, you agree that you will use this data only for lawful purposes and that, under no circumstances will you use this data to:

(1) enable high volume, automated, electronic processes that stress or load this whois database system providing you this information; or
(2) allow, enable, or otherwise support the transmission of mass unsolicited, commercial advertising or solicitations via direct mail, electronic mail, or by telephone.

The compilation, repackaging, dissemination or other use of this data is expressly prohibited without prior written consent from us. The Registrar of record is PDR Ltd. d/b/a PublicDomainRegistry.com.

We reserve the right to modify these terms at any time.

By submitting this query, you agree to abide by these terms.

REGISTRY WHOIS:

Domain Name: DOXAGRAM9.COM
Registry Domain ID: 2162088450_DOMAIN_COM-VRSN
Registrar WHOIS Server: whois.PublicDomainRegistry.com

Registrar URL: <http://www.publicdomainregistry.com>
Updated Date: 2017-11-02T08:24:50Z
Creation Date: 2017-09-12T13:37:38Z
Registry Expiry Date: 2018-09-12T13:37:38Z
Registrar: PDR Ltd. d/b/a PublicDomainRegistry.com
Registrar IANA ID: 303
Registrar Abuse Contact Email: abuse-contact@publicdomainregistry.com
Registrar Abuse Contact Phone: +1.2013775952
Domain Status: ok <https://icann.org/epp#ok>
Name Server: MERLIN.NS.CLOUDFLARE.COM
Name Server: VERA.NS.CLOUDFLARE.COM
DNSSEC: unsigned
URL of the ICANN Whois Inaccuracy Complaint Form: <https://www.icann.org/wicf/>
>>> Last update of whois database: 2017-11-14T18:53:21Z <<<

For more information on Whois status codes, please visit <https://icann.org/epp>

NOTICE: The expiration date displayed in this record is the date the registrar's sponsorship of the domain name registration in the registry is currently set to expire. This date does not necessarily reflect the expiration date of the domain name registrant's agreement with the sponsoring registrar. Users may consult the sponsoring registrar's Whois database to view the registrar's reported date of expiration for this registration.

TERMS OF USE: You are not authorized to access or query our Whois database through the use of electronic processes that are high-volume and automated except as reasonably necessary to register domain names or modify existing registrations; the Data in VeriSign Global Registry Services' ("VeriSign") Whois database is provided by VeriSign for information purposes only, and to assist persons in obtaining information about or related to a domain name registration record. VeriSign does not guarantee its accuracy. By submitting a Whois query, you agree to abide by the following terms of use: You agree that you may use this Data only for lawful purposes and that under no circumstances will you use this Data to: (1) allow, enable, or otherwise support the transmission of mass unsolicited, commercial advertising or solicitations via e-mail, telephone, or facsimile; or (2) enable high volume, automated, electronic processes that apply to VeriSign (or its computer systems). The compilation, repackaging, dissemination or other use of this Data is expressly prohibited without the prior written consent of VeriSign. You agree not to use electronic processes that are automated and high-volume to access or query the Whois database except as reasonably necessary to register domain names or modify existing registrations. VeriSign reserves the right to restrict your access to the Whois database in its sole discretion to ensure operational stability. VeriSign may restrict or terminate your access to the Whois database for failure to abide by these terms of use. VeriSign reserves the right to modify these terms at any time.

The Registry database contains ONLY .COM, .NET, .EDU domains and Registrars.

Registrar: PDR Ltd. d/b/a PublicDomainRegistry.com
Whois Server: whois.PublicDomainRegistry.com

#####

Ticket Details

Ticket ID: VJW-103-76084
Department: Abuse
Type: Issue
Status: NEW
Priority: Normal

ANNEX 3

From: Seager, Jane
Sent: Tuesday, November 21, 2017 5:53 PM
To: compliance-tickets@icann.org
Cc: Margie Milam; Denise Michel; Daniel Madden; Taylor, David; Lou, Ying
Subject: RE: [~VJW-103-76084]: Additional information for Abuse complaint re: PDR Ltd. d/b/a PublicDomainRegistry.com
Attachments: Registrar complaint to ICANN.PDF; Annexes 1-35.zipx

Dear ICANN Contractual Compliance,

Please find attached a full registrar complaint with annexes filed on behalf of our client, Instagram LLC, concerning the registrar's failure to investigate abuse correctly.

In this complaint, we (i) outline the factual grounds, (ii) provide copies of all correspondence with the registrar as well as other information relevant to the abuse report and (iii) assert our requests to ICANN on the basis of the 2013 RAA.

We also confirm Instagram's permission for ICANN to forward our complaint, our responses and any additional information or attachment to the registrar or any other third party with whom ICANN may consult in order to address this complaint.

Please feel free to let us know if you have any other questions or need any additional information.

Kind regards,

Jane

Jane Seager

Partner, Intellectual Property Media and Technology

Hogan Lovells (Paris) LLP

17, avenue Matignon

CS 30027

75378 Paris Cedex 08

Tel: +33 1 53 67 47 47

Direct: +33 1 53 67 48 38

Fax: +33 1 53 67 47 48

Email: jane.seager@hoganlovells.com

www.hoganlovells.com

From: Compliance Tickets [<mailto:compliance-tickets@icann.org>]

Sent: mardi 14 novembre 2017 19:54

To: Seager, Jane

Subject: [~VJW-103-76084]: Additional information for Abuse complaint re: PDR Ltd. d/b/a PublicDomainRegistry.com

Dear Jane Seager,

Thank you for submitting an Abuse complaint concerning the registrar PDR Ltd. d/b/a PublicDomainRegistry.com.

Please note that ICANN does not register domain names or control their content, and has no ability to activate, suspend or otherwise modify domain names. However, registrars under the 2013 Registrar Accreditation Agreement (RAA) are required to respond to abuse reports that are sent to its published abuse contact details. However, please note that registrars are not required by the RAA to suspend or delete domain names in response to abuse reports.

Although the 2013 RAA requires registrars to publish their abuse policies, it does not regulate the content of such policies, or how they are enforced. The content of each registrar's abuse policies and the actions each registrar takes to enforce them are within the registrar's own discretion, subject to compliance with the RAA and applicable laws.

ICANN reviewed your complaint and requires additional information. Please provide ICANN the following before 21 November 2017:

- Copies of your abuse report (including email headers) and any response(s) from the registrar (including auto-responses and bounce-back or returned "undeliverable" emails)
- Any other records or information relevant to your complaint.
- Confirm your permission for ICANN to forward your complaint below, your response(s) and any additional information or attachment you may provide in your response(s) to the registrar and any other party with whom ICANN may consult in order to address your complaint.

