Public Comment Review Tool – UDRP Domain Name Lock Working Group

Updated 9 January 2013 – Containing comments received as part of the registrar and UDRP providers survey as well as the public comment forum (see http://forum.icann.org/lists/udrp-locking/).

#	Comment	Who / Where	WG Response	Recommended Action
Charter Question 1 - Whether the creation of an outline of a proposed procedure, which a complainant must follow in order for a registrar to place a domain name on registrar lock, would be desirable.				
1.	Yes. It would be helpful if the complainant would provide the alternative Whois data along with the complaint to allow faster processing.	Registrar Survey	The WG observed that although the comment does not directly relate to the charter question, some registrars would consider it helpful if information regarding the 'new' registrant (in case the complainant would prevail and a transfer ordered) would be provided at the outset as this would speed up the process and avoid confusion at the end. It was pointed out that article 16a of the UDRP rules do require the registrar to communicate with the complainant concerning the implementation of the decision (if the ruling is in favor of the complainant) although some noted that there have been instances in which the complainant would not respond	

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			to requests for further information. Some suggested that as this issue is linked to the unlocking of a domain name, the WG could consider making a best practice recommendation in this regard (complainant to include 'new' registrant data in its complaint) as well as reminding registrars of their obligation under article 16a of the UDRP rules.	
2.	No. registrars should only react to notices from dispute providers, not complainants. A complainant should have no ability to place a registrar lock on a domain name. Only a resolution provider should have that ability after a complaint has been filed.	Registrar Survey	The WG agrees with this notion, although it did point out that it is not the UDRP provider that would place the lock, but it would be the registrar following the request from a UDRP Provider. Some suggested that if there would be agreement to require the locking of a domain name upon the request for verification from the UDRP provider, there should be some latitude for registrars to apply the lock even earlier, if there would be a reason to do so.	
3.	This would be a great idea as we often seek	Registrar	Noted.	

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	complainants with no IP/TM knowledge as it pertains to Domain names seeking guidance and arbitration by the Registrars. Registrars in general do not arbitrate over disputes that may arise from the registration of a domain name as I understand it. Clear delineation of the dispute process would alleviate some of the work/strain from the Registrars stand point.	Survey		
4.	The current process is adequate	Registrar Survey	Noted, although the WG does not agree with this assessment based on the feedback received in response to the registrar survey as well as its review of other comments.	
5.	no. It is sufficient to lock the domain as soon as the arbitration informs the registrar of the UDRP procedure.	Registrar Survey	The WG notes that 'only' a requirement to lock as soon as the registrar receives notification from the UDRP provider would still leave questions open such as how soon should the lock be applied and which changes should be prevented.	
6.	Of course. But I think the best way is that the first notification of dispute should be made by ICANN by the contact which is already known to Registrar. In the notification the main contact of Complaint, Dispute provider should be included.	Registrar Survey	It was pointed out that ICANN does not play a role in the UDRP, unless there are compliance issues at the end of the process, and the WG would	

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			not support changing that.	
7.	An outline will be helpful, although it can give registrars an excuse not to lock a domain name if the registrant has not followed the exact procedure. So please do not make the procedure mandatory.	Registrar Survey	Noted, although some pointed out that not making it mandatory could also give 'registrars an excuse to not lock the domain name'.	
8.	Yes I think it will be fundamental to have a reference procedure and documentation in order to apply it but moreover to inform some registrars of the need to follow it.	Registrar Survey	Noted.	
9.	Could be helpful, but unsure if it is necessary	Registrar Survey	As noted above, based on the feedback received as part of the Registrar Survey as well as the comments received, the WG does not agree with the assessment that it is not necessary.	
10.	It would be desirable to create an outline of the process followed during a UDRP procedure to lock a domain name including the timeframe expected. Most registrars do not receive enough disputes to be all that familiar with the process. An outline would be valuable to most.	Registrar Survey	Noted, the WG agrees that especially for registrars that do not receive a substantial amount of disputes, having a clear step by step process would clarify and facilitate the UDRP locking process.	
11.	Desirable ONLY IF each registry will provide the same function(s) under common rules	Registrar Survey	Noted.	
12.	I do not think this will be helpful. The complainants do not request the lock and many	UDRP Provider	The commenter clarified that the comment was made taken a	

