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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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TABLE OF CONTENT

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Glossary

Auto-Renew Grace Period

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

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

EDDP - Expired Domain Deletion Policy

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

RNHaE - Registered Name Holder at Expiration

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

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

RGP - Redemption Grace Period

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

Registrar

With respect to gTLDs, a Registrar is an entity that has entered into the Registrar Accreditation Agreement (RAA) with ICANN and can therefore register domains in gTLDs ("Registrar Services") following completion of a Registry-Registrar Agreement with the particular Registry Operator.

Reseller

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

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1. Executive Summary

1.1 Background

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

[1] 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.

1.2 Deliberations of the PEDNR WG

- The PEDNR Working Group started its deliberations in July 2009 where it was decided to continue the work primarily through first bi-weekly and then weekly conference calls, in addition to e-mail exchanges.
- Section 6 provides an overview of the deliberations of the Working Group conducted both by conference call as well as e-mail threads.
- No quantitative evidence establishing the prevalence of unintentional domain name loss was presented, despite requests for this research by some members of the WG.
- As instructed in its charter, the PEDNR WG started its deliberations by reviewing current registrar practices regarding domain name expiration, renewal, and post-expiration recovery. In order to gather further information, it was decided to conduct a registrar survey. Annex B provides an overview of the main questions and outcomes of the survey.
- The PEDNR WG Charter instructs the Working Group to 'pursue the availability of further information from ICANN Compliance Staff to understand how current RAA provisions and consensus policies regarding deletion, auto-renewal, and recovery of domain names following expiration are enforced'. To facilitate this process, ICANN Compliance Staff has participated in the deliberations of the Working Group and has provided the information outlined in section 5 on complaints received and Expired Domain Deletion Policy Audits.
- The Working Group published an Initial Report on 31 May 2010 and a proposed Final Report on 21 February 2011. Following review of the public comments received on both reports (see section 7), the WG has now published its Final Report for submission to the GNSO Council.

1.3 WG Survey

- 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 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. Annex C describes the refined survey, the options considered, and the poll results.

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Deleted: <#>Section 7 provides an overview of the deliberations of the Working Group conducted both by conference call as well as e-mail threads. 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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1.4 Charter Questions & Proposed Recommendations

- Taking into account the Working Group Deliberations (see Section 6), the WG Survey (see Annex C) and the Public Comments received (see Section 7), the Working Group has put forward the following recommendations to address each of the Charter Questions.

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.

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 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.

Rationale: This ensures that for at least an 8-day period following expiration, the domain will

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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.

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cease to operate as it did prior to expiration. The WG believes that this failure to function may be one of the most effective methods of getting a registrant's attention. Although 8 days is set as a minimum, there is nothing to prevent a Registrar form providing a longer period such as most registrars do today.

Recommendation #3: 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.]

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

Recommendation #4: 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.

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

Recommendation #5: 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.

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

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

Recommendation #6: The registration agreement must include or point to any fee(s) charged

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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.

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

Recommendation #7: 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.

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: 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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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 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.

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

Recommendation #10: 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 that 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.

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

Recommendation #11: Notifications of impending expiration must include method(s) that do

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not require explicit registrant action other than standard e-mail receipt in order to receive such notifications.

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

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

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

Recommendation #13: 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 "instructions" may be as simple as directing the RNHaE to a specific web site.]

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

Recommendation #14: 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.

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

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

No recommendation.

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

1.5 Next Steps

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

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2. Objective and Next Steps

This Final Report on the Post-Expiration Domain Name Recovery PDP is prepared as a required step in GNSO Policy Development Process (PDP) as described in the ICANN Bylaws, Annex A (see http://www.icann.org/general/bylaws.htm#AnnexA). It is based on the Initial Report of 31 May and the proposed Final Report of 21 February 2011 and has been updated to reflect the review and analysis of the comments received by the PEDNR Working Group in addition to further deliberations. This report is submitted to the GNSO Council for its consideration. The conclusions and recommendations for next steps on the five charter questions included in this PDP are outlined in section 8.

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3. Background

Background

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

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

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

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

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[2] 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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4. Approach taken by the Working Group

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

4.1 Members of the PEDNR Working Group

The members of the Working group are:

Affiliation	Name	Meetings Attended (Total #)	Number of surveys completed
Registrar Stakeholder Group			
	James Bladel		2
	Graham Chynoweth		1
	Mason Cole		2
	Paul Diaz		2
	Jeff Eckhaus		2
	Sergey Gorbunov[3]		0
	Rob Hall		0
	Oliver Hope[4]		0
	Tatyana Khramtsova		1
	Mark Klein		0

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[3] Resigned from the WG on 14 December 2009
[4] Joined WG in July 2010

Affiliation	Name	Meetings Attended (Total #)	Number of surveys completed
	Helen Laverty		1
	Michele Neylon		2
	Tim Ruiz (Council Liaison)		0
	Matt Serlin		2
	Steve Holsten[5]		0
	Michael Young		1
	Berry Cobb		2
	Phil Corwin		0
	Mike O'Connor		2
	Michael Palage[6]		0
	Mike Rodenbaugh		2
Intellectual Property Constituency			
	Alaine Doolan		0
	J. Scott Evans		0
	Ted Suzuki		0
	Avri Doria		0
	Debra Hughes[7]		0
	Divina Meigs		0
	Ron Wickersham		2
	Garth Bruen		0
	Olivier Crepin-Leblond[8]		0

[5] Resigned from the WG on 14 May 2009
[6] Resigned from the WG on 18 March 2010
[7] Joined WG in March 2010
[8] Joined WG in January 2011

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Affiliation	Name	Meetings Attended (Total #)	Number of surveys completed
	Alan Greenberg		2
	Dave Kissoondoyal		0
	Cheryl Langdon-Orr		2
	Glenn McKnight		2
	Sivasubramanian Muthusamy		2
Governmental Advisory Committee			
	Karim Attoumani		0

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

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

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

The attendance sheet can be found [include link].

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5. Information from ICANN Compliance Staff

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

5.1 Complaints received

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

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

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

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

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Possible Compliance Issues (thru July 31, 2009	
Description	**Count**
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
Total	**7263**

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

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which category would be more accurate to file under[10].