Please send the information and records requested above via reply mail (no more than 4 MB total) and do not change the email subject heading. Please provide records as attachments in .TXT, .PDF or .DOC(X) format.

If you do not provide this information before 21 November 2017, ICANN will close your complaint.

Sincerely,

ICANN Contractual Compliance

#####

The problem summary

Time of submission/processing: Mon Nov 13 23:05:01 2017

Reporter Name: Jane Seager

Reporter Organization: Hogan Lovells

Reporter Email: jane.seager@hoganlovells.com

Reporter Telephone Number: +33 1 53 67 48 38

Domain Name that is subject of complaint: doxagram9.com

Registrar that is subject of complaint: PDR Ltd. d/b/a PublicDomainRegistry.com

Description of problem: Recently a malicious third party stole important personal data belonging to Instagram users. This third party then set up a website illegally selling such stolen personal information and publicized this on an internet forum. They originally used the domain name <doxagram.com> to point to the website, but this was suspended by the registrar. They then used a number of other domain names, all of which have now been successfully suspended. In fact eight different registries / registrars have previously reacted almost immediately when presented with the same evidence of abuse.

10/06/2017 - 10/12/2017: We repeatedly reported abusive use to PDR by sending six emails, using PDR's online abuse form and leaving telephone messages, but had no reply;

10/13/2017: We liaised with the compliance manager at Endurance, PDR's parent company, and PDR's abuse mitigation team finally replied to us, confirming the launch of their investigation and asking us to provide evidence of abuse (even though we had already provided this);

10/14/2017: We continued to email PDR;

10/19/2017: PDR replied that it would need three more days;

10/23/2017: PDR promised to update us within 24h;

10/25/2017: PDR replied stating that it was unable to access the content of the website to see the infringement behind the log in page (we had never cited infringement) and asked us to refer the issue to the hosting provider;

10/25/2017 - 10/27/2017: We emailed the Endurance compliance manager again;

10/28/2017: PDR replied that it would check with its legal counsel and get back to us on 10/30;

10/30/2017 - today: No further response from PDR despite several reminders.

In view of the above, it is clear that PDR has not promptly replied to our report of abuse and has never seriously investigated this, in breach of the 2013 RAA. PDR has permitted illegal activity by allowing the domain name to be used and this is putting Instagram users' privacy and security at risk.

The whois at the time of processing is:

*** whois.pm: using real servers

REGISTRAR WHOIS:

Domain Name: DOXAGRAM9.COM
Registry Domain ID: 2162088450_DOMAIN_COM-VRSN
Registrar WHOIS Server: whois.publicdomainregistry.com
Registrar URL: www.publicdomainregistry.com
Updated Date: 2017-11-12T02:43:00Z
Creation Date: 2017-09-12T13:37:38Z
Registrar Registration Expiration Date: 2018-09-12T13:37:38Z
Registrar: PDR Ltd. d/b/a PublicDomainRegistry.com
Registrar IANA ID: 303
Domain Status: clientTransferProhibited <https://icann.org/epp#clientTransferProhibited>
Registry Registrant ID: Not Available From Registry
Registrant Name: Domain Administrator Number 45510
Registrant Organization: c/o RespectMyPrivacy, LLC
Registrant Street: 1540 INTERNATIONAL PKWY STE 2000
Registrant City: LAKE MARY
Registrant State/Province: FL
Registrant Postal Code: 32746-5096
Registrant Country: US
Registrant Phone: +1.3212342069
Registrant Phone Ext:
Registrant Fax: +1.3214005209
Registrant Fax Ext:
Registrant Email: doxagram9.com@RespectMyPrivacy.COM
Registry Admin ID: Not Available From Registry
Admin Name: Domain Administrator Number 45510
Admin Organization: c/o RespectMyPrivacy, LLC
Admin Street: 1540 INTERNATIONAL PKWY STE 2000
Admin City: LAKE MARY
Admin State/Province: FL
Admin Postal Code: 32746-5096
Admin Country: US
Admin Phone: +1.3212342069
Admin Phone Ext:
Admin Fax: +1.3214005209
Admin Fax Ext:
Admin Email: doxagram9.com@RespectMyPrivacy.COM
Registry Tech ID: Not Available From Registry
Tech Name: Domain Administrator Number 45510
Tech Organization: c/o RespectMyPrivacy, LLC
Tech Street: 1540 INTERNATIONAL PKWY STE 2000
Tech City: LAKE MARY
Tech State/Province: FL
Tech Postal Code: 32746-5096
Tech Country: US
Tech Phone: +1.3212342069

Tech Phone Ext:
Tech Fax: +1.3214005209
Tech Fax Ext:
Tech Email: doxagram9.com@RespectMyPrivacy.COM
Name Server: merlin.ns.cloudflare.com
Name Server: vera.ns.cloudflare.com
DNSSEC:Unsigned
Registrar Abuse Contact Email: abuse-contact@publicdomainregistry.com
Registrar Abuse Contact Phone: +1.2013775952
URL of the ICANN WHOIS Data Problem Reporting System: <http://wdprs.internic.net/>
>>> Last update of WHOIS database: 2017-11-14T18:53:36Z <<<

For more information on Whois status codes, please visit <https://icann.org/epp>

Registration Service Provided By:

The data in this whois database is provided to you for information purposes only, that is, to assist you in obtaining information about or related to a domain name registration record. We make this information available "as is", and do not guarantee its accuracy. By submitting a whois query, you agree that you will use this data only for lawful purposes and that, under no circumstances will you use this data to:

(1) enable high volume, automated, electronic processes that stress or load this whois database system providing you this information; or
(2) allow, enable, or otherwise support the transmission of mass unsolicited, commercial advertising or solicitations via direct mail, electronic mail, or by telephone.

The compilation, repackaging, dissemination or other use of this data is expressly prohibited without prior written consent from us. The Registrar of record is PDR Ltd. d/b/a PublicDomainRegistry.com.

We reserve the right to modify these terms at any time.

By submitting this query, you agree to abide by these terms.

REGISTRY WHOIS:

Domain Name: DOXAGRAM9.COM
Registry Domain ID: 2162088450_DOMAIN_COM-VRSN
Registrar WHOIS Server: whois.PublicDomainRegistry.com
Registrar URL: <http://www.publicdomainregistry.com>
Updated Date: 2017-11-02T08:24:50Z
Creation Date: 2017-09-12T13:37:38Z
Registry Expiry Date: 2018-09-12T13:37:38Z
Registrar: PDR Ltd. d/b/a PublicDomainRegistry.com
Registrar IANA ID: 303
Registrar Abuse Contact Email: abuse-contact@publicdomainregistry.com
Registrar Abuse Contact Phone: +1.2013775952
Domain Status: ok <https://icann.org/epp#ok>
Name Server: MERLIN.NS.CLOUDFLARE.COM
Name Server: VERA.NS.CLOUDFLARE.COM
DNSSEC: unsigned
URL of the ICANN Whois Inaccuracy Complaint Form: <https://www.icann.org/wicf/>
>>> Last update of whois database: 2017-11-14T18:53:21Z <<<

For more information on Whois status codes, please visit <https://icann.org/epp>

NOTICE: The expiration date displayed in this record is the date the registrar's sponsorship of the domain name registration in the registry is currently set to expire. This date does not necessarily reflect the expiration date of the domain name registrant's agreement with the sponsoring registrar. Users may consult the sponsoring registrar's Whois database to

view the registrar's reported date of expiration for this registration.