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	are not as sophisticated as their frequent-filer counterparts. The providers may be asked to follow a specific format, etc., (we currently use a specified list of email addresses provided by ICANN), but requiring complainants to jump through more hoops will not be helpful.	Survey	narrow interpretation of the charter question focusing on the complainant, but that on the broader question of 'should there be an outline of a proposed procedure' that would be followed by all parties involved, the answer is 'yes'.	
13.	Yes, it would be helpful, if such an outline of procedure is simple and can be easily followed by a complainant	UDRP Provider Survey	Noted	
14.	It is first of all questionable if it is indeed the complainant who should take the steps. Currently, it is the UDRP provider who asks for the locking of the domain name. Most UDRP providers require the complainants to provide the registrar with a copy of the complaint, however the Czech Arbitration Court does not have such a requirement in its Supplemental Rules so it is the provider from whom the registrar learns for the first time that an administrative proceeding has been initiated. We believe that the current system where the providers notify registrars of filed complaints and ask them for verification and locking the domain name works well and in addition, the registrars are thereby required to communicate with 4 providers only. If the locking of the domain name is to become an obligation of	UDRP Provider Survey	Noted, this is one of the areas (notification of complainant) that the WG is intending to review in further detail.	

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	the complainant, registrars might be facing a lot of various notices which might not necessarily follow the same pattern and structure. Moreover, the providers will need to address the registrar anyway in order to verify contact details of the respondent (domain holder) therefore the registrars would have to react to two different requests. To sum up, creating a procedure to be followed by the complainant could constitute an additional burden not only for the complainants but also for the registrars. It is recommendable that any procedure that will be developed regarding locking of the domain name should be as simple as possible so that the risk of non-compliance of the registrars is minimized.			
15.	There should be formal specific rules governing the lock down of domains. This will benefit both the registrar and the registrant in that it gives clarity to everyone's position.	William Clarke	Noted.	
16.	There are existing and well functional UDRP procedures and instructions on how the Complainant shall prepare and file a formally accepted UDRP case application, and there is no need to amend the existing procedure or create a new procedure. What is important is that the UDRP Provider acts promptly in making the initial formal Request for Registrar Verification, and at the same time initiating the lock.	FICPI	The WG pointed out that the UDRP Provider request for verification does not automatically trigger a lock, this is something that needs to be implemented by the registrar. As a result, there is sometimes delay between the request for verification and registrar	

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			response / locking of the domain name.	
17.	We trust that the continuing efforts of the PDP Working Group will lay out the specific conditions for the "locking" procedure to be contained in the UDRP Provider communications.	IHG	Noted.	
Charter Question 2 - Whether the creation of an outline of the steps of the process that a registrar can reasonably expect to take place during a UDRP dispute would be desirable.				
18.	This would be great to have as well as, often employees within registrars transition and not all have notes on every aspect of the role the former agent held; this would be one less document that Registrars would need to create. - outlining what required involvement of the Registrar at each and every step of the dispute would be great. Outlining the steps of a UDRP dispute and the best practices for each step would serve to educate registrar in this area and provide easily accessible guidelines.	Registrar Survey	Noted and agreed.	
19.	No, not necessary	Registrar Survey	As also noted above, the WG is of the view that based on the review of the responses to the Registrar survey as well as comments received, there is a benefit to outlining the steps of the process.	
20.	Desirable ONLY IF each registry will provide the same function(s) under common rules	Registrar Survey	Noted.	

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21.	Yes	UDRP Providers Survey	Noted and agreed.	
22.	That would be a good step in our view as it is probable that a lot of instances of registrars´ misconduct that occurs in relation to UDRP are not caused by "bad faith" but simply as a result of a lack of information about the procedure. In addition, ICANN staff did work on the creation of the registrar best practices regarding UDRP in the past (discussed on Sydney ICANN meeting back in 2009). This document could possibly serve as a starting point for this process.	UDRP Providers Survey	Noted.	
23.	There is an obvious need of such an outline, which FICPI strongly supports.	FICPI	Noted and agreed.	
24.	eInstituto supports the creation of a standard and transparent procedure for registrars and UDRP providers, in order to successfully lock domain names subject to UDRP proceedings and unlock domain names when it is proper to do so.	eInstituto	Noted and agreed.	
25.	For registrars that do not receive a high volume of UDRP cases, we believe it would be helpful to provide guidelines that they can follow (Best Practices) during a dispute. In this way, registrars can effectively know what to expect, and what actions to take. This would provide consistency across the registrar community, so all parties involved can expect uniform treatment during a	GoDaddy	Noted and agreed.	

