

Net 4 India Limited – Summary of Proceedings and Orally-Issued Court Orders
(19 March 2021)

Net 4 India Limited (Net 4 India) is an ICANN-accredited registrar subject to insolvency proceedings in India. Over the last several months, thousands of registrants have complained about encountering significant issues regarding renewal, transfer and management of their domain name registrations with Net 4 India. As a result of Net 4 India's failure to address those complaints, along with other breaches of its Registrar Accreditation Agreement (RAA), ICANN issued breach notices to Net 4 India on [10 December 2020](#) and [24 December 2020](#).

Net 4 India did not cure the breaches; but rather, the Resolution Professional (RP) appointed by the insolvency Court to represent the interests of Net 4 India asked the insolvency Court to prevent ICANN from terminating Net 4 India's RAA.

After several hearings in January 2021 and further written submissions, the Court issued an order on 25 January 2021, which: (a) did not make a determination on ICANN's jurisdictional challenge; (b) requested, although did not order, that ICANN not terminate the RAA for three months while the insolvency proceedings continue; (c) ordered Net 4 India to timely pay its fees and to provide services to registrants pursuant to the terms of the RAA; and (d) ordered Net 4 India/RP to submit a standard operating procedure (SOP) to the Court by 9 February 2021 setting forth the procedure by which Net 4 India would address customer complaints and adhere to its obligations under the RAA.

Despite the 25 January 2021 Court Order, Net 4 India failed to cure the breaches, continued to fail to address new registrant complaints, did not pay its overdue fees to ICANN, and did not submit an SOP to the Court. In addition, ICANN issued a third notice of breach on [29 January 2021](#) for additional breaches of the RAA, noting a cure deadline of 19 February 2021. Net 4 India failed to cure the breaches noted in the three breach notices and ICANN continued to receive new registrant complaints regarding Net 4 India on a daily basis.

ICANN terminated Net 4 India's RAA on [26 February 2021](#), with an effective date of 13 March 2021. On 5 March 2021, the RP applied to the insolvency Court, seeking to prevent the termination of the RAA from proceeding. Hearings were held on 12 and 13 March 2021, and written submissions were provided to the Court. On 13 March 2021, the Court issued an Ad-Interim Order (without deciding if it has jurisdiction over ICANN or the RAA) directing ICANN to not give effect to the termination until the next hearing on 16 March 2021.

At the 16 March hearing, the Court extended the Ad-Interim Order, again without ruling on jurisdiction, directing that the termination not be given effect until the Court makes a final determination on the 5 March application; no date was set for issuing a final determination.

Pursuant to the Court's direction, ICANN filed its final written submission on 18 March 2021, which included an "affirmative[] request[] that this Hon'ble Tribunal issue an order denying the Application as soon as practicable given the serious repercussions that [Net 4 India's] non-compliances are having on the Internet community and the harm that is being caused on a daily basis to registrants."

As of 19 March 2021, ICANN is awaiting the Court's final determination on the matter.