

**RECOMMENDATION
OF THE BOARD GOVERNANCE COMMITTEE (BGC)
RECONSIDERATION REQUEST 17-1
1 JUNE 2017**

The Requestor, Russ Smith, seeks reconsideration of the ICANN Contractual Compliance department's decisions to close both his WHOIS Service Level Agreement (SLA) Complaint concerning the domain name directorschoice.com, and his follow-up complaint expressing his dissatisfaction with the handling of his WHOIS SLA Complaint without making the requested historical WHOIS data for directorschoice.com available.

I. Brief Summary.

The Requestor is the named registrant for directorschoice.com.¹ The Requestor submitted a WHOIS SLA Complaint essentially asking ICANN to compel Verisign to produce the historical WHOIS data for directorschoice.com, which the Requestor stated Verisign refused to do. The Requestor suggested that making historical WHOIS data publicly available was required under the 2009 Affirmation of Commitments by the United States Department of Commerce and ICANN (AoC)² and ICANN's Registrar Accreditation Agreements (RAAs) and Registry Agreements (RAs).

ICANN's Contractual Compliance department reviewed the WHOIS SLA Complaint and concluded that: (i) the RAA does not require registrars to provide historical WHOIS data; (ii) the RAA does not apply to registry operators (i.e. Verisign); and (iii) no other ICANN contractual obligation or any established policy requires registry operators to maintain and provide registrants, or anyone else, with historical WHOIS data. Accordingly, ICANN

¹ WHOIS lookup, <https://whois.icann.org/pt/lookup?name=directorschoice.com>, at 1 (attached to this Recommendation as Attachment 1).

² Request § 2, Pg. 2.

Contractual Compliance advised the Requestor that ICANN does not have the contractual authority to address any “customer-service related matters that fall outside of the Registrar Accreditation Agreement (RAA) or Registry Agreement (RA) and ICANN policies” and thereafter closed the Requestor’s WHOIS SLA Complaint.³

On 16 March 2017, the Requestor lodged another complaint with ICANN Contractual Compliance (Complaint Ticket), expressing his dissatisfaction with the handling of his WHOIS SLA Complaint and again essentially requesting that ICANN provide, or compel Verisign to provide, the historical WHOIS data for directorschoice.com.⁴ The Contractual Compliance department again determined, and informed the Requestor that the WHOIS SLA Complaint “did not implicate a breach of an ICANN policy or agreement.”⁵

The Requestor claims that reconsideration of ICANN’s decision to close the WHOIS SLA Complaint and Complaint Ticket without action is warranted for two reasons. *First*, the Requestor asserts that by not providing, or not requiring Verisign to provide, the requested historical WHOIS data, ICANN violated established policies, as set forth in: (i) the AoC;⁶ and (ii) the terms of ICANN’s contracts with registrars and registries, both of which the Requestor suggests require ICANN “to allow public access to whois [*sic*] data without regard to whether it

³ Report ZFH-228-06335 at 2 (attached to this Recommendation as Attachment 2).

⁴ Ticket JSW-129-11418, Pg. 1 (attached to this Recommendation as Attachment 3).

⁵ *See id.*

⁶ Request § 2, Pg. 2. The AoC was terminated on 6 January 2017, but some of the relevant requirements, such as ICANN’s commitment to making available accurate, up-to-date domain name registration information, are enumerated in ICANN’s Bylaws. *See* Letter from Stephen D. Crocker, Chairman of the Board of Directors, ICANN, to Lawrence E. Strickling, Assistant Secretary for Communications & Information, U.S. Dep’t of Commerce, 3 January, 2017; *see also* Letter from Strickling to Crocker, 6 January, 2017, attaching countersigned copy of 3 January letter (“Termination Letter”), *available at* https://www.ntia.doc.gov/files/ntia/publications/ntia-icann_affirmation_of_commitments_01062017.pdf; ICANN Bylaws, 1 October 2016, Art. 1, § 1.1(a)(i) and Annexes G-1 and G-2.

is ‘historical.’”⁷ *Second*, the Requestor claims that the WHOIS SLA Complaint was closed “without consideration of material information” in violation of Article 4, Section 2(c)(ii) of ICANN’s Bylaws.⁸

The BGC has considered Request 17-1 and all relevant materials⁹ and recommends that the Board deny Request 17-1 because: (i) neither ICANN’s Mission, Core Values, and Commitments, nor any established ICANN policy, requires ICANN to ensure that *historical* WHOIS data is publicly available; (ii) ICANN considered all material information provided by the Requestor as part of the investigation of the Requestor’s WHOIS SLA Complaint and Complaint Ticket. Therefore, Request 17-1 does not set forth a proper basis for reconsideration.

II. Facts.

A. Background Facts.

The Requestor is the named registrant for directorschoice.com.¹⁰ The Requestor asserts that directorschoice.com was ordered transferred under the UDRP, and that he has filed a separate action challenging the transfer; ICANN is not involved in that action. He claims to “need historical whois [*sic*] data” to support his claims in the pending litigation.¹¹

Verisign is the registry operator for .COM. The Requestor states that he requested historical WHOIS data for directorschoice.com from Verisign, but Verisign refused his request because the data is “sensitive.”¹² Then, on 8 March 2017, the Requestor submitted the WHOIS SLA Complaint to ICANN,¹³ stating that Verisign “will not make historical whois [*sic*]

⁷ Request § 7, Pg. 4.

⁸ ICANN Bylaws, 1 October 2016, Art. 4, § 4.2(c)(ii).

⁹ Supplement to Request 17-1, Attachments 1-4.

¹⁰ WHOIS lookup, <https://whois.icann.org/pt/lookup?name=directorschoice.com>, at 1.

¹¹ Request § 2, Pg. 2.

¹² Request § 2, Pg. 2.

¹³ Report ZFH-228-06335 at 1.

information publicly available” to the Requestor and that the Requestor understood that there was an “understanding between ICANN and the DOC [Department of Commerce] which mandates whois [*sic*] data be public without regard to whether it is ‘historical.’”¹⁴ Essentially, Requestor asked ICANN to produce, or compel Verisign to produce, the historical WHOIS data for directorschoice.com.

On 9 March 2017, ICANN’s Contractual Compliance department reviewed the Requestor’s WHOIS SLA Complaint and concluded that the RAA does not require registrars to provide historical WHOIS data, that the RAA does not apply to registry operators (i.e. Verisign), and that there are no other ICANN contractual obligations or any established policies requiring registry operators to maintain and provide registrants with historical WHOIS data.¹⁵ Therefore, ICANN’s Contractual Compliance team advised the Requestor that ICANN does not have contractual authority to address “customer-service related matters that fall outside of the [RAA] or [RA] and ICANN policies,”¹⁶ and closed the WHOIS SLA Complaint.