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	UDRP dispute.			
Charter Question 3 - Whether the time frame by which a registrar must lock a domain after a UDRP has been filed should be standardized.				
26.	Not necessary unless abuse is a problem.	Registrar Survey	It was noted that it is difficult to define abuse if you don't know what the standard is. The WG discussed whether there would be any harm in setting a guideline or parameters, but some also pointed out that enforcing certain standards could incur additional costs. Some of the UDRP providers pointed out that although cyberflight does not occur that often, when it does happen, it does significantly increase the level of complexity and issues for all parties involved.	
27.	The trigger is not when a UDRP has been filed but when the registrar has been notified.	Registrar Survey	Noted and agreed, although the WG did raise the question 'notified by whom'. From the WG's perspective, this should be notification by the UDRP provider, not the complainant.	
28.	It should be standardized. At this time, we find it leads to discrepancies and or demands from the complainants until we receive official notice from the UDRP board of a dispute.	Registrar Survey	Noted	

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29.	Yes, but it should give minimum and maximum terms	Registrar Survey	It was not clear to the WG whether the comment related to the min / max duration during which the lock should be applied or the timeframe during which the lock would stay in place. It was pointed out that according to the UDRP 'status quo' needs to be maintained for the duration of the proceedings.	
30.	The time frame should be standardized because it is our understanding that some domain names are never locked during a UDRP proceeding and end up changing registrars or registrants during the process	Registrar Survey	Noted, the WG will discuss this issue in further detail as part of its deliberations.	
31.	Yes, within 1-2 business day from the date of notification from relevant party.	Registrar Survey	Noted, this will be part of the WG's discussions going forward. It was noted that further discussions would need to take into account days, business vs. calendar days which are all used in the UDRP / UDRP rules.	
32.	Yes, that would be helpful. UDRP cases often take as few as 40 days. When you have a registrar taking 5-10 days to reply, you can see that the provider and the parties are not the holdup.	UDRP Providers Survey	Noted.	
33.	That would probably help the UDRP providers to comply with their obligations under UDRP a lot.	UDRP Providers	It was noted that usually the UDRP Provider upon receipt of a	

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	The provider has 3 days of the payment of the fee to notify the complainant of any administrative non-compliance of the complaint. If the complaint is administratively compliant, the provider should commence the proceedings (notify the respondent of the proceeding) within the same timeframe. It would be advisable to have the domain name locked before the proceeding is announced to the respondent so that the cyberflight is prevented.	Survey	complaint conducts an initial administrative check following which it notifies the registrar and requests a lock. Following that the UDRP provider completes the administrative check and confirms that payment has been received. Some expressed concern about locking a domain name prior to the administrative check being completed and payment being received. Others pointed out that payment should not be the trigger for requesting a lock, as there may be variations in the processing of a payment depending how or where payment is received from. It was also noted that there is only a very small number of cases in which payment is not received. If this happens, the UDRP Provider informs the registrar accordingly that the proceeding has been withdrawn. It was also noted that according to the UDRP, a transfer of registrant or	

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			registrant is not allowed 'during a pending administrative proceeding', which implies that formal commencement is not a requirement to lock a domain.	
34.	There should be a confirmed time frame after a UDRP has been made and receipted by the UDRP nominated body. The following should be provided to the registrar to allow for a domain lockdown: - The actual written complaint - The registrants receipt of the claim - The UDRP nominated bodies receipt of the claim Once received, the domain name registration should be locked within 48 hours.	William Clarke	It was noted that most of this information is provided to the registrar by the UDRP Provider and it was also pointed out that the WG will further discuss at what point the registrant should receive a copy of the complaint. With regard to the timing, it was noted that hours may not be the appropriate measurement as it does not take into account different timezones and/or weekend / public holidays. It was suggested that it may make more sense to consider business days instead of hours. It was also noted that as part of its considerations, the WG should also factor in that there needs to be a timeframe during which the UDRP Provider conducts the administrative check following receipt of the complaint, taking	