5.2 Expired Domain Deletion Policy Audits

Deletion and Renewal Consensus Policy Audit

ICANN's compliance team carried out a deletion and renewal consensus policy audit in relation to the Expired Domain Deletion Consensus Policy early in 2009. The expired domain deletion policy states that, "At the conclusion of the registration period, failure by or on behalf of the Registered Name Holder to consent that the registration be renewed within the time specified in a second notice or reminder shall, in the absence of extenuating circumstances, result in cancellation of the registration by the end of the auto-renew grace period (although Registrar may choose to cancel the name earlier). Among other requirements, the registrar must provide notice to each new registrant describing the details of their deletion and auto-renewal policy including the expected time at which a non-renewed domain name would be deleted relative to the domain's expiration date, or a date range not to exceed ten days in length. If a registrar makes any material changes to its deletion policy during the period of the registration agreement, it must make at least the same effort to inform the registrant of the changes as it would to inform the registrant of other material changes to the registration agreement."

As part of the audit, ICANN's Compliance Staff found that a majority of ICANN-accredited registrars provide a notice on the Deletion and Removal Policy to registrants on their website. Over 82% of ICANN-accredited registrars actively selling domain names have information posted on their websites that explains what happens if registrants fail to renew their domain registration after a specified amount of time. In most cases, this information was found in the legal notices section or the registration agreement documents posted on registrars' websites. ICANN sent notices to registrars that did not appear to have a statement disclosing their Deletion and Removal Policy posted on their website allowing them to clarify the reasons for this and providing them five business days to post this information. ICANN followed up with registrars that were not compliant with the requirement to provide information to registered name holders about the registrar's

[10] To clarify, the form requires that the submitter select just one category of problem, resulting in different users variously categorizing the most important aspect.

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deletion and renewal policy. To further clarify the intent of the EDDP for two noncompliant registrars, Staff sent a copy of the EDDP, along with the Advisory concerning the requirement to post fees for expired domain names, to the two registrars for rapid implementation and posting. Staff planned to review these registrars websites in early January 2010 to see if the content has been modified, based on the additional guidance, and will pursue enforcement action if required.

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

ICANN Compliance recently completed an audit of all ICANN-accredited registrar websites to establish if they were compliant with the Expired Domain Deletion Policy as it relates to fees charged to registered name holders for recovering domain names that have entered the Redemption Grace Period (RGP) (please refer to section 3.7.5.6 of the EDDP). A majority of registrars- close to 500 of them- posted information on their websites in relation to recovering domain names that are in RGP which either did not mention fees or mentioned them but did not specify any amount (e.g., "fees will apply").

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

The ICANN Compliance Team does not perform any audits on Resellers.

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6. Deliberations of the Working Group

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

The PEDNR WG started its deliberations by reviewing current registrar practices regarding domain name expiration, renewal, and post-expiration recovery. In order to gather further information, it was decided to conduct a registrar survey. In Annex B, you'll find an overview of the main questions and outcomes of the survey.

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. Annex C describes the refined survey, the options considered, and the poll results.

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

WHOIS as the Registered Name Holder following expiration (many registration agreements allow the Registrar to alter the WHOIS data to indicate that the Registrar itself, an affiliate, or a third party is the registrant at this time).

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

- It was pointed out that no evidence was provided that demonstrates that there are registrars that do not provide registrants with an opportunity to recover their domain name registration following expiration. Some argued that 'opportunity' does not equate 'adequate opportunity'.
- On discussion of the possibility of a mandatory Renewal Grace Period, some pointed out that that would result in telling registrars how to manage their finances, as they would be automatically charged following expiration upon renewal with the registry. In the current situation, the registrar is generally immediately charged by the registry for the auto-renewal following expiration; those costs are recovered from the registrant if it renews the registration or reimbursed if the registration is deleted during the Auto-Renew Grace Period. Some suggested that an option would be to review this practice and explore whether the registry could absorb the costs, or whether another model could be explored. Others suggested that for registrars that do not delete the name early, a renewal grace period should always be offered to registrants.

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

- Some argued that many expiration-related provisions in registration agreements are not clear and conspicuous as these are contracts and written for a legal purpose, not necessarily with clarity or enhanced consumer understanding in mind. Some note that there was no evidence that the use of legally appropriate language contributed to the unintentional loss of domain names, nor were the potential consequences of using legally ambiguous language explored. It was also noted that some of the provisions in registration agreements were not actually practiced, but included as a means to legally protect registrar discretion when addressing unforeseen scenarios. Nevertheless, some felt that consumers would benefit

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from a predictable and transparent way in which expired domain name registrations are dealt with. Some suggested that a base line set of expectations should be developed so that registrants know what to expect as a minimum.

- All agreed that additional education and information to registrants should be explored in order to enhance understanding of current practices and provisions in registration agreements relating to expiration and recovery.

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- Some suggested that a central repository or document should be developed in which renewal and expiration related information from the different registrars would be held, which would be complimentary to the Registrant's Rights and Responsibilities charter which is currently under development.
- Instead of trying to define "clear and conspicuous", some suggested that it might be easier to define the opposite; what is considered unclear and obfuscated.

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

- Many pointed out that the current display of WHOIS information is confusing as upon auto-renewal by the registry, as the expiration date displayed will be one year from the actual expiration date while the registrant actually has not yet paid for the renewal. Upon viewing this information, the registrant might think that the domain name registration has been renewed. Some also noted that the format in which dates are displayed (MM/DD/YYYY) can be confusing for non-US registrants where other formats might be used (e.g. DD/MM/YYYY). It was also pointed out in the public comment period that WHOIS records do not indicate whether a registrant has requested a deletion of a domain name, which might mean that a complainant in a UDRP proceeding would not be able to exercise its rights under paragraph 3.7.5.7 of the EDDP.
- There was unanimous support within the Working Group that the lack of a clear indication in WHOIS that the registrant has not yet renewed, even the expiration date has been advanced by one year by the Registry's Auto-renew Grace Period to the Registrar is major point of confusion. However the Working Group felt that it was beyond its capabilities to address exactly how this should be fixed.
- Many pointed out that first and foremost it is the responsibility of a registrant to renew

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their domain name registration prior to expiration and ensure that their contact information is up to date with the registrar so that notices and reminders are being received. It was pointed out that most registrars make every effort to ensure that reminders and notifications are sent out in due time to allow for timely renewal.

