* 1. **Alternative TLD Shakedown**
     1. **Issue / Definition**

“Alternative TLD Shakedown” is a deceptive sales proposal practice by where an existing registrant obtains and may act on a notice to register a domain name of like string in another TLD. It is separate from but related to fake renewal notices due to the deceptive tactics. However, the rogue sales and marketing practices of the shakedown focus on new registrations versus existing registered domains, and suggested costs of registration are typically greater than current market rate. There is insufficient research about Alternative TLD Shakedowns to determine the source of the deceptive practices. As with Fake Renewal Notices, some suggest resellers could be the primary culprit, but this is only anecdotal.

* + 1. **Background**

What is the ICANN issue?

* New Domain Registration issue (deceptive/fraudulent practices on the part of areseller)
  + Pretending to receive a legitimate request from a client with intent to register a domain and trademark the name within the respective jurisdiction.
  + A notice is sent to the current registrant of a domain name (typically within .com, .org, .net, or all) stating the intent of the above customer and that the registrant has a limited time to protect the brand in the said country where the threat of the trademark is requested.
  + No formal data exists as to the extent of deception and monies paid to this regard, but the prevalence of the scam is widely recognized. Informal review of this issue does indicate that the deceptive practices occur mostly within ccTLDs, but this does not omit the issue from occurring in gTLDs.
* WHOIS abuse issue (deceptive/fraudulent practices on the part of a non-contracted party)
  + Obtaining contact information through questionable means or in violation of WHOIS policies

What is ICANN’s role?

* If the perpetrator is a registrar or reseller, ICANN policy applies through the RAA.
* If the perpetrator is not a registrar/reseller, ICANN’s role still applies, but it falls into the realm of WHOIS abuse.
* What within the Chain of Agreements should be explored?

Is this within ICANN’s Scope?

* Because the deceptive tactics takes place prior to Registration, ICANN scope is questioned.
* However, in the instances where a consumer is deceived and commits to the defensive registrations, begins to enter the ICANN policy realm.
* The GNSO Scope Test (Draft):
  + Which TLD Does the Shakedown occur? G, CC, gTLD
  + Does the Shakedown involve Contracted Parties? Ry, Rr, Reseller
  + Did the Shakedown result in a Registration?
  + Does the Shakedown involve a Trademark or Brand?
  + What other test attributes be included?

What actions can Law Enforcement take?

* Does the extent of this issue warrant Law Enforcement attention?
* Is the cost/risk per incident great enough?
* Jurisdiction issues can be restrictive
* Link to examples: <http://forum.icann.org/lists/gnso-rap-dt/msg00624.html>

An example of a shakedown notice can be found on the RAP Mailing Archive, please see document at:

<http://forum.icann.org/lists/gnso-rap-dt/msg00621.html>

* + 1. **Recommendation**

***The RAPWG recommends the GNSO monitor for Alternative TLD Shakedown abuse in the gTLD space and sponsor research to determine the nature and extent of the problem. The WG believes this issue warrants review but notes there is not enough data at this time to warrant an Issues Report or PDP.***