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			into account the existing constraints of the UDRP.	
35.	It is important that the UDRP Provider promptly makes the initial formal Request for Registrar Verification and that the locking of the disputed domain name is done at the same time.	FICPI	Noted, although the WG pointed out that verification and locking cannot happen simultaneously as the UDRP Provider is responsible for verification while the registrar applies the lock.	
36.	It is highly important that the UDRP system require that upon filing of a UDRP complaint, the Registrar must proceed to immediately lock down the domain(s) in question, preventing any changed to the domain name(s) until the UDRP proceeding has been completed. This locking should occur whenever a registrar is first notified that a complaint has been filed, whether by a Complainant, a UDRP service provider or otherwise.	IHG	Noted. This issue is under discussion by the WG, but at this point it looks unlikely that locking would be required upon the notification of the complainant. The WG is leaning towards requiring this upon notification of the registrar, after verification / confirmation by the UDRP provider.	
37.	A lock should be implemented upon the registrar's receipt of a complaint, rather than upon notification of commencement of the proceeding from the UDRP dispute resolution service provider.	INTA	See also comment #36.	
38.	The maximum amount of time that a registrar has to lock a domain after receipt of a complaint should be standardized and must not exceed 24 hours after receipt of notice with assurances. Such	INTA	Some pointed out that it may not be desirable or practical to use a public registrar email address for correspondence in	

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	'notice with assurances' would consist of the receipt of complaint where the complainant, pursuant to the requirements of a UDRP action: - Sends a single e-mail addressed to: a) the registrant's email address as listed in Whois at the time of filing the complaint; b) the provider's UDRP-related e-mail address; and c) the registrar's email address (as provided at InterNIC's registrar list, or as clearly and prominently identified on the registrar's web-site); - Attaches a copy of the complaint and any annexes as an attachment or attachments (each in either Word or PDF formats) to the single e-mail; - Attaches some proof of payment of the provider's UDRP fees to the single email. Provided, however, that financial data (like credit card numbers) may be obscured. This requirement shall be deemed met if the complainant attaches a filing receipt from the provider's online filing system. Such a single communication to the registrant, provider and registrar, and the inclusion of the complaint, any annexes, and proof of payment ("notice with assurances"), provides the registrar with reasonable assurances that a legitimate complaint has been filed without burdening the		relation to contractual requirements or receiving large files. It was also noted that the process proposed by the commenter follows to a large extent the process that is currently conducted by the UDRP Provider and may result in duplication. It was also noted that it would place an unnecessary burden on registrars. It was also emphasized that although the WG is considering requiring the locking upon notification by the UDRP Provider, this should not prevent a registrar from locking at an earlier point in time should the registrar decide so.	

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	registrar with further authentication determinations. Implementation of a domain lock upon receipt of a complaint would be required, but only if the complainant meets the 'notice with assurances' requirements, in order to minimize the risk of fake complaints.			
39.	We believe domain names should be locked upon reasonable notification of a dispute to prevent cyber-flight (aka "registrar hopping", as well as to minimize the cost of tracking down and retrieving a disputed name.	GoDaddy	Noted.	
Charter Question 4a - Whether what constitutes a "locked" domain name should be defined.				
40.	No, not necessary as UDRP is sufficient explanation.	Registrar Survey	The WG noted that the UDRP currently does not contain a definition of 'locked' or 'status 'quo' even though UDRP providers may have derived a definition from information in other parts of the UDRP such as paragraph 2 and 8. The WG notes that this information may be sufficient, but is of the view that it would be better if it would be made explicit.	
41.	Yes, a well defined restrictions in terms of what the registrant can or can not do with the UDRP domain will serve both registrars and registrants well.	Registrar Survey	Noted and agreed.	

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42.	It's pretty much clear that generally a lock is meant to prevent changes, but it might be worth while to examine what existing registrars do and issue a guideline based on that.	Registrar Survey	Noted.	
43.	I do think the locking of a domain should be defined (ie what it means to lock the domain) but that how that actually happens should be left to the individual registrar to determine as long as it achieves the same result.	Registrar Survey	The WG notes that further discussion will be required on the latter part of the comment.	
44.	our proposal is to explain it clearly to a registrant, because some of them do not know what does it mean that her/his domain is "locked" and what is going to happen with services, e.g. e-mail, website, etc.	Registrar Survey	The WG considers that it is up to the registrar to decide how it informs its customers. The WG notes that it could consider a best practice recommendations in this regard, if deemed appropriate. UDRP providers also pointed out that from their perspective communication with registrants usually does not take place until the UDRP officially commences (after locking) to avoid possible changes to the registration.	**Review whether any recommendations should include a Best Practices Recommendation with regard to information for registrants**
45.	Yes even if I think that the registry lock function has the same effect for gTLDs but for ccTLD registries which apply UDRP it could be great to have a description even if sometimes the functions will not be the same from a registry to	Registrar Survey	The WG noted that ccTLDs have their own dispute resolution procedures and locks, which may or may not be the same as the UDRP. Also, in the case of	