- The WG discussed the current provision in the EDDP, which only mentions 'a second notice or reminder' and debated whether further details should be provided on when and how those notices are sent to registrants. It was pointed out that in practice many registrars send well in excess of two notices, with some providing exact details to registrants on when notices are being sent prior to and after expiration.
- The WG also discussed whether the registry should be required to send a notice to the registrant prior to expiration, but it was pointed out that in order to do so it would need access to registrant contact information, which is not available in so-called 'thin[11]' registries.
- The WG reviewed data from the Nominet Domain Name Industry Report 2009, which found that of those people renewing their .uk domain name registration, 60% renew due to a reminder from their registrar, 25% believe their domain names renew automatically and 7.3% renewed after receiving reminders from Nominet. At expiration, .uk domains enter their equivalent of the RGP wherein the domain ceases to function and Nominet attempts to send notices to the registrant. Of course, the experiences and business practices of a ccTLD are not directly applicable to the gTLDs managed by ICANN.

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

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

7.5 Charter Question 5: Whether to allow the transfer of a domain name during the

[11] 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.

RGP.

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

Following the review of the public comments (see Section 7), the WG continued its deliberations taking into account the public comments received as well as the results of the WG survey (see Annex C). On this basis, an initial list of agreed upon principles was drawn up (see here) from which the proposed recommendations that were included in the proposed Final Report were derived. Following the review of the public comments received on the proposed Final Report and continued deliberations, the WG has now finalized its recommendations for submission to the GNSO Council (see Section 8).

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7. Stakeholder Group / Constituency Statements & Public Comment Period

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

7.1 Initial Public Comment Period

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

7.2 Stakeholder Group / Constituency Statements

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

IPC - Intellectual Property Interests Constituency

RyS - gTLD Registry Stakeholder Group

RS – Registrar Stakeholder Group

BC – Business and Commercial Users' Constituency

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7.2.1 Stakeholder Group / Constituency Views

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

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

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

Charter Question 2: Whether expiration-related provisions in typical registration agreements are

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clear and conspicuous enough

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

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

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

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

The IPC recommends that consideration should be given to an update to the WHOIS record,

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

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

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

General Comments

The BC points out that the preliminary work of the WG appears to indicate that registrar practices in connection with the transfer of domain names post expiration may result in inaccurate WHOIS data that may materially impact other stakeholders in the DNS. The RS states that the premise of this proposal is that something bad might happen to a registration - not that there is demonstrated harm occurring and a remedy must be provided immediately. It adds that the ICANN Community cannot encourage competition and innovation, then seek to regulate it without clear evidence of harm. It furthermore adds that no ICANN policy or registrar practice can provide full insurance against unintentional loss of a registration, or against the potential bad faith behaviour of a registrar or reseller. In addition, the RS points out that registrars are more than willing to contribute in good faith to preventing unintentional loss of a customer's name. Should the community believe that 'bad

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actors' need to be addressed, registrars will discuss ways to do so that do not needlessly disrupt operations of the 'good actors' and further distract the community from more important issues.

7.3 Public Comment on the Initial Report

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

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7.3.1 Public Comment Forum

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

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

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

General Comments

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Desired Outcomes

ALAC notes that 'a level of predictability and security' must be provided to gTLD registrants and would support the following outcomes of the PDP:
'1. Consensus policy requiring that all registrars must allow renewal of domain names for a reasonable amount of time after expiration.
2. Consensus policy explicitly stating the minimum requirements for pre-expiration notices.
3. Consensus policy requiring clarity of how messages will be sent.
4. Consensus policy requiring that WHOIS contents to make it clear that a domain name has expired and has not yet been renewed by the registrant.
5. Consensus policy requiring that notice(s) be sent after expiration.
6. Consensus policy requiring that web sites (port 80) no longer can resolve to the original web site after expiration
7. Consensus policy requiring that other uses of the domain name (e-mail, FTP, etc.) no longer function after expiration.
8. Consensus policy requiring clarity in the expiration terms and fees offered by registrars.
9. Consensus policy requiring that the Redemption Grace Period be offered by all registries

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(including future gTLDs) and by all registrars.'

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

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

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

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

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

Education / Information

JF points to the importance of education as there is a lot of misunderstanding among registrants when it comes to the life cycle of a domain name registration and suggests that, once the WG has finalized its recommendations, a diagram and narrative 'making clear the expectations and process surrounding the expiry of a domain name' would be developed. In addition, he notes that 'reduction in inconsistency will also help reduce trouble areas or perceptions' (e.g by standardizing timing of notices, how these are sent, what happens if a domain name expires). JF points out that the

Marika Konings 23/5/11 09:53
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comment submitted by AA is an example of one of the misunderstandings that seems to exist 'that a trademark is somehow an exemption from renewal fees or the consequences of not renewing a domain name within an agreed period of time'.

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

The CBUC proposes 'the creation of consumer education, perhaps ICANN sponsored, around the expiration of domain names'.

Auto-Renew Grace Period

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

Redemption Grace Period

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

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

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Other Issues

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

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

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

7.3.2 Public Comment Survey

In addition to a public comment forum, interested parties had the opportunity to contribute and comment on the Initial Report by completing a survey (see Annex C for Survey questions). Four hundred and twelve (412) responses were received to the survey. A broad overview of the survey results can be found here (see attachments at http://forum.icann.org/lists/pednr-initial-

Marika Konings 23/5/11 09:53
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report/msg00009.html). In addition, the WG carried out an in-depth analysis of the survey responses, which has been summarized below. The detailed analysis carried out using pivot tables can be viewed here.

WG Analysis of Survey

After closer review of the data, it was determined that 51 responses were not complete and therefore excluded from the overall results leaving 361 responses[12]. Taking those responses, the WG grouped related questions in the following broader themes to determine whether a relationship existed in the responses to these related questions.

Renewal after Expiration

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

Expiration Notices

A majority of respondents (251) is of the opinion that a consensus policy should specify the minimum number of notices being sent as well as when such notices should be sent. 152 respondents consider 3 notices the appropriate number of reminders required to be sent according to the policy, while 18 respondents prefer 1 reminder, 72 respondents prefer 2 reminders and 41

[12] Except for the questions summarized under the heading 'renewal after expiration' for which the total number of 361412 responses was taken into account.

