

## RDS Purpose: Business Domain Name Purchase/Sale

Purpose Name: **Business Domain Name Purchase/Sale**

Definition: This purpose enables contact between domain name registrants and small business owners, corporations, and domain name brokers wishing to purchase domain names, and for both parties to complete and confirm agreed domain name transfers from seller to buyer. This includes cases where a trademark owner wishes to acquire a domain name they believe may be infringing upon their trademark(s). *Note: Inserted for team review.*

For easy reference, below is an excerpt from the EWG Final Report:

**THIS TABLE TO BE REMOVED AFTER DRAFTING TEAM CONFIRMS ALL ITEMS HAVE BEEN ADDRESSED**

User	Purpose	Example Use Cases	Rationale for registration data access
<b>Business Internet Users</b>  (e.g., brand holders, brokers, agents)	Business Domain Name Purchase or Sale	Domain Name Brokered Sale	Enable due diligence in connection with purchasing a domain name
		Domain Name Trademark Clearance	Enable identification of domain name Registrants to support trademark clearance (risk analysis) when establishing new brands
		Domain Name Acquisition	Facilitate acquisition of a domain name that was previously registered by enabling contact with Registrant
		Domain Name Purchase Inquiry	Enable determination of domain name availability and current Registrant and Admin Contact (if any)
		Domain Name Registration History	Provide domain name registration history to identify past Registrants and dates using WhoWas
		Domain Names for Specified Registrant	Enable determination of all domain names registered by a specified entity (Reverse Query) as part of merger/spinoff asset verification

Tasks: Parties purchasing or selling a business domain name often engage in the following tasks.

- When making purchase queries about a domain name, registration data is used to determine the current Registrant and how to contact them.
- During acquisition, purchasers not only need to find out who they should contact, but also the domain name’s registration history. When buying a house, buyers do a title search to certify ownership. Similarly, domain name buyers commonly search WHOIS records before and after sale to verify the old and new Registrant are accurately recorded.
- Registration data is also used during due diligence research to identify the current Registrant of the domain name, if they have a relationship with the Registrant

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Organization, and to determine other domain names with which buyers or sellers are associated.

- In summary, registration data plays a role in knowing buyers and sellers are working with, being able to verify that parties can sell/buy the domain name, to carry out the purchase/sale transaction, and to verify (with a third party) that the domain name has actually changed hands before final payment is made from escrow.

*Note: The above text merges comments made during this team's kickoff call with tasks enumerated for this purpose in the EWG Report.*

Users: The following parties often access gTLD registration data in pursuit of this purpose:

User Role	Description of RDS User's Role in Domain Name Purchase/Sale
New Business Owner/Small Business	New or small business owner who are looking to maintain consistent branding across their online identity, i.e. wanting to match their domain name (newbusiness.com) with any other online names or identities (i.e. social media accounts). These users are less likely to use a brokerage or legal team to purchase a domain name and would thus rely on WHOIS information themselves to contact the current domain registrant.
Corporation	Similar to a new/small business, an established corporation with a legal team, possible trademarks, and an existing online presence will want to consolidate all of their online identities and acquire domain name registrations that could reasonably be connected to their brand. Likewise, a larger corporation may choose to launch a new product (i.e. Apple's iPod) and acquire or register related domain names for future launches.
IP Holder	An owner of intellectual property (trademark, copyright, trade secret) looking to protect their intellectual property would rely on WHOIS information to contact a domain registrant (e.g., a trademark owner either acquiring a domain name registration; or, in seeking to avoid consumer confusion, taking action against the registrant of a domain name they believe infringes upon their trademark).
Domain Broker	A broker who may be purchasing an existing domain name on behalf of a corporation or business.
Registrant	Person or entity that currently holds the rights to a domain name being purchased.
Law Enforcement	A law enforcement agency may rely on WHOIS to contact a domain registrant in order to address illegal activity impacting a business. <i>[Note: This contact may be another purpose.]</i>

Data: The following gTLD registration data is often involved in this purpose.

Data	Description of Registration Data used during Domain Name Purchase/Sale
Registrant Name	Current registrant of the domain name so interested buyers or businesses know <i>who</i> to contact for purchase.
Registrant Contact	A way to contact the current registrant, via email or phone, to make an offer for domain name purchases or for legal purposes, i.e. notifications of trademark infringement.
Registrant's Country	If legal action is required (i.e. in cases of trademark infringement), the country of origin provides context for local laws and procedures.
Date of Registration	To establish historical ownership of a domain.
Legal Contact	Not required (or necessarily public). The legal contact for a domain name registration in the case of any communication in relation to legal issues or to negotiate a domain name transfer.

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Domain Names for Specified Registrant	EWG recommendation to facilitate transfer of all domain names owned by a single registrant or company in the case of a merger/transition.
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