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	another.		ccTLDs, the lock is typically applied at the registry level. The WG notes that this confirms the need to provide appropriate definitions to the lock that applies in the case of a UDRP.	
46.	It's not self-explanatory? Perhaps it should be called 'Administrative lock'.	Registrar Survey	The WG notes that calling it something different does not necessarily solve the issue, but the WG agrees that it should give further consideration to the actual name of the UDRP lock so that it is not confused with other existing (EPP) locks. The WG asked the question whether it would be possible, should the WG recommend a 'new' lock, whether such a lock could become another EPP lock and if so, what process would be required (e.g. IETF involvement?).	
47.	no transfer , no change of owner or other update, not deleting	Registrar Survey	Noted, the WG is expected to discuss the exact details further going forward.	
48.	Should be defined (it would be fine that the "lock" is separate from existing EPP status)	Registrar Survey	The WG was not clear on whether the commenter meant the creation of a new EPP status	

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			or a definition. The WG also raised the question whether it is possible in practice to apply a different lock if an EPP lock is already in place.	
49.	Yes	UDRP Providers Survey	Noted.	
50.	Given that the word "lock" could be confusing as to whether it only concerns the transfers to different registrant or registrar or the use of the domain name as well, clarification of the term should be a prerequisite for creating any rules regarding lockage.	UDRP Providers Survey	Noted.	
51.	The definition of a locked domain should be included. Clarity and simplicity is the key to this definition. Once locked, no movement of the domain can take place by any party. The domain can remain off line for a further specific period (somewhere in the region of 48 hours) to allow a full review of the matter.	William Clarke	The WG agrees with the first part of the comment, however, in relation to taking the domain off-line, the WG is of the view that this would be unreasonable from a registrant's perspective. The WG also notes that that neither the UDRP or the URS take a domain name off-line as part of the dispute resolution process.	
52.	Yes, it should be made clear that the 'locking' of a disputed domain means that any requests for transfer of this domain name are denied.	FICPI	Noted, although the WG recognizes that there may need to foresee exceptions or means	

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			to unlock a domain name as also recognized by FICPI in comment #81.	
53.	The lock imposed after filing of the UDRP complaint through conclusion of the ten-day "waiting period" following the issuance of a decision should be standardized. At a minimum the requirement that the registrar impose limitations associated with the REGISTRAR-LOCK status or the EPP-LOCK status should be formalized. Prohibiting transfer of a domain name, prohibiting deletion of a domain name and prohibiting modification of registrant information or contact details is in line with the practices of approx. ¾ registrars that responded to the survey. Standardization of the timing and nature of a domain name lock would codify existing best practice; minimize post-filing complications resulting from cyberflight or other changes or transfers of ownership; reduce the likelihood that third parties might purchase a domain name for which a UDRP complaint has been filed; provide registrars with a clear, simple check-list for implementing locks pursuant to a UDRP action; define minimum lock requirements in a way that reflects industry best practice and improve consumer confidence by providing predictability and efficacy.	INTA	It was further clarified that this comment was not intended to prescribe a specific lock, as long as the lock applied would prevent the same changes as an EPP-Lock or REGISTRAR-LOCK currently does. As in the previous comment, the WG recognized that there may be a need for limited exceptions in the case of mutually agreed upon transfers or deletions.	

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54.	eInstitute supports the clarification and definitions of the term 'lock' and its implications.	eInstituto	Noted.	
Charter Question 4b - Whether, once a domain name is 'locked' pursuant to a UDRP proceeding, the registrant information for that domain name may be changed or modified.					
55.	Depends on circumstances, for example if Registrant moves, updates may be necessary to maintain the Whois accuracy requirement	Registrar Survey	The WG notes that at first sight this sounds reasonable and will need to be factored into the deliberations. UDRP Providers did note that at the time of commencement the contact information needs to be included in the proceedings and it would be very impractical if this would become a moving target. It was noted that most communications by UDRP providers are carried out by email (however, if email bounces this is not a big issue but just noted in the file).	
56.	yes. registrar should be able to remove proxy or registrar data to reflect actual customer.	Registrar Survey	Noted, the WG will need to consider this issue further as part of its deliberations.	
57.	I disagree with the Suspension and Stay proceedings of a UDRP dispute. If the two parties are willing now to transfer the domain name, why were they not willing to do so prior to a UDRP being initiated? I think that when a domain is	Registrar Survey	The WG raised the question whether this is considered within scope. It was recognized that such proceedings may cause complications for	