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respondents would like more than 3 reminders required by the policy. In addition, 138 respondents are of the opinion that the policy should specify how such notices are sent, while 127 respondents are of the opinion that it is sufficient if such information is included in the registration agreement or web-site of the registrar. Most respondents consider email (119) the effective means to remind a registrant that their domain is about to expire, followed by postal (56) or a combination of email and postal (47).

WHOIS

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

Information & Education

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

Services after Expiration

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

Redemption Grace Period (RGP)

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

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7.4 Public Comment on the Proposed Final Report

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

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

At-Large Advisory Committee (ALAC)

Charles Mason (CM)

Commercial & Business Users Constituency by Steve DelBianco (CBUC)

G.P. Singh (GS)

INTA Internet Committee by Claudio Di Gangi (INTA)

Intellectual Property Constituency by J. Scott Evans (IPC)

Michael Schout (MS)

Pieter van Ieperen (PI)

Registrar Stakeholder Group by Clarke Walton (RrSG)

Registries Stakeholder Group by David Maher (RySG)

	Comment	Who/Where
General Comments		
1.	Certain recommendations listed in the Report require clarification and/or refinement before they can adequately address the identified concerns.	IPC
2.	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 name to another registrant without the explicit consent of the RNHaE at the time of transfer (exceptions may apply for arbitration and judicial orders).	PI
3.	The ALAC supports most of the recommendations, but not all of them (see recommendation #2). In addition, it believes that some recommendations	ALAC

Marika Konings 23/5/11 09:53
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	are missing from the report (see hereunder).	
4.	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.	ALAC
5.	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.	INTA
6.	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.	RrSG
7.	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.	RySG
Charter Question 1 – 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.		
8.	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 Rapid Suspension ('URS') proceeding. Such suspended domain names should follow a different set of processes.	IPC
9.	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	BC, ALAC, INTA

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	rationale.	
Charter Question 1 – 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 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.		
10.	A minimum of 12 working days should be given after expiration when the RNHaE can renew.	GS
11.	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.	MS
12.	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.	IPC
13.	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.	IPC
14.	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.	PI
15.	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).	PI
16.	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?	PI
17.	The BC supports this recommendation, with the exception that the 8-day period should be extended to 30 days.	BC
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	ALAC

Marika Konings 23/5/11 09:53
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	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.	
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
Charter Question 1 – Recommendation #3 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
Charter Question 1 – Recommendation #4 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 "unsponsored" as such categorization no longer exists in the Applicant Guidebook for new gTLDs.	RySG
27.	Support for this recommendation.	BC, ALAC
28.	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	INTA

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	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.	
Charter Question 1 – Recommendation #5 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.		
29.	Support for this recommendation.	IPC, BC, ALAC
30.	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'.	PI
31.	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.	INTA
Charter Question 2 – Recommendation #6 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.		
32.	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.	IPC
33.	ICANN must limit the fees for post-expiration renewal and post-delete restoration.	PI
34.	Support for this recommendation.	BC, ALAC, INTA
Charter Question 2 – Recommendation #7 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.		
35.	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.	IPC, INTA
36.	Support for this recommendation.	BC, ALAC

Marika Konings 23/5/11 09:53
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Charter Question 2 – Recommendation #8 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.]		
37.	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.	IPC, INTA
38.	Support for this recommendation.	BC, ALAC
39.	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.	INTA
Charter Question 2 – Recommendation #9 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.		
40.	Support for this recommendation.	IPC, BC, ALAC, INTA
41.	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.	INTA
Charter Question 3		
42.	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.	CM
Charter Question 1 – Section 7 Deliberations of the WG		
43.	The RySG representative suggested that a WHOIS 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	RySG

Marika Konings 23/5/11 09:53
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	these additional clarifications, and (b) a lack of standardization in existing WHOIS standards.	
Charter Question 3 – Recommendation #10 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 that 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.		
44.	Support for this recommendation, but the IPC notes it has no opinion with regard to the proposed exception policy.	IPC, BC, ALAC, INTA
45.	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.	INTA
Charter Question 3 – Recommendation #11 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.		
46.	Support for this recommendation.	IPC, BC, ALAC, INTA
Charter Question 3 – Recommendation #12 Unless the Registered Name is deleted by the Registrar, at least one notification must be sent after expiration.		
47.	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.	IPC
48.	Support for this recommendation.	BC, ALAC
49.	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.	INTA
Charter Question 4 – Recommendation #13 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 "instructions" may be as simple as directing the RNHaE to a specific web site.]		
50.	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	IPC

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	third parties.	
51.	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.	BC, ALAC, INTA
Charter Question 4 – Recommendation #14 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.		
52.	Support for this recommendation.	IPC, BC, ALAC, INTA
53.	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.	ALAC
54.	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.	INTA
Charter Question 5 No recommendation.		
55.	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.	CM
56.	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.	RySG
57.	The BC supports no action at this time.	BC

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8. Proposed Recommendations and Next Steps

Taking into account the Working Group Deliberations (see section 6), the WG Survey (see Annex C) and the Public Comments received (see section 7), the Working Group would like to put forward the following recommendations for GNSO Council Consideration to address each of the Charter Questions. All the recommendations listed below have full consensus support from the Working Group. These recommendations represent the compromise that has been found between the different viewpoints that existed amongst the WG members and the WG is confident that these recommendations will provide additional guarantees to registrants; will improve registrant education and comprehension, and; are in line with current registrar practices and will have minimal impact on most registrars and other affected stakeholders. 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. As recommended as part of the new GNSO Policy Development Process, individual Working Group members remain available to provide feedback on the implementation plan for the recommendations either by joining an Implementation Review Team should the GNSO Council decide to form one or by providing advice to the GNSO Council directly if so requested.

Note: The WG recognizes that some of these recommendations may need special consideration in the context of existing provisions in the Uniform Dispute Resolution Policy (UDRP) and the proposed Uniform Rapid Suspension System (URS) and the WG, therefore, recommends that such considerations are taken into account as part of the implementation of these recommendations, once adopted.

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

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Comment [3]: To be updated if there is no full consensus support for all or some of the recommendations.

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renewal, the RNHaE is the entity or individual identified as the registrant immediately prior to that modification.

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 interrupted[13] by the registrar, to the extent that the registry permits such interruptions, 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.

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

Recommendation #3: 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

[13] 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).

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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.

