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# Final Report on the Post-Expiration Domain Name Recovery Policy Development Process

## STATUS OF THIS DOCUMENT

This is the Final Report on the Post-Expiration Domain Name Recovery PDP, prepared by ICANN staff for submission to the GNSO Council on [date], following public comments on the Initial Report of 31 May 2010 and the proposed Final Report of 21 February 2011.

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**Deleted:** 21 February 2011 and posted for public comment. A Final Report will be prepared following public comment on this Draft Final Report

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## SUMMARY

This report is submitted to the GNSO Council as a required step in the GNSO Policy Development Process.

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## 21 Glossary

22

### 23 Auto-Renew Grace Period

24 Auto-Renew Grace Period is a specified number of calendar days following an auto-renewal. An  
25 auto-renewal occurs if a domain name registration is not renewed by a Registrar (on behalf of a  
26 Reseller or Registrant) by the expiration date; in this circumstance the registration will be  
27 automatically renewed by the registry the first day after the expiration date. The WHOIS record is  
28 updated to show expiration date one-year in the future even though the Registrant has not actually  
29 paid for the renewal, and therefore may not be entitled to the additional registration year. In most  
30 cases the registry assesses the registrar's account for the renewal fee at the beginning of this period,  
31 but some registries may not assess a fee on the registrar until after the auto-renew grace period  
32 ends. The current length of the Auto-Renew Grace Period is 45 days, and is never terminated early  
33 by a registry, but a registrar can opt to delete the domain name prior to then.

34

35 Many registrars and resellers optionally offer an auto-renewal service where the registrant's  
36 account or credit card is charged (without any action taken by the registrant) to renew the domain  
37 close to or at the expiration date. Because this optional offering has a similar name to the (registry)  
38 auto-renewal policy, a registrant is sometimes confused and a reader of this document must be  
39 careful to keep these two unrelated topics segregated.

40

### 41 EDDP - Expired Domain Deletion Policy

42 The EDDP is an ICANN consensus policy that revised the domain registration expiration provisions in  
43 ICANN's Registrar Accreditation Agreement in December 2004. For further details, please see  
44 <http://www.icann.org/en/registrars/eddp.htm>.

45

### 46 RNHaE - Registered Name Holder at Expiration

47 In order to facilitate discussions and nomenclature, the [Post Expiration Domain Name Recovery](#)  
48 [\(PEDNR\)](#) WG introduced the term 'Registered Name Holder at Expiration' (RNHaE) to distinguish  
49 between the person or entity that is listed in WHOIS as the Registered Name Holder at the time of  
50 expiration, and the person or entity that is listed in WHOIS as the Registered Name Holder following  
51 expiration, which might be different. Many registration agreements allow the Registrar to alter the

AlanGreenberg 23/5/11 00:27

**Comment [1]:** I am inclined to put this last sentence in bold.

AlanGreenberg 23/5/11 00:29

**Comment [2]:** This is the first occurrence of PEDNR in the report.

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53 WHOIS data to indicate that the Registrar itself, an affiliate, or a third party, is the registrant  
54 following expiration, but the prevalence of this practice was not studied.

55

#### 56 **RGP - Redemption Grace Period**

57 The Redemption Grace Period (RGP) is an optional service offered by most [gTLD](#) registries and some  
58 registrars. Although the implementation details may vary in different gTLDs, a deleted domain that  
59 name enters the RGP will not be included in the root-tld zone file (i.e., the name servers for the  
60 domain will not be listed, thus the domain name will not resolve—no web traffic or e-mails will  
61 reach the domain or any destination). The RGP status will be identified in WHOIS queries, and will  
62 last for 30 calendar days or until the domain name restored. Restoration of the domain name must  
63 be requested by the RNHaE and this request must be made through the registrar of record at the  
64 time the domain was deleted. At the conclusion of the RGP (and a 5-day pending-delete period), the  
65 domain name will again be available for registration. All non-sponsored gTLD registries apart from  
66 .name offer the RGP. Even where offered by a registry, registrars are not required to provide the  
67 redemption service to registrants.

68

#### 69 **Registrar**

70 With respect to gTLDs, a Registrar is an entity that has entered into the [Registrar Accreditation](#)  
71 [Agreement \(RAA\)](#) with ICANN and can therefore register domains in gTLDs (“Registrar Services”)   
72 following completion of a Registry-Registrar Agreement with the particular Registry Operator.

73

#### 74 **Reseller**

75 A Reseller is an entity that contracts with a Registrar to provide Registrar Services. A Reseller is  
76 required to honour the same terms as Registrars related to registration agreement terms and  
77 notices that must be provided as well as ICANN Consensus Policy requirements.

# 78 1. Executive Summary

79

## 80 1.1 Background

- 81 ▪ At the ICANN Meeting in Cairo in November 2008, the At-Large Advisory Committee (ALAC),  
82 voted to request an Issues Report on the subject of registrants being able to recover domain  
83 names after their formal expiration date.
- 84 ▪ The [ALAC request](#) was submitted to ICANN policy staff and the GNSO Council on 20 November  
85 2008.
- 86 ▪ The [Issues Report on Post-Expiration Domain Name Recovery](#) was submitted to the GNSO  
87 Council on 5 December 2008.
- 88 ▪ The GNSO Council [initiated a PDP](#) on 7 May 2009 and tasked a Working Group to answer the  
89 following charter questions:
- 90 1. Whether adequate opportunity exists for registrants to redeem<sup>1</sup> their expired domain  
91 names;
  - 92 2. Whether expiration-related provisions in typical registration agreements are clear and  
93 conspicuous enough;
  - 94 3. Whether adequate notice exists to alert registrants of upcoming expirations;
  - 95 4. Whether additional measures need to be implemented to indicate that once a domain name  
96 enters the Auto-Renew Grace Period, it has expired (e.g., hold status, a notice on the site  
97 with a link to information on how to renew, or other options to be determined);
  - 98 5. Whether to allow the transfer of a domain name during the RGP.
- 99 ▪ The Post-Expiration Domain Name Recovery (PEDNR) PDP Working Group started its  
100 deliberations in July 2009.
- 101

---

<sup>1</sup> The term “redeem” here was used incorrectly, as it applies only to domain names recovered during the Redemption Grace Period. The WG presumed that “recover” or “renew” was intended.

<sup>2</sup> The term “redeem” here was used incorrectly, as it applies only to domain names recovered during the Redemption Grace Period. The WG presumed that “recover” or “renew” was intended.

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102 **1.2 Deliberations of the PEDNR WG**

- 103 ▪ The PEDNR Working Group started its deliberations in July 2009 where it was decided to
- 104 continue the work primarily through first bi-weekly and then weekly conference calls, in
- 105 addition to e-mail exchanges.
- 106 ▪ Section 7 provides an overview of the deliberations of the Working Group conducted both by
- 107 conference call as well as e-mail threads.
- 108 ▪ No quantitative evidence establishing the prevalence of unintentional domain name loss was
- 109 presented, despite requests for this research by some members of the WG.
- 110 ▪ As instructed in its charter, the PEDNR WG started its deliberations by reviewing current
- 111 registrar practices regarding domain name expiration, renewal, and post-expiration recovery. In
- 112 order to gather further information, it was decided to conduct a registrar survey. Section 5
- 113 provides an overview of the main questions and outcomes of the survey.
- 114 ▪ The PEDNR WG Charter instructs the Working Group to ‘pursue the availability of further
- 115 information from ICANN Compliance Staff to understand how current RAA provisions and
- 116 consensus policies regarding deletion, auto-renewal, and recovery of domain names following
- 117 expiration are enforced’. To facilitate this process, ICANN Compliance Staff has participated in
- 118 the deliberations of the Working Group and has provided the information outlined in section 6
- 119 on complaints received and Expired Domain Deletion Policy Audits.

Marika Konings 23/5/11 10:10  
Deleted: It should be noted that the Working Group will not make a final decision on which solution(s), if any, to recommend to the GNSO Council before a thorough review of the comments received during the public comment period on the proposed Final Report.

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Comment [3]: I would suggest that we use the expression “No quantitative evidence ...”

121 **1.3 WG Survey**

- 122 ▪ In order to assess the views of the WG members and determine where there might be
- 123 agreement or consensus on a possible approach forward, a survey was conducted amongst the
- 124 WG membership. Based on the initial results, a drafting team (a subset of the WG) was
- 125 convened to refine the survey, including a selection of possible remedies. Section 8 describes
- 126 the refined survey, the options considered, and the poll results.

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Deleted: The Working Group would like to point out that a number of these recommendations will need further refinement, as noted in some of the bracketed language. Following review of public comments received on this report and finalization of the recommendations, a poll will be conducted among the WG membership to ascertain the level of support for each of the final recommendations.

128 **1.4 Charter Questions & Proposed Recommendations**

- 129
- 130 ▪ Taking into account the Working Group Deliberations (see Section 7), the WG Survey (see
- 131 Section 8) and the Public Comments received (see Section 9), the Working Group has put
- 132 forward the following recommendations to address each of the Charter Questions. The level of

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151 support, as well as names of those WG members in support and not in support, will be included  
 152 in the Final Report<sup>1</sup>,<sup>2</sup>

AlanGreenberg 23/5/11 00:40

**Comment [4]:** Here and in section 10 we committed to hold a formal poll of all WG members.

153

154 **1. Whether adequate opportunity exists for registrants to redeem their expired domain  
 155 names;**

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157 **Recommendation #1:** Define “Registered Name Holder at Expiration” (RNHaE) as the entity or  
 158 individual that was eligible to renew the domain name registration immediately prior to  
 159 expiration. If the domain name registration was modified pursuant to a term of the Registration  
 160 Agreement authorizing the modification of registration data for the purposes of facilitating  
 161 renewal, the RNHaE is the entity or individual identified as the registrant immediately prior to  
 162 that modification.

163

164 Rationale: This definition is required due to the potential confusion over who is eligible to renew  
 165 if WHOIS is changed after expiration, a possibility allowed for in many registration agreements.

166

167 **Recommendation #2:** For at least 8 consecutive days, at some point following expiration, the  
 168 original DNS resolution path specified by the RNHAE, at the time of expiration, must be  
 169 interrupted and the domain must be renewable by the RNHAE until the end of that period. This  
 170 8-day period may occur at any time following expiration. At any time during the 8 day period,  
 171 the Registered Name Holder at Expiration may renew the domain with the Registrar and the  
 172 Registrar, within a commercially reasonable delay, will cause the domain name to resolve to its  
 173 original DNS resolution path.

174

175 Notwithstanding, the Registrar may delete the domain at any time during the Auto-renew grace  
 176 period.

177

178 Rationale: This ensures that for at least an 8-day period following expiration, the domain will  
 179 cease to operate as it did prior to expiration. The WG believes that this failure to function may  
 180 be one of the most effective methods of getting a registrant’s attention. Although 8 days is set  
 181 as a minimum, there is nothing to prevent a Registrar from providing a longer period such as

187 most registrars do today.

188

189 **Recommendation #3:** The RNHaE cannot be prevented from renewing a domain name  
190 registration as a result of WHOIS changes made by the Registrar that were not at the RNHaE's  
191 request. [Final wording will need to exempt cases where renewal will not be disallowed due to  
192 fraud, breach of registration agreement or other substantive reasons.]

193

194 Rationale: Currently a post-expiration change to WHOIS may, depending on the specifics of a  
195 Registrar's system, prohibit the RNHaE from renewing the Registered Name.

196

197 **Recommendation #4:** All unsponsored gTLD Registries shall offer the Redemption Grace Period  
198 (RGP). For currently existing unsponsored gTLDs that do not currently offer the RGP, a transition  
199 period shall be allowed. All new gTLDs must offer the RGP.

200

201 Rationale: Although most current unsponsored gTLDs Registries currently offer the RGP service,  
202 there is no such obligation, nor is it required in the new gTLD Applicant Guidebook.

203

204 **Recommendation #5:** If a Registrar offers registrations in a gTLD that supports the RGP, the  
205 Registrar must allow the Registered Name Holder at Expiration to redeem the Registered Name  
206 after it has entered RGP.

207

208 Rationale: This ensures that the registrant will be able to redeem a domain name if it is deleted  
209 and if the Registry offers the RGP service.

210

211 **2. Whether expiration-related provisions in typical registration agreements are clear and**  
212 **conspicuous enough;**

213

214 **Recommendation #6:** The registration agreement must include or point to any fee(s) charged  
215 for the post-expiration renewal of a domain name. If the Registrar operates a website for  
216 registration or renewal, it should state, both at the time of registration and in a clear place on its  
217 website, any fee(s) charged for the post-expiration renewal of a domain name or the recovery of



218 a domain name during the Redemption Grace Period.

219

220 Rationale: The registrant must be able to forecast what renewal will cost if it is not renewed  
221 prior to expiration. This is not an attempt at setting the price but rather that the price must be  
222 disclosed to the registrant ahead of time. The pricing disclosed would be the then-current prices  
223 and does not preclude a later price change as part of normal business price adjustments.

224

225 **Recommendation #7:** In the event that ICANN gives reasonable notice to Registrar that ICANN  
226 has published web content providing educational materials with respect to registrant  
227 responsibilities and the gTLD domain life-cycle, and such content is developed in consultation  
228 with Registrars, Registrars, who have a web presence, shall provide a link to the webpage on any  
229 website it may operate for domain name registration or renewal clearly displayed to its  
230 Registered Name Holders at least as clearly as its links to policies or notifications required to be  
231 displayed under ICANN Consensus Policies.

232

233 Rationale: Insufficient registrant understanding and education was identified as a significant  
234 problem and any attempt to address it will lower the number of problems experienced by  
235 registrants.

236

237 **Recommendation #8:** ICANN, with the support of Registrars, ALAC and other interested parties,  
238 is to develop educational materials about how to properly steward a domain name and how to  
239 prevent unintended loss. Once developed, Registrars are expected to link to or host that  
240 information on its web site, and send to the registrant in a communication immediately  
241 following initial registration as well as in the mandated annual WHOIS reminder. Such  
242 information should include a set of instructions for keeping domain name records current and  
243 for lessening the chance of mistakenly allowing the name to expire. [Need to refine wording:  
244 expression "include a set of instruction" to include pointing to appropriate location where  
245 instructions can be found; pointing to ICANN registrant education site.]

246

247 Rationale: Insufficient registrant understanding and education was identified as a significant  
248 problem and any attempt to address it will lower the number of problems experienced by

249 registrants.

250

251 **3. Whether adequate notice exists to alert registrants of upcoming expirations;**

252

253 See also recommendation #2

254

255 **Recommendation #9:** The registration agreement and Registrar web site (if one is used) must  
256 clearly indicate what methods will be used to deliver pre- and post-expiration notifications, or  
257 must point to the location where such information can be found. What destination  
258 address/number will be used must also be specified, if applicable.

259

260 Rationale: Registrants should be told ahead of time how the Registrar will communicate with  
261 them.

262

263 **Recommendation #10:** Subject to an Exception policy, Registrar must notify Registered name  
264 Holder of impending expiration no less than two times. One such notice must be sent one  
265 month or 30 days prior to expiration ( $\pm 4$  days) and one must be sent one week prior to  
266 expiration ( $\pm 3$  days). ). If more than two alert notifications are sent, the timing of two of them  
267 must be comparable to the timings specified.

268 It is the intention to have an exception policy, allowing the Registrar to substitute alternative  
269 notification patterns, but this still needs to be defined.

270

271 Rationale: The current requirement in the RAA to send at least two notifications is vaguely  
272 worded. There is also nothing to prohibit such notifications from being sent too early or too late  
273 to be effective. That notwithstanding, it is understood that for some Registrar business models,  
274 the prescribed timing may not be suitable, and an exception process will allow for this.

275

276 **Recommendation #11:** Notifications of impending expiration must include method(s) that do  
277 not require explicit registrant action other than standard e-mail receipt in order to receive such  
278 notifications.

279

280 Rationale: Notifications must not solely be done by methods, which require explicit Registrant  
281 action to receive, the most common being the requirement to log onto the Registrar domain  
282 management system to receive notifications.

283

284 **Recommendation #12:** Unless the Registered Name is deleted by the Registrar, at least one  
285 notification must be sent after expiration.

286

287 **4. Whether additional measures need to be implemented to indicate that once a domain**  
288 **name enters the Auto-Renew Grace Period, it has expired (e.g., hold status, a notice on**  
289 **the site with a link to information on how to renew, or other options to be determined);**

290

291 **Recommendation #13:** If at any time after expiration when the Registered Name is still  
292 renewable by the RNHaE, the Registrar changes the DNS resolution path to effect a different  
293 landing website than the one used by the RNHaE prior to expiration, the page shown must  
294 explicitly say that the domain has expired and give instructions on how to recover the domain.  
295 [Wording must make clear that “instructions” may be as simple as directing the RNHaE to a  
296 specific web site.]

297

298 Rationale: If a replacement web site is reached via the domain name after expiration, as is the  
299 case for most expired domains today (at some point after expiration), the replacement web  
300 page must make it clear that the domain has expired and tell the registrant what to do to renew.  
301 (see also recommendation #2)

302

303 **Recommendation #14:** Best Practice for Registrars: If post-expiration notifications are normally  
304 sent to a point of contact using the domain in question, and delivery is known to have been  
305 interrupted by post-expiration actions, post-expiration notifications should be sent to some  
306 other contact point associated with the registrant if one exists.

307

308 Rationale: Today, message sent to the registrant after expiration typically go to the same  
309 address that is used prior to expiration. If that address uses the domain in question, and that  
310 domain is now intercepted by the Registrar (as is typically the case), the message will not be

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311 deliverable. The Working Group did not feel that it was practical to mandate how this should be  
312 fixed, but felt that it was important that Registrars consider the situation.

313

314 **5. Whether to allow the transfer of a domain name during the RGP.**

315

316 No recommendation.

317

318 Rationale: The need is significantly reduced based on the recommendation to have the RGP  
319 mandatory for Registrars coupled with the complexity and possible adverse effects of allowing  
320 such transfers

321

322 **1.5 Next Steps**

323

- 324 ▪ The WG has submitted this report to the GNSO Council for its consideration.

325

326

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AlanGreenberg 23/5/11 09:19  
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## 332 2. Objective and Next Steps

333

334 This Final Report on the Post-Expiration Domain Name Recovery PDP is prepared as a required step  
335 in GNSO Policy Development Process (PDP) as described in the ICANN Bylaws, Annex A (see  
336 <http://www.icann.org/general/bylaws.htm#AnnexA>). It is based on the Initial Report of 31 May and  
337 the proposed Final Report of 21 February 2011 and has been updated to reflect the review and  
338 analysis of the comments received by the PEDNR Working Group in addition to further deliberations.  
339 This report is submitted to the GNSO Council for its consideration. The conclusions and  
340 recommendations for next steps on the five charter questions included in this PDP are outlined in  
341 section 10.