TERMS OF USE: You are not authorized to access or query our Whois database through the use of electronic processes that are high-volume and automated except as reasonably necessary to register domain names or modify existing registrations; the Data in VeriSign Global Registry Services' ("VeriSign") Whois database is provided by VeriSign for information purposes only, and to assist persons in obtaining information about or related to a domain name registration record. VeriSign does not guarantee its accuracy. By submitting a Whois query, you agree to abide by the following terms of use: You agree that you may use this Data only for lawful purposes and that under no circumstances will you use this Data to: (1) allow, enable, or otherwise support the transmission of mass unsolicited, commercial advertising or solicitations via e-mail, telephone, or facsimile; or (2) enable high volume, automated, electronic processes that apply to VeriSign (or its computer systems). The compilation, repackaging, dissemination or other use of this Data is expressly prohibited without the prior written consent of VeriSign. You agree not to use electronic processes that are automated and high-volume to access or query the Whois database except as reasonably necessary to register domain names or modify existing registrations. VeriSign reserves the right to restrict your access to the Whois database in its sole discretion to ensure operational stability. VeriSign may restrict or terminate your access to the Whois database for failure to abide by these terms of use. VeriSign reserves the right to modify these terms at any time.

The Registry database contains ONLY .COM, .NET, .EDU domains and Registrars.

Registrar: PDR Ltd. d/b/a PublicDomainRegistry.com
Whois Server: whois.PublicDomainRegistry.com

#####

Ticket Details

Ticket ID: VJW-103-76084
Department: Abuse
Type: Issue
Status: NEW
Priority: Normal

ANNEX 4

From: Compliance Tickets <compliance-tickets@icann.org>
Sent: Wednesday, December 06, 2017 5:30 PM
To: Seager, Jane
Subject: [~VJW-103-76084]: Abuse complaint re: doxagram9.com closed

Dear Jane Seager,

Thank you for submitting an Abuse complaint concerning the registrar PDR Ltd. d/b/a PublicDomainRegistry.com. ICANN has reviewed and closed your complaint because:

Based on the current Whois data and the sponsoring registrar for this domain has been updated. If you already have filed an abuse report with the current registrar, and believe the registrar has failed to meet its obligations under RAA, please submit a new Abuse complaint using <https://forms.icann.org/en/resources/compliance/complaints/registrars/standards-complaint-form> .

Please note registrars under the 2013 Registrar Accreditation Agreement are only required to respond to abuse reports that are sent to its published abuse contact email address(es), including the registrar's abuse-dedicated email address that is appearing in the Whois data for the domain name or on the registrar's website.

ICANN considers this matter now closed.

Please do not reply to the email. If you require future assistance, please email compliance@icann.org; if you have a new complaint, please submit it at <http://www.icann.org/resources/compliance/complaints> .

ICANN is requesting your feedback on this closed complaint. Please complete this optional survey at <https://www.surveymonkey.com/s/8F2Z6DP?ticket=VJW-103-76084> .

Sincerely,

ICANN Contractual Compliance

#####

The problem summary

Time of submission/processing: Mon Nov 13 23:05:01 2017
Reporter Name: Jane Seager
Reporter Organization: Hogan Lovells
Reporter Email: jane.seager@hoganlovells.com
Reporter Telephone Number: +33 1 53 67 48 38
Domain Name that is subject of complaint: doxagram9.com
Registrar that is subject of complaint: PDR Ltd. d/b/a PublicDomainRegistry.com
Description of problem: Recently a malicious third party stole important personal data belonging to Instagram users. This third party then set up a website illegally selling such stolen personal information and publicized this on an internet forum. They originally used the domain name <doxagram.com> to point to the website, but this was suspended by the registrar. They then used a number of other domain names, all of which have now been successfully suspended. In fact eight different registries / registrars have previously reacted almost immediately when presented with the same evidence of abuse.

10/06/2017 - 10/12/2017: We repeatedly reported abusive use to PDR by sending six emails, using PDR's online abuse form and leaving telephone messages, but had no reply;

10/13/2017: We liaised with the compliance manager at Endurance, PDR's parent company, and PDR's abuse mitigation team finally replied to us, confirming the launch of their investigation and asking us to

provide evidence of abuse (even though we had already provided this);

10/14/2017: We continued to email PDR;

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10/28/2017: PDR replied that it would check with its legal counsel and get back to us on 10/30;

10/30/2017 - today: No further response from PDR despite several reminders.

In view of the above, it is clear that PDR has not promptly replied to our report of abuse and has never seriously investigated this, in breach of the 2013 RAA. PDR has permitted illegal activity by allowing the domain name to be used and this is putting Instagram users' privacy and security at risk.

The whois at the time of processing is:

#####

Ticket Details

Ticket ID: VJW-103-76084
Department: Abuse
Type: Issue
Status: Manual Process
Priority: Normal

ANNEX 5

From: Seager, Jane
Sent: Wednesday, December 20, 2017 6:10 PM
To: compliance@icann.org
Subject: FW: [~VJW-103-76084]: Abuse complaint re: doxagram9.com closed

Dear ICANN Compliance

Thank you for your email. We understand that you have closed our complaint because the domain name in question is no longer with PDR and has been moved away to another registrar.

However, whether the domain name is still with PDR or not is completely irrelevant with regard to PDR's breaches of the RAA during the time they were managing it. Indeed it would be completely nonsensical for registrars to be able to escape their obligations in this manner.

We should therefore be grateful if you would review our complaint in detail and revert to us on the actions you plan to take with regard to the serious breaches by PDR outlined therein.