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

Recommendation #4: With the exception of sponsored[14] gTLDs, all 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. As part of the implementation, ICANN Staff should consider the Technical Steering Group's Implementation Proposal (see http://www.icann.org/en/meetings/bucharest/redemption-topic.htm).

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

Recommendation #5: 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.

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

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

Recommendation #6: The registration agreement must include or point to any fee(s) charged

[14] 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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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.

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

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 guidelines 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.

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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.]

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 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.

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

Recommendation #10: 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 that 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.

Rationale: The current requirement in the RAA to send at least two notifications is vaguely worded. There is also nothing to prohibit such notifications from being sent too early or too late to be effective.

Recommendation #11: 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.

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

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

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

Recommendation #13: 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 "instructions" may be as simple as directing the RNHaE to a specific web site.

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

Recommendation #14: Best Practice: 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.

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

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fixed, but felt that it was important that Registrars consider the situation.

Recommendation #15: Best Practice: the notification method explanation (see recommendation #9) should include the registrar's email address from which notification messages are sent and a suggestion that registrants save this email address as a 'safe sender' to avoid notification emails being blocked by spam filter software.

Recommendation #16: Best Practice: Registrars should advice registrants to provide a secondary email point of contact that is not associated with the domain name itself so that in case of expiration reminders can be delivered to this secondary email point of contact.

Rationale: See Recommendation #14.

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

Recommendation #17: The Working Group recommends that a transfer of a domain name during the RGP should not be allowed.

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

Review

Recommendation #18: The Working Group recommends that ICANN Compliance is requested to provide updates on a regular basis in relation to the implementation and effectiveness of the proposed recommendations, either in the form of a report that details amongst others the number of complaints received in relation to renewal and/or post-expiration related matters or in the form of audits that assess if the policy has been implemented as intended.

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1473 **Next Steps**

1474

1475 The WG has submitted this Final Report to the GNSO Council for its consideration.

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

As adopted by the GNSO Council on 24 June 2009

Whereas:

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

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

The GNSO Council RESOLVES

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

The Working Group initially shall:

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

The Working Group shall then consider the following questions:

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

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to information on how to renew, or other options to be determined);
5. Whether to allow the transfer of a domain name during the RGP.

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

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

Working Group processes:
While the development of Guidelines for Working Group operations are still to be developed the following guidelines will apply to this WG:
The WG shall function on the basis of rough consensus, meaning all points of view will be discussed until the chair can ascertain that the point of view is understood and has been covered. Consensus views should include the names and affiliations of those in agreement with that view. Anyone with a minority view will be invited to include a discussion in the WG report. Minority report should include the names and affiliations of those contributing to the minority report.
In producing the WG report, the chair will be responsible for designating each position as having one of the following designations:

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

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

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

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

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

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

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

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

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

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

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

Initial Report: T + 150 - 170 days

First comment period ends: T + 170 - 200 days

Preliminary Final Report: T + 190 - 220 days.

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

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Annex B - Registrar Survey

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

Methodology

The survey covers the top 10[15] registrars by total domains, which represents approximately 66% of domains registered. ICANN Staff reviewed information publicly available on registrar web sites in a first attempt to respond to the questions. Following that, the registrars in question where contacted to verify the information found as well as to provide input on those questions for which no publicly available information was available. Following this feedback, the survey responses were updated and anonymized. The complete registrar survey can be found here.

Findings

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

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

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

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

[15] 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.

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

- **When and how are notices of expiration sent to the RNHaE prior to expiration? If a reseller was involved in the domain transaction, are notices sent by reseller or by registrar?**
  Notices are generally sent by email, often to the different email addresses on file (contact handles associated with the domain). Some registrars may also notify the RNHaE via notices to their registrar account (requiring logging on to receive the message). Some registrars provide a detailed calendar of when notices are sent, others do not. One registrar indicates that direct mail notices are also sent to the mailing addresses on record. Those that provide information on when notices are sent provide the following range of when the first notice is sent prior to expiration: 90, 75, 45 and 21 days. Two registrars note that 'as a convenience to the registrant, and not as a binding commitment', the registrar may 'send an email message', but in practice these registrars send notices to their customers (an issue that was later corrected to be compliant).
- **When and how are notices of expiration sent to the RNHaE following expiration? If a reseller was involved in the domain transaction, are notices sent by reseller or by registrar?**
  Several registrars confirm that notices are also sent following expiration. Those that provided specific details, note that notices are sent from 10 – 21 days after expiration. One registrar does not sent notices following expiration, but the user account does contain an alert that the domain name registration has expired.
- **Does the registrar make substantial changes to any of the underlying WHOIS data associated with the domain name in or around the time of expiration? (Note: changing status of a domain name registration e.g. to 'pending delete' and/or changing the expiration date are not considered substantial changes) (yes/no; if yes, when)**
  Six registrars note that WHOIS records 'may' undergo changes such as replacing the RNHaE contact information with that of the registrar, although one registrar confirms it actually does not make any substantial changes even though the contract does allow for such changes. Three registrars do not make substantial changes to WHOIS data apart from changing the

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nameservers.

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

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

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

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

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

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

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

  In most cases, the email will bounce and is discarded, unless the DNS is hosted with the registrar and only the "A Record" is changed. This question is not applicable to the registrar that does not

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operate a renew grace period for the RNHaE, nor does it apply if the DNS nameservers are hosted by the RNHaE or a third-party (e.g. hosting provider).

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

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

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

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

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

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

- **If a reseller was involved in the original transaction:**

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

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

  - **If the RNHaE is dealing with a reseller, how can the RNHaE identify the affiliated registrar?**

  This information is available through a WHOIS lookup.

  - **To recover the expired domain name, can the RNHaE work with the registrar directly or**

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must it work with reseller?

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

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

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

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

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

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

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

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

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

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

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

- **Are the terms of the treatment of the domain name registration at the time of expiration**

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contained in the registration agreement or in another document? Please specify the terms if not already done so in question 1 or 2.