On the same day, the Requestor submitted Request 17-1. In his email transmitting Request 17-1, the Requestor stated that he was also submitting a complaint to the Ombudsman.¹⁷

On 10 March 2017, the Requestor submitted the Complaint Ticket, expressing his dissatisfaction with the Contractual Compliance department’s handling of the WHOIS SLA Complaint.¹⁸

¹⁴ Report ZFH-228-06335 at 1.

¹⁵ In evaluating Request 17-1, the BGC has considered materials provided by ICANN’s Contractual Compliance department, which are attached to this Recommendation. It has also considered information provided by Contractual Compliance pursuant to Section 4.2(m) of Article 4, as set forth in this Recommendation and made public by the public posting of this Recommendation.

¹⁶ Report ZFH-228-06335 at 2.

¹⁷ 9 March 2017 email from R. Smith to ICANN (attached to this Recommendation as Attachment 4).

¹⁸ Ticket JSW-129-11418, Pg. 1. The Requestor appended to the Complaint Ticket another complaint that he submitted to ICANN’s Global Support team regarding the same issue.

On 16 March 2017, ICANN Contractual Compliance considered and responded to the Complaint Ticket, advising the Requestor that his complaint did not implicate a breach of an ICANN policy or agreement.¹⁹ Later that day, the Requestor supplemented Request 17-1 to incorporate the response he received to the Complaint Ticket.²⁰ The Requestor claims that the ICANN Contractual Compliance department incorrectly addressed the WHOIS SLA Complaint as though it concerned a “private contract between [the Requestor] and a registrar,” did not reference the AoC, and did not “explain . . . why ICANN can’t answer my question about historical WHOIS access.”²¹

The Requestor argues that the closure of the WHOIS SLA Complaint and Complaint Ticket violated ICANN’s Mission, Commitments, Core Values and/or established ICANN policy in two ways. *First*, the Requestor asserts that the 9 and 16 March 2017 decisions by the ICANN Contractual Compliance department violated ICANN’s established policy to “allow public access to [WHOIS] data without regard to whether it is ‘historical,’”²² as set forth in the AoC²³ and ICANN’s contracts with registries and registrars.²⁴ *Second*, he believes that ICANN’s Contractual Compliance department closed the WHOIS SLA Complaint “without consideration of material information” in violation of Article 4, Section 4.2(c)(ii) of ICANN’s Bylaws.²⁵

The Requestor now seeks reconsideration of the ICANN’s closing the WHOIS SLA Complaint and Complaint Ticket. The Requestor states that he will be unable to seek a full court review of the UDRP transfer and will incur the monetary expense of filing subpoenas to obtain

¹⁹ Ticket JSW-129-11418, Pg. 1.

²⁰ Supplement to Request 17-1.

²¹ Supplement to Request 17-1, Pg. 1.

²² Request § 7, Pg. 4.

²³ Request § 2, Pg. 2.

²⁴ Request § 7, Pg. 4.

²⁵ ICANN Bylaws, 1 October 2016, Art. 4, § 4.2(c)(ii).

historical WHOIS data for the domain name directorschoice.com if ICANN does not provide the information or direct Verisign to provide that data to him.²⁶

The Requestor submitted a copy of Request 17-1 to the Ombudsman concurrently with his submission to the BGC.²⁷ On 6 April 2017, the BGC determined that Request 17-1 was sufficiently stated pursuant to Article 4, Section 4.2(k) of the ICANN Bylaws.

On 7 April 2017, ICANN transmitted Request 17-1 to the Ombudsman for consideration pursuant to Article 4, Section 4.2(l) of the ICANN Bylaws. The Ombudsman recused himself pursuant to Article 4, Section 4.2(l)(iii) of ICANN's Bylaws.²⁸ Accordingly, the BGC reviews Request 17-1 pursuant to Article 4, Sections 4.2(l)(iii) and 4.2(q).

B. Relief Requested

The Requestor asks ICANN to “[e]nsure there is public access to all whois [*sic*] data,” or in the alternative “explain[] at the ICANN web site” the “reason that the historical whois [*sic*] data is not . . . public and [requests that] and explanation . . . be provided to the US Dept. of Commerce.”²⁹

III. Issue.

The issues are as follows:

1. Whether the ICANN Contractual Compliance department's decision to close the WHOIS SLA Complaint and Complaint Ticket without action contravenes any established ICANN policy.³⁰
2. Whether the ICANN Contractual Compliance department closed the WHOIS

²⁶ Request § 9, Pg. 5.

²⁷ 9 March 2017 email from R. Smith to ICANN.

²⁸ ICANN Bylaws, 1 October 2016, Art. 4, § 4.2(l)(iii); *see also* Response from Ombudsman Regarding Request 17-1, Pg. 1.

²⁹ Request § 8, Pg. 5.

³⁰ 2009 AoC, § 9.3.1; *see also* Request § 2, Pg. 2.

SLA Complaint without considering material information.

IV. The Relevant Standards for Reconsideration Requests.

Article 4, Section 4.2(a) and (c) of ICANN's Bylaws provide in relevant part that any entity may submit a request "for reconsideration or review of an ICANN action or inaction to the extent that it has been adversely affected by:

- (i) One or more Board or Staff actions or inactions that contradict ICANN's Mission, Commitments, Core Values and/or established ICANN policy(ies);
- (ii) One or more actions or inactions of the Board or Staff that have been taken or refused to be taken without consideration of material information, except where the Requestor could have submitted, but did not submit, the information for the Board's or Staff's consideration at the time of action or refusal to act; or
- (iii) One or more actions or inactions of the Board or Staff that are taken as a result of the Board's or staff's reliance on false or inaccurate relevant information.³¹

Pursuant to Article 4, Section 4.2(k) of the Bylaws, if the BGC determines that the Request is sufficiently stated, the Request is sent to the Ombudsman for review and consideration.³² If the Ombudsman recuses himself from the matter, the BGC reviews the Request without involvement by the Ombudsman, and provides a recommendation to the Board.³³ Denial of a request for reconsideration of ICANN action or inaction is appropriate if the BGC recommends and the Board determines that the requesting party has not satisfied the reconsideration criteria set forth in the Bylaws.³⁴

On 6 April 2017, the BGC determined that the Request is sufficiently stated and sent the Request to the Ombudsman for review and consideration.³⁵ The Ombudsman thereafter recused

³¹ ICANN Bylaws, 1 October 2016, Art. 4, §§ 4.2(a), (c).