Kind regards

Jane

Jane Seager

Partner, Intellectual Property Media and Technology

Hogan Lovells (Paris) LLP

17, avenue Matignon
CS 30027

75378 Paris Cedex 08

Tel: +33 1 53 67 47 47

Direct: +33 1 53 67 48 38

Fax: +33 1 53 67 47 48

Email: jane.seager@hoganlovells.com

www.hoganlovells.com

From: Compliance Tickets [mailto:compliance-tickets@icann.org]
Sent: mercredi 6 décembre 2017 17:30
To: Seager, Jane
Subject: [~VJW-103-76084]: Abuse complaint re: doxagram9.com closed

Dear Jane Seager,

Thank you for submitting an Abuse complaint concerning the registrar PDR Ltd. d/b/a PublicDomainRegistry.com. ICANN has reviewed and closed your complaint because:

Based on the current Whois data and the sponsoring registrar for this domain has been updated. If you already have filed an abuse report with the current registrar, and believe the registrar has failed to meet its obligations under RAA, please submit a new Abuse complaint using <https://forms.icann.org/en/resources/compliance/complaints/registrars/standards-complaint-form> .

Please note registrars under the 2013 Registrar Accreditation Agreement are only required to respond to abuse reports that are sent to its published abuse contact email address(es), including the registrar's abuse-dedicated email address that is appearing in the Whois data for the domain name or on the registrar's website.

ICANN considers this matter now closed.

Please do not reply to the email. If you require future assistance, please email compliance@icann.org;

if you have a new complaint, please submit it at <http://www.icann.org/resources/compliance/complaints> .

ICANN is requesting your feedback on this closed complaint. Please complete this optional survey at <https://www.surveymonkey.com/s/8F2Z6DP?ticket=VJW-103-76084> .

Sincerely,

ICANN Contractual Compliance

#####

The problem summary

Time of submission/processing: Mon Nov 13 23:05:01 2017

Reporter Name: Jane Seager

Reporter Organization: Hogan Lovells

Reporter Email: jane.seager@hoganlovells.com

Reporter Telephone Number: +33 1 53 67 48 38

Domain Name that is subject of complaint: doxagram9.com

Registrar that is subject of complaint: PDR Ltd. d/b/a PublicDomainRegistry.com

Description of problem: Recently a malicious third party stole important personal data belonging to Instagram users. This third party then set up a website illegally selling such stolen personal information and publicized this on an internet forum. They originally used the domain name <doxagram.com> to point to the website, but this was suspended by the registrar. They then used a number of other domain names, all of which have now been successfully suspended. In fact eight different registries / registrars have previously reacted almost immediately when presented with the same evidence of abuse.

10/06/2017 - 10/12/2017: We repeatedly reported abusive use to PDR by sending six emails, using PDR's online abuse form and leaving telephone messages, but had no reply;

10/13/2017: We liaised with the compliance manager at Endurance, PDR's parent company, and PDR's abuse mitigation team finally replied to us, confirming the launch of their investigation and asking us to provide evidence of abuse (even though we had already provided this);

10/14/2017: We continued to email PDR;

10/19/2017: PDR replied that it would need three more days;

10/23/2017: PDR promised to update us within 24h;

10/25/2017: PDR replied stating that it was unable to access the content of the website to see the infringement behind the log in page (we had never cited infringement) and asked us to refer the issue to the hosting provider;

10/25/2017 - 10/27/2017: We emailed the Endurance compliance manager again;

10/28/2017: PDR replied that it would check with its legal counsel and get back to us on 10/30;

10/30/2017 - today: No further response from PDR despite several reminders.

In view of the above, it is clear that PDR has not promptly replied to our report of abuse and has never seriously investigated this, in breach of the 2013 RAA. PDR has permitted illegal activity by allowing the domain name to be used and this is putting Instagram users' privacy and security at risk.

The whois at the time of processing is:

#####

Ticket Details

Ticket ID: VJW-103-76084

Department: Abuse

Type: Issue

Status: Manual Process

Priority: Normal

ANNEX 6

From: ICANN Compliance <compliance@icann.org>
Sent: Tuesday, January 02, 2018 8:01 PM
To: Seager, Jane
Subject: [Compliance Email ~SEY-301-80374]: Abuse complaint re: doxagram9.com closed

Dear Jane Seager,

Thank you for contacting ICANN Contractual Compliance.

Registrars under the 2013 Registrar Accreditation Agreement (RAA) are required to respond to abuse reports that are sent to its published abuse contact details. Based on the communications you provided to ICANN, there is evidence that PDR Ltd. d/b/a PublicDomainRegistry.com responded to your abuse report on 6 October 2017, 9 October 2017, 11 October 2017, 13 October 2017, 17 October 2017, 19 October 2017, 23 October 2017, 25 October 2017, 30 October 2017, 2 November 2017, and 16 November 2017. Please note that registrars are not required by the RAA to suspend or delete domain names in response to abuse reports.

Furthermore, although the 2013 RAA requires registrars to publish their abuse policies, ICANN does not regulate the content of such policies, or how they are enforced. The content of each registrar's abuse policies and the actions each registrar takes to enforce them are within the registrar's own discretion, subject to compliance with the RAA and applicable laws.

For more information about ICANN's process and approach, please visit:
<http://www.icann.org/en/resources/compliance/approach-processes> .

For these reasons, ICANN Contractual Compliance considers this matter closed.

Sincerely,

ICANN Contractual Compliance

> Dear ICANN Compliance
>
> Thank you for your email. We understand that you have closed our complaint because the domain name in question is no longer with PDR and has been moved away to another registrar.
>
> However, whether the domain name is still with PDR or not is completely irrelevant with regard to PDR's breaches of the RAA during the time they were managing it. Indeed it would be completely nonsensical for registrars to be able to escape their obligations in this manner.
>
> We should therefore be grateful if you would review our complaint in detail and revert to us on the actions you plan to take with regard to the serious breaches by PDR outlined therein.
>
> Kind regards
>
> Jane
>
> Jane Seager
>
> Partner, Intellectual Property Media and Technology
>
>
> _____
> Hogan Lovells (Paris) LLP
> 17, avenue Matignon
> CS 30027
> 75378 Paris Cedex 08
>