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

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

  All respondents indicated that this does not have an impact.
- **Does the registrar or affiliated auction service provider provide the RNHaE the right to remove a name from auction / sales process?**

  In four cases, the RNHaE can remove the domain name registration from the auction / sale by renewing the registration. One registrar confirms that if the RNHaE has notified the registrar that he/she does not want to proceed with a transfer to the third party, the domain name registration will be deleted. In two cases, the RNHaE cannot remove or recover the domain name from auction / sale. One registrar notes that once the auction process has commenced it is not customary to remove the name from auction.
- For those registrars or affiliated auction service provider that provide auction services with the ability of the registrant to renew/re-register a name, what measure of registrants have exercised that right? Data are not available.

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Annex C PEDNR WG Survey & Potential Options for Consideration

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 Laverty, 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

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

1 Overarching Issue

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]

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

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

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

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%

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

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

Issue: Currently the timeframe during which the RNHaE can recover his/her domain name registration varies widely. Linked to the previous question, this question aims to assess what the minimum timeframe across all registrars should be during which the RNHaE has the ability to recover his/her domain name registration following expiration. In a survey of the 9 largest registrars, 1 currently provides 30 days, 3 provide 35 days, 4 provide 40 or more days, and 1 has a business model where all domains automatically renew unless explicitly deleted by the registrant.

Any policy change should consider the current ability of a registrar to delete the name during the 45 day EDDP period and the ability of a RNHaE to explicitly request the deletion of a name.

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**

Marika Konings 23/5/11 09:53
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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%

2 Period Prior to Expiration

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

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

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

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

WG Response:

Options (select one)	**Number of responses**	**Percentage**

Marika Konings 23/5/11 09:53
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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%

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]

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.

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

WG response:

Options (select one)	**Number of responses**	**Percentage**

Marika Konings 23/5/11 09:53
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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%

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%

Marika Konings 23/5/11 09:53
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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%

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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%

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]

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

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%

Marika Konings 23/5/11 09:53
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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%

3 Post-Expiration

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

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

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

The following questions explore such additional measures.

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

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

Marika Konings 23/5/11 09:53
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registration has been renewed. The confusion arises because there are two "expiration" relationships: that between the registry and registrar, and that between the registrar and registrant. Note: it is understood that this may require changes to the Registrar:Registry EPP (Extensible Provisioning Protocol).
In the first version of this survey, there was rough consensus (73%) that WHOIS status messages related to expiration should be clarified.

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%

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

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

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%

Marika Konings 23/5/11 09:53
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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%

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

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

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

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

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

Marika Konings 23/5/11 09:53
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attract the attention of the RNHaE. Others point out that making services "go dark" presents liability risk to registrars, and could further confuse registrants.

In the first version of this survey, there was a general consensus that stopping the functioning of a web site was the best way to get the RNHaE's attention.

Any policy change should consider exemptions for situations where the registrar is in active bi-directional contact with the RNHaE and resolution of the issue is being discussed.

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%

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

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

Marika Konings 23/5/11 09:53
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There is a also an issue of privacy, if personal e-mail may be intercepted by those other than the intended recipient. Ultimately, if the domain is acquired by someone else, it would be technically possible to intercept such e-mail.

Lastly, there is an RFC which specifies that mail should not just disappear, but rather be bounced, but that could lead to the possibility of spam-related problems.

Current registrar practice varies by registrar and may also depend on whether a registrar-controlled DNS is used by the RNHaE.

In the first version of this survey, the responses were quite diverse, because the original question provided possible answers that were very attractive, but may not be technically feasible (such as redirecting all mail to an RNHaE-specified address).

WG response:

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%

11. What should happen with non-web, non-e-mail services post expiration (i.e. should ICANN specify what happens to ALL IP ports, or just those specific to web and e-mail services)? [Charter Question 4]

Marika Konings 23/5/11 09:53
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Issue: Web access and e-mail are just two specific services using the Internet infrastructure. A domain name can be used for any service (including machine-to-machine protocols with no human intervention). Currently there are no requirements or recommendations as to what should happen to these services post expiration. Therefore, they could either continue to work, or could stop, depending on how the registrar alters the registration after expiration. Just as with the web and e-mail, some argue that ceasing to function is the optimal way to catch the RNHaE's attention after expiration.

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%

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

Issue: Current policy allows Inter-Registrar transfers after expiration but before deletion. A losing registrar cannot refuse such a transfer except in the limited circumstances specifically enumerated by the Transfer Policy (such as non-payment for the PREVIOUS year or UDRP action). See http://www.icann.org/en/announcements/advisory-03apr08.htm for further details.

However, situations can exist where the RNHaE can not make the request for such transfer. Specifically: the RNHaE can not obtain the AuthInfo code required to request the transfer from the Gaining Registrar; the domain is "locked" by the

Marika Konings 23/5/11 09:53
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Registrar of Record disallowing transfer and the RNHaE has no access to request that it be unlocked; or the WHOIS data has been changed by the Registrar of Record (often allowed by registration agreements) so that the RNHaE cannot prove that they are the current registrant to the Gaining Registrar or Registry.

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%

4 Contractual Conditions

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

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

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

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

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%

Marika Konings 23/5/11 09:53
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Total	17	100%

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

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

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%

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

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

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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%

5 Redemption Grace Period

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

Issue: The concept of a Redemption Grace Period (RGP) was created in 2002 to address a perceived problem if businesses and consumers are losing the rights to their domain names through registration deletions caused by mistake, inadvertence, or fraud (http://www.icann.org/en/registrars/redemption-proposal-14feb02.htm). Although all non-sponsored gTLDs apart from .pro and .name offer the RGP as a voluntary Registry Service, there is no obligation to offer the RGP. None of the sponsored gTLDs offer the RGP. As part of the new gTLD process, new gTLDs will emerge that will have no obligation to offer the Redemption Grace Period, and based on the experience with the sponsored gTLDs, it is unclear if many will volunteer to offer the service.

VeriSign reports that there were an average of about 4800 RGP restores per month for .com and .net combined in 2009, and PIR reports that there about 350 per month for .org.

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

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%

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

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

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%

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

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

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

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%

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Annex D - Constituency Statement Template

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Constituency Input Template

Post-Expiration Domain Name Recovery Policy Development Process

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

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

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

For further background information on this issue, please review the GNSO Issues Report on Post-Expiration Domain Name Recovery.

Process

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

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Questions

Please provide your constituency's views on:

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

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

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

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

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

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Annex E – Public Comment Forum Survey Questions

Renewal After Expiration

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

Question 5: Additional Comments

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

Question 6: Yes - please specify for how long:

Question 7: Additional Comments

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

Question 9: Additional Comments

Expiration Notices

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

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

Question 12: Additional Comments

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

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

Question 15: Additional Comments

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

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

Question 18: Additional Comments

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

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WHOIS

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)?