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### 353 3. Background

354

#### 355 Background

356

357 The At-Large Advisory Committee (ALAC) requested an Issue Report on the subject of registrants  
 358 being able to recover domain names after their formal expiration date on 20 November 2008. The  
 359 [Issues Report on Post-Expiration Domain Name Recovery](#) was submitted to the GNSO Council on 5  
 360 December 2008. Subsequently, the GNSO Council [initiated a PDP](#) on 7 May 2009 and instructed the  
 361 drafting team to develop a charter. The GNSO Council [adopted](#) the charter (see Annex B) proposed  
 362 by the drafting team on 24 June 2009 in which a Working Group is instructed to answer the  
 363 following questions:

- 364 1. Whether adequate opportunity exists for registrants to redeem<sup>2</sup> their expired domain  
 365 names;
- 366 2. Whether expiration-related provisions in typical registration agreements are clear and  
 367 conspicuous enough;
- 368 3. Whether adequate notice exists to alert registrants of upcoming expirations;
- 369 4. Whether additional measures need to be implemented to indicate that once a domain name  
 370 enters the Auto-Renew Grace Period, it has expired (e.g., hold status, a notice on the site  
 371 with a link to information on how to renew, or other options to be determined);
- 372 5. Whether to allow the transfer of a domain name during the RGP..

373

374 Following the adoption of the charter, a [call for volunteers](#) was launched and a first [workshop](#) was  
 375 organised at the ICANN meeting in Sydney in June 2009. The Working Group held its first official  
 376 meeting on 28 July 2009.

377

378 Further background information on the process as well as the issues can be found in the [PEDNR](#)  
 379 [Issue Report](#) ([see http://gns0.icann.org/issues/post-expiration-recovery/report-05dec08.pdf](http://gns0.icann.org/issues/post-expiration-recovery/report-05dec08.pdf)).

380

<sup>2</sup> The term “redeem” here was used incorrectly, as it applies only to domain names recovered during the Redemption Grace Period. The WG presumed that “recover” or “renew” was intended.

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 AlanGreenberg 23/5/11 00:49  
**Comment [5]:** For important documents such as this, my preference is to also include a visible URL.  
 AlanGreenberg 23/5/11 09:19  
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 Marika Konings 23/5/11 10:17  
**Deleted:** . ... [1]

## 384 4. Approach taken by the Working Group

385

386 The Post-Expiration Domain Name Recovery Working Group started its deliberations on 28 July  
 387 2009. It was decided to continue the work primarily through weekly conference calls and e-mail  
 388 exchanges. In addition, public meetings were organised in conjunction with ICANN meetings in  
 389 Sydney and Seoul. The Working Group agreed to start working on the different charter questions in  
 390 parallel to the preparation of constituency statements and the public comment period on this topic.  
 391 In addition, the Working Group decided to conduct a Registrar Survey in order to Review current  
 392 registrar practices regarding domain name expiration, renewal, and post-expiration recovery to help  
 393 inform the deliberations. In order to facilitate the work of the constituencies, a template was  
 394 developed for responses (see Annex C).

395

### 396 4.1 Members of the PEDNR Working Group

397 The members of the Working group are:

Affiliation	Name	Meetings Attended (Total 50)	Number of surveys completed
<b>Registrar Stakeholder Group</b>			
	James Bladel	▼	2
	Graham Chynoweth	▼	1
	Mason Cole	▼	2
	Paul Diaz	▼	2
	Jeff Eckhaus	▼	2
	Sergey Gorbunov <sup>3</sup>	▼	0
	Rob Hall		0

AlanGreenberg 23/5/11 00:53

**Comment [6]:** My inclination is to list the WG members here, by category, but put the attendance table in an appendix and just point to it here. Several pages of tables here is distracting.

Format could be:

**Registrar Stakeholder Group:** James Bladel, Graham Chynoweth, Mason Cole, ...

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<sup>3</sup> Resigned from the WG on 14 December 2009

Affiliation	Name	Meetings Attended (Total 50)	Number of surveys completed
	Oliver Hope <sup>4</sup>		0
	Tatyana Khramtsova		1
	Mark Klein		0
	Helen Laverty		1
	Michele Neylon		2
	Tim Ruiz (Council Liaison)		0
	Matt Serlin		2
<b>Intellectual Property Constituency</b>			
	Steve Holsten <sup>5</sup>		0
	Michael Young		1
<b>Intellectual Property Constituency</b>			
	Berry Cobb		2
	Phil Corwin		0
	Mike O'Connor		2
	Michael Palage <sup>6</sup>		0
	Mike Rodenbaugh		2
<b>Intellectual Property Constituency</b>			
	Alaine Doolan		0

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**Deleted: Commercial and Business Users Constituency**
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- Marika Konings 23/5/11 10:18  
**Deleted: 16**

<sup>4</sup> Joined WG in July 2010

<sup>5</sup> Resigned from the WG on 14 May 2009

<sup>6</sup> Resigned from the WG on 18 March 2010



Affiliation	Name	Meetings Attended (Total 50)	Number of surveys completed
	J. Scott Evans	▼	0
	Ted Suzuki	▼	0
▼			
	Avri Doria	▼	0
	Debra Hughes <sup>7</sup>	▼	0
	Divina Meigs	▼	0
	Ron Wickersham	▼	2
▼			
	Garth Bruen	▼	0
	Olivier Crepin-Leblond <sup>8</sup>	▼	0
	Alan Greenberg	▼	2
	Dave Kissoondoyal	▼	0
	Cheryl Langdon-Orr	▼	2
	Glenn McKnight	▼	2
	Sivasubramanian Muthusamy	▼	2
<b>Governmental Advisory Committee</b>			
	Karim Attoumani	▼	0

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- Marika Konings 23/5/11 10:18  
**Deleted: 30**
- Marika Konings 23/5/11 10:18  
**Deleted: Non-Commercial User Constituency / Non-Commercial Stakeholder Group**
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**Deleted: 2**
- Marika Konings 23/5/11 10:18  
**Deleted: 3**
- Marika Konings 23/5/11 10:18  
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- Marika Konings 23/5/11 10:18  
**Deleted: 40**
- Marika Konings 23/5/11 10:18  
**Deleted: At-Large Advisory Committee / At-Large**
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- Marika Konings 23/5/11 10:18  
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422

423 Note that some members did not participate in WG meetings or teleconferences, but still submitted  
424 surveys on the issues under review.

<sup>7</sup> Joined WG in March 2010

<sup>8</sup> Joined WG in January 2011

444

445 The statements of interest of the Working Group members can be found at  
446 <http://gns0.icann.org/issues/post-expiration-recovery/soi-pednr-20july09.html>.

447

448 The email archives can be found at <http://forum.icann.org/lists/gns0-pednr-dt/>. The Working Group  
449 workspace can be found at <https://community.icann.org/display/gnsopednr/PEDNR+WG+-+Home>.

450

451 The attendance sheet can be found [\[include link\]](#).

Marika Konings 23/5/11 09:53  
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**Deleted:**

AlanGreenberg 23/5/11 00:57  
**Comment [7]:** I have highlighted all SocialText URLs in red. They still work now but I suspect they may not once SocialText is shut down in a week.

Marika Konings 23/5/11 10:37  
**Deleted:** <https://st.icann.org/post-expiration-recovery-wg>

AlanGreenberg 23/5/11 09:19  
**Formatted:** Highlight

Marika Konings 23/5/11 10:27  
**Deleted:** [here](#)

Marika Konings 23/5/11 09:53

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## 456 5. Registrar Survey

457 As instructed in its charter, the PEDNR WG started its deliberations by reviewing current registrar  
458 practices regarding domain name expiration, renewal, and post-expiration recovery. In order to  
459 gather further information, it was decided to conduct a registrar survey. Hereunder is an overview  
460 provided of the main questions and outcomes of the survey.

461

### 462 5.1 Methodology

463 The survey covers the top 10<sup>9</sup> registrars by total domains, which represents approximately 66% of  
464 domains registered. ICANN Staff reviewed information publicly available on registrar web sites in a  
465 first attempt to respond to the questions. Following that, the registrars in question were contacted  
466 to verify the information found as well as to provide input on those questions for which no publicly  
467 available information was available. Following this feedback, the survey responses were updated  
468 and anonymized. The complete registrar survey can be found [here](#).

469

### 470 5.2 Findings

- 471 ▪ **What is the registrar's practice regarding a domain name at the time of expiration when the**  
472 **registrant is silent regarding its intention to renew a domain name?**

473 All registrars that participated in the survey renew the registration on behalf of the registered  
474 name holder following expiration. As a courtesy, the Registered Name Holder at Expiration  
475 (RNHaE) should be able to reclaim its name at least for a certain period of time with most  
476 registrars, and in the majority of cases, this is what occurs. Many registrars, however, point out  
477 in the registration agreement that this is not an obligation but at the sole discretion of the  
478 registrar to provide the opportunity to recover the domain name registration.

- 479 **Does the registrar allow the domain name to auto-renew in those registries that employ that**  
480 **policy?**

481 Yes, this applies to the majority of registrars. The intended scope of the question was related to  
482 the Registry-Registrar auto-renewal ([the Auto-Renew grace Period](#)). This question was also  
483 interpreted [by some](#) as asking whether the registrar provides an auto-renewal option to the

<sup>9</sup> [Two of these registrars have a common owner and share many of their policies. In the following discussion comparing registrars, they are treated as a single entity.](#)

AlanGreenberg 23/5/11 00:59

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AlanGreenberg 23/5/11 09:19

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Marika Konings 23/5/11 09:53

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486 registrant, by which it e.g. keeps a credit card on file and will automatically attempt to renew  
487 the registration before expiration. It was found that in certain cases this is the default setting  
488 and the registrant needs to take affirmative action to switch off such a auto-renewal; in some  
489 cases this is an optional service; in one instance, the registrar does not provide an auto-renewal  
490 service for its registrants but many of its resellers do provide this feature.

AlanGreenberg 23/5/11 01:03

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491 ▪ **When and how are notices of expiration sent to the RNHaE prior to expiration? If a reseller  
492 was involved in the domain transaction, are notices sent by reseller or by registrar?**

493 Notices are generally sent by email, often to the different email addresses on file (contact  
494 handles associated with the domain). Some registrars may also notify the RNHaE via notices to  
495 their registrar account (requiring logging on to receive the message). Some registrars provide a  
496 detailed calendar of when notices are sent, others do not. One registrar indicates that direct  
497 mail notices are also sent to the mailing addresses on record. Those that provide information on  
498 when notices are sent provide the following range of when the first notice is sent prior to  
499 expiration: 90, 75, 45 and 21 days. Two registrars note that ‘as a convenience to the registrant,  
500 and not as a binding commitment’, the registrar may ‘send an email message’, but in practice  
501 these registrars send notices to their customers.

502 ▪ **When and how are notices of expiration sent to the RNHaE following expiration? If a reseller  
503 was involved in the domain transaction, are notices sent by reseller or by registrar?**

504 Several registrars confirm that notices are also sent following expiration. Those that provided  
505 specific details, note that notices are sent from 10 – 21 days after expiration. One registrar does  
506 not send notices following expiration, but the user account does contain an alert that the  
507 domain name registration has expired.

AlanGreenberg 23/5/11 01:05

**Comment [8]:** Do we want to add that this was later corrected to be compliant?

508 ▪ **Does the registrar make substantial changes to any of the underlying WHOIS data associated  
509 with the domain name in or around the time of expiration? (Note: changing status of a  
510 domain name registration e.g. to ‘pending delete’ and/or changing the expiration date are not  
511 considered substantial changes) (yes/no; if yes, when)**

512 Six registrars note that WHOIS records ‘may’ undergo changes such as replacing the RNHaE  
513 contact information with that of the registrar, although one registrar confirms it actually does  
514 not make any substantial changes even though the contract does allow for such changes. Three  
515 registrars do not make substantial changes to WHOIS data apart from changing the  
516 nameservers.

- 518   ▪ **Is the cost to the registrant to recover/renew a domain name post expiration but prior to the**  
519 **imposition of any Registry Redemption Grace Period different to that one charged for renewal**  
520 **prior to expiration? If the cost is different, does it vary or is it the same for every domain**  
521 **name at any point in time during the Auto-Renew Grace period? If so, what does this variance**  
522 **depend on (e.g. time of renewal, estimated value of the domain, cost burden of recovery for**  
523 **registrar?)**

524 Five registrars indicate that the RNHaE may renew the domain name at least for a certain period  
525 (in some cases as short as 3 days or as long as 45 days) for the normal renewal fee. In other  
526 cases an additional fee may apply, which in certain cases is the same as the fee charged for  
527 recovery of the domain name during RGP or may be unspecified.

- 528   ▪ **At what point after expiration is the DNS changed so that the domain name no longer resolves**  
529 **to the RNHaE's web site? Where does it now point to,(e.g. PPC, renewal page)?**

530 All surveyed registrars reserve the right to direct the IP address to a registrar designated page  
531 which may include notification or renewal information, in addition to pay-per-click (PPC)  
532 advertisements or other promotional information. In some cases, a web site will continue to  
533 function following expiration. In one case, the RNHaE can opt out of the display of a registrar  
534 parked page, if he or she indicates so before the expiration of the registration.

- 535   ▪ **Does the new page explicitly say that the original registration has expired and how it could be**  
536 **re-claimed?**

537 In six instances the new page will display information that the registration has expired,  
538 information on how to renew the registration or advertise the sale / auction of the registration.  
539 In two instances, it does not. This question is not applicable to the registrar that does not  
540 operate a renew grace period for the RNHaE.

- 541   ▪ **Based upon the changes made by the registrar upon expiration, what happens if email is sent**  
542 **by a third party (i.e. someone other than the reseller or registrar) to the email address (e.g.**  
543 **xx@example.com) that uses the expired domain name (e.g. www.example.com)? Does the**  
544 **email bounce, is it still delivered to the RNHaE on an alternative email address or is it**  
545 **discarded?**

546 In most cases, the email will bounce and is discarded, unless the DNS is hosted with the registrar  
547 and only the "A Record" is changed. This question is not applicable to the registrar that does not  
548 operate a renew grace period for the RNHaE, nor does it apply if the DNS nameservers are

549 hosted by the RNHaE or a third-party (e.g. hosting provider).

550 ▪ **If the RNHaE's contact e-mail used the domain name in question, does the registrar factor this**  
551 **in sending out post-expiration reminders? If so, how?**

552 No, for those registrars that sent post-expiration notices, this is not factored in.

553 ▪ **Are reminders sent from the same address the registrar normally uses for communication**  
554 **with the RNHaE (a different address might result in the email getting caught in the spam**  
555 **filter)?**

556 Five registrars confirm that all communications come from the same address. One registrar  
557 notes that it uses different 'from' addresses to identify the type of communication intended for  
558 the RNHaE. Some note that in cases where a reseller is involved, this might differ as it is up to  
559 the reseller to configure this type of communication.

560 ▪ **At what point, if any, is the expired domain name made available to others than the RNHaE**  
561 **(e.g. sale, auction, transfer to registrars or an affiliate's account).**

562 In most cases, the registrar can in theory renew or transfer the registration to the registrar or a  
563 third party immediately upon expiration. However, several registrars specify that in practice this  
564 only happens at the end of the renewal grace period provided by the registrar to the RNHaE. In  
565 certain cases, the registration may be put up for auction but only after a certain period of time,  
566 e.g. 25 days, 30 days or 35 days have passed following the expiration.

567 ▪ **If a reseller was involved in the original transaction:**

568 - **How does the RNHaE determine whether they are dealing with the reseller or the**  
569 **registrar?**

570 Many note that the reseller information shows up in the WHOIS database and the reseller  
571 serves as the first point of contact for the RNHaE. Others note that the RNHaE should be able to  
572 tell by the absence of the 'ICANN Accredited Logo' on the website. One registrar notes that it  
573 provides a reseller information retrieval tool on its website. Under the terms of the 2009 RAA,  
574 which most ICANN-accredited registrars have signed, resellers are obliged to "identify the  
575 sponsoring registrar or provide a means for identifying the sponsoring registrar" (RAA 3.12.2).

576 - **If the RNHaE is dealing with a reseller, how can the RNHaE identify the affiliated registrar?**  
577 This information is available through a WHOIS lookup.

578 - **To recover the expired domain name, can the RNHaE work with the registrar directly or**  
579 **must it work with reseller?**

580 Most note that the reseller should be the first point of contact for the RNHaE, however in the  
581 case of escalation (e.g. unresponsiveness of the reseller) the registrar will assist the RNHaE.

582 ▪ **What options are available for contacting reseller/registrar post expiration (web form, e-mail,  
583 telephone)?**

584 Most note that all pre-expiration support options (e.g. web, email, telephone) also remain  
585 available after expiration. The RAA does not require the availability any specific support  
586 methods.

587 ▪ **Under what conditions is a domain name deleted (and thus enters the RGP)?**

588 In most cases, the domain name registration only enters RGP if it has not been renewed by the  
589 RNHaE or transferred to a third party. One registrar allows for the RNHaE to notify the registrar  
590 that he or she does not want the registrar to proceed with a transfer to a third party. In this case  
591 the registration is deleted. In one case, if the registration has been canceled or the auto-renewal  
592 service is explicitly turned off, the registration will immediately enter RGP.

593 ▪ **What is the duration of the renewal grace period provided by the registrar to the RNHaE?**

594 The renewal grace period, the period following expiration during which the RNHaE can recover  
595 the domain name registration, is generally not guaranteed by registration agreements. The  
596 actual period provided by registrars to registrants varies from zero (one registrar), but most  
597 provide additional time, offering 30-42 days for the RNHaE to renew following expiration.

598 ▪ **What is the registrar's practice regarding a domain name at the time of expiration when the  
599 registrant gives explicit instructions regarding its intention NOT to renew the domain names?  
600 Indicate if same as for "no notice given" or address all of the issues in Question 1.**

601 Most registrars follow the same procedure as for "no notice given". Only in one instance, if the  
602 domain name registration has been explicitly cancelled from the registrar system, it will not be  
603 renewed and go straight to RGP.

604 ▪ **If a registrant specifically requests to delete a domain name prior to its expiration, does the  
605 registrar treat it as an expired domain name or is it treated differently?**

606 Most registrars indicate that the domain name registration is immediately deleted upon request  
607 or treated differently from an expired registration. One registrar confirms that it will treat it as  
608 an expired registration.