> Tel:
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> +33 1 53 67 47 47
>
> Direct:
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> +33 1 53 67 48 38
>
> Fax:
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> +33 1 53 67 47 48
>
> Email:
>
> jane.seager@hoganlovells.com
>
> www.hoganlovells.com
>
> _____
>
> From: Compliance Tickets [mailto:compliance-tickets@icann.org]
> Sent: mercredi 6 décembre 2017 17:30
> To: Seager, Jane
> Subject: [~VJW-103-76084]: Abuse complaint re: doxagram9.com closed
>
> Dear Jane Seager,
>
> Thank you for submitting an Abuse complaint concerning the registrar PDR Ltd. d/b/a
PublicDomainRegistry.com. ICANN has reviewed and closed your complaint because:
>
> Based on the current Whois data and the sponsoring registrar for this domain has been updated. If
you already have filed an abuse report with the current registrar, and believe the registrar has failed to
meet its obligations under RAA, please submit a new Abuse complaint using
<https://forms.icann.org/en/resources/compliance/complaints/registrars/standards-complaint-form> .
>
> Please note registrars under the 2013 Registrar Accreditation Agreement are only required to
respond to abuse reports that are sent to its published abuse contact email address(es), including the
registrar's abuse-dedicated email address that is appearing in the Whois data for the domain name or
on the registrar's website.
>
> ICANN considers this matter now closed.
>
> Please do not reply to the email. If you require future assistance, please email
compliance@icann.org; if you have a new complaint, please submit it at
<http://www.icann.org/resources/compliance/complaints> .
>
> ICANN is requesting your feedback on this closed complaint. Please complete this optional survey at
<https://www.surveymonkey.com/s/8F2Z6DP?ticket=VJW-103-76084> .
>
> Sincerely,
>
> ICANN Contractual Compliance
>
> #####
>
> The problem summary
>
> Time of submission/processing: Mon Nov 13 23:05:01 2017
> Reporter Name: Jane Seager
> Reporter Organization: Hogan Lovells
> Reporter Email: jane.seager@hoganlovells.com
> Reporter Telephone Number: +33 1 53 67 48 38

> Domain Name that is subject of complaint: doxagram9.com

> Registrar that is subject of complaint: PDR Ltd. d/b/a PublicDomainRegistry.com

> Description of problem: Recently a malicious third party stole important personal data belonging to Instagram users. This third party then set up a website illegally selling such stolen personal information and publicized this on an internet forum. They originally used the domain name to point to the website, but this was suspended by the registrar. They then used a number of other domain names, all of which have now been successfully suspended. In fact eight different registries / registrars have previously reacted almost immediately when presented with the same evidence of abuse.

>

> 10/06/2017 - 10/12/2017: We repeatedly reported abusive use to PDR by sending six emails, using PDR's online abuse form and leaving telephone messages, but had no reply;

>

> 10/13/2017: We liaised with the compliance manager at Endurance, PDR's parent company, and PDR's abuse mitigation team finally replied to us, confirming the launch of their investigation and asking us to provide evidence of abuse (even though we had already provided this);

>

> 10/14/2017: We continued to email PDR;

>

> 10/19/2017: PDR replied that it would need three more days;

>

> 10/23/2017: PDR promised to update us within 24h;

>

> 10/25/2017: PDR replied stating that it was unable to access the content of the website to see the infringement behind the log in page (we had never cited infringement) and asked us to refer the issue to the hosting provider;

>

> 10/25/2017 - 10/27/2017: We emailed the Endurance compliance manager again;

>

> 10/28/2017: PDR replied that it would check with its legal counsel and get back to us on 10/30;

>

> 10/30/2017 - today: No further response from PDR despite several reminders.

>

> In view of the above, it is clear that PDR has not promptly replied to our report of abuse and has never seriously investigated this, in breach of the 2013 RAA. PDR has permitted illegal activity by allowing the domain name to be used and this is putting Instagram users' privacy and security at risk.

>

> The whois at the time of processing is:

>

> #####

>

> Ticket Details

>

> Ticket ID: VJW-103-76084

> Department: Abuse

> Type: Issue

> Status: Manual Process

> Priority: Normal

>

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>

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> delete this email (and any attachments) from your system.

>

Ticket Details

Ticket ID: SEY-301-80374

Department: compliance@icann.org

Type: Issue

Status: Open WIP

Priority: Normal

ANNEX 7

From: Seager, Jane
Sent: Wednesday, January 17, 2018 5:51 PM
To: compliance@icann.org
Subject: FW: [Compliance Email ~SEY-301-80374]: Abuse complaint re: doxagram9.com closed

Dear ICANN Compliance

Thank you for your response. We note that you have again closed our complaint simply on the basis that PDR actually replied to us, regardless of the content or the timing of such replies.

However, once again we would like to underline that whether PDR replied or not is irrelevant with regard to PDR's breaches of the RAA. Such breaches are very clearly set out in our complaint at Section III. In this regard please note:

- PDR failed to reply appropriately to our abuse report in accordance with **Section 3.18.1** of the RAA (automatic responses, responses asking for evidence that had already been submitted, responses clearly misunderstanding the issues or saying that they would investigate further obviously cannot be described as "appropriate" given the nature of the abuse report, which evidenced blatant criminal activity, hence why 8 different Registries/registrars had previously taken immediate action when notified of this);
- PDR failed to take reasonable and prompt steps to investigate in accordance with **Section 3.18.1** of the RAA (almost six weeks after the abuse report was sent, the Complainant was still waiting for a definitive answer from PDR on the action they would take, which was neither prompt nor reasonable); and
- PDR failed to publish on its website the procedure for the tracking of abuse reports in accordance with **Section 3.18.3** of the RAA.

We should therefore be grateful if you would review our complaint in detail and revert to us on the actions you plan to take with regard to the serious breaches by PDR outlined therein.

Kind regards

Jane

Jane Seager

Partner, Intellectual Property Media and Technology

Hogan Lovells (Paris) LLP

17, avenue Matignon
CS 30027

75378 Paris Cedex 08

Tel: +33 1 53 67 47 47

Direct: +33 1 53 67 48 38

Fax: +33 1 53 67 47 48

Email: jane.seager@hoganlovells.com

www.hoganlovells.com

From: ICANN Compliance [mailto:compliance@icann.org]

Sent: mardi 2 janvier 2018 20:01

To: Seager, Jane

Subject: [Compliance Email ~SEY-301-80374]: Abuse complaint re: doxagram9.com closed

Dear Jane Seager,

Thank you for contacting ICANN Contractual Compliance.

Registrars under the 2013 Registrar Accreditation Agreement (RAA) are required to respond to abuse reports that are sent to its published abuse contact details. Based on the communications you provided to ICANN, there is evidence that PDR Ltd. d/b/a PublicDomainRegistry.com responded to your abuse report on 6 October 2017, 9 October 2017, 11 October 2017, 13 October 2017, 17 October 2017, 19 October 2017, 23 October 2017, 25 October 2017, 30 October 2017, 2 November 2017, and 16 November 2017. Please note that registrars are not required by the RAA to suspend or delete domain names in response to abuse reports.

Furthermore, although the 2013 RAA requires registrars to publish their abuse policies, ICANN does not regulate the content of such policies, or how they are enforced. The content of each registrar's abuse policies and the actions each registrar takes to enforce them are within the registrar's own discretion, subject to compliance with the RAA and applicable laws.

For more information about ICANN's process and approach, please visit:
<http://www.icann.org/en/resources/compliance/approach-processes> .

For these reasons, ICANN Contractual Compliance considers this matter closed.

