

REVIEW AND ANALYSIS OF THE PEDNR PUBLIC COMMENT PERIOD - Version 13 October 2009			
Please note that this is an abstract / summary of the comments received, to view the complete comments and the summary and analysis, please see http://forum.icann.org/lists/pednr-wg-questions/			
Comment	By	WG View	Next steps / Follow up
Q1 - Whether adequate opportunity exists for registrants to redeem their expired domain names			
There is sufficient time and opportunity	MS, RH		The feedback provided points to both ends of the spectrum (yes, there is adequate opportunity and no, there is not). This issue will require further discussion by the WG.
There is lack of consistency and use of different policies that results in user confusion	E		
There is not sufficient opportunity as there is no obligation to grant AGP or RGP to registrants	PI		
Q2 - Whether expiration-related provisions in typical registration agreements are clear and conspicuous enough			
Registrants are responsible for renewing a domain name registratin in a timely fashion, as they know at the outset when the domain name will expire	BL		The feedback provided here also points to both ends of the spectrum (yes, provisions are clear and conspicuous enough, and no, they are not). This will require further discussion by the WG
Registration agreements are pretty clear about expired domain names	MS		
Expiration-related information is not conspicuous enough and auto-renew provisions for cancellation are antiquated or unclear	RH		
Registrars seem to need many words to describe that registrants have no rights at all after expiration	PI		
Q3 - Whether adequate notice exists to alert registrants of upcoming expirations			
This depends on the registrar, but every registration includes contact details so the registrar has a way to contact the registrant, a registrar that does not send out reminders is making a big business mistake.	BL, MS		This question will require further discussion by the WG.

Number one reason why people neglect to renew their domains is because they have incorrect contact information, which means they do not receive notices from registrar. Those that use invalid information are likely doing so on purpose and do not need protection.	AA	It was questioned whether in the majority of cases invalid information is provided on purpose.	
Registrars should be required to include existing Whois information in the reminder, instead of a link to this information	AA		
There is adequate notice	RH, E		
Notices might not reach the registrant because of the reseller problem	PI	The reseller problem is not further defined.	
Q4 - Whether additional measures need to be implemented to indicate that once a domain name enters the Auto-Renew Grace Period, it has expired			
A registration should be marked 'reserved' to highlight the interim status, at which point only the RAE is allowed to renew	BL		Further discussion will be required, especially in relation to the question of confusion relating to Whois data as pointed out in the public comments.
The practice of changing DNS servers upon expiration is catch-22 as on the one hand it would alert the registrant that the domain name has expired, on the other hand it would prevent them from receiving email notices if the email is linked to the domain name	AA		
Expiration dates are confusing as the Whois data normally show the registry expiration date which is automatically renewed for a year. The WG should explore ways that registries can display this data without confusing customers (e.g. pending renewal / deletion, registered / expired).	AA, MS, PI		
A notice on the site should be mandatory, possibly in combination with a note stating 'contact your service provider to renew'	MS		
DNS deactivation should be mandatory upon expiration	PI		

Q5 - Whether to allow the transfer of a domain name during the Redemption Grace Period (RGP)			
Registrars are not the owner of a domain name and should not have any rights to it, unless the registrant gives away his or her rights. If a registrant explicitly cancels a registration, it might be different.	MS		The question seems to have been interpreted broader than the original intent (transfer of a domain name by the RAE to another registrar) by the commenters. Will require further discussion by the Working Group.
A transfer of a domain name should not be allowed during RGP	RH		
The question is premature as most registrars do not even allow transfer in the auto-renew grace period	PI		
General and other comments		Relevant Charter Question	
It is ICANN's responsibility to ensure that registrars provide clear informatin regarding the expiry of registrations, at the time of registrarion as well as using warning / reminder services as the expiration date approached. ICANN should take responsibility for implementing the grace period by reserving expired domans for a minimum period.	BL	Q2 (ICANN's Responsibility to ensure clear information regarding expiration), Q3 (using warning / reminder services, implementing the grace period by introducing a minimum duration)	
Use of the term 'legacy registrant' to distinguish between the registrant prior and after expiration	KJ	The WG has addressed this by using the term Registrant at the time of Expiration (RAE)	
Domain name warehousing is in the list of topics in the RAA. There should be no ownership by registrars, no right to hold and no right to scuttle names away under aliases. Any person that has lost a domain name due to expiration should be able to reclaim these names in a clear and concise ICANN policy.	EM	Q1 (Any person should be able to reclaim a domain name following expiration)	
Resellers may have incentive to let domains expire since they can get a cut from the auction proceeds	AA	Q1, Q2, Q3	Follow up with commenter to obtain further evidence supporting this statement, if possible.

<p>A scenario was presented in which a registrant explicitly requests the cancellation of a domain name, following which the registration was removed from the registrant's control panel, but the domain name was not deleted and the Whois data was left unchanged. This type of behaviour can cause significant harm as the registrant might be held responsible for a registration he or she cancelled long time ago.</p>	<p>KR</p>		<p>Issue has been included in the registrar survey. Depending on feedback received, WG will consider inclusion of this scenario.</p>
<p>Whois records do not indicate whether a registrant has requested a deletion of a domain name, which might mean that a complainant in a UDRP proceeding would not be able to exercise its rights under paragraph 3.7.5.7 of the EDDP</p>	<p>WIPO</p>		<p>To be further discussed</p>
<p>A system could be explored that would link the duration of the auto-renew grace period to the duration of the registration.</p>	<p>E</p>		<p>To be further discussed</p>
<p>The cost of recovery during RGP seems excessive</p>	<p>E</p>		
<p>Solutions for consideration: making the AGP and RGP a mandatory registrar service with maximized fees; set prohibitions against standard registration agreements that sign away these rights; prescribe thick WHOIS; registrar WHOIS show all ex-registrant data. Explore the merger of the AGP and RGP into one expired-renewable period.</p>	<p>PI</p>		
<p>Consideration should be given to the implications, if any, for the UDRP. There are different interpretations by registrars of the EDDP that relate to UDRP proceedings, namely 3.7.5.7.</p>	<p>WIPO</p>		

One core question is whether adequate notice exists under the current policies to timely alert parties in a UDRP proceeding of upcoming expirations and pending deletions. Should WG clarify what (if any) reasonable notice obligations would be.	WIPO		
Complaints related to a specific renewal policy: change of renewal date in Whois caused confusion; not able to transfer domain name in AGP; domain name was auctioned before payment to registrar was confirmed; registrar refused reversal of the third party transfer; no notices received of changes to auto-renewal policy; there is no opt-out mechanism for the auction process.	HMA		