

18 April 2023

RE: Claim that ICANN org is improperly acting as a "registrar"

Greg Thomas
Viking Group
Via electronic mail

Dear Greg Thomas,

Thank you for your submission. In your [complaint](#) and its [accompanying attachment](#), you claim that ICANN org is acting as a registrar, which is in contravention to section 2.2 of the ICANN Bylaws. You further claim that ICANN org is using its "prohibited registrar" to warehouse and cybersquat domain names. This letter is in response to your complaint.

After fully researching your complaint, I did not find anything indicating that ICANN org is inappropriately acting as a registrar, nor did I find that ICANN org is using a "prohibited registrar" to warehouse and/or cybersquat on domain names.

The ICANN Bylaws:

Section 2.2 of the ICANN Bylaws, pasted below, does state that ICANN shall not act as a Registrar, etc. The remainder of the sentence, bolded below, clarifies that ICANN is not generally prohibited from acting as a registry or registrar; rather it is simply prohibited from doing so "in competition with entities affected by the policies of ICANN."

ICANN shall not act as a Domain Name System Registry or Registrar or Internet Protocol Address Registry **in competition with entities affected by the policies of ICANN**. Nothing in this Section 2.2 is intended to prevent ICANN from taking whatever steps are necessary to protect the operational stability of the Internet in the event of financial failure of a Registry or Registrar or other emergency. (Emphasis added).

ICANN org is Not Acting as a Registrar:

It is unclear to me why/where you believe ICANN IS acting as an improper registrar. ICANN is not an accredited registrar and does not register domain names on behalf of registrants. There are a handful of circumstances where you may have misconstrued ICANN's role which are described below.

- ICANN org registers domain names for its own business purposes, such as ICANN.org, and does so through an accredited registrar like any other registrant. In these cases, ICANN is the registrant, not the registrar.
- There are approximately 15 registrar IDs on the [IANA Registrar IDs listing](#) that are "Reserved" IDs and are used by ICANN, IANA, and contracted parties for a variety of purposes such as, testing, monitoring contracted party service levels, billing transactions, and situations where a registry may need to temporarily act as a registrar

for security purposes. ICANN does not act as a registrar in these cases and instead provides the technical environment for such activities.

- IANA has [IANA-managed reserved names](#) which are set aside for use as IDN test bed names, Special-Use domain names, and names that are reserved under ICANN Policy grounds, technical standards (RFCs), or for contractual reasons. ICANN is not acting as a registrar for these transactions.

Each of the above examples exist in order to serve one or more purposes, none of which are to enable ICANN to act as a registrar outside of its scope or mission. These circumstances are outside the standard and usual domain name registration process, however ICANN is not acting as a registrar, and ICANN does not have a registrar accreditation in order to do so.

ICANN org is Not Warehousing or Cybersquatting Names:

ICANN is not warehousing or cybersquatting on domain names. In your complaint, it is not clear why you believe this is happening, however I think the misunderstanding may be related to “reserved names”.

Registries are [required under their ICANN contracts](#) to reserve certain names. Reserved names are not available for registration. Reserving names is a Registry Operator capability, and while the ICANN Registry Agreement requires certain names be reserved, ICANN is not the registrar. Registries may also reserve or block domain names at their discretion. When names are reserved or blocked by a Registry, they are not available for registration. Regardless of whether a reserved name is required by the ICANN Registry Agreement or reserved at the registry’s discretion, it is the choice of the registry to determine how it will operationally reserve names. Registries can reserve names by either withholding them from registration or allocation, or by registering names to itself through an ICANN accredited registrar. In either case, ICANN is not the registrar nor does it perform any registrar activities.

Thank you for bringing your concerns to the attention of ICANN and for the opportunity to clarify that ICANN is not acting improperly as a registrar, nor is ICANN warehousing or cybersquatting domain names. ICANN is committed to always working to increase its effectiveness and to provide additional transparency and accountability, all in service of ICANN's mission.

Kind regards,

Krista Papac
Complaints Officer
ICANN