

Request for Disclosure of Registrant Information - Rules and Procedures

Version 1.4

Background

CIRA's *Privacy Policy* (the "Policy") provides that if certain information of Registrants is disclosed by CIRA, it will be disclosed in a manner consistent with the principles set out in the *Personal Information Protection and Electronic Documents Act*. Accordingly, these Rules and Procedures are implemented pursuant to the Policy, to provide the process for certain persons to request the disclosure, under certain limited and specified circumstances, of certain specific information of Registrants that is not publicly available through CIRA's WHOIS search tool.

Except as expressly specified herein or in the Policy, any other request for disclosure of information of Registrants must be by way of an order, ruling, decision, subpoena, warrant, or judgment.

These Rules and Procedures outline:

- What specific information of Registrants may be disclosed under these Rules and Procedures, pursuant to a request for disclosure;
- Who may request such information be disclosed by CIRA pursuant to these Rules and Procedures ("Requestors"); and
- What express requirements the Requestors must meet, before CIRA will consider disclosure of information pursuant to a request.

Rules and Procedures

1. Information.

These Rules and Procedures provide for the potential disclosure of the following information of Registrants, as found in the CIRA Registry:

- a. The name of the Registrant;
- b. The name of the Registrant's Administrative Contact and Technical Contact; and
- c. The postal address and email address of the Registrant's Administrative Contact and Technical Contact;

(collectively, "Information").

CIRA will not provide any other information or data under these Rules and Procedures.

2. Who May Request Disclosure of Information. Requestors must be a person who complies with all of the obligations of Section 3 below.

3. Requirements. To be able to request Information, a Requestor must meet **all** of the following requirements:

- a) The Information is not publicly available through CIRA's WHOIS search tool.
- b) The Requestor must have a current, good faith Dispute with a Registrant. For purposes of these Rules and Procedures, "Dispute" means only that a Requestor reasonably believes in good faith that a Registrant's domain name and/or its content:
 - i. infringes Requestor's Canadian: (i) registered trademark, (ii) registered copyright, or (iii) issued patent;
 - ii. infringes Requestor's Canadian registered (Federal or Provincial) corporate, business or trade name; or
 - iii. is making use of the Requestor's personal information without their knowledge or consent to commit a crime (such as fraud, theft or forgery), to procure money, credit, loans, goods or services without authorization. (Identity Theft)

Nothing else shall constitute a Dispute hereunder.

- c) The Requestor or their authorized representative must be able to provide such supporting documentation of the applicable Dispute as may be required by CIRA, from time to time (the "Supporting Documentation").
 - d) The Requestor or their authorized representative must be requesting the Information only in order to try and resolve the Dispute, and the Information, if provided, may not be used (in whole or in part) for any other reason.
 - e) The Requestor or their authorized representative must have both: (a) attempted to send a message regarding the Dispute to the Registrant through the Interested Party Contact Procedure (accessible from the WHOIS section on the CIRA website), no less than fourteen (14) calendar days prior to this request; and (b) was not able to resolve the Dispute through this mechanism. Communications through other means, or regarding other matters, do not satisfy this requirement.
 - f) The request for the Information of the Registrant must be in the applicable form as specified by CIRA from time to time. The form must be: (i) accurately and fully completed; (ii) signed by the Requestor or their appointed representative, certifying full compliance with the requirements of these Rules and Procedures and that the information in the form is truthful and correct; and (iii) the original sent by postal mail, courier or delivered in person to the address specified in the form.
 - g) The form must be accompanied by the applicable Supporting Documentation.
4. CIRA Response. CIRA will respond to the request as quickly as possible after receipt of a form. CIRA reserves the right not to respond to a request, or to refuse a request where the Requestor did not, or CIRA believes may not, fully comply with all of the requirements of these Rules and Procedures.
5. Notice to Registrant. If CIRA approves a request hereunder, CIRA shall, unless prohibited by law, not less than thirty (30) and not more than sixty (60) days after disclosure of the Information, use reasonable efforts to send an email to the Administrative Contact of the Registrant indicating: (a) that CIRA has disclosed the Information; and (b) to whom CIRA has disclosed it.

REQUEST FOR DISCLOSURE OF REGISTRANT INFORMATION

1. Contact information for person making the request (“Requestor”):

Name: _____

Postal Address: _____

Email Address: _____

2. If this request is made on behalf of another person, the contact information for that person:

Name: _____

Postal Address: _____

Email Address: _____

3. Specify the CIRA domain name for which the Information is being requested (Note: If Information is being requested regarding more than one domain, a separate Request Form is required for each domain):

4. Check mark the type of Dispute for which you are making this request, and attach the required Supporting Documentation:

| <u>Dispute</u> | <u>Required Supporting Documentation</u> |
|---|--|
| <input type="checkbox"/> Registered Canadian Trade-mark | Certified or Notarized copy of Canadian Trademark Registration |
| <input type="checkbox"/> Registered Canadian Copyright | Notarized copy of Canadian Copyright Registration |
| <input type="checkbox"/> Registered Federal or Provincial corporate, business or trade name | Federal or Provincial Corporations: Current Certificate of Status or equivalent document; Certified Business or Trade Names: Certified Detailed Business Name Report or equivalent document |
| <input type="checkbox"/> Issued patent | Notarized copy of Canadian Patent |
| <input type="checkbox"/> Identity Theft | 1. Completed Identity Theft Statement, available from the Consumer Measures Committee : Available at http://www.cmcweb.ca/epic/site/cmc-cmc.nsf/vwapj/IDTheftStatement.pdf/\$FILE/IDTheftStatement.pdf and 2. Proof of identity (Notarized Copy of a valid document issued by a federal, provincial, municipal authority, which must include the bearer's name and signature. For example: Provincial driver's licence, |

Provincial health care card, Other provincial identification card, Other federal identification card, Certificate of Indian Status, Old Age Security card, Federal, provincial or municipal employee identification card, or Canadian passport).

5. Indicate the specific date in which you sent correspondence to the Registrant through the Interested Party Contact Procedure, regarding the Dispute (dd/mm/yy): _____

6. I certify that I have fully complied with the requirements of CIRA's Request for Disclosure of Registrant Information – Rules and Procedures, including without limitation:

a) I, or the person I am authorized to represent, have a current, good faith Dispute with a Registrant, as indicated above;

b) I have attempted to communicate with the Registrant regarding the Dispute through the Interested Party Contact Procedure, no less than fourteen (14) calendar days prior to this request, but have not been able to resolve the Dispute through this mechanism;

c) This request is made in good faith for the purposes of attempting to resolve the Dispute with the Registrant, and I will use the Information received through this request solely for the purposes of resolving the Dispute with the Registrant, and for no other purpose;

d) All the information set out in this request form is true and correct.

Signature: _____

Name: _____

Title or capacity (if applicable): _____

Date: _____

Please submit one original signed copy of the completed form in person, by postal mail or courier to:

Disclosure Requests
Canadian Internet Registration Authority
306-350 Sparks Street
Ottawa, Ontario K1R 7S8