An Improper Selling Tactic

APTLD Meeting

HKIRC
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Agenda

• “Someone is Applying for Your Domain Name”
• Possible Responses
• Example Case
• Number of Enquiries
• Why Police cannot take immediate action?
• What can we do?
“Someone is Applying for Your Domain Name”

Many companies have received emails or faxes claiming that another company is applying for domain names which are same as the names of recipients. The recipients were given an opportunity to register these domain names first. If they did not apply, these domain names would be given to the present applicants.
Dear Sirs,

We are an organization specialized in dealing with Internet copyright dispute and registration in Asia. On [date], one company called [Company X] wanted to register the following domain names:

[yourcompanyname.asia], [yourcompanyname.cn],
[yourcompanyname.hk], [yourcompanyname.tw],
[yourcompanyname.in]

Did you consign that company to register these? Or are they your sub branch? Because the domains may relate to the usufruct of trademark on the Internet. Please contact us ASAP.

Best regards,

XXXXXXX
Possible Responses from Email Recipients

<table>
<thead>
<tr>
<th>Ask email sender not to let Company X register the domains</th>
<th>Do some research to see if others have received similar emails</th>
<th>Send email to domain registries, registrars, or law enforcement agencies to clarify if the message is true.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Email sender replies the only way is to register the domains within 7-day</td>
<td>Disregard the email</td>
<td>We share experience of similar cases. If the email recipients want to register the name, we will refer them to our registrars.</td>
</tr>
<tr>
<td>For 100% of .hk cases, no one (even Company X) actually registered the domain names eventually.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Gathering Evidence

We also recommend enquirers to report, or to allow us to send information, to the law enforcement agencies. This is to help collect sufficient proof for prosecuting the sender (“dishonesty in using computer”).

From 2008 till now, sufficient proof was collected for prosecution for 2 cases only.
Example Case

West Technology Limited

www.westdnr.org

Looking into its website:

• Only tel., fax no. and email address are available. No physical address is shown

• Many webpages, other than the homepage & Contact Us page, are not reachable.

• On the application page, visitors were asked to input information only. After that, visitors were led to another website www.asiadnr.net (the real business of this site is unknown)
Homepage
When tabs to other pages were clicked, ...

Bad Request (Invalid Hostname)
Domain fee is high

- Domain fee was not mentioned in the initial email or on the website.
- The domain fee varies with different responses from different email recipients.
- The domain fee is always higher than normal. One email recipient said it was 5 times more than that offered by other registrars.
No. of enquiries related to this type of scams

<table>
<thead>
<tr>
<th>Year</th>
<th>No. of enquiries</th>
</tr>
</thead>
<tbody>
<tr>
<td>2008</td>
<td>21</td>
</tr>
<tr>
<td>2009</td>
<td>28</td>
</tr>
<tr>
<td>2010</td>
<td>5</td>
</tr>
<tr>
<td>2011</td>
<td>1</td>
</tr>
<tr>
<td>2012</td>
<td>1 (until May)</td>
</tr>
</tbody>
</table>

The decrease in no. of enquiries does not indicate that these scams are getting less. The decrease is more likely caused by a higher awareness of this scam and more and more posts are put on the Internet to share intelligence and experience.
Why Police cannot take immediate action?

• Not easy to prove dishonesty unless there is real victim.

• Email senders and email recipients are mostly companies outside Hong Kong. This makes evidence collection and prosecution harder.
What can HKIRC do?

• .hk Registrars and its resellers have to comply with Code of Practice.

• Due diligence before accrediting a registrar.

• HKIRC has been liaising with Hong Kong Police Force to educate the public via TV program and other channels.
What can APTLD do?

• Any Ideas?
• Any suggestions?