³² ICANN Bylaws, 1 October 2016, Art. 4, § 4.2(l).

³³ ICANN Bylaws, 1 October 2016, Art. 4, § 4.2(l)(iii).

³⁴ ICANN Bylaws, 1 October 2016, Art. 4, § 4.2(e)(vi), (q), (r).

³⁵ Response from Ombudsman Regarding Request 17-1, Pg. 2.

himself from this matter.³⁶ Accordingly, the BGC has reviewed the Request and issues this Recommendation.

V. Analysis and Rationale.

A. No Established Policy Requires ICANN to Make Historical WHOIS Data Available to the Public.

No established policy or procedure requires ICANN to make historical WHOIS data available to the public. Accordingly, the Requestor cannot identify any ICANN established policies or procedures that require disclosure of historical WHOIS data. The WHOIS system “is the system that asks the question, *who is* responsible for a domain name or an IP address.”³⁷ The WHOIS system does not, and was never intended to, ask the question, “*who was*” responsible for a domain name or an IP address. Accordingly, the WHOIS lookup tool that ICANN maintains on its website enables the public to identify the *current* domain name registrant—not all prior registrants of the domain name.³⁸ ICANN makes this clear on its website, stating that “ICANN does not generate, collect, retain or store the results shown other than for the transitory duration necessary to show these results in response to real-time queries.”³⁹ As such, ICANN did not violate ICANN’s Mission, Commitments, Core Values or any established ICANN policies in its handling of the WHOIS SLA Complaint and Complaint Ticket.

1. The AoC Was Terminated on 6 January 2017, But Did Not Require ICANN to Make Historical WHOIS Data Publicly Available In Any Event.

³⁶ Response from Ombudsman Regarding Request 17-1, Pg. 1.

³⁷ <https://whois.icann.org/en/about-whois> (emphasis in original).

³⁸ <https://whois.icann.org/en> (emphasis added).

³⁹ <https://whois.icann.org/en/history-whois>.

The Requestor claims⁴⁰ that ICANN violated policy established in the AoC when it closed his WHOIS SLA Complaint and Complaint Ticket, because he believes that the AoC requires ICANN to “make whois data public, . . . without regard to whether it is ‘historical.’”⁴¹ However, the Requestor’s argument is unavailing, for two reasons.

First, the AoC was terminated on 6 January 2017.⁴² Therefore, it was not an “established ICANN policy” on 9 March 2017, when ICANN closed the WHOIS SLA Complaint or on 16 March 2017, when it closed the Complaint Ticket. Because the AoC was not in effect at the time of the ICANN staff action, a violation of it (even if one had occurred, which it did not) would not support reconsideration.

Second, even if the AoC were still in effect, the Requestor misstates ICANN’s obligations set forth in the AoC. In relevant part, the 2009 AoC required ICANN to “implement measures to maintain timely, unrestricted and public access to accurate and complete WHOIS information, including registrant, technical, billing, and administrative contact information.”⁴³ While the Requestor claims that this language required ICANN to make available “historical” WHOIS data, a plain reading of the AoC confirms that the Requestor’s reading of the AoC is not supported, as the AoC does not reference “historical” data at all.⁴⁴ To the contrary, when discussing the WHOIS data ICANN was expected to make available, the AoC referred to the “registrant” in the present tense, not to prior registrants, thus supporting the notion that ICANN’s obligations extended only to current WHOIS data. Accordingly, the AoC has never required

⁴⁰ As previously noted, the Requestor cited section 9.3.3 of the 2009 AoC in support of Request 17-1, but the 2009 AoC does not contain a section 9.3.3. The relevant section is 9.3.1, which the BGC analyzes here.

⁴¹ Request § 2, Pg. 2; *id.* § 7, Pg. 4.

⁴² Termination Letter.

⁴³ 2009 AoC, § 9.3.1.

⁴⁴ *See* 2009 AoC, § 9.3.1.

ICANN to make historical WHOIS data available and ICANN’s responses to the Requestor’s WHOIS SLA Complaint and Complaint Ticket would not have violated established ICANN policy even if the AoC was still in effect.

To the extent that ICANN’s obligations in the AoC were incorporated into ICANN’s Bylaws, the Bylaws also do not require ICANN to make historical WHOIS data available. Rather, the Bylaws explicitly reference “up-to-date,” meaning *current*, WHOIS data.⁴⁵ In particular, part of ICANN’s Mission is to “coordinate[] the development and implementation of policies concerning the registration of second-level domain names,” including developing policies for the “maintenance of and access to accurate and *up-to-date information* concerning registered names[,], name servers[, and] domain name registrations.”⁴⁶ The Requestor does not argue that ICANN failed to provide accurate or up-to-date information on registered names, name servers, or domain name registrations.

2. ICANN’s Contracts with Registries and Registrars Do Not Require ICANN to Make Historical WHOIS Data Publicly Available.

The Requestor claims that ICANN’s contracts with registries and registrars require ICANN to “allow public access to whois [*sic*] data without regard to whether it is ‘historical.’”⁴⁷ The Requestor is incorrect.

ICANN’s Registry Agreement with Verisign for the .COM registry (.COM RA) requires Verisign to “operate a WHOIS service . . . providing free public query-based access to *up-to-date* data concerning domain name and nameserver registrations.”⁴⁸ This demonstrates that the

⁴⁵ ICANN Bylaws, 1 October 2016, Annexes G-1, G-2.

⁴⁶ ICANN Bylaws, 1 October 2016, Art. 1, § 1.1(a)(i) and Annexes G-1 and G-2 (emphasis added).

⁴⁷ Request § 7, Pg. 4.

⁴⁸ .COM RA, Appendix 5, available at <https://www.icann.org/resources/pages/appendix-05-2012-12-07-en>.

obligations in the .COM RA extend only to *current*, not *historical*, registration information.⁴⁹ Appendix 5 provides an example WHOIS display,⁵⁰ which again identifies *current* information, and makes no reference to *historical* WHOIS data.⁵¹ No other portion of the .COM RA (or any other registry agreement ICANN maintains with a registry operator) makes any reference to historical WHOIS data.⁵² Therefore, Verisign is not required under the .COM RA to provide the data that the Requestor seeks, and ICANN had no grounds under the .COM RA to compel Verisign to provide that information.⁵³

The Requestor also argues that the RAA required ICANN and the registrar to make historical WHOIS data available. The RAA requires registrars to operate a WHOIS service which provides free access to, among other things, “[t]he name . . . of the Registered Name Holder” (i.e. the registrant)—again, in the present tense.⁵⁴ Further, the RAA requires the registrar to validate registrant information only as it pertains to the *current* registrant,⁵⁵ the registrar is required to retain that information for “the duration of [the registrant’s registration of the domain name] and for a period of two additional years thereafter.”⁵⁶ The Requestor registered the domain name directorschoice.com on March 7, 2000.⁵⁷ Accordingly, assuming the

⁴⁹ *Id.*; .COM RA, available at <https://www.icann.org/resources/pages/com-2012-12-07-en>.