609 ▪ **Are the terms of the treatment of the domain name registration at the time of expiration  
610 contained in the registration agreement or in another document? Please specify the terms if**

611 **not already done so in question 1 or 2.**

612 In most cases, the terms are contained in the registration agreement. Some registrars provide  
613 additional details or information in FAQs, Help Centre or Deletion / Renewal policies. It is not  
614 always obvious where to find the relevant information. In addition, the language in the  
615 registration agreements is often too legal to be clear and often not specific (e.g. may/may not,  
616 in its sole discretion, no guarantee, can change without notice) although registrar participants  
617 on the WG pointed out the need to preserve legal protections for themselves and their  
618 registrant clients by including legally appropriate language in their agreements. In certain cases,  
619 the language in registration agreements does not seem to match actual practice, but seems to  
620 provide more of a 'safety net', in case the registrar would like to change its practices.

621 **▪ If the registrar makes substantial changes to the WHOIS data at the time of expiration is that**  
622 **practice dependent upon whether the registry charges you upon expiration or not (i.e. auto-**  
623 **renew v.s. non-auto-renew) or is the change in underlying WHOIS data the same regardless of**  
624 **the TLD?**

625 All respondents indicated that this does not have an impact.

626 **▪ Does the registrar or affiliated auction service provider provide the RNHaE the right to remove**  
627 **a name from auction / sales process?**

628 In four cases, the RNHaE can remove the domain name registration from the auction / sale by  
629 renewing the registration. One registrar confirms that if the RNHaE has notified the registrar  
630 that he/she does not want to proceed with a transfer to the third party, the domain name  
631 registration will be deleted. In two cases, the RNHaE cannot remove or recover the domain  
632 name from auction / sale. One registrar notes that once the auction process has commenced it  
633 is not customary to remove the name from auction.

634 **▪ For those registrars or affiliated auction service provider that provide auction services with**  
635 **the ability of the registrant to renew/re-register a name, what measure of registrants have**  
636 **exercised that right?**

637 Data are not available.



## 638 6. Information from ICANN Compliance Staff

639 The PEDNR WG Charter instructs the Working Group to ‘pursue the availability of further  
640 information from ICANN Compliance Staff to understand how current RAA provisions and consensus  
641 policies regarding deletion, auto-renewal, and recovery of domain names following expiration are  
642 enforced’. To facilitate this process, ICANN Compliance Staff participated in some of the initial  
643 deliberations of the Working Group and has provided the information outlined below.

644

### 645 6.1 Complaints received

646 Compliance looked into the statistics for complaints from the community concerning the transfer of  
647 domain names that have expired.

648

649 The complaints Compliance receives are largely sent to ICANN via  
650 <http://reports.internic.net/cgi/registrars/problem-report.cgi>, which can be accessed on ICANN’s  
651 website. From them, Compliance compiles statistics, which also take into account phone calls  
652 handled by the front desk at ICANN’s offices in Marina del Rey, CA.

653

654 It is important to highlight that the complaints and categories they are filed under are self-reported;  
655 Compliance plays a limited role in their classification. More specifically, compliance staff reads a  
656 complaint, re-categorizes it (if needed), and then forwards it to the relevant party for resolution.  
657 That being said, in some instances the complainant may erroneously categorize his or her concern  
658 and may emphasize an actor (registrar), a concept (registrar service), a specific problem (redemption  
659 or domain name transfer), etc., and the text accompanying the complaint may not provide the full  
660 details of the case to warrant a reclassification. By reading into the complaints face value (i.e.,  
661 defined as the category under which they are filed and the extent to which they go unmodified  
662 during Compliance’s initial review), the statistics may not fully capture what the problem actually is.  
663 Simply stated, since complaints raised by registrants involving post expiration domain name  
664 recovery issues could be filed under several different categories and still be “accurate,” it is  
665 challenging to quantify the prevalence of the problem; the narrower the approach taken to read  
666 into the statistics, the smaller the problem appears to be within the larger number of complaints we  
667 receive.

668

669 As of July 31, 2009, the Compliance team received the following complaints in 2009:

Possible Compliance Issues (thru July 31, 2009)	
Transfer Problems	1642
Replies	3
Whois	814
Registrar Service	417
UDRP	267
Contact Update	111
CCTLD	290
RIR PEN	2
Website Content	250
DN Dispute	982
Reseller Provider	271
Ownership Transfer	173
Redemption	73
Name Password	46
CPanel	65
Spam Abuse	371
Domain Renewal	355
Financial Transaction	101
GTLD	136
Other	894
<b>Total</b>	<b>7263</b>

670

671

672 A further breakdown of the “transfer problems” category in the complaint statistics is not done and  
 673 the system used for complaint intake does not allow for this. However, a search within the text  
 674 submitted with each complaint using the terms “expired” and/or “redemption” revealed that of the  
 675 1642 transfer problems reported so far, 644 complainants used these terms to describe their  
 676 problem. Notice, however, that “redemption” and “domain renewal” are also a stand-alone  
 677 categories (that the complainants chose not to use to file under). This offers some insight on  
 678 possible misunderstandings the community faces when it comes to filing complaints and knowing  
 679 which category would be more accurate to file under.

680

## 681 6.2 Expired Domain Deletion Policy Audits

### 682 Deletion and Renewal Consensus Policy Audit

683 ICANN’s compliance team carried out a deletion and renewal consensus policy audit in relation to  
 684 the Expired Domain Deletion Consensus Policy early in 2009. The expired domain deletion policy

AlanGreenberg 23/5/11 01:08

**Comment [10]:** I suggest that we replace this fuzzy table with a real one. I will send Marika a copy that I have.

AlanGreenberg 23/5/11 01:12

**Comment [11]:** It may not be obvious from this discussion that the form requires that the submitter select just ONE category of problem, resulting in different users variously categorizing the most important aspect. Perhaps A footnote or parenthetical say that the form allows only one selection.

685 states that, "At the conclusion of the registration period, failure by or on behalf of the Registered  
686 Name Holder to consent that the registration be renewed within the time specified in a second  
687 notice or reminder shall, in the absence of extenuating circumstances, result in cancellation of the  
688 registration by the end of the auto-renew grace period (although Registrar may choose to cancel the  
689 name earlier). Among other requirements, the registrar must provide notice to each new registrant  
690 describing the details of their deletion and auto-renewal policy including the expected time at which  
691 a non-renewed domain name would be deleted relative to the domain's expiration date, or a date  
692 range not to exceed ten days in length. If a registrar makes any material changes to its deletion  
693 policy during the period of the registration agreement, it must make at least the same effort to  
694 inform the registrant of the changes as it would to inform the registrant of other material changes to  
695 the registration agreement."

696

697 As part of the audit, ICANN's Compliance Staff found that a majority of ICANN-accredited registrars  
698 provide a notice on the Deletion and Removal Policy to registrants on their website. Over 82% of  
699 ICANN-accredited registrars actively selling domain names have information posted on their  
700 websites that explains what happens if registrants fail to renew their domain registration after a  
701 specified amount of time. In most cases, this information was found in the legal notices section or  
702 the registration agreement documents posted on registrars' websites. ICANN sent notices to  
703 registrars that did not appear to have a statement disclosing their Deletion and Removal Policy  
704 posted on their website allowing them to clarify the reasons for this and providing them five  
705 business days to post this information. ICANN followed up with registrars that were not compliant  
706 with the requirement to provide information to registered name holders about the registrar's  
707 deletion and renewal policy. To further clarify the intent of the EDDP for two noncompliant  
708 registrars, Staff sent a copy of the EDDP, along with the Advisory concerning the requirement to  
709 post fees for expired domain names, to the two registrars for rapid implementation and posting.  
710 Staff planned to review these registrars websites in early January 2010 to see if the content has  
711 been modified, based on the additional guidance, and will pursue enforcement action if required.

712

#### 713 Fees for Recovering Domains in Redemption Grace Period (RGP) Audit

714 ICANN Compliance recently completed an audit of all ICANN-accredited registrar websites to  
715 establish if they were compliant with the Expired Domain Deletion Policy as it relates to fees

**Comment [12]:** Since presumably this has already happened, the report should be updated to state the final results.

Marika Konings 23/5/11 09:53  
**Deleted: Proposed**

716 charged to registered name holders for recovering domain names that have entered the  
717 Redemption Grace Period (RGP) (please refer to section 3.7.5.6 of the EDDP). A majority of  
718 registrars- close to 500 of them- posted information on their websites in relation to recovering  
719 domain names that are in RGP which either did not mention fees or mentioned them but did not  
720 specify any amount (e.g., “fees will apply”).

721  
722 The EDDP requires registrars to post on their website the actual fees charged to registered name  
723 holders for recovering domain names that are in RGP. As a result, the ICANN Compliance Team has  
724 posted [an advisory](#) to clarify this requirement.

725  
726 Since ICANN does not have any contractual agreements with Resellers, the ICANN Compliance Team  
727 does not perform any audits on Resellers.

AlanGreenberg 23/5/11 01:16  
**Comment [13]:** If there was a follow-up review to see if compliance was better, should state so.

AlanGreenberg 23/5/11 01:15  
**Comment [14]:** I have a strong preference to delete the first phrase. What is left is a statement of fact. The first part is viewed by some as a spurious reason to do NO audits, even random ones (not requiring a detailed list of resellers) or direct access to those resellers).

## 728 7. Deliberations of the Working Group

729

730 This chapter provides an overview of the deliberations of the Working Group conducted both by  
731 conference calls as well as e-mail threads. The points below are just considerations to be seen as  
732 background information and do not necessarily constitute any suggestions or recommendations by  
733 the Working Group.

734

735 In addition to the specific charter questions, the PEDNR WG spent a substantial time debating the  
736 scope of the issues, especially in relation to the role of resellers, and whether actual evidence of  
737 harm exists which would assist in quantifying the issues and identify what changes, if any, would  
738 need to be made in order to address these issues. It was noted that all RAA provisions applicable to  
739 Registrars dealing with registrar- registrant interactions must be carried out by a registrar. If a  
740 registrar chooses to use a reseller, the registrar nevertheless remains responsible for its obligations  
741 under the RAA. In addition, the WG debated what 'adequate', 'clear' and 'conspicuous' mean or  
742 should mean in this context. It was noted that an interpretation or definition of the term 'adequate'  
743 could also have implications for other provisions of the EDDP in which this term is used. In order to  
744 facilitate discussions and nomenclature, the PEDNR WG introduced the term 'Registered Name  
745 Holder at Expiration' (RNHaE) to distinguish between the person or entity that is listed in WHOIS as  
746 the Registered Name Holder at the time of expiration and the person or entity that is listed in  
747 WHOIS as the Registered Name Holder following expiration (many registration agreements allow the  
748 Registrar to alter the WHOIS data to indicate that the Registrar itself, an affiliate, or a third party is  
749 the registrant at this time).

750

### 751 **7.1 Charter Question 1: Whether adequate opportunity exists for registrants to** 752 **redeem their expired domain names**

- 753     ▪ It was pointed out that no evidence was provided that demonstrates that there are  
754 registrars that do not provide registrants with an opportunity to recover their domain name  
755 registration following expiration. Some argued that 'opportunity' does not equate 'adequate  
756 opportunity'.
- 757     ▪ On discussion of the possibility of a mandatory Renewal Grace Period, some pointed out

Marika Konings 23/5/11 09:53

**Deleted:** Proposed

758 that that would result in telling registrars how to manage their finances, as they would be  
 759 automatically charged following expiration upon renewal with the registry. In the current  
 760 situation, the registrar is generally immediately charged by the registry for the auto-renewal  
 761 following expiration; those costs are recovered from the registrant if it renews the  
 762 registration or reimbursed if the registration is deleted during the Auto-Renew Grace Period.  
 763 Some suggested that an option would be to review this practice and explore whether the  
 764 registry could absorb the costs, or whether another model could be explored. Others  
 765 suggested that for registrars that do not delete the name early, a renewal grace period  
 766 should always be offered to registrants.

AlanGreenberg 23/5/11 01:37

**Comment [15]:** In light of the RySG comment, we may want to change more, but at least this should be corrected.

AlanGreenberg 23/5/11 01:36

**Deleted:** redeems

## 7.2 Charter Question 2: Whether expiration-related provisions in typical registration agreements are clear and conspicuous enough

- 770 ▪ Some argued that many expiration-related provisions in registration agreements are not  
 771 clear and conspicuous as these are contracts and written for a legal purpose, not necessarily  
 772 with clarity or enhanced consumer understanding in mind. Some note that there was no  
 773 evidence that the use of legally appropriate language contributed to the unintentional loss  
 774 of domain names, nor were the potential consequences of using legally ambiguous language  
 775 explored. It was also noted that some of the provisions in registration agreements were not  
 776 actually practiced, but included as a means to legally protect registrar discretion when  
 777 addressing unforeseen scenarios. Nevertheless, some felt that consumers would benefit  
 778 from a predictable and transparent way in which expired domain name registrations are  
 779 dealt with. Some suggested that a base line set of expectations should be developed so that  
 780 registrants know what to expect as a minimum.
- 781 ▪ Most agreed that additional education and information to registrants should be explored in  
 782 order to enhance understanding of current practices and provisions in registration  
 783 agreements relating to expiration and recovery.
- 784 ▪ Some suggested that a central repository or document should be developed in which  
 785 renewal and expiration related information from the different registrars would be held,  
 786 which would be complimentary to the Registrant's Rights and Responsibilities charter which  
 787 is currently under development.
- 788 ▪ Instead of trying to define "clear and conspicuous", some suggested that it might be easier

AlanGreenberg 23/5/11 01:38

**Comment [16]:** Was there anyone who disagreed. If not, we should change Most to All.

790 to define the opposite; what is considered unclear and obfuscated.

791

792 **7.3 Charter Question 3: Whether adequate notice exists to alert registrants of**  
793 **upcoming expirations**

- 794 ■ Many pointed out that the current display of WHOIS information is confusing as upon auto-  
795 renewal by the registry, as the expiration date displayed will be one year from the actual  
796 expiration date while the registrant actually has not yet paid for the renewal. Upon viewing  
797 this information, the registrant might think that the domain name registration has been  
798 renewed. Some also noted that the format in which dates are displayed (MM/DD/YYYY) can  
799 be confusing for non-US registrants where other formats might be used (e.g. DD/MM/YYYY).  
800 It was also pointed out in the public comment period that WHOIS records do not indicate  
801 whether a registrant has requested a deletion of a domain name, which might mean that a  
802 complainant in a UDRP proceeding would not be able to exercise its rights under paragraph  
803 3.7.5.7 of the EDDP.
- 804 ■ There was unanimous support within the Working Group that the lack of a clear indication in  
805 WHOIS that the registrant has not yet renewed, even the expiration date has been advanced  
806 by one year by the Registry's Auto-renew Grace Period to the Registrar is major point of  
807 confusion. However the Working Group felt that it was beyond its capabilities to address  
808 exactly how this should be fixed.
- 809 ■ Many pointed out that first and foremost it is the responsibility of a registrant to renew  
810 their domain name registration prior to expiration and ensure that their contact information  
811 is up to date with the registrar so that notices and reminders are being received. It was  
812 pointed out that most registrars make every effort to ensure that reminders and  
813 notifications are sent out in due time to allow for timely renewal.
- 814 ■ The WG discussed the current provision in the EDDP, which only mentions 'a second notice  
815 or reminder' and debated whether further details should be provided on when and how  
816 those notices are sent to registrants. It was pointed out that in practice many registrars send  
817 well in excess of two notices, with some providing exact details to registrants on when  
818 notices are being sent prior to and after expiration.
- 819 ■ The WG also discussed whether the registry should be required to send a notice to the  
820 registrant prior to expiration, but it was pointed out that in order to do so it would need

821 access to registrant contact information, which is not available in so-called ‘thin’<sup>10</sup> registries.  
822 ▪ The WG reviewed data from the Nominet [Domain Name Industry Report 2009](#), which found  
823 that of those people renewing their .uk domain name registration, 60% renew due to a  
824 reminder from their registrar, 25% believe their domain names renew automatically and  
825 7.3% renewed after receiving reminders from Nominet. At expiration, .uk domains enter  
826 their equivalent of the RGP wherein the domain ceases to function and Nominet attempts to  
827 send notices to the registrant. Of course, the experiences and business practices of a ccTLD  
828 are not directly applicable to the gTLDs managed by ICANN.

829

830 **7.4 Charter Question 4: Whether additional measures need to be implemented to**  
831 **indicate that once a domain name enters the Auto-Renew Grace Period, it has**  
832 **expired (e.g., hold status, a notice on the site with a link to information on how to**  
833 **renew, or other options to be determined)**

834 ▪ The WG discussed potential options in further detail in the context of the WG survey (see  
835 section 8).

836

837 **7.5 Charter Question 5: Whether to allow the transfer of a domain name during the**  
838 **RGP.**

839 ▪ In the context of this discussion, the issue was raised that with the current practice of  
840 changing the WHOIS details upon expiration, the RNHaE might not even be able to transfer  
841 the domain name registration during the Auto-Renew Grace Period as he or she is no longer  
842 listed as the registered name holder, which would make charter question 5 a moot question.  
843 ▪ Some argued that if transfer during the RGP is not allowed, then if the sponsoring registrar  
844 does not offer the voluntary RGP, the registrant cannot recover a domain during the RGP.  
845 This problem is eliminated if the RGP were to be made mandatory for all registrars who  
846 offer domains from registries that support the RGP.  
847 ▪ Registrar participants on the WG expressed the concern that allowing transfers during RGP  
848 would merge two procedures that are targets for abuse, and the challenge of verifying the

---

<sup>10</sup> A thin Whois output includes only a minimum set of data elements sufficient to identify the sponsoring registrar, the status of the registration, and the creation and expiration dates of each registration.



849 identity of the RNHaE by the new registrar. The unintended consequences of allowing  
850 transfer during RGP could lead to unforeseen vulnerabilities.

851

852 Following the review of the public comments (see Chapter 9), the WG continued its deliberations

853 taking into account the public comments received as well as the results of the WG survey (see

854 Chapter 8). On this basis, an initial list of agreed upon principles was drawn up (see [here](#)) from

855 which the proposed recommendations that were included in the proposed Final Report were

856 derived. Following the review of the public comments received on the proposed Final Report and

857 continued deliberations, the WG has now finalized its recommendations for submission to the GNSO

858 Council (see Chapter 10).

859

860

Marika Konings 23/5/11 09:53

**Deleted:** Proposed

Unknown

**Field Code Changed**

Marika Konings 23/5/11 10:58

**Deleted:** (see Chapter 10) have been

## 8. PEDNR WG Survey & Potential Options for Consideration [Consider moving to Annex]

In order to assess the views of the WG members and determine where there might be agreement or consensus on a possible approach forward, a survey was conducted in preparation for the Initial Report amongst the WG membership. Based on the initial results, a drafting team (a subset of the WG) was convened to refine the survey, including a selection of possible remedies. This section describes the refined survey, the options considered, and the poll results.