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	locked for a UDRP, the UDRP should follow through to completion and a decision rendered by the dispute board as to the release of the domain name. Suspensions and Stays require Registrar involvement to ensure that the domain name is transferred to the appropriate account - information which we are not privy to unless we are provided that by the Complainant.		registrars as they are expected to take a decision on whether on whether claims made are legitimate, but the process for these kinds of proceedings are outlined as part of the UDRP Provider's supplemental rules.	
58.	The domain's registrant information should not be allowed to change.	Registrar Survey	It was noted that if the WG would support this approach it would require further discussion on how to handle cases where privacy/proxy services are involved, or where registrant information is out of date. It was pointed out that the UDRP does allow for the possibility to change registrants as long as the parties agree to be found by the outcome of the UDRP proceeding (see section 8a). UDRP Providers also pointed out that the problem does not lie in updating of Whois itself, as the UDRP provider usually does not go back to check Whois once the UDRP proceeding has commenced, but the risk it	

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			poses for cyberflight or changes to the jurisdiction. The parties in a UDRP proceeding are responsible to provide updated info to the UDRP provider who will update their internal records accordingly (this is not linked to any Whois updates).	
59.	Changing any type of registrant information should not be allowed for during the UDRP proceeding, except getting the domain out of "privacy" registration.	Registrar Survey	See comment #58	
60.	yes as the registrar should take control of the domain	Registrar Survey	It was pointed out in rare cases registrars may fold domains subject to UDRP proceedings into their own account to prevent any changes by the registrant and change the Whois records accordingly or the Whois data go blank which is even more problematic for UDRP Providers to deal with.	
61.	A registrant should only be allowed to change during a UDRP proceeding if the new registrant agrees, in writine, to be bound by the decision in the pending case.	Registrar Survey	Agreed, as also provided for in the UDRP.	
62.	The registrant information should not be changed. ICANN characterized the registrant data in the	UDRP Providers	It was further clarified that this comment is in support to lock	

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	Whois to be the "registrant." Changed data indicates a change in ownership or transfer and is treated by panels as cyberflight. Re-defining a "transfer" may be beyond the scope of this WG.	Survey	down the registrant information at the time of commencement to get the case started and not allow for further changes.	
63.	It should be noted that the change of registrant's details after lockage is rarely a practical problem. Usually, the change is made in cases where the domain name is originally registered in the name of a privacy/proxy registration service and as soon as the registrar is notified of the proceeding the privacy shield is removed and the whois data are changed to those of the actual registrant. Then, the providers do not usually check the whois data regularly during the proceedings so if changed, the provider (and the panel) is not likely to find out. Therefore it would be better if there was a rule that the change after locking of the domain name is not allowed as there would be no risk of any change unnoticed by the panel.	UDRP Providers Survey	Noted, see also comment #62.	
64.	Whois record modifications after filing but before commencement of action lead to unnecessary deficiencies and amendments in the context of the UDRP process. This is particularly usual when third party privacy/proxy details are contained in Whois. In those instances, the current rules are not clear as to who the correct respondent is and what the proper jurisdiction for such cases is. As a result, the registrant information should not be	FICPI	See also comment #62 and #63. It was further clarified that at the time of commencement a jurisdiction needs to be elected by the parties. If registrant / registrar information changes, this may have an impact on the jurisdiction, which would further complicate the case.	

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	changed or modified once the domain name is locked.			
65.	In cases where a privacy or proxy registration service appears as the apparent registrant in the public Whois database at the time a complaint is filed, it is important that the so called 'underlying registrant' name and contact information be provided by the Registrar at the same time the disputed domain name is 'locked', therewith giving the parties as well as the Panelists/s full particulars of the registered proxy registration service provider as well as the underlying registrant.	FICPI	Noted.	
66.	Once a domain name is locked there can be no change or modification in the registrant information for that domain until the UDRP Proceeding is concluded.	IHG	The WG wondered whether 'registrant information' was meant as the information available in Whois or information about the underlying registrant? Some raised the question whether there is a delay in locking of a domain name if the registrar does not have direct access to the proxy / privacy information. Others pointed out that even though there is regularly delay in the locking of a domain name, it is rarely due to the reveal of	