⁵⁰ *Id.*

⁵¹ *Id.*

⁵² *Id.*

⁵³ *Id.*

⁵⁴ 2013 RAA, § 3.3.1, available at <https://www.icann.org/en/system/files/files/approved-with-specs-27jun13-en.pdf>. The 2009 RAA is identical in substance. 2009 RAA, § 3.2.1, available at <https://www.icann.org/resources/pages/ra-agreement-2009-05-21-en#3>.

⁵⁵ 2013 RAA § 2.1, available at <https://www.icann.org/resources/pages/approved-with-specs-2013-09-17-en#whois-accuracy>.

⁵⁶ 2013 RAA § 6.1.1, available at <https://www.icann.org/resources/pages/approved-with-specs-2013-09-17-en#data-retention>.

⁵⁷ WHOIS lookup, <https://whois.icann.org/pt/lookup?name=directorschoice.com>, at 1.

domain name was previously registered to a different registrant, under the RAA, the registrar was only required to retain that information until no later than March 7, 2002.

The .COM RA and RAA do not require *ICANN* to make *any* WHOIS data available. The .COM RA requires Verisign to do so.⁵⁸ Under the current RA, ICANN is only entitled to “thin” WHOIS data—the registrar of record for each domain name—from Verisign.⁵⁹ ICANN is not entitled to *any* registrant data under the .COM RA. Accordingly, ICANN is unable to provide the WHOIS data that the Requestor seeks.

Likewise, the RAA requires the registrar, not ICANN, to make the referenced WHOIS data available. To be sure, as previously noted, “ICANN does not generate, collect, retain or store the [WHOIS lookup] results shown other than for the transitory duration necessary to show these results in response to real-time queries.”⁶⁰ In other words, ICANN does not maintain WHOIS data, and therefore is unable to provide access to it in all events. Accordingly, reconsideration is not warranted on account of the obligations the Requestor erroneously believes derive from ICANN’s contracts with registries and registrars.

B. ICANN Staff Considered All Material Information.

The Request also appears to claim that ICANN closed the WHOIS SLA Complaint “without consideration of material information” in violation of Article 4, Section 2(c)(ii) of ICANN’s Bylaws,⁶¹ insofar as he claims that ICANN “did not review the issues contained in” the WHOIS SLA Complaint before closing it.⁶² The Requestor has not submitted any evidence

⁵⁸ .COM RA, Appendix 5, available at <https://www.icann.org/resources/pages/appendix-05-2012-12-07-en>.

⁵⁹ See Thick Whois Transition Policy for .COM, .NET and .JOBS, available at <https://www.icann.org/resources/pages/thick-whois-transition-policy-2017-02-01-en>.

⁶⁰ <https://whois.icann.org/en/history-whois>.

⁶¹ ICANN Bylaws, 1 October 2016, Art. 4, § 4.2(c)(ii).

⁶² Request § 2, Pg. 2.

establishing—or even suggesting—that ICANN’s Contractual Compliance department did not review all material information concerning the WHOIS SLA Complaint prior to furnishing the Requestor with its response. Rather, the Requestor appears to be dissatisfied with the response provided, which is not a basis for reconsideration.

As part of its evaluation of Request 17-1, the BGC asked whether ICANN’s Contractual Compliance department considered all material information in its evaluation of the WHOIS SLA Complaint and Complaint Ticket.⁶³ ICANN’s Contractual Compliance confirmed that it considered all information provided by the Requestor.

VI. Recommendation

The BGC has considered the merits of Request 17-1, and, based on the foregoing, concludes that ICANN did not violate ICANN’s Mission, Commitments and Core Values or established ICANN policy(ies) in its treatment of the WHOIS SLA Complaint or the Complaint Ticket, nor did it fail to consider all material information, when it closed the WHOIS SLA Complaint. Therefore, the BGC recommends that the Board deny Request 17-1.

In terms of the timing of this decision, Section 4.2(q) of Article 4 of the Bylaws provides that the BGC shall make a final recommendation with respect to a reconsideration request within thirty days following receipt of the reconsideration request involving matters for which the Ombudsman recuses himself or herself, unless impractical. Request 17-1 was submitted on 9 March 2017. On 16 March 2017, the Requestor supplemented Request 17-1. To satisfy the thirty-day deadline, the BGC would have to have acted by 15 April 2017. Due to scheduling, the first opportunity that the BGC has to consider Request 17-1 is 1 June 2017, which is within 90 days of receiving Request 17-1.⁶⁴

⁶³ ICANN Bylaws, 1 October 2016, Art. 4, § 4.2(m).

⁶⁴ ICANN Bylaws, 1 October 2016, Art. 4, § 4.2(q).

ATTACHMENT 1

ICANN WHOIS

Showing results for: DIRECTORSCHOICE.COM

Original Query: directorschoice.com

Contact Information

Registrant Contact

Name: Russ Smith

Organization: Russ Smith

Mailing Address: PO Box 597, Moorestown NJ 08057 US

Phone: +1.8565810704

Ext:

Fax:

Fax Ext:

Email:whois716@foi.com

Admin Contact

Name: Russ Smith

Organization: Russ Smith

Mailing Address: PO Box 597, Moorestown NJ 08057 US

Phone: +1.8565810704

Ext:

Fax:

Fax Ext:

Email:whois716@foi.com

Tech Contact

Name: Russ Smith

Organization: Russ Smith

Mailing Address: PO Box 597, Moorestown NJ 08057 US

Phone: +1.8565810704

Ext:

Fax:

Fax Ext:
Email:whois716@foi.com

Registrar

WHOIS Server: whois.tucows.com
URL: <http://tucowsdomains.com>
Registrar: TUCOWS, INC.
IANA ID: 69
Abuse Contact Email:domainabuse@tucows.com
Abuse Contact Phone: +1.4165350123

Status

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

Important Dates

Updated Date: 2016-07-28
Created Date: 2000-03-07
Registration Expiration Date: 2018-03-07