Where useful, a capsule summary of the initial survey responses are included.

Among the options are suggestions for registrar “best practices”. These could simply be published for the benefit of registrars, or they could be formulated into a voluntary set of standards that registrars could follow (and publicize that they follow them).

Following each question, there is a link to the applicable PDP Charter question in square brackets.

The following WG members participated in the second survey of which the results are displayed below. In summary, the reply distribution was: Registrars: 8, At-Large: 4; Business Constituency: 3, NCSG: 1, Registries: 1.

	Name / Affiliation
1	Mikey O'Connor, CBUC
2	Helen Lavery, RC DotAlliance
3	Berry Cobb, CBUC
4	Cheryl Langdon-Orr, ALAC
5	Alan Greenberg, ALAC
6	Ron Wickersham, NCUC
7	Michele Neylon, Registrar
8	Glenn McKnight, FBSC
9	Paul Diaz, Network Solutions
10	Matt Serlin, MarkMonitor
11	Jeffrey Eckhaus, eNom

12	Mason Cole, Oversee.net
13	Sivasubramanian M, isoc india Chennai (ALS), Apralo, At-Large
14	Mike Rodenbaugh, Rodenbaugh Law
15	Michael Young, Afiliis
16	Gray Chynoweth, Dyn Inc.
17	James Bladel, GoDaddy.com / Registrar Stakeholder Group / GNSO

884

885 **1 Overarching Issue**

886

887 **1. Should the RNHaE have the ability to recover his/her domain name registration following expiration for a certain amount of time? [Charter Question 1]**

889 Issue: Although many registrars do provide the RNHaE the opportunity to recover the  
 890 expired domain name registration following expiration, there is no obligation to do  
 891 so. This question asks whether the RNHaE should have this ability with every  
 892 registrar, at least for a certain amount of time.

893 Currently a registrar is allowed to delete an expired domain prior to the expiration  
 894 of the 45 day auto-renew grace period. Any policy requirement to offer renewal  
 895 post-expiration must address this situation.

896 In the first version of this survey, the WG reached unanimous consensus that the  
 897 RNHaE should have the ability to recover his/her domain name registration  
 898 following expiration for at least a certain amount of time.

899 WG response:

Options (select one)	Number of responses	Percentage
Change the Expired Domain Deletion Policy (EDDP) so that it incorporates the ability for every RNHaE to recover his/her domain name following expiration for at least a certain amount of time.	8	47%
Adopt a best practice recommendation that encourages registrars to provide the opportunity for every RNHaE to recover his/her domain name following expiration for at least a certain amount of time.	8	47%

AlanGreenberg 23/5/11 01:42

**Comment [17]:** The section is SO long....

Unless it violates some ICANN style guide, my inclination would be to use single spacing for text within the survey tables. And perhaps the Issue description as well.

Status quo – do not recommend any changes	1	6%
Total	17	100%

900

901 **2. What should this minimum timeframe be during which the RNHaE has the ability to recover**  
 902 **the domain name registration? [Charter Question 1]**

903 Issue: Currently the timeframe during which the RNHaE can recover his/her domain name  
 904 registration varies widely. Linked to the previous question, this question aims to  
 905 assess what the minimum timeframe across all registrars should be during which the  
 906 RNHaE has the ability to recover his/her domain name registration following  
 907 expiration. In a survey of the 9 largest registrars, 1 currently provides 30 days, 3  
 908 provide 35 days, 4 provide 40 or more days, and 1 has a business model where all  
 909 domains automatically renew unless explicitly deleted by the registrant.  
 910 Any policy change should consider the current ability of a registrar to delete the  
 911 name during the 45 day EDDP period and the ability of a RNHaE to explicitly request  
 912 the deletion of a name.

913 WG Response:

Options (Option a = Change the Expired Domain Deletion Policy (EDDP) so that it incorporates the minimum timeframe during which the RNHaE has the ability to recover the domain registration for: Option b = Adopt a best practice recommendation that encourages registrars to provide the opportunity for every RNHaE to recover his/her domain name following expiration for at least:)	Number of responses	Percentage

Option a with less than 29 days	2	12%
Option a with 30 to 39 days	3	18%
Option a with 40 days or more	3	18%
Option b with less than 29 days	3	18%
Option b with 30 to 39 days	5	29%
Option b with 40 days or more	0	0%
c) Maintain status quo – do not recommend any changes	1	6%
Total	17	100%

914

915 **2 Period Prior to Expiration**

916 **3. The current provisions in the RAA only make reference of a second notice – “3.7.5 At the**  
 917 **conclusion of the registration period, failure by or on behalf of the Registered Name Holder**  
 918 **to consent that the registration be renewed within the time specified in a second notice or**  
 919 **reminder shall, in the absence of extenuating circumstances, result in cancellation of the**  
 920 **registration by the end of the auto-renew grace period (although Registrar may choose to**  
 921 **cancel the name earlier).” Is this provision sufficiently clear? [Charter Question 3]**

922 Issue: As noted in the question, the relevant RAA provision only makes reference to a  
 923 second notice, which by implication seems to mean that there has to be a first  
 924 notice which is not specifically mentioned. There is no directive as to when the  
 925 notices should be sent, other than the implication that they be sent at some time  
 926 prior to expiration. However, many registrars do provide multiple notices before  
 927 and after expiration. (Note, later questions addresses the issue of timing of notices  
 928 and post-expiration notices).

929 Any policy change should consider conditions (such as deletion of the name) that  
 930 remove the need for notices.

931 In the first version of this survey, the WG expressed strong support (67%) for the  
 932 view that this provision is not sufficiently clear. A majority (60%) agreed that a  
 933 minimum of two notices is sufficient (in one case with the proviso that the timing  
 934 was adequate).

935 WG Response:

Options (select one)	Number of responses	Percentage
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a) Revise the language in provision 3.7.5 or elsewhere in the RAA to clarify this provision and explicitly say that at least 2 notices are required to be sent prior to expiration.	13	76%
b) Revise the language in provision 3.7.5 or elsewhere in the RAA to clarify this provision and explicitly say that at least 3 notices are required to be sent prior to expiration	1	6%
c) Revise the language in provision 3.7.5 or elsewhere in the RAA to clarify this provision and explicitly say that at least 4 notices are required to be sent prior to expiration	0	0%
d) Revise the language in provision 3.7.5 or elsewhere in the RAA to clarify this provision and explicitly say that at least 5 notices are required to be sent prior to expiration	0	0%
e) Maintain status quo - keep the language of the RAA as is with no explicit mention of a requirement to send pre-expiration notices.	3	18%
Total	17	100%

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937

**4. Should further details be provided on when these notices are sent? If yes, what further details would facilitate transparency and information, while at the same time not restricting registrars from taking additional measures to alert registrants? [Charter Question 3]**

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Issue: Provision 3.7.5. does not provide any details as to when pre-expiration notices are sent. Should further details be provided with a view to provide predictability for registrants? Of issue is to ensure that the notices are not so far in advance of expiration that they do not seem relevant, but not so close to expiration to make taking remedial action impractical or impossible.

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1st Response: A small majority (53%) agreed that further details should be provided.

945

946

WG response:

Options (select one)	Number of responses	Percentage
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At a minimum, one message must be sent one month (+ one week) prior to expiration and one message must be sent one week (+ three calendar days) prior to expiration.	12	71%
Maintain status quo – no changes required to the RAA.	5	29%
The RAA should specify the timing of the required messages, and the timing should be	0	0%
Total	17	100%

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**5. Should further details be provided on how these notices are sent? If yes, what further details would facilitate transparency and communications, while at the same time not restricting registrars from taking additional measures to alert registrants? [Charter Question 3]**

Issue: Provision 3.7.5. does not provide any details as to how pre-expiration notices are sent. Although there is often a presumption that the (or a) prime method of notification will be e-mail, there is no explicit statement of this, or any other communications method. Should further details be provided with a view to provide predictability for registrants? Of issue is to attempt to ensure that notices are received by the registrant, but not to restrict registrars and not to overly control what might otherwise be business model differentiators.

WG Response:

Options (select all that apply)	Number of responses	Percentage
Recommend that the RAA be amended to: use a specific method of communications [Specify in the comment box below]	2	12%
Recommend that the RAA be amended to: State clearly in the registration agreement and (for web-based registrations / renewals) on the web site exactly what communications method(s) will be used.	7	41%

Recommend that the RAA be amended to: Define the billing contact as the entity which, along with the registrant, should receive these notices	5	29%
Recommend that the RAA be amended to: Registrar accounts can notify of impending expirations in their control website	2	12%
Recommend that the RAA be amended to: Should be required to issue a warning for any contact addresses that use the domain in question (both at initial registration and when WHOIS data is changed). This will remind registrants that if "domain.tld" has expired, mail to "user@domain.tld" will not be delivered.	6	35%
Recommend that the RAA be amended to: Must advise Registrant to include at least one fax number	1	6%
Recommend that the RAA be amended to: Use at least two mechanisms for contact (i.e. both email and phone, or email and letter)	4	24%
Recommend that the RAA be amended to: Should allow alternate email addresses and telephone numbers for specific contacts in WHOIS	3	18%
None of the above	6	35%
Recommends that documentation encourage that registrars: Use a specific method of communications [Specify in the comment box below]	3	18%
Recommends that documentation encourage that registrars: State clearly in the registration agreement and (for web-based registrations / renewals) on the web site exactly what communications method(s) will be used.	8	47%
Recommends that documentation encourage that registrars: Define the billing contact as the entity which,	3	18%



along with the registrant, should receive these notices		
Recommends that documentation encourage that registrars: Registrar accounts can notify of impending expirations in their control website	4	24%
Recommends that documentation encourage that registrars: Should only accept WHOIS data that includes at least one contact used for expiration notifications with an address other than the domain in question (that is, if "domain.tld" has expired, at least one of the contact addresses must not be user@domain.tld").	3	18%
Recommends that documentation encourage that registrars: Should be required to issue a warning for any contact addresses that use the domain in question (both at initial registration and when WHOIS data is changed)	4	24%
Recommends that documentation encourage that registrars: Must advise Registrant to include at least one fax number	1	6%
Recommends that documentation encourage that registrars: Use at least two mechanisms for contact (i.e. both email and phone, or email and letter)	3	18%
Recommends that documentation encourage that registrars: Should allow alternate email addresses and telephone numbers for specific contacts in WHOIS	4	24%
None of the above	3	18%

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963

- 6. Should additional measures be implemented to ensure that registrants are aware that if their contact information is not up to date, they most likely will not receive notices / reminders? If 'yes', what kind of measures should be explored? [Charter Question 3]**

964 Issue: If registrants contact information is not up to date or otherwise not functional, pre-  
 965 and post-expiration notices will not be received. It is the responsibility of a  
 966 registrant to ensure that their contact information is up to date with the registrar so  
 967 that notices and reminders are being received.

968 WG response:

Options (select all that apply)	Number of responses	Percentage
a1) Recommend the implementation of additional measures to ensure that registrants are aware that if their contact information is not up to date, they most likely will not receive notices / reminders. Such notifications should occur at the time of domain registration, and domain renewal. For web-based access, require positive acknowledgement from registrant that inaccurate or insufficient contact information could lead to loss of domain at expiration time.	5	29%
a2) Recommend the implementation of additional measures to ensure that registrants are aware that if their contact information is not up to date, they most likely will not receive notices / reminders. Such notifications should occur at the time of domain registration, and domain renewal. For web-based access, Registrar must link to ICANN tutorial of importance of accurate contact information.	4	24%
None of the above	3	18%
b1) Recommend a best practice encouraging registrars to implement additional measures to ensure that registrants are aware that if their contact information is not up to date, they most likely will not receive notices / reminders. For web-based access, require positive acknowledgement from registrant that inaccurate or insufficient contact information could lead to loss of domain at expiration time.	8	47%

b2) Recommend a best practice encouraging registrars to implement additional measures to ensure that registrants are aware that if their contact information is not up to date, they most likely will not receive notices / reminders. For web-based access, Registrar must link to ICANN tutorial of importance of accurate contact information.	5	29%
None of the above.	2	12%
c) Recommend that no additional measures are needed	1	6%

969

970 **3 Post-Expiration**

971 The first survey included the question: *Should additional measures be implemented to indicate that*  
 972 *once a domain name registration passes its expiration date, it is clear that it has expired?* [Charter  
 973 *Question 4].*

974

975 There was strong support (60%) for implementing additional measures to ensure the possibility that  
 976 a RNHaE is aware of the expiration.

977 Although many registrars do use additional measures to indicate a domain name registration enters  
 978 the Auto-Renew Grace Period, such as a notice on the web-site, there are no required measures or  
 979 best practices on what should happen once a domain name registration enters the Auto-Renew  
 980 Grace Period.

981

982 The following questions explore such additional measures.

983

984 **7. Should WHOIS status messages related to expiration be clarified / changed to avoid**  
 985 **confusion over when a domain name registration expires / has been renewed by the**  
 986 **registry? [Charter Question 3]**

987 Issue: The current display of WHOIS information is confusing as upon auto-renewal by the  
 988 registry, the expiration date displayed will be one year from the actual expiration  
 989 date, while the registrant actually has not yet paid for the renewal. Upon viewing  
 990 this information, the registrant might mistakenly think that the domain name

991 registration has been renewed. The confusion arises because there are two  
 992 “expiration” relationships: that between the registry and registrar, and that  
 993 between the registrar and registrant. Note: it is understood that this may require  
 994 changes to the Registrar:Registry EPP (Extensible Provisioning Protocol).  
 995 In the first version of this survey, there was rough consensus (73%) that WHOIS  
 996 status messages related to expiration should be clarified.

997 WG response:

Options (select one)	Number of responses	Percentage
a) Recommend that WHOIS status messages related to expiration be clarified to avoid confusion over when a domain name registration expires.	15	88%
b) Status quo – do not recommend any changes	2	12%
Total	17	100%

998

999 **8. Are notices post-expiration required? [Charter Question 3]**

1000 Issue: Although many registrars do send notices post-expiration, there is no requirement  
 1001 to do so. There was some question in the mind of some WG members whether a  
 1002 registrar has any responsibilities to take such actions after expiration as the contract  
 1003 with the registrant has expired. In addition, some pointed out the technical  
 1004 challenges of communication post-expiration if all applicable e-mail contacts use the  
 1005 domain that has expired.

1006 WG response:

Options (select one)	Number of responses	Percentage
a1) In cases where there is an opportunity for the RNHaE to renew a domain post-expiration, require post-expiration notice(s). Such notice must include details of how the name can be recovered including the applicable time-constraints. At least 1 post-expiration reminder	3	18%

a2) In cases where there is an opportunity for the RNHaE to renew a domain post-expiration, require post-expiration notice(s). Such notice must include details of how the name can be recovered including the applicable time-constraints. At least 2 post-expiration reminders	4	24%
b) Recommend the sending of post-expiration notices as a best practice.	6	35%
c) Status quo – do not recommend any changes.	4	24%
Total	17	100%

1007

1008 **9. How should an HTTP (port 80) request using the expired domain name resolve? [Charter**  
 1009 **Question 4]**

1010 Issue: Currently there is no guidance or requirement as to what happens when a web  
 1011 query is sent to a URL within an expired but still recoverable domain. The options  
 1012 may include

- 1013 - It appears to work just as it did prior to expiration (it may direct to the  
 1014 original site, or may be transparently re-directed by the registrar.
- 1015 - DNS does not have an IP address for the domain
- 1016 - There is an address, but it does not respond
- 1017 - A page provided by the registrar (or associated party) comes up. This page  
 1018 may or may not be monetized, and it may or may not include a message  
 1019 indicating that it is an expired domain. If an expired domain is indicated, it  
 1020 may or may not include instructions on how the RNHaE can recover the  
 1021 domain, or the time constraints involved.

1022 Some registrars start with one option and then change to another after a specific  
 1023 period of time. Many large registrars use one of the methods to disable web site  
 1024 functionality at some point during the post-expiration process.

1025 Some people advocate having the domain continue to work as a courtesy to the  
 1026 RNHaE, allowing them to continue having the functionality of the name despite its  
 1027 expiration. Others argue that some form of “not working” is the optimal way to

1028 attract the attention of the RNHaE. Others point out that making services “go dark”  
 1029 presents liability risk to registrars, and could further confuse registrants.  
 1030 In the first version of this survey, there was a general consensus that stopping the  
 1031 functioning of a web site was the best way to get the RNHaE’s attention.  
 1032 Any policy change should consider exemptions for situations where the registrar is  
 1033 in active bi-directional contact with the RNHaE and resolution of the issue is being  
 1034 discussed.

1035 WG Response:

Options (select one)	Number of responses	Percentage
a) Recommend that URLs using the expired domain (and all subdomains) must not be allowed to resolve (directly or indirectly) to the original IP after expiration within several days after expiration (any such policy must consider defining "several days" more explicitly)	6	35%
b) Recommend that it be a best practice that URLs using the expired domain (and all subdomains) should not be allowed to resolve (directly or indirectly) to the original IP after expiration within several days after expiration	6	35%
c) Maintain status quo - domains are allowed to resolve (directly or indirectly) to the original IP after expiration	5	29%
Total	17	100%

1036

1037 **10. How should e-mail directed at an address within the expired domain behave after**  
 1038 **expiration [Charter Question 4]**

1039 Issue: Currently there is no requirement or standard practice on what should happen with  
 1040 e-mail addressed to an e-mail address in an expired domain. Some argue that if e-  
 1041 mail is delivered as usual, the registrant might not be aware that the domain name  
 1042 registration has expired particularly for domains that are used exclusively for e-mail.  
 1043 Others argue that e-mail is a critical resource and should not be disabled if at all  
 1044 possible.

1045 There is a also an issue of privacy, if personal e-mail may be intercepted by those  
 1046 other than the intended recipient. Ultimately, if the domain is acquired by someone  
 1047 else, it would be technically possible to intercept such e-mail.  
 1048 Lastly, there is an RFC which specifies that mail should not just disappear, but rather  
 1049 be bounced, but that could lead to the possibility of spam-related problems.  
 1050 Current registrar practice varies by registrar and may also depend on whether a  
 1051 registrar-controlled DNS is used by the RNHaE.  
 1052 In the first version of this survey, the responses were quite diverse, because the  
 1053 original question provided possible answers that were very attractive, but may not  
 1054 be technically feasible (such as redirecting all mail to an RNHaE-specified address).