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			proxy / privacy information. It was noted that some registrars provide 48 h to lift proxy / privacy service, after that, the domain name is locked. During the 48 h period a semi-lock would be applied to prevent registrar transfers to avoid cyberflight.	
67.	The registrar should not itself be allowed to make changes to the registrant information – including terminating its affiliated proxy/privacy service to remove it, or its affiliated entity, from the position of registrant. Such a prohibition would both encourage trademark owners to contact the proxy service with reasonable evidence of actionable harm, pursuant to the provisions required by RAA 3.7.7.3, prior to filing the complaint, and would encourage proxy services to act upon such complaints by revealing the beneficial owner's information, as contemplated by the RAA.	INTA	It was noted that in certain cases parties might not want to reveal underlying registrant (depends on terms of service of proxy / privacy service). It was also noted that filing against the privacy / proxy service allows to file a group complaint (as all have the same registrant), but as the case proceeds this becomes more difficult as it may turn out that there are many different underlying registrants associated with the domain names which makes it harder to administer the proceeding. Some expressed concern with this comment as it focuses on the proxy / privacy service,	

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			while the underlying registrant should also be identified in order to be able to track regular offenders.	
68.	eInstituto supports clarifying how registrars should deal with proxy and privacy services when a domain name is locked.	eInstituto	Noted.	
Charter Question 5 - Whether additional safeguards should be created for the protection of registrants in cases where the domain name is locked subject to a UDRP proceeding.				
69.	Ensure registrants have been notified of the proceeding. Registrant should be allowed to renew the domain.	Registrar Survey	It was noted that it is the UDRP providers' responsibility to inform the registrant and it is the registrants' responsibility to ensure that the information in Whois is up to date and accurate. It was also noted that the Expired Domain Deletion Policy (EDDP) allows the renewal of a domain name subject to UDRP proceedings.	
70.	What other protections would registrants need? The domain name is locked preventing any unwanted/unauthorized changes to the domain name without explicit instructions from a court. If the domain is using the Registrant's DNS, they are still free to manage their website and associated services as it pertains to the domain	Registrar Survey	It was noted that not all registrars are consistent in their approach – presumably the respondent had a good experience in which the DNS was not changed, but WG members are aware of cases where the registration was	

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			moved to a different account and the registrant did not have any control any more over the registration. The WG is of the view that the registrant should be able to keep control over the nameservers and notes that this is not prevented by the UDRP.	
71.	Yes, the domain should be able to resolve during the period. That means if the registrant has changed hosting provider, the domain's name servers should be allowed to change.	Registrar Survey	See also previous comment – it all depends on how the registrar handles changing nameservers, whether this is allowed or not. It was pointed out that changes to the DNS are not considered 'transfers' as per provision 8a/b and would therefore not need to be included in any definition of lock the WG may develop. Making clear that changes to DNS are allowed may ensure sufficient safeguards as per the charter question.	
72.	I do think that there should be a stronger penalty for the complainant should they be found guilty of attempted reverse domain name hijacking. There is an interesting scenario though where the registant may have to process urgent changes on a locked domain name, i.e. nameservers in order to	Registrar Survey	The WG noted that in the case of a ruling of reverse domain name hijacking, the complainant may have acted in bad faith, but this is not considered within scope of the WG. In relation to	

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	keep a website operational etc.		the last sentence, please see previous responses.	
73.	No	Registrar Survey	Noted.	
74.	domains should be moved into holding accounts at the registrar under the case is sorted	Registrar Survey	The WG notes that this creates issues for the registrant and is not in line with the requirements of the UDRP (see also previous responses).	
75.	We are uncertain what safeguards are being referred to in this case. Placing a domain name on registrar lock does not prevent the name from resolving nor does it prevent changes to the content of the site. Therefore, no harm would be done in preventing the name from changes to the WHOIS and would prevent the registrant from engaging in cyber-flight	Registrar Survey	See also the responses to #70 and #71 – not all registrars handle it the way as described by the commenter which would be the appropriate to handle it. UDRP providers also pointed out that their main interest is in the contact data, not the dns info.	
76.	Privacy and personal information protection - Use services such as web and email until the decision, unless seizure or court order	Registrar Survey	The WG is unclear about what the commenter exactly means.	
77.	Cannot answer that as I am not sure what the dangers (from which registrants must be protected) are.	UDRP Providers Survey	Noted – it was clarified that this comment had taken the perspective of the properly acting registrar who would not prevent changes to the dns by the registrant.	