Name Servers

IVY.NS.CLOUDFLARE.COM
WOZ.NS.CLOUDFLARE.COM

Raw WHOIS Record

Domain Name: DIRECTORSCHOICE.COM
Domain ID: 21740219_DOMAIN_COM-VRSN
Registrar WHOIS Server: whois.tucows.com

Registrar URL: <http://tuowdomains.com>
Updated Date: 2016-07-28T13:33:06Z
Creation Date: 2000-03-07T16:11:07Z
Registrar Registration Expiration Date: 2018-03-07T16:11:07Z
Registrar: TUCOWS, INC.
Registrar IANA ID: 69
Registrar Abuse Contact Email: domainabuse@tuowdomains.com
Registrar Abuse Contact Phone: +1.4165350123
Domain Status: clientTransferProhibited
<https://icann.org/epp#clientTransferProhibited>
Domain Status: clientUpdateProhibited
<https://icann.org/epp#clientUpdateProhibited>
Registry Registrant ID:
Registrant Name: Russ Smith
Registrant Organization: Russ Smith
Registrant Street: PO Box 597
Registrant City: Moorestown
Registrant State/Province: NJ
Registrant Postal Code: 08057
Registrant Country: US
Registrant Phone: +1.8565810704
Registrant Phone Ext:
Registrant Fax:
Registrant Fax Ext:
Registrant Email: whois716@foi.com
Registry Admin ID:
Admin Name: Russ Smith
Admin Organization: Russ Smith
Admin Street: PO Box 597
Admin City: Moorestown
Admin State/Province: NJ
Admin Postal Code: 08057
Admin Country: US
Admin Phone: +1.8565810704
Admin Phone Ext:
Admin Fax:
Admin Fax Ext:
Admin Email: whois716@foi.com
Registry Tech ID:
Tech Name: Russ Smith
Tech Organization: Russ Smith
Tech Street: PO Box 597
Tech City: Moorestown
Tech State/Province: NJ
Tech Postal Code: 08057
Tech Country: US
Tech Phone: +1.8565810704
Tech Phone Ext:
Tech Fax:
Tech Fax Ext:
Tech Email: whois716@foi.com

Name Server: IVY.NS.CLOUDFLARE.COM
Name Server: WOZ.NS.CLOUDFLARE.COM
DNSSEC: unsigned
URL of the ICANN WHOIS Data Problem Reporting System:
<http://wdprs.internic.net/>
>>> Last update of WHOIS database: 2016-07-28T13:33:06Z <<<

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

The Data in the Tucows Registrar WHOIS database is provided to you by
Tucows
for information purposes only, and may be used to assist you in
obtaining
information about or related to a domain name's registration record.

Tucows makes this information available "as is," and does 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:

a) allow, enable, or otherwise support the transmission by e-mail,
telephone, or facsimile of mass, unsolicited, commercial advertising or
solicitations to entities other than the data recipient's own existing
customers; or (b) enable high volume, automated, electronic processes
that
send queries or data to the systems of any Registry Operator or
ICANN-Accredited registrar, except as reasonably necessary to register
domain names or modify existing registrations.

The compilation, repackaging, dissemination or other use of this Data is
expressly prohibited without the prior written consent of Tucows.

Tucows reserves the right to terminate your access to the Tucows WHOIS
database in its sole discretion, including without limitation, for
excessive
querying of the WHOIS database or for failure to otherwise abide by this
policy.

Tucows reserves the right to modify these terms at any time.

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

NOTE: THE WHOIS DATABASE IS A CONTACT DATABASE ONLY. LACK OF A DOMAIN
RECORD DOES NOT SIGNIFY DOMAIN AVAILABILITY.

ATTACHMENT 2

ICANN

ZFH-228-06335: Whois SLA Problem Report on: directorschoice.com

Department: Whois SLA**Owner:** Elif Karabag**Type:** Issue**Status:** Closed**Priority:** Normal**Created:** 08 March 2017 12:21 AM **Updated:** 08 March 2017 12:21 AM

Whois SLA

Whois SLA Resolved Code Customer service

WHOIS

Registrar Contact Contact Information Redacted**Reporter Organization****Other Domains****Description**

Verisign will not make historical whois information publicly available claiming the information is "sensitive." However, public whois data cannot become sensitive just because someone updates their records. I understand there is an understanding between ICANN and DOC which mandates whois data be public without regard to whether it is "historical." I am a party to a lawsuit (1:15-cv-00081-JBS-AMD SMITH v. DIRECTOR'S CHOICE) and I need the information for the conduct of the case.

Registrar Name Tucows Domains Inc.**Reporter Telephone Number****Complaint Type** 2_not_meet_sla**IANA ID** 69**Registry Name****Reporter Name** Russ Smith**Reporter Email** Contact Information Redacted**Anonymous Submission****Anonymous Reason****Domain Name** directorschoice.com**Registrant Name****Registrant Address****Administrative Contact Name****Administrative Contact Address****Administrative Contact Phone****Registrar Secondary Contact** not-found-in-radar**Registry Secondary Contact****ID of Parent Ticket****From Bulk Upload****RAA Version** 2013**Accreditation Date** 2013-12-12**Registrar Abuse Contact** not-found-in-radar**Registrar Abuse Contact Phone** not-found-in-radar**Reseller**

WHOIS service data

Report ID 83cd472a33c54292dd5e46a08b2590eef749071b**Problem Mask****Closed Email Sent** 1

GENERIC REGISTRY

TLD**Country****Mailing Address****State/Region****Postcode****City****Registry Compliance Contact Name****Registry Compliance Email Address****Registry Primary Contact Name****Registry Primary Contact Email**

Posts

Tickets processing ...

(User)

Dear Russ Smith,

Thank you for submitting a Whois SLA complaint concerning the domain name directorschoice.com. ICANN has reviewed and closed your complaint because:

- ICANN does not have contractual authority to address any customer-service related matters that fall outside of the Registrar Accreditation Agreement (RAA) or Registry Agreement (RA) and ICANN policies. Complaints about a registrar or registry's performance that cannot be resolved with that entity may be addressed by private-sector agencies involved in addressing customer complaints (e.g., the Better Business Bureau at <http://www.bbb.org/> or the International Consumer Protection and Enforcement Network <http://www.icpen.org/>). If you believe your complaint concerns an illegal matter, please contact the appropriate law enforcement agency (which will vary depending on jurisdiction) or you may consult an attorney for legal advice.

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=ZFH-228-06335> .

