

Detailed information about .SE case

Facts:

- One.com is hosting 170.000 .se domains
- There are today 977.000 .se domains registered
- One.com sells domain and web space together in one package
- One.com has currently more than 850.000 customers

Back in the spring 2009 .SE (Stiftelsen för Internetinfrastruktur) made a change to their system, while introducing a new billing setup, meaning that customers had to choose their domain registrar. .SE (Stiftelsen för Internetinfrastruktur) founded a company called SE Direct which would be the company handling the billing of the customer's domain in case that the customer did not choose their webhosting provider as registrar.

Customers who did not know which registrar to choose or did not notice the emails regarding the new billing setup, would automatically be renewed by SE Direct.

March 17, 2009 One.com arranged a meeting with .SE (Stiftelsen för Internetinfrastruktur), where we informed them about what chaos and confusion this could cause for the .se domain name. Due to our knowledge and experience from the good cooperation we have with other top level registrars in other countries, we asked .SE (Stiftelsen för Internetinfrastruktur) to change their announced setup. But they did not want to change it, so we could not do otherwise than just accept the decision made by .SE (Stiftelsen för Internetinfrastruktur).

In the summer 2010, we found out that the chaos we had been afraid of had begun to happen to the .se domain. Some users who have been billed by SE Direct did not pay the invoice, since they had no knowledge of SE Direct, assuming that their domain was handled by One.com. Domain owners often receive fake invoices from companies like for example Domain Registry of America. Consequently, we understand

why some customers just ignore an invoice regarding a domain from a company they do not know about. We have of course tried to inform them about the new setup and SE Direct in a email back in 2009.

We then also found out that there was a mismatch between One.com and the .SE (Stiftelsen för Internetinfrastruktur) system. A lot of users had accepted that One.com should be the company to renew their domain name. Among these customers 7000 were registered in .SE (Stiftelsen för Internetinfrastruktur) with SE Direct as billing company, even though that they have accepted One.com to be registrar for their domains. Nobody knows the reason for this mismatch. It may be due to a mistake by One.com or by .SE (Stiftelsen för Internetinfrastruktur). .SE (Stiftelsen för Internetinfrastruktur) wanted to help us, only if we could prove that the mistake was in their system. It would take time for us to prove this, and time was the only thing that we did not have, because we needed to protect our users' domain names.

Some customers did not pay the invoice from SE Direct, because they believed that the domain was handled by One.com and due to this mismatch between .SE (Stiftelsen för Internetinfrastruktur)'s and One.com's system, we reacted as quickly as possible to minimize the risk that domains could be lost by mistake. We tried to find a solution with .SE (Stiftelsen för Internetinfrastruktur), and one of the proposals that we sent by email is shown below:

We need a quick fix right now to avoid panic in the .se market:

(1) We strongly suggest that .se stops deleting domains after the suspension period for the next couple of weeks until everything is settled (just extend deletion period).

(2) We strongly suggest that .se blocks new-registration for the deleted domains the last couple of days.

We have already experienced cases where domains have been snapped up by domain sharks. This is a very sad situation which neither .se or the customers are interested in.

.SE (Stiftelsen för Internetinfrastruktur) did not want to help us out. The only response was that they would look into the case only if we (One.com) could prove that .SE (Stiftelsen för Internetinfrastruktur) had made a mistake. Some people inside .SE (Stiftelsen för Internetinfrastruktur) understood the problem, but none of them had the power to make the decisions. We assume that this was due to that the relevant decisions were made at the highest level in .SE (Stiftelsen för Internetinfrastruktur).

.SE (Stiftelsen för Internetinfrastruktur) provided us with a link where we could see the domains that had been deleted, and we realised that some of the domains were taken over by “domain sharks” very fast.

For not being a part of a .se market turned into chaos, we wanted to react. We have always wanted our users to see us as a safe place for keeping their data and domain; we did not want to be a part of a situation where we could have customers losing their domain because of a mistake. We therefore spent more than 260.000 SEK on protecting the domains that were at risk.

Customers who have not accepted that we should be the billing company of their domain, including the customers who in 2009 did not react on the email regarding the new billing setup made by .SE (Stiftelsen för Internetinfrastruktur), have not received any invoice for the service we did by re-registering their domain in their own name.

We know that if we look at the terms made by .SE (Stiftelsen för Internetinfrastruktur), we have done something which was against their rules. The reasons why we did not ask our users permission before we did are the following:

- 1) We needed to react fast
- 2) We are talking about thousands of domains
- 3) It was summer, a lot of our customers were on summer holiday and there would therefore be a big risk that a lot of users first would get back to us when it was too late.
- 4) We did something which we believed was a good service. There was no cost involved in it for the customers who not have confirmed that we should be registrar for the domain.
- 5) We were afraid that we could get a legal responsibility if a domain was lost without we had tried to do what we could do to protect it.

We are very sorry to see that this case has taken the direction that it has. We did what we did to protect our users' domain names. We know that among the thousands of domains which we protected, then a large amount of them was deleted by purpose, but if we just have saved a small amount of domains, then we believe that the money spent by One.com was spent correct.

After seeing the reaction from .SE (Stiftelsen för Internetinfrastruktur) we will off course never do this again.

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