1055 WG response:

1056

Options (select one)	Number of responses	Percentage
a) Require that within several days of expiration, e-mail destined for an address within the expired domain be either ignored (times out, be received and discarded) or bounced. (Any such policy must consider defining "several days" more explicitly)	7	44%
b) Recommend that as a best practice e-mail destined for an address within the expired domain be either ignored (times out, be received and discarded) or bounced.	1	6%
c) Maintain status quo – leave it at the discretion of the registrar to decide what happens with e-mail addressed to an e-mail address in an expired domain.	8	50%
Total	16	100%

1057

1058 **11. What should happen with non-web, non-e-mail services post expiration (i.e. should ICANN**  
 1059 **specify what happens to ALL IP ports, or just those specific to web and e-mail services)?**

1060 **[Charter Question 4]**

1061 Issue: Web access and e-mail are just two specific services using the Internet  
 1062 infrastructure. A domain name can be used for any service (including machine-to-  
 1063 machine protocols with no human intervention). Currently there are no  
 1064 requirements or recommendations as to what should happen to these services post  
 1065 expiration. Therefore, they could either continue to work, or could stop, depending  
 1066 on how the registrar alters the registration after expiration. Just as with the web and  
 1067 e-mail, some argue that ceasing to function is the optimal way to catch the RNHaE's  
 1068 attention after expiration.

1069 WG response:

Options (select one)	Number of responses	Percentage
a) Recommend that all services must cease functioning as they did pre-expiration within several days of expiration. (Any such policy must consider defining "several days" more explicitly)	5	31%
b) Recommend a best practice that all services should cease functioning as they did pre-expiration within several days of expiration.	4	25%
c) Maintain status quo – no need for any specification.	7	44%
Total	16	100%

1070

1071 **12. Should a RNHaE have the ability to request an Inter-Registrar Transfer after expiration?**

1072 Issue: Current policy allows Inter-Registrar transfers after expiration but before deletion. A  
 1073 losing registrar cannot refuse such a transfer except in the limited circumstances  
 1074 specifically enumerated by the Transfer Policy (such as non-payment for the  
 1075 PREVIOUS year or UDRP action). See  
 1076 <http://www.icann.org/en/announcements/advisory-03apr08.htm> for further  
 1077 details.  
 1078 However, situations can exist where the RNHaE can not make the request for such  
 1079 transfer. Specifically: the RNHaE can not obtain the AuthInfo code required to  
 1080 request the transfer from the Gaining Registrar; the domain is "locked" by the



1081 Registrar of Record disallowing transfer and the RNHaE has no access to request  
 1082 that it be unlocked; or the WHOIS data has been changed by the Registrar of Record  
 1083 (often allowed by registration agreements) so that the RNHaE cannot prove that  
 1084 they are the current registrant to the Gaining Registrar or Registry.

1085 WG response:

Options (select one)	Number of responses	Percentage
a) Recommend that a registrar must facilitate the outgoing transfer of a domain post-expiration. Facilitation includes providing an effective mechanism for a RNHaE of an expired domain name to request an AuthInfo code; to have the domain unlocked, to restore the WHOIS contents or whatever is required to allow a RNHaE to effect an Inter Registrar Transfer.	6	35%
b) Recommend a best practice that a registrar should facilitate the outgoing transfer of a domain post-expiration	2	12%
c) Maintain the status quo	9	53%
Total	17	100%

1086

#### 1087 4 Contractual Conditions

1088 **13. Are you of the opinion that registrants understand and are able to find renewal and**  
 1089 **expiration related information easily? How can such understanding be improved? [Charter**  
 1090 **Question 2]**

1091 Issue: Currently there are no rules or guidelines on how / what information needs to be  
 1092 included in registration agreements in relation to renewal and expiration related  
 1093 provisions.

1094 Although the EDDP requires renewal and expiration related information to be  
 1095 clearly displayed on a registrar web site (if any), there is no definition of what  
 1096 'clearly' means. In addition, some have argued that provisions in registration  
 1097 agreements are not clear and easily understandable.

1098 Registrars on the PDP WG have stated that it is close to impossible to word  
 1099 registration agreements so that they will be very clear and understandable, and still  
 1100 have them be provide the legal safeguards that they feel are necessary. Registrars  
 1101 further point out that legal standards vary (sometimes greatly) according to where a  
 1102 registrar's business is domiciled (USA/Europe/Asia). Settling on easy to understand  
 1103 language may: not meet legal requirements; be difficult to translate; and finally,  
 1104 may fall short of standards in some areas.

1105 WG response:

Options (select one)	Number of responses	Percentage
a) Recommend ICANN to put in place rules that mandate some level of clarity and predictability in registration agreements and related materials. Specifically the use of plain language contracts (where possible); use of explanatory notes, plain language (and interpreted text where relevant) registrant explanatory materials and/or primers; Informational and educational (self help) information sharing for increasing the knowledge of Registrants	6	35%
b) Suggest that registrars develop a best practice related to clarity and predictability of registration agreements and related materials. Specifically the use of plain language contracts (where possible); use of explanatory notes, plain language (and interpreted text where relevant) registrant explanatory materials and/or primers; Informational and educational (self help) information sharing for increasing the knowledge of Registrants	7	41%
c) Maintain status quo – leave it at the discretion of registrars to ensure that such information is clear and conspicuous.	4	24%

Total	17	100%
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1106

1107 **14. Should the fee to be charged for renewal of a domain name after expiration be explicitly**  
 1108 **stated?**

1109 Issue: The EDDP required that the fee charged for recovery during the Recovery Grace  
 1110 Period be clearly displayed on the registrar web site (if there is one), but made no  
 1111 such requirement of the fee for post-expiration renewal prior to the RGP.

1112 WG response:

Options (select one)	Number of responses	Percentage
a) Modify the Expired Domain Deletion Policy (EDDP) to require that the web site should state, both at the time of registration or renewal and in a clear place on its web site, the fee for renewal of a domain name after expiration.	8	47%
b) Suggest that registrars develop a best practice related display of the fee for post-expiration renewal.	6	35%
c) Maintain status quo - leave it at the discretion of registrars to ensure that such fees are published.	3	18%
Total	17	100%

1113

1114 **15. Should information on where to find the cost for recovery after expiration be in the**  
 1115 **registration agreement? [Charter Question 1]**

1116 Issue: There is currently no requirement for where / how information on the cost for  
 1117 recovery after expiration can be found. Some registrars include this information in  
 1118 their registration agreement, others post it on their web-site. This question asks  
 1119 whether there should be a predictable location where registrants are able to find  
 1120 this information or the location of this information? The current RAA does specify  
 1121 "3.7.5.6 If Registrar operates a website for domain registration or renewal, it should  
 1122 state, both at the time of registration and in a clear place on its website, any fee  
 1123 charged for the recovery of a domain name during the Redemption Grace Period."

1124 WG response:

Options (select all that apply)	Number of responses	Percentage
a) Modify the Expired Domain Deletion Policy (EDDP) so that information on where to find the cost for recovery after expiration is included in the registration agreement.	8	47%
b) Modify the EDDP to include that If Registrar operates a website for domain name registration or renewal, details of Registrar's cost for recovery after expiration must be clearly displayed on the website.	8	47%
c) Modify the WHOIS Data Reminder Policy (WDRP) to include information on renewal and expiration policies, including the cost for recovery after expiration	7	41%
d) None of the above.	5	29%

1125

1126 **5 Redemption Grace Period**1127 **16. Should the Redemption Grace Period be adopted as a consensus policy for gTLD Registries?**1128 **[Charter Question 1]**

1129 Issue: The concept of a Redemption Grace Period (RGP) was created in 2002 to address a  
1130 perceived problem if businesses and consumers are losing the rights to their domain  
1131 names through registration deletions caused by mistake, inadvertence, or fraud  
1132 (<http://www.icann.org/en/registrars/redemption-proposal-14feb02.htm>). Although  
1133 all non-sponsored gTLDs apart from .pro and .name offer the RGP as a voluntary  
1134 Registry Service, there is no obligation to offer the RGP. None of the sponsored  
1135 gTLDs offer the RGP. As part of the new gTLD process, new gTLDs will emerge that  
1136 will have no obligation to offer the Redemption Grace Period, and based on the  
1137 experience with the sponsored gTLDs, it is unclear if many will volunteer to offer the  
1138 service.  
1139 VeriSign reports that there were an average of about 4800 RGP restores per month  
1140 for .com and .net combined in 2009, and PIR reports that there about 350 per  
1141 month for .org.

1142 Anecdotally, many of the people involved in the original RGP discussions expected  
 1143 that it would be adopted as a Consensus Policy, but it is not clear why this never  
 1144 happened.

1145 WG response:

Options (select one)	Number of responses	Percentage
a) Recommend the adoption of the RGP as a consensus policy for gTLD registries, possibly with an exception for some gTLDs if their policies do not allow for the deletion of a name without the explicit approval of the RNHaE.	11	65%
b) Maintain status quo – leave RGP as an option gTLD registries may offer.	6	35%
Total	17	100%

1146

1147 **17. Should registrars be required to offer the Redemption Grace Policy for registries that offer**  
 1148 **it? [Charter Question 1]**

1149 Issue: Although most registrars offer the Redemption Grace Policy (RGP) for registries that  
 1150 offer it, there is no obligation to do so. For registrars which do not allow any  
 1151 recovery following expiration (either due to policy or due to immediate delete), the  
 1152 RGP is the only possible method of recovery. Only the registrar of record for a  
 1153 domain can request its recover under the RGP.

1154 WG response:

Options (select one)	Number of responses	Percentage
a) Require registrars to offer the Redemption Grace Policy by adopting it as a consensus policy.	10	62%
b) Maintain status quo – registrars can choose to offer the RGP for registries that offer it.	6	38%
Total	16	100%

1155

1156 **18. Should a transfer of a domain name during the RGP be allowed? [Charter Question 5]**

1157 Issue: Currently a transfer of a domain name registration during the RGP is not allowed. At  
 1158 the time the current transfer policies were developed, a transfer during RGP was  
 1159 contemplated but no decision was taken.

1160 If a domain is deleted for a registry that supports the RGP, but the registrar of  
 1161 record does not offer the RGP, the domain cannot be recovered.

1162 WG response:

Options (select one)	Number of responses	Percentage
a) Recommend that a transfer of a domain name registration during RGP should be allowed	2	12%
b) Recommend that a transfer of a domain name registration during RGP be allowed only if the registrar of record does not offer the RGP	2	12%
c) Recommend that a transfer of a domain name registration during RGP should be allowed if a registrar does not offer any other means of recovery post-expiration for a period no less than the 30 day RGP duration.	2	12%
d) Maintain status quo - A transfer of a domain name registration during RGP should not be allowed	11	65%
Total	17	100%

1163

1164

1165

## 1166 9. Stakeholder Group / Constituency Statements & Public

### 1167 Comment Period

1168

1169 This section features issues and aspects of the PEDNR PDP reflected in the statements from the  
1170 GNSO constituencies and comments received during the public comment period.

1171

#### 1172 9.1 Initial Public Comment Period

1173

1174 The public comment period ran from 20 August to 10 September 2009. Fourteen (14) community  
1175 submissions from 13 different parties were made to the public comment forum. A number of  
1176 contributors responded directly to the charter questions or certain comments could be categorized  
1177 under these questions, others raised broader issues and considerations for the WG to consider in  
1178 relation to its deliberations on post-expiration domain name recovery. A detailed summary of all  
1179 comments received can be found here: [http://forum.icann.org/lists/pednr-wg-  
1180 questions/msg00014.html](http://forum.icann.org/lists/pednr-wg-questions/msg00014.html). The WG reviewed and discussed the public comments received  
1181 thoroughly at its meetings on 22 September, 29 September, 6 October and 13 October (for further  
1182 details, see [here](#)).

1183

#### 1184 9.2 Stakeholder Group / Constituency Statements

1185

1186 The Constituency Statement Template (see Annex B) was sent to all the constituencies. Feedback  
1187 was received from the Intellectual Property Interests Constituency, gTLD Registry Stakeholder  
1188 Group, Registrar Stakeholder Group and the Business and Commercial Users' Constituency. These  
1189 entities are abbreviated in the text as follows:

1190 IPC - Intellectual Property Interests Constituency

1191 RyS - gTLD Registry Stakeholder Group

1192 RS – Registrar Stakeholder Group

1193 BC – Business and Commercial Users' Constituency

Unknown

Field Code Changed

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1194

### 1195 9.2.1 Stakeholder Group / Constituency Views

1196

1197 The four statements responding to the questions outlined in the template were submitted by the  
1198 Intellectual Property Constituency (IPC), the Registry Stakeholder Group (RyS) the Registrar  
1199 Stakeholder Group (RS) and the Business and Commercial Users' Constituency (BC). The complete  
1200 text of the constituency statements that have been submitted can be found here [provide link to  
1201 wiki page with Constituency / Stakeholder Group statements]. These should be read in their  
1202 entirety. The following section attempts to summarize key constituency views on the issues raised in  
1203 the context of PEDNR PDP. This section also summarizes further work recommended by the various  
1204 stakeholder groups / constituencies, possible actions recommended to address the issues part of the  
1205 PEDNR PDP, and the impact of potential measures on the GNSO stakeholder groups / constituencies.

1206

#### 1207 Charter Question 1: Whether adequate opportunity exists for registrants to redeem their expired 1208 domain names

1209 The IPC notes that requiring a mandatory 30-day renewal grace period following expiration, with an  
1210 additional email reminder 15 days following expiration, could provide additional safeguards to the  
1211 registrant. The BC is of the opinion that there is adequate opportunity, but points out that  
1212 inconsistencies in the transaction process of an expired domain name can lead to market confusion  
1213 and in some cases create unfair market conditions that ultimately fail to uphold the practice of  
1214 maintaining openness and transparency. The BC adds that all registrants require openness,  
1215 transparency and predictability in connection to the expiration of domain names. The RS considers  
1216 that there is adequate opportunity and points out that as a practice, registrars encourage  
1217 registration renewal before and after expiration. The RS adds that unintentional non-renewal of a  
1218 registration is very rare. The RyS points out that registry operators do not have visibility of  
1219 registrants' opportunity to redeem expired domain names and supports the WG to try to:  
1220 summarize the major alternatives that registrars give registrants to redeem expired domain names;  
1221 develop some criteria to define 'adequate opportunity', and; evaluate whether any registrar  
1222 alternatives do not give adequate opportunity.

1223

Marika Konings 23/5/11 10:55

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1224

1225 **Charter Question 2: Whether expiration-related provisions in typical registration agreements are**  
1226 **clear and conspicuous enough**

1227 The IPC notes that the Registrar Accreditation Agreement (RAA) clearly sets out obligations for  
1228 registrars and adds that if registrars are not complying, ICANN's compliance department should take  
1229 action. The IPC proposes that ICANN's compliance department should require each accredited  
1230 registrar to provide it with a current copy or link to its standard registration agreement, and be  
1231 required to keep these copies or links up to date. The BC points out that clear and not so clear  
1232 conditions exist across the market space. As a result, it supports the promotion of consistency where  
1233 feasible as this enhances fair competition and right-sizes business practices in the market. The RS  
1234 points out that as required by the RAA and the Expired Domain Deletion Policy (EDDP), terms and  
1235 conditions of expiration and renewal policies are maintained on registrar web sites. The RS adds that  
1236 registrars endeavour to use clear and understandable language whenever possible in the context of  
1237 presenting a valid legal agreement. The RyS notes that an opinion on this question would require an  
1238 exhaustive examination of agreements between registrar and registrants.

1239

1240 **Charter Question 3: Whether adequate notice exists to alert registrants of upcoming expirations**

1241 The IPC recommends that the PEDNR WG examines the data necessary to determine if there is a  
1242 correlation between non-renewed domain names and reminder notices which are undeliverable due  
1243 to a bad email address or inaccurate contact information. The BC is of the opinion that in general  
1244 there is adequate notice, but notes that it is more a question of compliance and monitoring of  
1245 compliance for market participants than a change to existing policy. In addition, it notes that failure  
1246 to maintain accurate WHOIS is a leading culprit to expiration alert notification failure. The RS states  
1247 that most registrars, if anything, over-notify their customers of pending expirations. It adds that  
1248 maintaining accurate WHOIS information is a registrant responsibility, and if a domain name is a  
1249 critical asset, registrants would presumably take measures to be sure the registration is properly  
1250 monitored and renewed. The RyS notes that an opinion on this question would require an  
1251 exhaustive examination of agreements between registrar and registrants.

1252

1253 **Charter Question 4: Whether additional measures need to be implemented to indicate that once a**  
1254 **domain name enters the Auto-Renew Grace Period, it has expired (e.g., hold status, a notice on**

1255 **the site with a link to information on how to renew, or other options to be determined)**

1256 The IPC recommends that consideration should be given to an update to the WHOIS record,  
1257 analogous to the dispute notice to reflect that the domain name is now expired and to provide  
1258 information on how to effectuate a redemption and renewal. The BC reserves its comments until  
1259 the PEDNR WG has completed its analysis. The RS is of the opinion that this is unnecessary and  
1260 notes that it is highly unlikely that additional measures would encourage renewals when previous  
1261 notices have not. The RyS is of the opinion that this question should be answered after more data is  
1262 gathered and should be a guiding question for the PEDNR WG. In addition, it points out that another  
1263 meaningful question is 'what current, contemporary purpose is served by the Auto-Renew Grace  
1264 Period, and how does it affect or influence the success of the subsequent RGP'?

1265

1266 **Charter Question 5: Whether to allow the transfer of a domain name during the RGP**

1267 The IPC is of the opinion that a transfer of a domain name should not be allowed apart from a  
1268 transfer to the original Registered Name Holder. The BC points out that there are several technical  
1269 implications around policy changes to the expiration process and therefore reserves its comments  
1270 until the PEDNR WG has completed its analysis. The RS notes that the proposal is complicated and  
1271 may be better addressed under the IRTP PDP process as any potential policy changes could result in  
1272 unintended consequences and would need to be studied carefully. The RyS is of the opinion that the  
1273 restoration of expired names during the RGP and transfers should remain separate and distinct  
1274 activities and points out that a transfer can always be requested following the successful restoration  
1275 of an expired domain name.

1276

1277 **General Comments**

1278 The BC points out that the preliminary work of the WG appears to indicate that registrar practices in  
1279 connection with the transfer of domain names post expiration may result in inaccurate WHOIS data  
1280 that may materially impact other stakeholders in the DNS. The RS states that the premise of this  
1281 proposal is that something bad might happen to a registration - not that there is demonstrated  
1282 harm occurring and a remedy must be provided immediately. It adds that the ICANN Community  
1283 cannot encourage competition and innovation, then seek to regulate it without clear evidence of  
1284 harm. It furthermore adds that no ICANN policy or registrar practice can provide full insurance  
1285 against unintentional loss of a registration, or against the potential bad faith behaviour of a registrar

1286 or reseller. In addition, the RS points out that registrars are more than willing to contribute in good  
1287 faith to preventing unintentional loss of a customer's name. Should the community believe that 'bad  
1288 actors' need to be addressed, registrars will discuss ways to do so that do not needlessly disrupt  
1289 operations of the 'good actors' and further distract the community from more important issues.