Sincerely,

ICANN Contractual Compliance

#####

The problem summary

Time of submission/processing: Wed Mar 8 00:13:08 2017

Reporter Name: Russ Smith

Description of problem: Verisign will not make historical whois information publically available claiming the information is "sensitive." However, public whois data cannot become sensitive just because someone updates their records. I understand there is an understanding between ICANN and DOC which mandates whois data be public without regard to whether it is "historical." I am a party to a lawsuit (1:15-cv-00081-JBS-AMD SMITH v. DIRECTOR'S CHOICE) and I need the information for the conduct of the case.

The whois at the time of processing is:

REGISTRAR WHOIS:

Domain Name: DIRECTORSCHOICE.COM
Domain ID: 21740219_DOMAIN_COM-VRSN
Registrar WHOIS Server: whois.tucows.com
Registrar URL: <http://tucowsdomains.com>
Updated Date: 2016-07-28T13:33:06Z
Creation Date: 2000-03-07T16:11:07Z
Registrar Registration Expiration Date: 2018-03-07T16:11:07Z
Registrar: TUCOWS, INC.
Registrar IANA ID: 69
Registrar Abuse Contact Email: domainabuse@tucows.com
Registrar Abuse Contact Phone: +1.4165350123
Domain Status: clientTransferProhibited
<https://icann.org/epp#clientTransferProhibited>
Domain Status: clientUpdateProhibited
<https://icann.org/epp#clientUpdateProhibited>
Registry Registrant ID:
Registrant Name: Russ Smith
Registrant Organization: Russ Smith
Registrant Street: PO Box 597
Registrant City: Moorestown
Registrant State/Province: NJ
Registrant Postal Code: 08057
Registrant Country: US
Registrant Phone: +1.8565810704

Registrant Phone Ext:
Registrant Fax:
Registrant Fax Ext:
Registrant Email: whois716@foi.com
Registry Admin ID:
Admin Name: Russ Smith
Admin Organization: Russ Smith
Admin Street: PO Box 597
Admin City: Moorestown
Admin State/Province: NJ
Admin Postal Code: 08057
Admin Country: US
Admin Phone: +1.8565810704
Admin Phone Ext:
Admin Fax:
Admin Fax Ext:
Admin Email: whois716@foi.com
Registry Tech ID:
Tech Name: Russ Smith
Tech Organization: Russ Smith
Tech Street: PO Box 597
Tech City: Moorestown
Tech State/Province: NJ
Tech Postal Code: 08057
Tech Country: US
Tech Phone: +1.8565810704
Tech Phone Ext:
Tech Fax:
Tech Fax Ext:
Tech Email: whois716@foi.com
Name Server: IVY.NS.CLOUDFLARE.COM
Name Server: WOZ.NS.CLOUDFLARE.COM
DNSSEC: unsigned
URL of the ICANN WHOIS Data Problem Reporting System:
<http://wdprs.internic.net/>
>>> Last update of WHOIS database: 2016-07-28T13:33:06Z <<<

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

The Data in the Tucows Registrar WHOIS database is provided to you by
Tucows
for information purposes only, and may be used to assist you in obtaining
information about or related to a domain name's registration record.

Tucows makes this information available "as is," and does 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:
a) allow, enable, or otherwise support the transmission by e-mail,
telephone, or facsimile of mass, unsolicited, commercial advertising or
solicitations to entities other than the data recipient's own existing
customers; or (b) enable high volume, automated, electronic processes that
send queries or data to the systems of any Registry Operator or
ICANN-Accredited registrar, except as reasonably necessary to register
domain names or modify existing registrations.

The compilation, repackaging, dissemination or other use of this Data is
expressly prohibited without the prior written consent of Tucows.

Tucows reserves the right to terminate your access to the Tucows WHOIS
database in its sole discretion, including without limitation, for
excessive
querying of the WHOIS database or for failure to otherwise abide by this
policy.

Tucows reserves the right to modify these terms at any time.

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

NOTE: THE WHOIS DATABASE IS A CONTACT DATABASE ONLY. LACK OF A DOMAIN RECORD DOES NOT SIGNIFY DOMAIN AVAILABILITY.

REGISTRY WHOIS:

Whois Server Version 2.0

Domain Name: DIRECTORSCHOICE.COM
 Registrar: TUCOWS DOMAINS INC.
 Sponsoring Registrar IANA ID: 69
 Whois Server: whois.tucows.com
 Referral URL: <http://www.tucowsdomains.com>
 Name Server: IVY.NS.CLOUDFLARE.COM
 Name Server: WOZ.NS.CLOUDFLARE.COM
 Status: clientTransferProhibited
<https://icann.org/epp#clientTransferProhibited>
 Status: clientUpdateProhibited
<https://icann.org/epp#clientUpdateProhibited>
 Updated Date: 28-jul-2016
 Creation Date: 07-mar-2000
 Expiration Date: 07-mar-2018

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

Registrar: TUCOWS DOMAINS INC.
Whois Server: whois.tucows.com

#####

Posted on: 09 March 2017 01:17 PM

Russ Smith

The problem summary

(User)

Time of submission/processing: Wed Mar 8 00:13:08 2017
 Reporter Name: Russ Smith
 Description of problem: Verisign will not make historical whois information publically available claiming the information is "sensitive." However, public whois data cannot become sensitive just because someone updates their records. I understand there is an understanding between ICANN and DOC which mandates whois data be public without regard to whether it is "historical." I am a party to a lawsuit (1:15-cv-00081-JBS-AMD SMITH v. DIRECTOR'S CHOICE) and I need the information for the conduct of the case.

