



Registrant Claimant initiated TDRP

Initial Questions

Proposed Steps

- What are the conditions under which the Registrant Claimant can launch a TDRP with a Dispute Provider?
- Can the (losing) Registrar still launch a TDRP with the Registry and/or the second level Dispute Resolution Provider?
- What is the role of the Registry?
- What is the role of the Registrar which whom the Registrant Claimant (RC) had registered the domain initially?
- What information does the Dispute Resolution Provider need from the Registrant Claimant to launch a TDRP?
- In light of Charter Question A (reporting requirements): Which step (across) should be published and by whom?

- Step 1: Registrant Complainant (RC) contacts "original" Registrar
- Step 2: "Original" Registrar proceeds to contact Registrar of Record and tries to find a solution
- Step 3a: "Original" Registrar acknowledges that the RC used to be a legitimate Registered Domain Holder and RC can proceed to Dispute Resolution Provider
- Step 3b: "Original" Registrar has no record of RC and does not proceed with the complaint - but he communicates reasons and lack of records to RC
- Step 4: RC Contacts DRP and provides all documentation at hand to prove claim over the contested domain.
- Step 5: DRP is free to contact any or all of the following "Original" Registrar, current Registrar of Records, current DNH, ICANN to gather facts necessary to establish the standing of the RC as well as other evidence necessary to establish possible breaches of the IRTP
- Step 6: DRP forms a Panel to weigh the evidence and made a ruling that either reverses the transfer and transfers the domain name back to the RC or confirms the status quo
- Step 7: Any party can seek remedy against the Panel decision in a court of law of jurisdictional competence

- Question: What kind of information/documentation is required here? Should this be detailed? Or should the policy just stipulate that that all documentation necessary/available to prove RC's claim?
- Related to Charter Questions A: Should the Registrar be encouraged/obliged to Report on the numbers of RC 'contacts' and/or the outcome of those outcomes?
- If an amicable solution is found the process ends
- Questions: Is there a 'threshold' which, when crossed, means that the 'original' Registrar is obliged to contact the current Registrar of Record?
- Should the communication of the two Registrars be more regulated or is it enough to encourage them to come to a solution?
- Can the 'original' Registrar still launch a TDRP and so, will this just be according to the existing policy? Or should the Registry level be abandoned and the Registrar would have to go to a DRP?
- In light of Charter Question a): If an amicable solution is found - what information should be reported and by whom?
- Question: Is such a Registrar 'authentication' necessary? Presumably the DRP will contact relevant Registrars and consult WHOIS records in any case.
- If no such acknowledgement is made, does this prevent the RC to proceed to a DRP?
- Question: Can the RC then still proceed with a TDRP via the DRP?
- In light of Charter Question a): Does the 'original' Registrar have to report this activity
- Question: Can the RC contact launch a TDRP even if the "Original" Registrar did not have any record of the RC? If so: is there any minimum requirement of documentation? Or is it up to the DRP to gather evidence (see step 5)?
- Question: Should the policy specify what the DRP should request? Or should the policy leave the decision on what evidence is needed to the DRP?
- In its decision the DRP should explain how it has reached its decision and what evidence and data it was able to obtain and use in its deliberations.
- Question: Can the outcome be appealed with another/same DRP?