1290

### 1291 **9.3 Public Comment on the Initial Report**

1292

1293 After publication of the Initial Report, a public comment forum ran from 12 July to 15 August 2010.  
1294 In addition, interested parties had the opportunity to submit their responses to a survey that was  
1295 developed by the WG. Below is a summary of the responses received. In addition, the Working  
1296 Group reviewed and discussed the public comments received using a [public comment review tool](#)  
1297 that details the Working Group's responses to the public comment received.

1298

#### 1299 **9.3.1 Public Comment Forum**

1300

1301 Nine (9) community submissions from nine (9) different parties were made to the public comment  
1302 forum. The contributors are listed below in alphabetical order (with relevant initials noted in  
1303 parentheses):

- 1304 - At-Large Advisory Committee (ALAC)
- 1305 - Axel van Almsick (AA)
- 1306 - Blacknight by Michele Neylon (BN)
- 1307 - Commercial & Business Users Constituency by Steve DelBianco (CBUC)
- 1308 - George Kirikos (GK)
- 1309 - IR (IR)
- 1310 - Jothan Frakes (JF)
- 1311 - Registrar Stakeholder Group by Clarke Walton (RrSG)
- 1312 - Registries Stakeholder Group by David Maher (RySG)

1313

1314 One comments (GK) does not relate to the substance of the report or the Charter questions but  
1315 deals with whether public input is valued by ICANN (GK).

1316

Unknown

Field Code Changed

1317 **General Comments**

1318

1319 The RrSG is of the view that ‘the unintentional loss of a domain name is not a common occurrence’  
1320 noting that there is ‘no data suggesting registrants experience such problems’. The RrSG encourages  
1321 the WG to ‘balance the expected benefits from those proposals with the RrSG’s position that there  
1322 is no quantifiable harm at issue and that risks of unintended consequences arise from any policy  
1323 change’.

1324

1325 In its submission, the CBUC has provided its responses to the PEDNR WG survey as included in the  
1326 Initial Report as well as a chart that aims to demonstrate ‘the inconsistencies Registrants face  
1327 today’.

1328

1329 The RySG notes that as the Initial Report does not provide any recommendations at this stage, it  
1330 would welcome that once these are agreed upon by the WG and included in the report, an updated  
1331 version is distributed as well as posted for public comment.

1332

1333 **Charter Question 1 - Whether adequate opportunity exists for registrants to redeem their expired**  
1334 **domain names**

1335

1336 BN and the RrSG are of the opinion that there is adequate opportunity for registrants to redeem  
1337 their expired domain names.

1338

1339 **Charter Question 2 - Whether expiration-related provisions in typical registration agreements are**  
1340 **clear and conspicuous enough**

1341

1342 BN notes that the question should be reformulated to ask whether registrants are aware ‘of what  
1343 can and will happen to their domain(s) if they don’t renew them?’, noting that this ‘is a matter of  
1344 education’.

1345

1346 The RrSG points out that as part of the requirements under the Expired Domain Deletion Policy,  
1347 'terms and conditions are maintained on registrar web sites' and that these are clear and  
1348 conspicuous enough.

1349

1350 **Charter Question 3 - Whether adequate notice exists to alert registrants of upcoming expirations**

1351

1352 BN and the RrSG are of the view that there is adequate notices as multiple notifications are sent by  
1353 most registrars.

1354

1355 **Charter Question 4 - Whether additional measures need to be implemented to indicate that once**  
1356 **a domain name enters the Auto-Renew Grace Period, it has expired (e.g., hold status, a notice on**  
1357 **the site with a link to information on how to renew, or other options to be determined)**

1358

1359 BN supports the notion that 'some clear indication in WHOIS of a domain's current status would  
1360 help avoid confusion', noting that the 'exact form and method for implementing this is probably  
1361 beyond this group's remit'. In addition, BN notes that if a holding page is used following expiration,  
1362 it should contain a notice that the registration has expired and information on how the registration  
1363 can be renewed.

1364

1365 The RySG would also support a clarification of WHOIS output in relation to renewal, suggesting in  
1366 addition that: '1) because this issue applies to both thick and thin gTLDs, the WG may want to  
1367 consider not restricting its focus in this regard to only thick registries; 2) a technical point to keep in  
1368 mind is that 'Auto renewed and in grace period' is not an EPP status so if it is reported in Whois  
1369 output it should not be shown as a status; 3) if this is recommended, it may be worthwhile to  
1370 consider recommending that the same be done for other similar periods; 4) if it is recommended  
1371 that registries do this, it should also be recommended that registrars do so as well'.

1372

1373 The RrSG is of the opinion that no additional measures are needed as sufficient notice is already  
1374 provided. The RrSG does recognize the potential confusion caused by WHOIS output in relation to  
1375 renewal and notes it intends to work with the RySG 'to further examine this potential problem and  
1376 propose possible solutions'.

1377

1378 **Charter Question 5 - Whether to allow the transfer of a domain name during the RGP.**

1379

1380 BN is of the view that no transfer should be allowed during the RGP.

1381

1382 The RySG points out that currently there is 'no guarantee that the Registrant of record during the  
1383 RGP process is indeed the initiating (original) Registrant of the domain registration' which raises a  
1384 number of questions such as: 'who has the right to redeem the registration during RGP (current  
1385 registrant on record or originating registrant or some interim holder of the registrant record), who  
1386 has the right to initiate the transfer, how can a registry identify the initiating/original Registrant if  
1387 they are not the current registrant of record and which Registrant (the one on record or initiating)  
1388 would a transfer be reversed to following the restoration of a name in RGP if the transfer was  
1389 successfully contended?'. As a result, the RySG would support to keep the RGP and transfer  
1390 'separated and serial in execution'.

1391

1392 The RrSG notes that this is a complex issue and 'may be more appropriate for examination by a  
1393 future Working Group assembled to address this specific issue'.

1394

1395 **Desired Outcomes**

1396

1397 ALAC notes that 'a level of predictability and security' must be provided to gTLD registrants and  
1398 would support the following outcomes of the PDP:

- 1399 '1. Consensus policy requiring that all registrars must allow renewal of domain names for a  
1400 reasonable amount of time after expiration.  
1401 2. Consensus policy explicitly stating the minimum requirements for pre-expiration notices.  
1402 3. Consensus policy requiring clarity of how messages will be sent.  
1403 4. Consensus policy requiring that WHOIS contents to make it clear that a domain name has expired  
1404 and has not yet been renewed by the registrant.  
1405 5. Consensus policy requiring that notice(s) be sent after expiration.  
1406 6. Consensus policy requiring that web sites (port 80) no longer can resolve to the original web site  
1407 after expiration

1408 7. Consensus policy requiring that other uses of the domain name (e-mail, FTP, etc.) no longer  
1409 function after expiration.

1410 8. Consensus policy requiring clarity in the expiration terms and fees offered by registrars.

1411 9. Consensus policy requiring that the Redemption Grace Period be offered by all registries  
1412 (including future gTLDs) and by all registrars.’

1413

1414 ALAC recognizes that there might be a need for some limited exceptions to the above outcomes and  
1415 also notes the role best practices may play above this minimum set of requirements.

1416

1417 JF notes that the obvious solution to avoiding post-expiration issues is to avoid expiration by paying  
1418 the renewal fee in time. He would welcome an outcome of ‘some best practices and/or consensus  
1419 policies that would reflect some minimum responsible baseline of conduct surrounding expiration of  
1420 a domain name, from which a consistent baseline structure of expectation can be formed and then  
1421 socialized to the community’.

1422

1423 The RySG also emphasizes the importance of consistency and transparency, noting that ‘the general  
1424 idea of Registrars displaying explicit information around their domain expiration processes is helpful  
1425 for registrants’.

1426

1427 IR argues that ‘the drop recovery policy is unfair’ and would prefer a system whereby expired  
1428 domain name registrations are allotted ‘on a random basis’.

1429

1430 The CBUC ‘takes the position that Consensus Policy changes are required to correct issues within the  
1431 domain expiration process’ in order to ‘achieve the openness, transparency, and predictability’ as  
1432 current inconsistencies ‘lead to market confusion and in some cases create unfair market  
1433 conditions’.

1434

#### 1435 **Education / Information**

1436

1437 JF points to the importance of education as there is a lot of misunderstanding among registrants

1438 when it comes to the life cycle of a domain name registration and suggests that, once the WG has

1439 finalized its recommendations, a diagram and narrative ‘making clear the expectations and process  
1440 surrounding the expiry of a domain name’ would be developed. In addition, he notes that ‘reduction  
1441 in inconsistency will also help reduce trouble areas or perceptions’ (e.g by standardizing timing of  
1442 notices, how these are sent, what happens if a domain name expires). JF points out that the  
1443 comment submitted by AA is an example of one of the misunderstandings that seems to exist ‘that a  
1444 trademark is somehow an exemption from renewal fees or the consequences of not renewing a  
1445 domain name within an agreed period of time’.

1446  
1447 BN notes that many problems could be avoided ‘if time and energy were focused on encouraging  
1448 registrants to do more active housekeeping on their domain(s) prior to expiry’.

1449  
1450 The CBUC proposes ‘the creation of consumer education, perhaps ICANN sponsored, around the  
1451 expiration of domain names’.

1452

#### 1453 **Auto-Renew Grace Period**

1454

1455 The RySG points out that the Initial Report seems to assume that registry Autorenew practices are  
1456 the same for all registries which is not the case as, for example, there are known differences when  
1457 Auto-Renews are charged.

1458

#### 1459 **Redemption Grace Period**

1460

1461 The RySG points out that a number of assumptions that accompanied the implementation of the  
1462 RGP with the objective to provide a last opportunity to registrants to recover a domain name  
1463 registration following expiration are no longer valid. These assumptions include the assumption that  
1464 ‘the originating Registrant of the domain would be the current Registrant of record upon a domain  
1465 being deleted and entering the Redemption Grace Period’ and ‘the effective use case for the  
1466 Autorenew Grace Period was to garner additional time for Registrars to attempt to have originating  
1467 Registrants renew their domains’. As a result, the RySG notes that ‘the intended goal of RGP cannot  
1468 be guaranteed by the behavior of Registries alone’.

1469



1470 The RySG recognizes that in order to fulfill the original intentions of the RGP, provided these are still  
1471 valid, the 'RGP needs to be applied consistently by all parties involved' and therefore would be  
1472 willing to 'explore RGP as a consensus policy'.

1473

#### 1474 **Other Issues**

1475

1476 JF points to another issue that he has come across in relation to post-expiration which deals with  
1477 registrars invoicing for the renewal of a domain name registration that has already been transferred  
1478 out before expiration. He notes that 'as part of a responsible renewal notice process, a registrar  
1479 should be required to check with the registry that they are in fact still the registrar of record for the  
1480 name, before sending any billing related materials'.

1481

1482 The CBUC recommends that the WG explore the following issues in further detail: '

- 1483 ▪ Adequate documentation of the expiration process (current & proposed) models
- 1484 ▪ Change confusingly-similar terms like "automatic renewal" vs. "auto renew grace period", as an  
1485 example
- 1486 ▪ Provide consistent and informative domain-status flags across registries, registrars and TLDs
- 1487 ▪ Provide consistent "service disruption" across registrars on expiration (triggers active/technical  
1488 response)
- 1489 ▪ Provide consistent notification/display of deletion, automatic-renewal, auto-renew grace-period  
1490 and redemption grace-period policies on reseller/registrar web pages
- 1491 ▪ Provide consistent redemption grace-period intervals rather than leaving it up to provider  
1492 discretion
- 1493 ▪ Provide consistent post-expiry implications when registrants elect not to automatically-renew  
1494 domains and/or opt out of monetization of web addresses
- 1495 ▪ Shift all TLDs to thick-registry model to aid in normalizing WHOIS-based processes
- 1496 ▪ Evaluate any conflict of interest – registrar either generates revenue from renewal OR  
1497 monetization/aftermarket/ drop-catching, not both'

1498

#### 1499 **9.3.2 Public Comment Survey**

1500

1501 In addition to a public comment forum, interested parties had the opportunity to contribute and  
1502 comment on the Initial Report by completing a survey (see Annex C for Survey questions). Four  
1503 hundred and twelve (412) responses were received to the survey. A broad overview of the survey  
1504 results can be found here (see attachments at [http://forum.icann.org/lists/pednr-initial-](http://forum.icann.org/lists/pednr-initial-report/msg00009.html)  
1505 [report/msg00009.html](http://forum.icann.org/lists/pednr-initial-report/msg00009.html)). In addition, the WG carried out an in-depth analysis of the survey  
1506 responses, which has been summarized below. The detailed analysis carried out using pivot tables  
1507 can be viewed [here](#).

1508

#### 1509 **WG Analysis of Survey**

1510

1511 After closer review of the data, it was determined that 51 responses were not complete and  
1512 therefore excluded from the overall results leaving 361 responses<sup>11</sup>. Taking those responses, the WG  
1513 grouped related questions in the following broader themes to determine whether a relationship  
1514 existed in the responses to these related questions.

1515

#### 1516 **Renewal after Expiration**

1517

1518 The questions relating to this category can be found in Annex C of this document. In response to the  
1519 question whether registrars should offer renewals for a period of time following expiration and  
1520 whether this should be done in compliance with a consensus policy, a best practice or as a means  
1521 for registrars to offer competitive services, an overwhelming majority (337 responses) is of the  
1522 opinion that renewal should be offered for a certain period of time to be required by consensus  
1523 policy. Again an overwhelming majority agrees that this period of time should be defined by the  
1524 consensus policy with a small majority being of the opinion that this period of time should be  
1525 between 0 and 30 days (30 days being the most popular answer with 151 responses).

1526

#### 1527 **Expiration Notices**

1528

---

<sup>11</sup> Except for the questions summarized under the heading 'renewal after expiration' for which the total number of [361412](#) responses was taken into account.

1529 A majority of respondents (251) is of the opinion that a consensus policy should specify the  
1530 minimum number of notices being sent as well as when such notices should be sent. 152  
1531 respondents consider 3 notices the appropriate number of reminders required to be sent according  
1532 to the policy, while 18 respondents prefer 1 reminder, 72 respondents prefer 2 reminders and 41  
1533 respondents would like more than 3 reminders required by the policy. In addition, 138 respondents  
1534 are of the opinion that the policy should specify how such notices are sent, while 127 respondents  
1535 are of the opinion that it is sufficient if such information is included in the registration agreement or  
1536 web-site of the registrar. Most respondents consider email (119) the effective means to remind a  
1537 registrant that their domain is about to expire, followed by postal (56) or a combination of email and  
1538 postal (47).

1539

#### 1540 **WHOIS**

1541

1542 A majority of respondents (206) is of the opinion that WHOIS should be changed to make it obvious  
1543 that a domain has expired and not yet renewed by the registrant (or their agent).

1544

#### 1545 **Information & Education**

1546

1547 Most respondents (160) consider email the most effective means to alert a registrant that their  
1548 domain name has already expired, followed by postal mail (62), re-direct/kill web-site (50),  
1549 telephone (31) and fax (9). Most respondents (307) indicate that the registration agreement should  
1550 specify what will happen following expiration of a domain name registration.

1551

#### 1552 **Services after Expiration**

1553

1554 A majority of respondents (209) is of the opinion that all services related to the domain name  
1555 registration (web-site, email, IP services) should stop working to alert a registrant that their domain  
1556 name registration has already expired.

1557

1558 **Redemption Grace Period (RGP)**

1559

1560 A majority of respondents (286) is of the opinion that the RGP should be mandatory for both gTLD  
1561 registries as well as registrars.

1562

1563 **9.4 Public Comment on the Proposed Final Report**

1564

1565 After publication of the proposed Final Report, a public comment forum ran from 21 February to 22  
1566 April 2011.. Below is a summary of the responses received. In addition, the Working Group reviewed  
1567 and discussed the public comments received using a public comment review tool [include link] that  
1568 details the Working Group's responses to the public comment received.