Sincerely,

ICANN Contractual Compliance

> Dear ICANN Compliance

>

> Thank you for your email. We understand that you have closed our complaint because the domain name in question is no longer with PDR and has been moved away to another registrar.

>

> However, whether the domain name is still with PDR or not is completely irrelevant with regard to PDR's breaches of the RAA during the time they were managing it. Indeed it would be completely nonsensical for registrars to be able to escape their obligations in this manner.

>

> We should therefore be grateful if you would review our complaint in detail and revert to us on the actions you plan to take with regard to the serious breaches by PDR outlined therein.

>

> Kind regards

>

> Jane

>

> Jane Seager

>

> Partner, Intellectual Property Media and Technology

>

>

> _____
> Hogan Lovells (Paris) LLP

> 17, avenue Matignon

> CS 30027

> 75378 Paris Cedex 08

>

> Tel:

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> +33 1 53 67 47 47

>

> Direct:

>

> +33 1 53 67 48 38

>

> Fax:

>

> +33 1 53 67 47 48

>

> Email:

>
> jane.seager@hoganlovells.com
>
> www.hoganlovells.com
>
> _____
>
> From: Compliance Tickets [<mailto:compliance-tickets@icann.org>]
> Sent: mercredi 6 décembre 2017 17:30
> To: Seager, Jane
> Subject: [~VJW-103-76084]: Abuse complaint re: doxagram9.com closed
>
> Dear Jane Seager,
>
> Thank you for submitting an Abuse complaint concerning the registrar PDR Ltd. d/b/a
PublicDomainRegistry.com. ICANN has reviewed and closed your complaint because:
>
> Based on the current Whois data and the sponsoring registrar for this domain has been updated. If
you already have filed an abuse report with the current registrar, and believe the registrar has failed to
meet its obligations under RAA, please submit a new Abuse complaint using
<https://forms.icann.org/en/resources/compliance/complaints/registrars/standards-complaint-form> .
>
> Please note registrars under the 2013 Registrar Accreditation Agreement are only required to
respond to abuse reports that are sent to its published abuse contact email address(es), including the
registrar's abuse-dedicated email address that is appearing in the Whois data for the domain name or
on the registrar's website.
>
> ICANN considers this matter now closed.
>
> Please do not reply to the email. If you require future assistance, please email
compliance@icann.org; if you have a new complaint, please submit it at
<http://www.icann.org/resources/compliance/complaints> .
>
> ICANN is requesting your feedback on this closed complaint. Please complete this optional survey at
<https://www.surveymonkey.com/s/8F2Z6DP?ticket=VJW-103-76084> .
>
> Sincerely,
>
> ICANN Contractual Compliance
>
> #####
>
> The problem summary
>
> Time of submission/processing: Mon Nov 13 23:05:01 2017
> Reporter Name: Jane Seager
> Reporter Organization: Hogan Lovells
> Reporter Email: jane.seager@hoganlovells.com
> Reporter Telephone Number: +33 1 53 67 48 38
> Domain Name that is subject of complaint: doxagram9.com
> Registrar that is subject of complaint: PDR Ltd. d/b/a PublicDomainRegistry.com
> Description of problem: Recently a malicious third party stole important personal data belonging to
Instagram users. This third party then set up a website illegally selling such stolen personal
information and publicized this on an internet forum. They originally used the domain name to point to
the website, but this was suspended by the registrar. They then used a number of other domain
names, all of which have now been successfully suspended. In fact eight different registries / registrars
have previously reacted almost immediately when presented with the same evidence of abuse.
>
> 10/06/2017 - 10/12/2017: We repeatedly reported abusive use to PDR by sending six emails, using
PDR's online abuse form and leaving telephone messages, but had no reply;
>
> 10/13/2017: We liaised with the compliance manager at Endurance, PDR's parent company, and

PDR's abuse mitigation team finally replied to us, confirming the launch of their investigation and asking us to provide evidence of abuse (even though we had already provided this);

- >
- > 10/14/2017: We continued to email PDR;
- >
- > 10/19/2017: PDR replied that it would need three more days;
- >
- > 10/23/2017: PDR promised to update us within 24h;
- >
- > 10/25/2017: PDR replied stating that it was unable to access the content of the website to see the infringement behind the log in page (we had never cited infringement) and asked us to refer the issue to the hosting provider;
- >
- > 10/25/2017 - 10/27/2017: We emailed the Endurance compliance manager again;
- >
- > 10/28/2017: PDR replied that it would check with its legal counsel and get back to us on 10/30;
- >
- > 10/30/2017 - today: No further response from PDR despite several reminders.
- >
- > In view of the above, it is clear that PDR has not promptly replied to our report of abuse and has never seriously investigated this, in breach of the 2013 RAA. PDR has permitted illegal activity by allowing the domain name to be used and this is putting Instagram users' privacy and security at risk.
- >
- > The whois at the time of processing is:
- >
- > #####
- >
- > Ticket Details
- >
- > _____
- > Ticket ID: VJW-103-76084
- > Department: Abuse
- > Type: Issue
- > Status: Manual Process
- > Priority: Normal
- >
- >
- > _____
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- >
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- > If received in error, please do not disclose the contents to anyone, but notify the sender by return email and
- > delete this email (and any attachments) from your system.

>

Ticket Details

Ticket ID: SEY-301-80374

Department: compliance@icann.org

Type: Issue

Status: Open WIP

Priority: Normal

ANNEX 8

From: Compliance Tickets <compliance-tickets@icann.org>
Sent: Wednesday, January 24, 2018 6:21 PM
To: Seager, Jane
Subject: [~VJW-103-76084]: Confirmation of Abuse complaint re: PDR Ltd. d/b/a PublicDomainRegistry.com

Dear Jane Seager,

Thank you for your communication on 17 January 2018.

ICANN's scope to address complaints is limited to its contractual authority with its contracted parties under the Registrar Accreditation Agreement (RAA) and the Consensus Policies. Please note registrars under the 2013 Registrar Accreditation Agreement are only required to respond to abuse reports that are sent to its published abuse contact email address(es), including the registrar's abuse-dedicated email address that is appearing in the Whois data for the domain name or on the registrar's website.

ICANN will re-open your complaint and send an inquiry to the previous registrar of record. However, ICANN reminds you that ICANN does not regulate the content of each registrar abuse policies, or how they are enforced by the registrar. The content of each registrar's abuse policies and the actions each registrar takes to enforce them are within the registrar's own discretion, subject to compliance with the RAA and applicable laws.

Your report has been entered into ICANN's database. For reference your ticket ID is: VJW-103-76084. ICANN will follow up with the registrar per process and provide you an update with its findings.

For more information about ICANN's process and approach, please visit <http://www.icann.org/en/resources/compliance/approach-processes> .