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78.	If the domain name may be locked upon the notification by the complainant to the registrar and without confirmation by a UDRP provider that the complaint has been filed properly under the UDRP, The Rules and Supplemental Rules (i.e. it is an applicable dispute and the fees have been paid accordingly), additional safeguards may need to be created to protect the registrant.	UDRP Providers Survey	The WG noted that it was not clear why there is a current requirement for the complainant to notify the registrant / registrar upon filing the complaint with the UDRP provider which does increase the risk of cyberflight. Some suggested that at the time of drafting the UDRP, cyberflight may not have been part of the consideration and it may only have developed at a later point in time. It was pointed out that in the URS, there is no notification to the registrant until the domain name is actually locked. The WG agreed that further consideration may need to be given to whether it would make sense to have the UDRP provider notify the registrar / registrant at the same time, although this would still leave a small window for changes (if the registrar would not immediately lock the domain name) or whether such	

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			notification to the registrant should occur after the lock had been placed. Some noted that there may be scope considerations that would need to be addressed should there be support for such a recommendation.	
79.	It would be good to have an example so as to better understand what kind of safeguards the drafter of the questionnaire had in mind. We suppose that the question is if the registrants could possibly face ungrounded locking (e.g. in instances of reverse domain name hijacking) and if there is a way how to prevent such situations. Unfortunately it is highly difficult as the question of whether the locking is grounded or not is resolved only in the UDRP decision. If anyone (the registrar, the provider or the panel) would be required to address it earlier, it would be necessary to estimate the result of the dispute in advance which is not only impossible but inappropriate as well.	UDRP Providers Survey	Noted.	

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80.	This question should be further studied. On possible way to balance the need for accurate Whois registrant information and privacy rights, would be to make the identify of the 'underlying registrant' details known only to the Registrar, parties of the UDRP proceeding, as well as the Panelist/s, in such cases where a need to keep information private has been demonstrated.	FICPI	It was pointed out that the lifting of the privacy / proxy information is not specifically linked with the lock as this is currently a determination that is made by the panel. The UDRP Panel makes the determination whether to "out" the original registrant in the decision or not. It was not considered in scope for the WG to address this issue.	
OTHER				
81.	Should 'unlocking' during the UDRP proceeding be accepted under certain circumstances? FICPI points out the importance of the possibility to temporarily or for limited purposes 'unlock' a disputed domain name during the UDRP proceeding, namely in the case when the parties agree to a transfer.	FICPI	The WG noted that 'unlocking' will also be part of its considerations. It was pointed out that in event that there is agreement between the parties and the UDRP Provider suspends the proceedings, it is already possible to unlock the registration and conduct a transfer. Some pointed out that most registrars will wait for official notification from the UDRP Provider that an	

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			agreement was reached and the proceedings have been suspended before taking action. Often this means that the registrar will carry out the transfer on the instructions of the UDRP Provider as agreed by the parties. It was also noted that registrars with few UDRP cases may not be aware of what a suspension entails, so this may be something that requires further explanation/clarification. Procedures in place by UDRP Providers may serve as a model.	
82.	Because of the delay between the date on which a UDRP complaint is filed and the date on which the service provider commences the proceeding, a domain name can be transferred before the proceeding truly begins in earnest, a threat that IHG encounters in every UDRP complaint it files.	IHG	The WG is aware of this gap and as noted before the WG is considering changing the requirements for notification. Also, the WG will further deliberate at which point in time locking would be required (at the time of verification or confirmation of commencement of the proceedings).	
83.	Problems with current Lock Processes: Registrars that lock only upon receipt of a notice of commencement from the UDRP service provider	INTA	It was pointed out that this comment is based on a previous understanding of the rules.	

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	rather than on receipt of the filed complaint from the complainant leave a considerable window of time between the time when the registrant is notified of the complaint and the time the registrar applies the lock. A number of problems arise if pre-commencement changes to registrant data occur: - The portions of the complaint that refer to the registrant and its activities may no longer be accurate, and the complaint may need to be revised at the expense of the complainant. - A change of registrant information may impact the ability of the complainant to group multiple domain names in a single UDRP proceeding, or cause the complainant to incur additional costs to prepare and submit arguments (and fees, where applicable, under providers' supplemental rules) to argue that the domain names, in fact, share a common owner - A change of registrar may impact jurisdiction for appeals - A change of registrant may impact complainant's ability to prove bad faith registration and use, e.g. through ownership of other domain names or through prior UDRP decisions. The change is also likely to require the complainant to order an additional reverse Whois search from a third-party vendor for		These have recently been clarified by compliance action that 'status quo' is required during the pendency of the UDRP Proceeding (i.e. from the moment of filing) and not only from official commencement.	

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	each 'new' registrant (incurring substantial costs to do so).			