Question 21: Additional Comments

Information & Education

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

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

Services After Expiration

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?

Question 25: Additional Comments

Redemption Grace Period

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

Question 27: Additional Comments

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

Question 29: Additional Comments

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

Question 31: Additional Comments

Page 2: [1] Deleted Marika Konings 31/05/11 22:09

Page 14: [2] Deleted Marika Konings 23/05/11 10:17

Page 15: [3] Deleted	**Marika Konings**	**01/06/11 09:37**

Page 15: [3] Deleted	**Marika Konings**	**01/06/11 09:37**

Page 16: [4] Deleted	**Marika Konings**	**23/05/11 10:18**

Commercial and Business Users Constituency

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Page 16: [7] Deleted	**Marika Konings**	**23/05/11 10:18**

Non-Commercial User Constituency / Non-Commercial Stakeholder Group

Page 16: [8] Deleted	**Marika Konings**	**23/05/11 10:18**

At-Large Advisory Committee / At-Large

Page 18: [9] Deleted	**Marika Konings**	**25/05/11 16:22**

Registrar Survey

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

Methodology

The survey covers 9 registrars out of the top 10[1] registrars by total domains, which represents approximately 66% of domains registered. ICANN Staff reviewed information publicly available on registrar web sites in a first attempt to respond to the questions. Following that, the registrars in question where contacted to verify the information found as well as to provide input on those questions for which

[1] 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.

no publicly available information was available. Following this feedback, the survey responses were updated and anonymized. The complete registrar survey can be found here.

Findings

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

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

registration.

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

Yes, this applies to the majority of registrars. The intended scope of the question was related to the Registry-Registrar auto-renewal (the Auto-Renew grace Period).. This question was also interpreted by some as asking whether the registrar provides an auto-renewal option to the registrant, by which it e.g. keeps a credit card on file and will automatically attempt to renew the registration before expiration. It was found that in certain cases this is the default setting and the registrant needs to take affirmative action to switch of off such a auto-renewal; in some cases this is an optional service; in one instance, the registrar does not provide an auto-renewal service for its registrants but many of its resellers do provide this feature.

When and how are notices of expiration sent to the RNHaE prior to expiration? If a reseller was involved in

the domain transaction, are notices sent by reseller or by registrar?

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

When and how are notices of expiration sent to the

RNHaE following expiration? If a reseller was involved in the domain transaction, are notices sent by reseller or by registrar?

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

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

Six registrars note that WHOIS records 'may' undergo changes such as replacing the RNHaE contact

information with that of the registrar, although one registrar confirms it actually does not make any substantial changes even though the contract does allow for such changes. Three registrars do not make substantial changes to WHOIS data apart from changing the nameservers.

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

Five registrars indicate that the RNHaE may renew the domain name at least for a certain period (in some cases as short as 3 days or as long as 45 days) for the normal renewal fee. In other cases an additional fee

may apply, which in certain cases is the same as the fee charged for recovery of the domain name during RGP or may be unspecified.

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

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

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

In six instances the new page will display information that the registration has expired, information on how to renew the registration or advertise the sale / auction of the registration. In two instances, it does not. This question is not applicable to the registrar that does not operate a renew grace period for the RNHaE. Based upon the changes made by the registrar upon expiration, what happens if email is sent by a third party (i.e. someone other than the reseller or registrar) to the email address (e.g. xx@example.com) that uses the expired domain name (e.g. www.example.com)? Does the email bounce, is it still delivered to the RNHaE on an alternative email address or is it discarded?

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

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

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

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

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

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

At what point, if any, is the expired domain name

made available to others than the RNHaE (e.g. sale, auction, transfer to registrars or an affiliate's account). In most cases, the registrar can in theory renew or transfer the registration to the registrar or a third party immediately upon expiration. However, several registrars specify that in practice this only happens at the end of the renewal grace period provided by the registrar to the RNHaE. In certain cases, the registration may be put up for auction but only after a certain period of time, e.g. 25 days, 30 days or 35 days have passed following the expiration.

If a reseller was involved in the original transaction: How does the RNHaE determine whether they are dealing with the reseller or the registrar?

Many note that the reseller information shows up in the WHOIS database and the reseller serves as the first point of contact for the RNHaE. Others note that the RNHaE should be able to tell by the absence of the 'ICANN Accredited Logo' on the website. One registrar

notes that it provides a reseller information retrieval tool on its website. Under the terms of the 2009 RAA, which most ICANN-accredited registrars have signed, resellers are obliged to "identify the sponsoring registrar or provide a means for identifying the sponsoring registrar" (RAA 3.12.2).

If the RNHaE is dealing with a reseller, how can the RNHaE identify the affiliated registrar?

This information is available through a WHOIS lookup.

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

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

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

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

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

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

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

The renewal grace period, the period following expiration during which the RNHaE can recover the

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

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

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

If a registrant specifically requests to delete a domain name prior to its expiration, does the registrar treat it

as an expired domain name or is it treated differently?

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

Are the terms of the treatment of the domain name registration at the time of expiration contained in the registration agreement or in another document? Please specify the terms if not already done so in question 1 or 2.

In most cases, the terms are contained in the registration agreement. Some registrars provide additional details or information in FAQs, Help Centre or Deletion / Renewal policies. It is not always obvious where to find the relevant information. In addition, the language in the registration agreements is often too legal to be clear and often not specific (e.g. may/may not, in its sole discretion, no guarantee, can change

without notice) although registrar participants on the WG pointed out the need to preserve legal protections for themselves and their registrant clients by including legally appropriate language in their agreements. In certain cases, the language in registration agreements does not seem to match actual practice, but seems to provide more of a 'safety net', in case the registrar would like to change its practices.

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

All respondents indicated that this does not have an impact.

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

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

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

Data are not available.