Sincerely,

ICANN Contractual Compliance

#####

The problem summary

Time of submission/processing: Mon Nov 13 23:05:01 2017
Reporter Name: Jane Seager
Reporter Organization: Hogan Lovells
Reporter Email: jane.seager@hoganlovells.com
Reporter Telephone Number: +33 1 53 67 48 38
Domain Name that is subject of complaint: doxagram9.com
Registrar that is subject of complaint: PDR Ltd. d/b/a PublicDomainRegistry.com
Description of problem: Recently a malicious third party stole important personal data belonging to Instagram users. This third party then set up a website illegally selling such stolen personal information and publicized this on an internet forum. They originally used the domain name <doxagram.com> to point to the website, but this was suspended by the registrar. They then used a number of other domain names, all of which have now been successfully suspended. In fact eight different registries / registrars have previously reacted almost immediately when presented with the same evidence of abuse.

10/06/2017 - 10/12/2017: We repeatedly reported abusive use to PDR by sending six emails, using PDR's online abuse form and leaving telephone messages, but had no reply;

10/13/2017: We liaised with the compliance manager at Endurance, PDR's parent company, and PDR's abuse mitigation team finally replied to us, confirming the launch of their investigation and asking us to provide evidence of abuse (even though we had already provided this);

10/14/2017: We continued to email PDR;

10/19/2017: PDR replied that it would need three more days;

10/23/2017: PDR promised to update us within 24h;

10/25/2017: PDR replied stating that it was unable to access the content of the website to see the infringement behind the log in page (we had never cited infringement) and asked us to refer the issue to the hosting provider;

10/25/2017 - 10/27/2017: We emailed the Endurance compliance manager again;

10/28/2017: PDR replied that it would check with its legal counsel and get back to us on 10/30;

10/30/2017 - today: No further response from PDR despite several reminders.

In view of the above, it is clear that PDR has not promptly replied to our report of abuse and has never seriously investigated this, in breach of the 2013 RAA. PDR has permitted illegal activity by allowing the domain name to be used and this is putting Instagram users' privacy and security at risk.

The whois at the time of processing is:

#####

Ticket Details

Ticket ID: VJW-103-76084
Department: Abuse
Type: Issue
Status: Open WIP
Priority: Normal

ANNEX 9

From: Seager, Jane
Sent: Saturday, January 27, 2018 10:27 PM
To: compliance-tickets@icann.org
Subject: FW: [~VJW-103-76084]: Confirmation of Abuse complaint re: PDR Ltd. d/b/a PublicDomainRegistry.com

Dear ICANN Compliance

Thank you for your response and for agreeing to re-open our complaint and follow up with PDR.

However, once again we would like to underline that PDR clearly breached the 2013 RAA. This sets out certain requirements over and above simply responding to abuse reports. Such breaches are very clearly set out in our complaint at Section III. In this regard please note:

- PDR failed to reply appropriately to our abuse report in accordance with **Section 3.18.1** of the RAA (automatic responses, responses asking for evidence that had already been submitted, responses clearly misunderstanding the issues or saying that they would investigate further obviously cannot be described as "appropriate" given the nature of the abuse report, which evidenced blatant criminal activity, hence why 8 different Registries/registrars had previously taken immediate action when notified of this);
- PDR failed to take reasonable and prompt steps to investigate in accordance with **Section 3.18.1** of the RAA (almost six weeks after the abuse report was sent, the Complainant was still waiting for a definitive answer from PDR on the action they would take, which was neither prompt nor reasonable); and
- PDR failed to publish on its website the procedure for the tracking of abuse reports in accordance with **Section 3.18.3** of the RAA.

We look forward to your further update on PDR's response. However, we should add that any information that they may supply cannot alter the breaches outlined above, given the facts clearly set out in our complaint and the substantial evidence provided to demonstrate this (please note if you have any questions or require anything further, just let us know).

We should therefore be grateful if you would revert to us on the actions you plan to take with regard to the serious breaches by PDR in due course.

Kind regards

Jane

Jane Seager

Partner, Intellectual Property Media and Technology

Hogan Lovells (Paris) LLP

17, avenue Matignon

CS 30027

75378 Paris Cedex 08

Tel: +33 1 53 67 47 47

Direct: +33 1 53 67 48 38

Fax: +33 1 53 67 47 48

Email: jane.seager@hoganlovells.com

www.hoganlovells.com

From: Compliance Tickets [mailto:compliance-tickets@icann.org]

Sent: mercredi 24 janvier 2018 18:21

To: Seager, Jane

Subject: [~VJW-103-76084]: Confirmation of Abuse complaint re: PDR Ltd. d/b/a PublicDomainRegistry.com

Dear Jane Seager,

Thank you for your communication on 17 January 2018.

ICANN's scope to address complaints is limited to its contractual authority with its contracted parties under the Registrar Accreditation Agreement (RAA) and the Consensus Policies. Please note registrars under the 2013 Registrar Accreditation Agreement are only required to respond to abuse reports that are sent to its published abuse contact email address(es), including the registrar's abuse-dedicated email address that is appearing in the Whois data for the domain name or on the registrar's website.

ICANN will re-open your complaint and send an inquiry to the previous registrar of record. However, ICANN reminds you that ICANN does not regulate the content of each registrar abuse policies, or how they are enforced by the registrar. The content of each registrar's abuse policies and the actions each registrar takes to enforce them are within the registrar's own discretion, subject to compliance with the RAA and applicable laws.

Your report has been entered into ICANN's database. For reference your ticket ID is: VJW-103-76084. ICANN will follow up with the registrar per process and provide you an update with its findings.

For more information about ICANN's process and approach, please visit <http://www.icann.org/en/resources/compliance/approach-processes> .

Sincerely,

ICANN Contractual Compliance

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The problem summary

Time of submission/processing: Mon Nov 13 23:05:01 2017

Reporter Name: Jane Seager

Reporter Organization: Hogan Lovells

Reporter Email: jane.seager@hoganlovells.com

Reporter Telephone Number: +33 1 53 67 48 38

Domain Name that is subject of complaint: doxagram9.com

Registrar that is subject of complaint: PDR Ltd. d/b/a PublicDomainRegistry.com

Description of problem: Recently a malicious third party stole important personal data belonging to Instagram users. This third party then set up a website illegally selling such stolen personal information and publicized this on an internet forum. They originally used the domain name <doxagram.com> to point to the website, but this was suspended by the registrar. They then used a number of other domain names, all of which have now been successfully suspended. In fact eight different registries / registrars have previously reacted almost immediately when presented with the same evidence of abuse.

