

Title: Significant Changes to dot-ca WHOIS Access
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On June 10, 2008 the Canadian Internet Registration Authority (CIRA) restricted access to its WHOIS databases. To date, using a WHOIS look-up service has been a useful and most often effective means to access dot-ca domain registrant information. In order to register a dot-ca domain, registrants provide personal information, such as their name, address and telephone number, which is stored in a WHOIS database. In Canada, WHOIS information relating to dot-ca domains is collected and controlled by CIRA.

Accessing the personal information stored in CIRA's WHOIS database provided a powerful tool in the fight against cyber-squatting on dot-ca domains. Using WHOIS information, trade mark owners, and other legitimate rights-holders, were able to uncover the identity of the registrants of contested top-level domains. However, in response to the Personal Information Protection and Electronic Documents Act (PIPEDA), CIRA is now preventing the display of personal WHOIS information of individual domain name registrants.

As of June 10, 2008, when CIRA's policy changes took effect, the WHOIS information of individual (as opposed to non-individual, e.g. corporate) registrants is no longer publicly available. By default, an individual registrant's name, address, telephone number, email address, CIRA registrant ID and description of the website is not displayed. Individual registrants may opt-in to disclosure of their personal information, although it is expected that few will do so. Non-individual registrant's information will be displayed by default. These registrants may opt-out of disclosure in special circumstances. To contact a registrant whose information has been delisted, correspondence must be submitted through CIRA's automated service for delivery to the registrant.

As a result of the restrictions on access to this information, trade mark owners trying to police cyber-squatting activities and other bad faith registrations of dot-ca domains will have a more difficult time doing so. The restriction on WHOIS information makes determining the identity of individual dot-ca registrants very difficult or impossible. Trade mark owners who have already gathered pertinent WHOIS records for domain name registrations of concern should record and file this information, as it is likely no longer available.

Those interested in filing a domain name dispute against a dot-ca registration will most likely not have the benefit of knowing the registrant's identity when filing the dispute, and may therefore face a greater challenge in presenting arguments that the domain name was registered in bad faith. It remains to be seen how adjudicating panels of dot-ca disputes will factor in this disadvantage of the Complainant when rendering their decisions.

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