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Page 27: [10] Deleted Marika Konings 26/05/11 10:51

PEDNR WG Survey & Potential Options for Consideration

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 Laverty, 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, Afilias
16	Gray Chynoweth, Dyn Inc.
17	James Bladel, GoDaddy.com / Registrar Stakeholder Group / GNSO

Overarching Issue

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

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

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

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

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

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

Issue: Currently the timeframe during which the RNHaE can recover his/her domain name registration varies widely. Linked to the previous question, this question aims to assess what the minimum timeframe across all registrars should be during which the RNHaE has the ability to recover his/her domain name registration following expiration. In a survey of the 9 largest registrars, 1 currently provides 30 days, 3 provide 35 days, 4 provide 40 or more days, and 1 has a business model where all domains automatically renew unless explicitly deleted by the registrant.

Any policy change should consider the current ability of a registrar to delete the name during the 45 day EDDP period and the ability of a RNHaE to explicitly request the deletion of a name.

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%**

Period Prior to Expiration

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

Issue: As noted in the question, the relevant RAA provision only makes reference to a second notice, which by implication seems to

mean that there has to be a first notice which is not specifically mentioned. There is no directive as to when the notices should be sent, other than the implication that they be sent at some time prior to expiration. However, many registrars do provide multiple notices before and after expiration. (Note, later questions addresses the issue of timing of notices and post-expiration notices).

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

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

WG Response:

Options (select one)	Number of responses	Percentage
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	**0**	**0%**

explicitly say that at least 5 notices are required to be sent prior to expiration		
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%**

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]

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.

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

WG response:

Options (select one)	Number of responses	Percentage
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	**0**	**0%**

messages, and the timing should be		
Total	**17**	**100%**

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, along with the registrant, should receive these notices	**3**	**18%**
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%**

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]

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

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%**

Post-Expiration

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

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

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

The following questions explore such additional measures.

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

Issue: The current display of WHOIS information is confusing as upon auto-renewal by the registry, the expiration date displayed will be one year from the actual expiration date, while the registrant actually has not yet paid for the renewal. Upon viewing this information, the registrant might mistakenly think that the domain name registration has been renewed. The confusion arises because there are two "expiration" relationships: that between the registry and registrar, and that between the registrar and registrant. Note: it is understood that this may require changes to the Registrar:Registry EPP (Extensible Provisioning Protocol).

In the first version of this survey, there was rough consensus (73%) that WHOIS status messages related to expiration should be clarified.

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%**

Are notices post-expiration required? [Charter Question 3]

Issue: Although many registrars do send notices post-expiration,

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

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%**

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

Issue: Currently there is no guidance or requirement as to what happens when a web query is sent to a URL within an expired but

still recoverable domain. The options may include

It appears to work just as it did prior to expiration (it may direct to the original site, or may be transparently re-directed by the registrar.

DNS does not have an IP address for the domain

There is an address, but it does not respond

A page provided by the registrar (or associated party) comes up. This page may or may not be monetized, and it may or may not include a message indicating that it is an expired domain. If an expired domain is indicated, it may or may not include instructions on how the RNHaE can recover the domain, or the time constraints involved. Some registrars start with one option and then change to another after a specific period of time. Many large registrars use one of the methods to disable web site functionality at some point during the post-expiration process.

Some people advocate having the domain continue to work as a courtesy to the RNHaE, allowing them to continue having the functionality of the name despite its expiration. Others argue that some form of "not working" is the optimal way to attract the attention of the RNHaE. Others point out that making services "go dark" presents liability risk to registrars, and could further confuse registrants.

In the first version of this survey, there was a general consensus that stopping the functioning of a web site was the best way to get the RNHaE's attention.

Any policy change should consider exemptions for situations where the registrar is in active bi-directional contact with the RNHaE and resolution of the issue is being discussed.

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%**

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

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

There is a also an issue of privacy, if personal e-mail may be intercepted by those other than the intended recipient. Ultimately, if

the domain is acquired by someone else, it would be technically possible to intercept such e-mail.

Lastly, there is an RFC which specifies that mail should not just disappear, but rather be bounced, but that could lead to the possibility of spam-related problems.

Current registrar practice varies by registrar and may also depend on whether a registrar-controlled DNS is used by the RNHaE.

In the first version of this survey, the responses were quite diverse, because the original question provided possible answers that were very attractive, but may not be technically feasible (such as redirecting all mail to an RNHaE-specified address).

WG response:

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%**

What should happen with non-web, non-e-mail services post expiration (i.e. should ICANN specify what happens to ALL IP ports, or just those specific to web and e-mail services)? [Charter Question 4]

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

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%**

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

Issue: Current policy allows Inter-Registrar transfers after expiration but before deletion. A losing registrar cannot refuse such a transfer except in the limited circumstances specifically enumerated by the Transfer Policy (such as non-payment for the PREVIOUS year or UDRP action). See http://www.icann.org/en/announcements/advisory-03apr08.htm for further details.

However, situations can exist where the RNHaE can not make the request for such transfer. Specifically: the RNHaE can not obtain the AuthInfo code required to request the transfer from the Gaining Registrar; the domain is "locked" by the Registrar of Record disallowing transfer and the RNHaE has no access to request that it be unlocked; or the WHOIS data has been changed by the Registrar of Record (often allowed by registration agreements) so that the RNHaE cannot prove that they are the current registrant to the Gaining Registrar or Registry.

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%**

Contractual Conditions

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

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

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

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

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%**

Should the fee to be charged for renewal of a domain name after expiration be explicitly stated?

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

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%**

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

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

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%**

Redemption Grace Period

Should the Redemption Grace Period be adopted as a consensus policy for gTLD Registries? [Charter Question 1]

Issue: The concept of a Redemption Grace Period (RGP) was created in 2002 to address a perceived problem if businesses and consumers are losing the rights to their domain names through registration deletions caused by mistake, inadvertence, or fraud (http://www.icann.org/en/registrars/redemption-proposal-14feb02.htm). Although all non-sponsored gTLDs apart from .pro and .name offer the RGP as a voluntary Registry Service, there is no obligation to offer the RGP. None of the sponsored gTLDs offer the RGP. As part of the new gTLD process, new gTLDs will emerge that will have no obligation to offer the Redemption Grace Period, and based on the experience with the sponsored gTLDs, it is unclear if many will volunteer to offer the service.

VeriSign reports that there were an average of about 4800 RGP restores per month for .com and .net combined in 2009, and PIR reports that there about 350 per month for .org.

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

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%**

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

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

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%**

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

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

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

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%**

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Page 47: [11] Deleted **Marika Konings** **23/05/11 10:53**