1569

1570 Ten (10) community submissions were made to the public comment forum. The contributors are  
1571 listed below in alphabetical order (with relevant initials noted in parentheses):

1572 At-Large Advisory Committee (ALAC)

1573 Charles Mason (CM)

1574 Commercial & Business Users Constituency by Steve DeBianco (CBUC)

1575 G.P. Singh (GS)

1576 INTA Internet Committee by Claudio Di Gangi (INTA)

1577 Intellectual Property Constituency by J. Scott Evans (IPC)

1578 Michael Schout (MS)

1579 Pieter van Ieperen (PI)

1580 Registrar Stakeholder Group by Clarke Walton (RrSG)

1581 Registries Stakeholder Group by David Maher (RySG)

1582

	<b>Comment</b>	<b>Who/Where</b>
<b>General Comments</b>		
<b>1.</b>	<u>Certain recommendations listed in the Report require clarification and/or refinement before they can adequately address the identified concerns.</u>	<u>IPC</u>
<b>2.</b>	<u>The report misses a clear statement that during the Auto-Renew Grace Period and Redemption Grace Period a registrar has no right to transfer a domain.</u>	<u>PI</u>

	<u>name to another registrant without the explicit consent of the RNHaE at the time of transfer (exceptions may apply for arbitration and judicial orders).</u>	
3.	<u>The ALAC supports most of the recommendations, but not all of them (see recommendation #2). In addition, it believes that some recommendations are missing from the report (see hereunder).</u>	<u>ALAC</u>
4.	<u>Resellers have often been associated with renewal problems raised by Registered Name Holders. The ALAC finds it unfortunate that the WG did not address this issue directly because at the present moment, not incorporating reseller problems leaves recommendations open for gaming.</u>	<u>ALAC</u>
5.	<u>There is great value in moving forward with standardization of the overall process involving PEDNR, but the cost of such actions toward standardization should not be procedures that fail to adequately protect the rights of consumers and brand owners. As such, certain recommendations in the Report require further detail and clarification.</u>	<u>INTA</u>
6.	<u>The RrSG supports the Final Report of the PEDNR PDP WG as it currently stands. The RrSG notes that it is its position that all 14 recommendations in the PEDNR Final Report are inter-dependent and should therefore be considered and adopted as a group by the GNSO Council.</u>	<u>RrSG</u>
7.	<u>This section in the report implies that if the registration is deleted during the Auto-Renew Grace Period, the registrar is absorbing the extra costs from the auto-renewal charge following expiration. This should be clarified, because the registrar either (a) never charges the registrant in the first place, or (b) is reimbursed by the registry if the registrar deletes the domain during Auto-renew Grace Period and reimburses the registrant.</u>	<u>RySG</u>
<b>Charter Question 1 – Recommendation #1</b> <u>Define “Registered Name Holder at Expiration” (RNHaE) as the entity or individual that was eligible to renew the domain name registration immediately prior to expiration. If the domain name registration was modified pursuant to a term of the Registration Agreement authorizing the modification of registration data for the purposes of facilitating renewal, the RNHaE is the entity or individual identified as the registrant immediately prior to that modification.</u>		
8.	<u>The definition of RNHaE must be revised to reflect that the registrant of the domain name registration does not include a registrant that has lost a Uniform</u>	<u>IPC</u>

	<u>Rapid Suspension ('URS') proceeding. Such suspended domain names should follow a different set of processes.</u>	
9.	<u>Support for this recommendation, but INTA notes that the second definition provided is less clear and therefore recommends clarifying the applicability of the second definition of RNHaE or the supporting rationale.</u>	<u>BC, ALAC, INTA</u>
<b>Charter Question 1 – Recommendation #2</b> <u>For at least 8 consecutive days, at some point following expiration, the original DNS resolution path specified by the RNHaE, at the time of expiration, must be interrupted and the domain must be renewable by the RNHaE until the end of that period. This 8-day period may occur at any time following expiration. At any time during the 8 day period, the Registered Name Holder at Expiration may renew the domain with the Registrar and the Registrar, within a commercially reasonable delay, will cause the domain name to resolve to its original DNS resolution path. Notwithstanding, the Registrar may delete the domain at any time during the Auto-renew grace period.</u>		
10.	<u>A minimum of 12 working days should be given after expiration when the RNHaE can renew.</u>	<u>GS</u>
11.	<u>If registrars are going to be required to hold domains for 8 days past expiration, then registries should not be allowed to collect auto-renewal fees until this 8 day period ends.</u>	<u>MS</u>
12.	<u>The IPC agrees with this recommendation, but notes that it would appear reasonable to modify the floating 8-day term into a strict and easily identifiable term for the RNHaE.</u>	<u>IPC</u>
13.	<u>The recommendation should be revised to reflect that for a domain name suspended under the URS, the informational web page need not be interrupted or is exempt from this recommendation.</u>	<u>IPC</u>
14.	<u>DNS interruption for only 8 consecutive days, at a random point in time after expiry, will create confusion instead of warning to the RNHaE. DNS interruption should start at expiry, continue through the whole Auto-Renew Grace Period, whole RGP, until the RNHaE renews or restores.</u>	<u>PI</u>
15.	<u>DNS interruption should be defined as total internet service interruption except for an informational web page (only one IP on which on port 80/443 is active).</u>	<u>PI</u>
16.	<u>Why should a registrar have the right to delete a domain at any time during the Auto-Renew Grace Period? Why not only in the last 5 days of that period?</u>	<u>PI</u>
17.	<u>The BC supports this recommendation, with the exception that the 8-day period should be extended</u>	<u>BC</u>

	to 30 days.	
18.	The ALAC commends the overall intent of the recommendation, but given that most registrars already offer a 30-40 day period, the ALAC strongly believes that the recommendation should guarantee no less than 30 days. Setting this guaranteed minimum to 8 consecutive days has the potential to be highly detrimental to users. It is unreasonable, especially considering the fact that prior to Registrars creating the post-expiration domain name re-assignment process, all Registered Name Holders had between 30 and 75 days to renew.	ALAC
19.	Request for clarification: the beginning of the 8 day period is not specified, rather stating that the period is at some point following expiration. Secondly,	INTA
20.	Request for clarification: the timeframe in which the registrar must have the domain resolve to its original DNS path is not specified, just stated 'within a commercially reasonable delay'.	INTA
21.	The recommendation fails to spell out the meaning of the 'original DNS resolution path', raising the question, at what point is the domain owner allowed to modify that DNS path.	INTA
<b>Charter Question 1 – Recommendation #3</b> The RNHaE cannot be prevented from renewing a domain name registration as a result of WHOIS changes made by the Registrar that were not at the RNHaE's request. [Final wording will need to exempt cases where renewal will not be disallowed due to fraud, breach of registration agreement or other substantive reasons.]		
22.	Support for this recommendation.	IPC, BC, ALAC
23.	WHOIS contact data after expiry must be the same as before expiry, so everyone can see who has to be warned about the expiration.	PI
24.	Modify this recommendation so that it is clear that the renewal is in the name of the RNHaE, not the registrar or a third party.	INTA
<b>Charter Question 1 – Recommendation #4</b> All unsponsored gTLD Registries shall offer the Redemption Grace Period (RGP). For currently existing unsponsored gTLDs that do not currently offer the RGP, a transition period shall be allowed. All new gTLDs must offer the RGP.		
25.	The IPC agrees with this recommendation, but believes it should be revised to also recommend a standardized RGP implementation across all gTLDs (as the report notes that implementation details vary for RGP in different gTLDs).	IPC
26.	Recommendation #4 should be expanded to clarify the intent of the references to "sponsored" and	RySG

	<u>“unsponsored” as such categorization no longer exists in the Applicant Guidebook for new gTLDs.</u>	
27.	<u>Support for this recommendation.</u>	BC, ALAC
28.	<u>There is no requirement that the RGP be a standard time frame. Having the RGP time period and process at the discretion of the Registrar is likely to cause confusion to the consumer. INTA proposes that the RGP should be the same across all registrars and inquire as to whether there is a reason why it should only apply to unsponsored TLDs.</u>	INTA
<b>Charter Question 1 – Recommendation #5</b> <u>If a Registrar offers registrations in a gTLD that supports the RGP, the Registrar must allow the Registered Name Holder at Expiration to redeem the Registered Name after it has entered RGP.</u>		
29.	<u>Support for this recommendation.</u>	IPC, BC, ALAC
30.	<u>The same should apply to the Auto-Renew Grace Period, for example as follows: ‘If a Registrar offers registrations in a gTLD that supports the Auto-Renew Grace Period, the Registrar must allow the RNHaE to renew the Registered name until 5 days before the end of that period’.</u>	PI
31.	<u>This feature would benefit the domain holder if the domain holder is not required to pay the RGP fee in addition to the PEDNR fee.</u>	INTA
<b>Charter Question 2 – Recommendation #6</b> <u>The registration agreement must include or point to any fee(s) charged for the post-expiration renewal of a domain name. If the Registrar operates a website for registration or renewal, it should state, both at the time of registration and in a clear place on its website, any fee(s) charged for the post-expiration renewal of a domain name or the recovery of a domain name during the Redemption Grace Period.</u>		
32.	<u>The IPC agrees with this recommendation, but would further suggest that Registries and Registrars are prohibited from using, even if disclosed, a pricing model based upon an auction or similar transaction whereby the RNHaE’s price is subject to the demand of third-parties bidding on the domain name.</u>	IPC
33.	<u>ICANN must limit the fees for post-expiration renewal and post-delete restoration.</u>	PI
34.	<u>Support for this recommendation.</u>	BC, ALAC, INTA
<b>Charter Question 2 – Recommendation #7</b> <u>In the event that ICANN gives reasonable notice to Registrar that ICANN has published web content providing educational materials with respect to registrant responsibilities and the gTLD domain life-cycle, and such content is developed in consultation with Registrars, Registrars, who have a web presence, shall provide a link to the webpage on any website it may operate for domain name registration or renewal clearly displayed to its Registered Name Holders at least as clearly as its links to policies or notifications required to be</u>		



<u>displayed under ICANN Consensus Policies.</u>		
<b>35.</b>	<u>Support for this recommendation, but suggestion that the WG should also recommend that registrars be required to include a reasonable prominent link to the “Domain Life-Cycle” document in question within renewal reminder emails to registrants.</u>	<u>IPC, INTA</u>
<b>36.</b>	<u>Support for this recommendation.</u>	<u>BC, ALAC</u>
<b>Charter Question 2 – Recommendation #8</b> ICANN, with the support of Registrars, ALAC and other interested parties, is to develop educational materials about how to properly steward a domain name and how to prevent unintended loss. Once developed, Registrars are expected to link to or host that information on its web site, and send to the registrant in a communication immediately following initial registration as well as in the mandated annual WHOIS reminder. Such information should include a set of instructions for keeping domain name records current and for lessening the chance of mistakenly allowing the name to expire. [Need to refine wording: expression “include a set of instruction” to include pointing to appropriate location where instructions can be found; pointing to ICANN registrant education site.]		
<b>37.</b>	<u>Support for this recommendation, but proposal that the recommendation should be revised by deleting the wording “are expected to” and inserting the term “must” instead.</u>	<u>IPC, INTA</u>
<b>38.</b>	<u>Support for this recommendation.</u>	<u>BC, ALAC</u>
<b>39.</b>	<u>In relation to the bracketed wording, to ensure consistency and that best practices are updated, it would be best to have registrars include a link to a web page at the ICANN site as opposed to their linking to their versions of the document.</u>	<u>INTA</u>
<b>Charter Question 2 – Recommendation #9</b> The registration agreement and Registrar web site (if one is used) must clearly indicate what methods will be used to deliver pre- and post-expiration notifications, or must point to the location where such information can be found. What destination address/number will be used must also be specified, if applicable.		
<b>40.</b>	<u>Support for this recommendation.</u>	<u>IPC, BC, ALAC, INTA</u>
<b>41.</b>	<u>INTA suggests that the notification method explanation should include a suggestion that registrants save the registrar’s notification email address as a ‘safe sender’ to avoid notification emails being blocked by spam filter software.</u>	<u>INTA</u>
<b>Charter Question 3</b>		
<b>42.</b>	<u>A third party should be required to provide notice to a registrant of any and all rules applicable to the domain transfer by the registrant at any point during the registration period.</u>	<u>CM</u>
<b>Charter Question 1 – Section 7 Deliberations of the WG</b>		
<b>43.</b>	<u>The RySG representative suggested that a WHOIS</u>	<u>RySG</u>

	<u>indication of 'Auto-renew grace period' was feasible. While it is not as clear as might be desired, the suggestion was an improvement in consistency across WHOIS implementations. Furthermore, it should be noted that the complexity in adjusting WHOIS to address this issue involves (a) coordinating relevant EPP adjustments to reflect these additional clarifications, and (b) a lack of standardization in existing WHOIS standards.</u>	
<b>Charter Question 3 – Recommendation #10</b> <u>Subject to an Exception policy, Registrar must notify Registered name Holder of impending expiration no less than two times. One such notice must be sent one month or 30 days prior to expiration (±4 days) and one must be sent one week prior to expiration (±3 days). ). If more than two alert notifications are sent, the timing of two of them must be comparable to the timings specified. It is the intention to have an exception policy, allowing the Registrar to substitute alternative notification patterns, but this still needs to be defined.</u>		
<b>44.</b>	<u>Support for this recommendation, but the IPC notes it has no opinion with regard to the proposed exception policy.</u>	<u>IPC, BC, ALAC, INTA</u>
<b>45.</b>	<u>Allowing exceptions for registrar business models that do not allow for the notification timeframes suggested in this recommendation is acceptable in theory, but needs further fleshing out as to application.</u>	<u>INTA</u>
<b>Charter Question 3 – Recommendation #11</b> <u>Notifications of impending expiration must include method(s) that do not require explicit registrant action other than standard e-mail receipt in order to receive such notifications.</u>		
<b>46.</b>	<u>Support for this recommendation.</u>	<u>IPC, BC, ALAC, INTA</u>
<b>Charter Question 3 – Recommendation #12</b> <u>Unless the Registered Name is deleted by the Registrar, at least one notification must be sent after expiration.</u>		
<b>47.</b>	<u>The IPC agrees with this recommendation, but suggests that the recommendation be revised to state that any such post-expiration notice must contain explicit information setting forth the proper procedure for the RNHaE to renew the domain name.</u>	<u>IPC</u>
<b>48.</b>	<u>Support for this recommendation.</u>	<u>BC, ALAC</u>
<b>49.</b>	<u>INTA recommends that the final notification sent by a registrar prominently indicate "FINAL NOTICE" to make clear that it is the registrant's final opportunity to recover the domain name.</u>	<u>INTA</u>
<b>Charter Question 4 – Recommendation #13</b> <u>If at any time after expiration when the Registered Name is still renewable by the RNHaE, the Registrar changes the DNS resolution path to effect a different landing website than the one used by the RNHaE prior to expiration, the page shown must explicitly say that the domain has expired and give instructions on how to recover the domain. [Wording must make clear that</u>		

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<u>"instructions" may be as simple as directing the RNHaE to a specific web site.]</u>		
<b>50.</b>	<u>The IPC agrees with the rationale of this recommendation, but would caution that the landing website should not be permitted to be additionally used for advertising purposes, click-through monetization or otherwise generating traffic to the benefit to the registrar, affiliates or third parties.</u>	<u>IPC</u>
<b>51.</b>	<u>Support for this recommendation. In addition, INTA suggests that the Registrar include a link on the changed page to connect to the renewal site for the domain name.</u>	<u>BC, ALAC, INTA</u>
<b>Charter Question 4 – Recommendation #14</b> <u>Best Practice for Registrars: If post-expiration notifications are normally sent to a point of contact using the domain in question, and delivery is known to have been interrupted by post-expiration actions, post-expiration notifications should be sent to some other contact point associated with the registrant if one exists.</u>		
<b>52.</b>	<u>Support for this recommendation.</u>	<u>IPC, BC, ALAC, INTA</u>
<b>53.</b>	<u>In addition, ALAC recommends that a secondary point of contact should be supplied by all potential registered name holders during their registration process. This should be systematic and mandatory for all registrations.</u>	<u>ALAC</u>
<b>54.</b>	<u>Notification should be sent to all other points of contact associated with the registrant if more than one other alternative point of contact exists in the record.</u>	<u>INTA</u>
<b>Charter Question 5</b> <u>No recommendation.</u>		
<b>55.</b>	<u>The registrant should be able to transfer the domain to another registrar during the RP. The main reason for this is to enable a registrant to move a domain if it is not satisfied with the service provided or differences in price for the renewal.</u>	<u>CM</u>
<b>56.</b>	<u>Given the rationale provided, the RySG is of the opinion that there should be a proactive recommendation that transfers during the RGP process are not permitted.</u>	<u>RySG</u>
<b>57.</b>	<u>The BC supports no action at this time.</u>	<u>BC</u>

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## 10. Proposed Recommendations and Next Steps

Taking into account the Working Group Deliberations (see section 7), the WG Survey (see section 8) and the Public Comments received (see section 9), the Working Group would like to put forward the following recommendations for GNSO Council Consideration to address each of the Charter Questions. The Working Group would like to emphasize that it considers all the recommendations listed below as inter-dependent and recommends that the GNSO Council should consider these recommendations as such. [a poll] will be conducted among the WG membership to ascertain the level of support for each of the final recommendations. The level of support, as well as names of those WG members in support and not in support, will be included in the Final Report].

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AlanGreenberg 23/5/11 01:49  
Comment [19]: Second reference to a poll.

Marika Konings 23/5/11 10:59  
Deleted: The Working Group would like to point out that a number of these recommendations will need further refinement, as noted in some of the bracketed language. Following review of public comments received on this report and finalization of the recommendations,

### 1. Whether adequate opportunity exists for registrants to redeem their expired domain names;

**Recommendation #1:** Define "Registered Name Holder at Expiration" (RNHaE) as the entity or individual that was eligible to renew the domain name registration immediately prior to expiration. If the domain name registration was modified pursuant to a term of the Registration Agreement authorizing the modification of registration data for the purposes of facilitating renewal, the RNHaE is the entity or individual identified as the registrant immediately prior to that modification.

AlanGreenberg 23/5/11 01:51  
Comment [20]: I think that we need a paragraph here (and perhaps in the Exec Summary, maybe abbreviated) commenting on the difficulty of the process, that many of the individuals in the WG would have preferred to see a different outcome, but that compromise was necessary if we were to produce recommendations that had a reasonable chance of being approved by the GNSO Council and then the Board.

Note: as part of the implementation it should be taking into account that the registrant of the domain name registration does not include a registrant that has lost a Uniform Rapid Suspension ('URS') proceeding. Similarly, the implementation of this recommendation and others should accommodate the option to renew that is available to a complainant in a UDRP dispute pursuant to section 3.7.5.7 of the RAA.

Rationale: This definition is required due to the potential confusion over who is eligible to renew if WHOIS is changed after expiration, a possibility allowed for in many registration agreements.

**Recommendation #2:** For at least 8 consecutive days, at some point following expiration, the original DNS resolution path specified by the RNHAE, at the time of expiration, must be

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1628 interrupted<sup>12</sup> by the registrar, to the extend it has the possibility to interrupt the DNS, and the  
 1629 domain must be renewable by the RNHAE until the end of that period. This 8-day period may  
 1630 occur at any time following expiration. At any time during the 8 day period, the Registered  
 1631 Name Holder at Expiration may renew the domain with the Registrar and the Registrar, within a  
 1632 commercially reasonable delay, will cause the domain name to resolve to its original DNS  
 1633 resolution path. Notwithstanding, the Registrar may delete the domain at any time during the  
 1634 Auto-renew grace period. For a domain name suspended under the Uniform Rapid Suspension  
 1635 (URS), the informational web page need not be interrupted or is exempt from this  
 1636 recommendation.

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1637  
 1638 Rationale: This ensures that for at least an 8-day period following expiration, the domain will  
 1639 cease to operate as it did prior to expiration. The WG believes that this failure to function may  
 1640 be one of the most effective methods of getting a registrant's attention. Although 8 days is set  
 1641 as a minimum, there is nothing to prevent a Registrar from providing a longer period such as  
 1642 most registrars do today. The WG notes that it deliberately allowed for a floating 8 day period to  
 1643 allow for the various registrar business models and potentially competitive business continuity  
 1644 services. The recommendation has been updated to reflect that the registrar is responsible for  
 1645 interrupting the DNS, noting that there might be cases, such as for example .tel, where the  
 1646 registrar does not have the possibility to interrupt the DNS.

1647  
 1648 **Recommendation #3:** The RNHaE cannot be prevented from renewing a domain name  
 1649 registration as a result of WHOIS changes made by the Registrar that were not at the RNHaE's  
 1650 request. [Final wording will need to exempt cases where renewal will not be disallowed due to  
 1651 fraud, breach of registration agreement or other substantive reasons.]

1652  
 1653 Rationale: Currently a change to WHOIS may, depending on the specifics of a Registrar's system,  
 1654 prohibit the RNHaE from renewing the Registered Name.