The whois at the time of processing is:

REGISTRAR WHOIS:

Domain Name: DIRECTORSCHOICE.COM
 Domain ID: 21740219_DOMAIN_COM-VRSN
 Registrar WHOIS Server: whois.tucows.com
 Registrar URL: <http://tucowsdomains.com>
 Updated Date: 2016-07-28T13:33:06Z
 Creation Date: 2000-03-07T16:11:07Z
 Registrar Registration Expiration Date: 2018-03-07T16:11:07Z

Registrar: TUCOWS, INC.
Registrar IANA ID: 69
Registrar Abuse Contact Email: domainabuse@tuows.com
Registrar Abuse Contact Phone: +1.4165350123
Domain Status: clientTransferProhibited
<https://icann.org/epp#clientTransferProhibited>
Domain Status: clientUpdateProhibited
<https://icann.org/epp#clientUpdateProhibited>
Registry Registrant ID:
Registrant Name: Russ Smith
Registrant Organization: Russ Smith
Registrant Street: PO Box 597
Registrant City: Moorestown
Registrant State/Province: NJ
Registrant Postal Code: 08057
Registrant Country: US
Registrant Phone: +1.8565810704
Registrant Phone Ext:
Registrant Fax:
Registrant Fax Ext:
Registrant Email: whois716@foi.com
Registry Admin ID:
Admin Name: Russ Smith
Admin Organization: Russ Smith
Admin Street: PO Box 597
Admin City: Moorestown
Admin State/Province: NJ
Admin Postal Code: 08057
Admin Country: US
Admin Phone: +1.8565810704
Admin Phone Ext:
Admin Fax:
Admin Fax Ext:
Admin Email: whois716@foi.com
Registry Tech ID:
Tech Name: Russ Smith
Tech Organization: Russ Smith
Tech Street: PO Box 597
Tech City: Moorestown
Tech State/Province: NJ
Tech Postal Code: 08057
Tech Country: US
Tech Phone: +1.8565810704
Tech Phone Ext:
Tech Fax:
Tech Fax Ext:
Tech Email: whois716@foi.com
Name Server: IVY.NS.CLOUDFLARE.COM
Name Server: WOZ.NS.CLOUDFLARE.COM
DNSSEC: unsigned
URL of the ICANN WHOIS Data Problem Reporting System:
<http://wdprs.internic.net/>
>>> Last update of WHOIS database: 2016-07-28T13:33:06Z <<<

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

The Data in the Tucows Registrar WHOIS database is provided to you by
Tucows
for information purposes only, and may be used to assist you in obtaining
information about or related to a domain name's registration record.

Tucows makes this information available "as is," and does 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:
a) allow, enable, or otherwise support the transmission by e-mail,

telephone, or facsimile of mass, unsolicited, commercial advertising or solicitations to entities other than the data recipient's own existing customers; or (b) enable high volume, automated, electronic processes that send queries or data to the systems of any Registry Operator or ICANN-Accredited registrar, except as reasonably necessary to register domain names or modify existing registrations.

The compilation, repackaging, dissemination or other use of this Data is expressly prohibited without the prior written consent of Tucows.

Tucows reserves the right to terminate your access to the Tucows WHOIS database in its sole discretion, including without limitation, for excessive querying of the WHOIS database or for failure to otherwise abide by this policy.

Tucows reserves the right to modify these terms at any time.

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

NOTE: THE WHOIS DATABASE IS A CONTACT DATABASE ONLY. LACK OF A DOMAIN RECORD DOES NOT SIGNIFY DOMAIN AVAILABILITY.

REGISTRY WHOIS:

Whois Server Version 2.0

Domain Name: DIRECTORSCHOICE.COM
Registrar: TUCOWS DOMAINS INC.
Sponsoring Registrar IANA ID: 69
Whois Server: whois.tucows.com
Referral URL: <http://www.tucowsdomains.com>
Name Server: IVY.NS.CLOUDFLARE.COM
Name Server: WOZ.NS.CLOUDFLARE.COM
Status: clientTransferProhibited
<https://icann.org/epp#clientTransferProhibited>
Status: clientUpdateProhibited
<https://icann.org/epp#clientUpdateProhibited>
Updated Date: 28-jul-2016
Creation Date: 07-mar-2000
Expiration Date: 07-mar-2018

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

Registrar: TUCOWS DOMAINS INC.
Whois Server: whois.tucows.com

Posted on: 08 March 2017 12:21 AM

ATTACHMENT 3

ICANN

JSW-129-11418: Re: Question - for questions concerning operations and content [ref:_00Dd0huNE._5000W13E18A:ref]

Department: compliance@icann.org**Owner:** Elif Karabag**Type:** Issue**Status:** Closed**Priority:** Normal**Created:** 10 March 2017 07:37 PM **Updated:** 16 March 2017 01:08 PM

Posts

Elif Karabag

Dear Russ Smith,

(Third Party)

Thank you for your follow-up inquiry on the closed Whois SLA complaint concerning the domain name directorschoice.com. ICANN has reviewed and closed your complaint previously because it was determined from your comments that your complaint did not implicate a breach of an ICANN policy or agreement.

Please note that, ICANN is a private sector, not-for-profit organization with limited technical responsibility for coordinating the unique assignment of Internet domain names and IP addresses. ICANN's authority is purely contractual, and limited to the Registrar Accreditation Agreement (RAA: <https://www.icann.org/resources/pages/registrars/registrars-en>), the Registry Agreements (RA:<http://www.icann.org/en/about/agreements/registries>), and ICANN's Consensus Policies. ICANN does not have contractual authority to address any customer-service related matters that fall outside of the aforementioned agreements and policies.

The RAA requires ICANN-accredited registrars to provide access to Whois data to the public. Whois data is a collection of data about the registered domain name, its name servers and registrar, the domain name creation date, the domain name expiration date, the contact information for the registered name holder, the technical contact, and the administrative contact – to list a few. Among other things, Whois services are used to identify domain holders for business purposes and to identify parties who are able to correct problems associated with the registered domain.

However, please note, ICANN does not have contractual authority to address complaints about website content, such as historical Whois data found on third-party websites, since these types of consumer complaints are not addressed by the RAA, the RA, or ICANN's Consensus Policies. If you believe the website content refers to anything illegal, your best course of action is to contact a law enforcement agency in your jurisdiction or to seek legal advice from an attorney.

Sincerely,

ICANN Contractual Compliance

Posted on: 16 March 2017 01:08 PM

r@russ-smith.com

In other words you are refusing to forward the issue to the correct department. Why didn't you just forward the issue to them and take responsibility for the ticket being answered?

(User)

Russ Smith

On 3/10/2017 1:47 PM, ICANN Global Support Center wrote:

> Dear Russ Smith,

>

> Thank you for the message.

>

> My apologies for the inconvenience. In order for ICANN to determine if the Registry or Registrar is out of compliance, the issue has to

be reviewed by the compliance team. Unfortunately, that determination cannot be made by the Global Support department.

>

> If you have received a reply from our Contractual Compliance team and the ticket has been closed, but you are not satisfied with the reply or need further clarification, please submit a new Complaint or email Compliance@ICANN.org.

>

> I hope this information is helpful to you. Please contact us if you have any additional questions or concerns.