10/06/2017 - 10/12/2017: We repeatedly reported abusive use to PDR by sending six emails, using PDR's online abuse form and leaving telephone messages, but had no reply;

10/13/2017: We liaised with the compliance manager at Endurance, PDR's parent company, and PDR's abuse mitigation team finally replied to us, confirming the launch of their investigation and asking us to provide evidence of abuse (even though we had already provided this);

10/14/2017: We continued to email PDR;

10/19/2017: PDR replied that it would need three more days;

10/23/2017: PDR promised to update us within 24h;

10/25/2017: PDR replied stating that it was unable to access the content of the website to see the

infringement behind the log in page (we had never cited infringement) and asked us to refer the issue to the hosting provider;

10/25/2017 - 10/27/2017: We emailed the Endurance compliance manager again;

10/28/2017: PDR replied that it would check with its legal counsel and get back to us on 10/30;

10/30/2017 - today: No further response from PDR despite several reminders.

In view of the above, it is clear that PDR has not promptly replied to our report of abuse and has never seriously investigated this, in breach of the 2013 RAA. PDR has permitted illegal activity by allowing the domain name to be used and this is putting Instagram users' privacy and security at risk.


The whois at the time of processing is:

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Ticket Details

Ticket ID: VJW-103-76084
Department: Abuse
Type: Issue
Status: Open WIP
Priority: Normal

ANNEX 10



From: compliance-tickets@icann.org
Sent: Saturday, January 27, 2018 11:00 PM
To: Seager, Jane
Subject: [VJW-103-76084]: ICANN Auto Confirm - Response Received

Thank you for your response. This automatically generated email acknowledges receipt of your email. ICANN will follow up as appropriate.

Sincerely,
ICANN Contractual Compliance

ANNEX 11

From: Compliance Tickets <compliance-tickets@icann.org>
Sent: Tuesday, February 13, 2018 5:11 PM
To: Seager, Jane
Subject: [~VJW-103-76084]: Abuse complaint re: doxagram9.com closed

Dear Jane Seager,

Thank you for submitting an Abuse complaint concerning the registrar PDR Ltd. d/b/a PublicDomainRegistry.com. ICANN has reviewed the evidence provided by the registrar and closed your complaint because:

- From the records and information provided by the registrar to ICANN, ICANN did not find that the registrar violated its obligations under the 2013 RAA. The registrar demonstrated that it took reasonable and prompt steps to investigate and respond appropriately to the report of abuse. In addition, the registrar demonstrated that it had concluded that the domain name would have been suspended for abuse, however, the domain name was transferred to another registrar.

ICANN considers this matter now closed.

Please do not reply to the email. If you require future assistance, please email compliance@icann.org; if you have a new complaint, please submit it at <http://www.icann.org/resources/compliance/complaints> .

ICANN is requesting your feedback on this closed complaint. Please complete this optional survey at <https://www.surveymonkey.com/s/8F2Z6DP?ticket=VJW-103-76084> .

Sincerely,

ICANN Contractual Compliance

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The problem summary

Time of submission/processing: Mon Nov 13 23:05:01 2017
Reporter Name: Jane Seager
Reporter Organization: Hogan Lovells
Reporter Email: jane.seager@hoganlovells.com
Reporter Telephone Number: +33 1 53 67 48 38
Domain Name that is subject of complaint: doxagram9.com
Registrar that is subject of complaint: PDR Ltd. d/b/a PublicDomainRegistry.com
Description of problem: Recently a malicious third party stole important personal data belonging to Instagram users. This third party then set up a website illegally selling such stolen personal information and publicized this on an internet forum. They originally used the domain name <doxagram.com> to point to the website, but this was suspended by the registrar. They then used a number of other domain names, all of which have now been successfully suspended. In fact eight different registries / registrars have previously reacted almost immediately when presented with the same evidence of abuse.

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The whois at the time of processing is:

*** whois.pm: using real servers

REGISTRAR WHOIS:

Domain Name: DOXAGRAM9.COM

Registry Domain ID: 2162088450_DOMAIN_COM-VRSN

Registrar WHOIS Server: whois.publicdomainregistry.com

Registrar URL: www.publicdomainregistry.com

Updated Date: 2017-11-12T02:43:00Z

Creation Date: 2017-09-12T13:37:38Z

Registrar Registration Expiration Date: 2018-09-12T13:37:38Z

Registrar: PDR Ltd. d/b/a PublicDomainRegistry.com

Registrar IANA ID: 303

Domain Status: clientTransferProhibited <https://icann.org/epp#clientTransferProhibited>

Registry Registrant ID: Not Available From Registry

Registrant Name: Domain Administrator Number 45510

Registrant Organization: c/o RespectMyPrivacy, LLC

Registrant Street: 1540 INTERNATIONAL PKWY STE 2000

Registrant City: LAKE MARY

Registrant State/Province: FL

Registrant Postal Code: 32746-5096

Registrant Country: US

Registrant Phone: +1.3212342069

Registrant Phone Ext:

Registrant Fax: +1.3214005209

Registrant Fax Ext:

Registrant Email: doxagram9.com@RespectMyPrivacy.COM

Registry Admin ID: Not Available From Registry

Admin Name: Domain Administrator Number 45510

Admin Organization: c/o RespectMyPrivacy, LLC

Admin Street: 1540 INTERNATIONAL PKWY STE 2000

Admin City: LAKE MARY

Admin State/Province: FL

Admin Postal Code: 32746-5096

Admin Country: US

Admin Phone: +1.3212342069

Admin Phone Ext:

Admin Fax: +1.3214005209

Admin Fax Ext:

Admin Email: doxagram9.com@RespectMyPrivacy.COM

Registry Tech ID: Not Available From Registry

Tech Name: Domain Administrator Number 45510
Tech Organization: c/o RespectMyPrivacy, LLC
Tech Street: 1540 INTERNATIONAL PKWY STE 2000
Tech City: LAKE MARY
Tech State/Province: FL
Tech Postal Code: 32746-5096
Tech Country: US
Tech Phone: +1.3212342069
Tech Phone Ext:
Tech Fax: +1.3214005209
Tech Fax Ext:
Tech Email: doxagram9.com@RespectMyPrivacy.COM
Name Server: merlin.ns.cloudflare.com
Name Server: vera.ns.cloudflare.com
DNSSEC:Unsigned
Registrar Abuse Contact Email: abuse-contact@publicdomainregistry.com
Registrar Abuse Contact Phone: +1.2013775952
URL of the ICANN WHOIS Data Problem Reporting System: <http://wdprs.internic.net/>
>>> Last update of WHOIS database: 2017-11-14T18:53:36Z > Last update of whois database:
2017-11-14T18:53:21Z

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Ticket Details

Ticket ID: VJW-103-76084
Department: Abuse
Type: Issue
Status: Manual Process
Priority: **Normal**