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<sup>12</sup> DNS interruption is defined as total Internet service interruption except for an information al web page (only one IP on which only port 80/443 is active).

1658 | **Recommendation #4:** All unsponsored<sup>13</sup> gTLD Registries shall offer the Redemption Grace  
1659 | Period (RGP). For currently existing unsponsored gTLDs that do not currently offer the RGP, a  
1660 | transition period shall be allowed. All new gTLDs must offer the RGP.

1661

1662 | Rationale: Although most current unsponsored gTLDs Registries currently offer the RGP service,  
1663 | there is no such obligation, nor is it required in the new gTLD Applicant Guidebook.

1664

1665 | **Recommendation #5:** If a Registrar offers registrations in a gTLD that supports the RGP, the  
1666 | Registrar must allow the Registered Name Holder at Expiration to redeem the Registered Name  
1667 | after it has entered RGP.

1668

1669 | Rationale: This ensures that the registrant will be able to redeem a domain name if it is deleted  
1670 | and if the Registry offers the RGP service.

1671

1672 | **2. Whether expiration-related provisions in typical registration agreements are clear and**  
1673 | **conspicuous enough;**

1674

1675 | **Recommendation #6:** The registration agreement must include or point to any fee(s) charged  
1676 | for the post-expiration renewal of a domain name. If the Registrar operates a website for  
1677 | registration or renewal, it should state, both at the time of registration and in a clear place on its  
1678 | website, any fee(s) charged for the post-expiration renewal of a domain name or the recovery of  
1679 | a domain name during the Redemption Grace Period.

1680

1681 | Rationale: The registrant must be able to forecast what renewal will cost if it is not renewed  
1682 | prior to expiration. This is not an attempt at setting the price but rather that the price must be  
1683 | disclosed to the registrant ahead of time. The pricing disclosed would be the then-current prices  
1684 | and does not preclude a later price change as part of normal business price adjustments.

---

<sup>13</sup> [An unsponsored TLD operates under policies established by the global Internet community directly through the ICANN process, while a sponsored TLD is a specialized TLD that has a sponsor representing the narrower community that is most affected by the TLD. It should be noted that this distinction is no longer used in the new gTLD program.](#)

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**Recommendation #7:** ICANN, in consultation with Registrars, ALAC and other interested parties, will develop educational materials about how to properly steward a domain name and how to prevent unintended loss. Such material may include registrant responsibilities and the gTLD domain life-cycle and instructions for keeping domain name records current.

Rationale: Insufficient registrant understanding and education was identified as a significant problem and any attempt to address it will lower the number of problems experienced by registrants.

**Recommendation #8:** In the event that ICANN gives reasonable notice to Registrars that ICANN has published web content as described in Recommendation 7:

- Registrars, who have a web presence, must provide a link to the ICANN content on any website it may operate for domain name registration or renewal clearly displayed to its Registered Name
- Holders at least as clearly as its links to policies or notifications required to be displayed under ICANN Consensus Policies.
- Registrars may also host similar material adapted to their specific practices and processes.
- Registrar must point to the ICANN material in a communication sent to the registrant immediately following initial registration as well as in the mandated annual WHOIS reminder.

Rationale: Insufficient registrant understanding and education was identified as a significant problem and any attempt to address it will lower the number of problems experienced by registrants.

**3. Whether adequate notice exists to alert registrants of upcoming expirations;**

See also recommendation #2

**Recommendation #9:** The registration agreement and Registrar web site (if one is used) must

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**Deleted:** In the event that ICANN gives reasonable notice to Registrar that ICANN has published web content providing educational materials with respect to registrant responsibilities and the gTLD domain life-cycle, and such content is developed in consultation with Registrars, Registrars, who have a web presence, shall provide a link to the webpage on any website it may operate for domain name registration or renewal clearly displayed to its Registered Name Holders at least as clearly as its links to policies or notifications required to be displayed under ICANN Consensus Policies.

Marika Konings 23/5/11 11:49  
**Deleted:** ICANN, with the support of Registrars, ALAC and other interested parties, is to develop educational materials about how to properly steward a domain name and how to prevent unintended loss. Once developed, Registrars are expected to link to or host that information on its web site, and send to the registrant in a communication immediately following initial registration as well as in the mandated annual WHOIS reminder. Such information should include a set of instructions for keeping domain name records current and for lessening the chance of mistakenly allowing the name to expire. [Need to refine wording: expression "include a set of instruction" to include pointing to appropriate location where instructions can be found; pointing to ICANN registrant education site.]

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1748 clearly indicate what methods will be used to deliver pre- and post-expiration notifications, or  
1749 must point to the location where such information can be found. What destination  
1750 address/number will be used must also be specified, if applicable.

1751

1752 Rationale: Registrants should be told ahead of time how the Registrar will communicate with  
1753 them.

1754

1755 **Recommendation #10:** ~~Subject to an Exception policy,~~ Registrar must notify Registered name  
1756 Holder of impending expiration no less than two times. One such notice must be sent one  
1757 month or 30 days prior to expiration ( $\pm 4$  days) and one must be sent one week prior to  
1758 expiration ( $\pm 3$  days). ). If more than two alert notifications are sent, the timing of two of them  
1759 must be comparable to the timings specified.

1760 It is the intention to have an exception policy, allowing the Registrar to substitute alternative  
1761 notification patterns, but this still needs to be defined.

1762

1763 Rationale: The current requirement in the RAA to send at least two notifications is vaguely  
1764 worded. There is also nothing to prohibit such notifications from being sent too early or too late  
1765 to be effective. That notwithstanding, it is understood that for some Registrar business models,  
1766 the prescribed timing may not be suitable, and an exception process will allow for this.

1767

1768 **Recommendation #11:** Notifications of impending expiration must include method(s) that do  
1769 not require explicit registrant action other than standard e-mail receipt in order to receive such  
1770 notifications.

1771

1772 Rationale: Notifications must not solely be done by methods, which require explicit Registrant  
1773 action to receive, the most common being the requirement to log onto the Registrar domain  
1774 management system to receive notifications.

1775

1776 **Recommendation #12:** Unless the Registered Name is deleted by the Registrar, at least one  
1777 notification, which includes renewal instructions, must be sent after expiration.

1778

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**Comment [21]:** WG to confirm whether no exception policy is needed.

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1779 **4. Whether additional measures need to be implemented to indicate that once a domain name**  
1780 **enters the Auto-Renew Grace Period, it has expired (e.g., hold status, a notice on the site with**  
1781 **a link to information on how to renew, or other options to be determined);**

1783 **Recommendation #13:** If at any time after expiration when the Registered Name is still  
1784 renewable by the RNHaE, the Registrar changes the DNS resolution path to effect a different  
1785 landing website than the one used by the RNHaE prior to expiration, the page shown must  
1786 explicitly say that the domain has expired and give instructions on how to recover the domain.  
1787 Wording must make clear that "instructions" may be as simple as directing the RNHaE to a  
1788 specific web site.

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1790 Rationale: If a replacement web site is reached via the domain name after expiration, as is the  
1791 case for most expired domains today (at some point after expiration), the replacement web  
1792 page must make it clear that the domain has expired and tell the registrant what to do to renew.

1794 **Recommendation #14:** Best Practice: If post-expiration notifications are normally sent to a point  
1795 of contact using the domain in question, and delivery is known to have been interrupted by  
1796 post-expiration actions, post-expiration notifications should be sent to some other contact point  
1797 associated with the registrant if one exists.

1799 Rationale: Today, message sent to the registrant after expiration typically go to the same  
1800 address that is used prior to expiration. If that address uses the domain in question, and that  
1801 domain is now intercepted by the Registrar (as is typically the case), the message will not be  
1802 deliverable. The Working Group did not feel that it was practical to mandate how this should be  
1803 fixed, but felt that it was important that Registrars consider the situation.

1805 **Recommendation #15:** Best Practice: the notification method explanation (see recommendation  
1806 #9) should include a suggestion that registrants save the registrar's notification email address as  
1807 a 'safe sender' to avoid notification emails being blocked by spam filter software.

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1809 **Recommendation #16:** Best Practice: a secondary point of contact should be supplied by all

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1812 | [potential registered name holders during their registration process.](#)

1813

1814 | **5. Whether to allow the transfer of a domain name during the RGP.**

1815

1816 | **Recommendation #17:** [The Working Group recommends that it should not be allowed to](#)  
1817 | [transfer of a domain name during the RGP.](#)

1818

1819 | Rationale: The need is significantly reduced based on the recommendation to have the RGP  
1820 | mandatory for Registrars coupled with the complexity and possible adverse effects of allowing  
1821 | such transfers

1822

1823 | **Next Steps**

1824

1825 | The WG [has submitted this Final Report](#) to the GNSO Council [for its consideration.](#)

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**Deleted:** No recommendation.

Marika Konings 23/5/11 11:22  
**Deleted:** is posting this draft Final Report for public comment for a period of 45 days. Following review and analysis of the public comments received, the WG will finalize its report for submission

1832 **Annex A – Post-Expiration Domain Name Recovery - PDP Working**  
1833 **Group Charter**

1834 As adopted by the GNSO Council on 24 June 2009

1835

1836 Whereas:

1837 The GNSO council has decided to initiate a PDP on Post-Expiration Domain Name Recovery (PEDNR);

1838 and

1839 The GNSO council had decided against initiating a Task force as defined in the bylaw;

1840 The GNSO Council RESOLVES

1841 To form a Working Group composed of Constituency representatives as well as interested  
1842 stakeholders in order to develop potential policy and/or best practices to address the issues  
1843 covered, while seeking additional information as appropriate to inform the work. The WG will also  
1844 be open to invited experts and to members or representatives of the ICANN Advisory Committees,  
1845 whether acting in their own right or as representatives of their AC.

1846

1847 The Working Group initially shall:

- 1848 1. Pursue the availability of further information from ICANN compliance staff to understand how  
1849 current RAA provisions and consensus policies regarding deletion, auto-renewal, and recovery of  
1850 domain names following expiration are enforced;
- 1851 2. Review and understand the current domain name life cycle;
- 1852 3. Review current registrar practices regarding domain name expiration, renewal, and post-  
1853 expiration recovery.

1854

1855 The Working Group shall then consider the following questions:

- 1856 1. Whether adequate opportunity exists for registrants to redeem their expired domain names;
- 1857 2. Whether expiration-related provisions in typical registration agreements are clear and  
1858 conspicuous enough;
- 1859 3. Whether adequate notice exists to alert registrants of upcoming expirations;
- 1860 4. Whether additional measures need to be implemented to indicate that once a domain name  
1861 enters the Auto-Renew Grace Period, it has expired (e.g., hold status, a notice on the site with a link

1862 to information on how to renew, or other options to be determined);

1863 5. Whether to allow the transfer of a domain name during the RGP.

1864

1865 The Working Group is expected to organize an issue update / workshop at the Seoul meeting, in  
1866 addition to an update to the GNSO Council.

1867

1868 The Working Group should consider recommendations for best practices as well as or instead of  
1869 recommendations for Consensus Policy.

1870

1871 Working Group processes:

1872 While the development of Guidelines for Working Group operations are still to be developed the  
1873 following guidelines will apply to this WG:

1874 The WG shall function on the basis of rough consensus, meaning all points of view will be discussed  
1875 until the chair can ascertain that the point of view is understood and has been covered. Consensus  
1876 views should include the names and affiliations of those in agreement with that view. Anyone with a  
1877 minority view will be invited to include a discussion in the WG report. Minority report should include  
1878 the names and affiliations of those contributing to the minority report.

1879 In producing the WG report, the chair will be responsible for designating each position as having one  
1880 of the following designations:

- 1881 ▪ Unanimous consensus position
- 1882 ▪ Rough consensus position - a position where a small minority disagrees but most agree
- 1883 ▪ Strong support but significant opposition
- 1884 ▪ Minority viewpoint(s)

1885

1886 If several participants in a WG disagree with the designation given to a position by the chair or any  
1887 other rough consensus call, they can follow these steps sequentially :

- 1888 1. Send email to the chair, copying the WG explaining why the decision is believed to be in error.
- 1889 2. If the chair still disagrees, forward the appeal to the council liaison(s) to the group. The chair  
1890 must explain his or her reasoning in the response.

1891 If the liaisons support the chair's position, forward the appeal to the council. The liaison(s) must  
1892 explain his or her reasoning in the response.

1893 3. If the council supports the chair and liaison's position, attach a statement of the appeal to the  
1894 board report.

1895

1896 This statement should include all of the documentation from all steps in the appeals process and  
1897 should include a statement from the council.

1898 The chair, in consultation with the GNSO council liaison(s) is empowered to restrict the participation  
1899 of someone who seriously disrupts the WG. Any such restriction will be reviewed by the GNSO  
1900 council. Generally the participant should first be warned privately, and then warned publicly before  
1901 such a restriction is put into place. In extreme circumstances this requirement may be bypassed.

1902

1903 The WG will have an archived mailing list. The mailing list will be open for reading by the  
1904 community. All WG meetings will be recorded and all recordings will be available to the public. A  
1905 PEDNR WG mailing list has been created ([gns0-pednr-dt@icann.org](mailto:gns0-pednr-dt@icann.org)) with public archives at:  
1906 <http://forum.icann.org/lists/gns0-pednr-dt/>. A SocialText wiki has been provided for WG usage and  
1907 can be found at [post expiration domain name recovery wg](#)

1908

1909 If the guidelines for WG processes change during the course of the WG, the WG may continue to  
1910 work under the guidelines active at the time it was (re)chartered or use the new guidelines.

1911 The council liaisons to the WG will be asked to report on the WG status monthly to the council.

1912 All WG charters must be reviewed by the GNSO council every 6 months for renewal. Milestones

1913 WG formed, chair & Council liaison & staff coordinator identified = T

1914 Initial Report: T + 150 - 170 days

1915 First comment period ends: T + 170 - 200 days

1916 Preliminary Final Report: T + 190 - 220 days.

1917

1918 Note: if the WG decided that a change is needed to the milestone dates, it should submit a revised  
1919 time line to the GNSO council for approval

1920

1921

## 1922 **Annex B - Constituency Statement Template**

### 1923 **Constituency Input Template**

### 1924 **Post-Expiration Domain Name Recovery Policy Development Process**

---

1925

1926 PLEASE SUBMIT YOUR RESPONSE AT THE LATEST BY **FRIDAY 18 SEPTEMBER** TO THE PEDNR WG  
1927 ([gnso-pednr-dt@icann.org](mailto:gnso-pednr-dt@icann.org))

1928

1929 The GNSO Council has formed a Working Group of interested stakeholders and Constituency  
1930 representatives, to collaborate broadly with knowledgeable individuals and organizations, in order  
1931 to consider recommendations for best practices as well as or instead of recommendations for  
1932 Consensus Policy to address a number of questions related to post-expiration domain name  
1933 recovery.

1934

1935 Part of the working group's effort will be to incorporate ideas and suggestions gathered from  
1936 Constituencies through this Constituency Statement. Inserting your Constituency's response in this  
1937 form will make it much easier for the Working Group to summarize the Constituency responses. This  
1938 information is helpful to the community in understanding the points of view of various stakeholders.  
1939 However, you should feel free to add any information you deem important to inform the working  
1940 group's deliberations, even if this does not fit into any of the questions listed below.

1941

1942 For further background information on this issue, please review the [GNSO Issues Report on Post-  
1943 Expiration Domain Name Recovery](#).

1944

#### 1945 **Process**

- 1946 - Please identify the members of your constituency who participated in developing the  
1947 perspective(s) set forth below.
- 1948 - Please describe the process by which your constituency arrived at the perspective(s) set forth  
1949 below.

1950 **Questions**

1951 Please provide your constituency's views on:

1952

1953 1. Whether adequate opportunity exists for registrants to redeem their expired domain names;

1954

1955 2. Whether expiration-related provisions in typical registration agreements are clear and  
1956 conspicuous enough;

1957

1958 3. Whether adequate notice exists to alert registrants of upcoming expirations;

1959

1960 4. Whether additional measures need to be implemented to indicate that once a domain name  
1961 enters the Auto-Renew Grace Period, it has expired (e.g., hold status, a notice on the site with a  
1962 link to information on how to renew, or other options to be determined);

1963

1964 5. Whether to allow the transfer of a domain name during the Redemption Grace Period (RGP).

1965

## 1966 **Annex C – Public Comment Forum Survey Questions**

1967

### 1968 **Renewal After Expiration**

1969 Question 4: Should registrars offer renewals for a period of time following expiration (subject to a  
1970 few explicit exceptions?)

1971 Question 5: Additional Comments

1972 Question 6: Should the policy specify the minimum amount of time allowed for renewal after  
1973 expiration?

1974 Question 6: Yes - please specify for how long:

1975 Question 7: Additional Comments

1976 Question 8: Should offering renewal after expiration be a consensus policy, best practice, or as a  
1977 means for registrars to offer competitive services?

1978 Question 9: Additional Comments

1979

### 1980 **Expiration Notices**

1981 Question 10: Should the policy specify the minimum number of notices that are required prior to  
1982 expiration?

1983 Question 11: If you answered yes to the previous question, what is the most appropriate number of  
1984 reminder messages?

1985 Question 12: Additional Comments

1986 Question 13: Should the policy specify when such notices should be sent?

1987 Question 14: If you answered 'yes' to the previous question, what timing or reminder schedule  
1988 would you suggest?

1989 Question 15: Additional Comments

1990 Question 16: Should the policy specify how such notices should be sent?

1991 Question 17: If you answered 'Yes' or 'No, but...' to the previous question, what methods should it  
1992 specify?

1993 Question 18: Additional Comments

1994 Question 19: What, in your opinion, is the most effective means to remind a registrant that their  
1995 domain name is about to expire?



1996

1997 **WHOIS**

1998 Question 20: Should WHOIS be changed to make it obvious that a domain has expired and not yet renewed by the registrant (or their agent)?

2000 Question 21: Additional Comments

2001

2002 **Information & Education**

2003 Question 22: What, in your opinion, is the most effective means of alerting a registrant that their domain name has already expired?

2005 Question 23: What, in your opinion, should be done to educate registrants to ensure that domain names are renewed without incident?

2006

2008 **Services After Expiration**

2009 Question 24: What should happen post-expiration when the domain is accessed via the web; when e-mail is sent to an address at the domain; or other IP services are used?

2011 Question 25: Additional Comments

2012

2013 **Redemption Grace Period**

2014 Question 26: Should offering the RGP be mandatory for all gTLD registries?

2015 Question 27: Additional Comments

2016 Question 28: Should offering the RGP be mandatory for all registrars?

2017 Question 29: Additional Comments

2018 Question 30: Should the registration agreement be required to provide predictable statements about what will happen after expiration?

2020 Question 31: Additional Comments

2021

2022

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