>

> Thank you,

> Aisha Herrell

> Global Support Analyst II

> ICANN Global Support Team

>

>

> ----- Original Message -----

> From: **Contact Information Redacted**

> Sent: 3/10/2017 10:25 AM

> To: globalsupport@icann.org; ombudsman@icann.org

> Subject: Re: Question - for questions concerning operations and content []

>

> I filed a complaint, the complaint was closed, and then I contacted

> you. You are just sending me in circles because you don't want to

> bother looking into the issue. I have a court case with deadlines and I

> will have to file a subpoena if I cannot get a reasonable reply. I have

> also filed an ICANN reconsideration request but i expect that process

> will take too long to be completed within the schedule set by the court.

>

> Thank You

>

> Russ Smith

>

>

> On 3/10/2017 12:41 PM, ICANN Global Support Center wrote:

>> Dear Russ Smith,

>>

>> Thank you for your message.

>>

>> If you filed a complaint with the ICANN Compliance department please allow 3-5 business days for the complaint to be processed.

>> After the complaint is processed you will receive notification from the ICANN Compliance department with a ticket number for you to track your complaint.

>>

>> If you have not received a ticket number from Contractual Compliance please email Compliance@ICANN.org directly, for assistance.

>>

>> I hope this information is of assistance to you. Please contact us if you have any additional questions or concerns. This case will now be resolved. Thank you for contacting ICANN.

>>

>>

>> Best Regards,

>> Aisha Herrell

>> Global Support Analyst II

>> ICANN Global Support Team

>>

>>

>>

>> ----- Original Message -----

>> From: **Contact Information Redacted**

>> Sent: 3/10/2017 9:28 AM

>> To: globalsupport@icann.org

>> Cc: ombudsman@icann.org

>> Subject: Re: Question - for questions concerning operations and content []

>>

>> I already filed the complaint form and that is why you responded in the

>> first place. ICANN just tries to wear people down by constantly sending

>> them in circles. please direct this to the correct department so I can

>> get an answer to my inquiry. f the information was posted on the ICANN

>> whois page then all of this red tape could have been avoided.

>>
>> Thank You
>>
>> Russ Smith
>>
>>
>> On 3/10/2017 12:22 PM, ICANN Global Support Center wrote:
>>> Dear Russ Smith,
>>>
>>> Thank you for the message.
>>>
>>> We recommend filing a Whois Service Complaint form. To file a complaint regarding a Whois Service, please use our Whois Service Complaint Form: <https://forms.icann.org/en/resources/compliance/complaints/whois/service-form>.
>>>
>>> This complaint will be submitted to the ICANN Compliance department. They will determine if the Registry or Registrar is out of compliance. Please allow 3-5 business days for the complaint to be processed.
>>>
>>> I hope this information is of assistance to you. Please contact us if you have any additional questions or concerns. Thank you for contacting ICANN.
>>>
>>> Best Regards,
>>> Aisha Herrell
>>> Global Support Analyst II
>>> ICANN Global Support Team
>>>
>>>
>>>
>>> ----- Original Message -----
>>> From: **Contact Information Redacted**
>>> Sent: 3/9/2017 5:57 PM
>>> To: globalsupport@icann.org; ombudsman@icann.org
>>> Subject: Re: Question - for questions concerning operations and content []
>>>
>>> No, the matter is not resolved. I have filed a reconsideration request
>>> and I contacted the ombudsman on this message so maybe he can sort
>>> through the issues and get to correct person who can address the issue.
>>>
>>> The whois is mandated to be public information. You can see section
>>> 9.3.3 at
>>> <https://www.icann.org/resources/pages/affirmation-of-commitments-2009-09-30-en>.
>>> I have asked Verisign for the historic registrar information and they
>>> refused claiming it is "sensitive" information. i asked them for the
>>> authority they were using to claim the historical information is
>>> sensitive but they will not answer.
>>>
>>> I understand there are third party services that effectively hack and
>>> steal information from the various whois databases. These sources are
>>> not official and are not reliable. many of then are operated by
>>> pornographers and those involved in massive cybersquatting lawsuits. In
>>> this specific case the information needed is from 2000 and commercial
>>> services selling stolen whois data do not go back that far.
>>>
>>> In this specific case the information in question is related to the UDRP
>>> which is administered by ICANN. Currently case 1:15-cv-00081-JBS-AMD
>>> SMITH v. DIRECTOR'S CHOICE, LLP is a lawsuit to review the UDRP decision
>>> and the whois data requested is needed for trial. It may be necessary
>>> for ICANN to appear in court if this issue is not resolved. I am
>>> preparing a subpoena now for Versign to force them to release the
>>> historical whois data.
>>>
>>> Further, do not close this issue until your confirm with me that the
>>> issue is resolved. f there is a reason the historical whois data is
>>> not public then please provide me a link to the explanation instead of
>>> closing the case. It is very frustrating that I cannot get an answer to
>>> a well known issue and ICANN keeps giving irrelevant responses and

>>> closing the issue.

>>>

>>> Thank You

>>>

>>> Russ Smith

>>>

>>>

>>>

>>>

>>>

>>>

>>>

>>> On 3/9/2017 7:20 PM, ICANN Global Support Center wrote:

>>>> Dear Russ Smith,

>>>>

>>>> Thank you for contacting the ICANN Global Support Center.

>>>>

>>>> I will be happy to provide you with further information regarding the Whois Policy. Unfortunately, ICANN does not retain the WHOIS history of a domain. However, there are many companies that offer that information as a free service. To identify companies that offer WHOIS history for free you may enter some of the following key words into a web search engine:

>>>>

>>>> "WHOIS History Lookup Free"

>>>> "Domain WHOIS History Free"

>>>> "Historical WHOIS Free"

>>>> "Free Domain History Lookup"

>>>>

>>>> My apologies for the inconvenience. I hope this information can be of some assistance to you. Please contact us if you have any additional questions or concerns. This case will now be resolved. Thank you for contacting ICANN.

>>>>

>>>> Best Regards,

>>>> Aisha Herrell

>>>> Global Support Analyst II

>>>> ICANN Global Support Team

>>>>

>>>>

>>

> ref:_00Dd0huNE._5000W13E18A:ref

>

Posted on: 10 March 2017 07:37 PM

ATTACHMENT 4

Subject: [reconsider] Reconsideration request
Date: Thursday, March 9, 2017 at 6:08:01 AM Pacific Standard Time
From: Contact Information Redacted (sent by reconsider-bounces@icann.org <reconsider-bounces@icann.org>)
To: reconsideration@icann.org, ombudsman
Attachments: img132.pdf, ATT00001.txt

Attached is a reconsideration request.

I am also submitting this to the ombudsman for review.

Please confirm receipt of this reconsideration request and ombudsman complaint.

Thank You

Russ Smith