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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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18 Glossary

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20 Auto-Renew Grace Period

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

31

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

37

38 EDDP - Expired Domain Deletion Policy

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

42

43 RNHaE - Registered Name Holder at Expiration

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

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

52

53 **RGP - Redemption Grace Period**

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

65

66 **Registrar**

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

70

71 **Reseller**

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

75 1. Executive Summary

76

77 1.1 Background

- 78 ▪ At the ICANN Meeting in Cairo in November 2008, the At-Large Advisory Committee (ALAC),
79 voted to request an Issues Report on the subject of registrants being able to recover domain
80 names after their formal expiration date.
- 81 ▪ The [ALAC request](#) was submitted to ICANN policy staff and the GNSO Council on 20 November
82 2008.
- 83 ▪ The [Issues Report on Post-Expiration Domain Name Recovery](#) was submitted to the GNSO
84 Council on 5 December 2008.
- 85 ▪ The GNSO Council [initiated a PDP](#) on 7 May 2009 and tasked a Working Group to answer the
86 following charter questions:
- 87 1. Whether adequate opportunity exists for registrants to redeem¹ their expired domain
88 names;
 - 89 2. Whether expiration-related provisions in typical registration agreements are clear and
90 conspicuous enough;
 - 91 3. Whether adequate notice exists to alert registrants of upcoming expirations;
 - 92 4. Whether additional measures need to be implemented to indicate that once a domain name
93 enters the Auto-Renew Grace Period, it has expired (e.g., hold status, a notice on the site
94 with a link to information on how to renew, or other options to be determined);
 - 95 5. Whether to allow the transfer of a domain name during the RGP.
- 96 ▪ The Post-Expiration Domain Name Recovery (PEDNR) PDP Working Group started its
97 deliberations in July 2009.
- 98

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.

99 1.2 Deliberations of the PEDNR WG

- 100 The PEDNR Working Group started its deliberations in July 2009 where it was decided to
- 101 continue the work primarily through first bi-weekly and then weekly conference calls, in
- 102 addition to e-mail exchanges.
- 103 Section 6 provides an overview of the deliberations of the Working Group conducted both by
- 104 conference call as well as e-mail threads.
- 105 No quantitative evidence establishing the prevalence of unintentional domain name loss was
- 106 presented, despite requests for this research by some members of the WG.
- 107 As instructed in its charter, the PEDNR WG started its deliberations by reviewing current
- 108 registrar practices regarding domain name expiration, renewal, and post-expiration recovery. In
- 109 order to gather further information, it was decided to conduct a registrar survey. Annex B
- 110 provides an overview of the main questions and outcomes of the survey.

112 1.3 Information from ICANN Compliance

- 113 The PEDNR WG Charter instructs the Working Group to 'pursue the availability of further
- 114 information from ICANN Compliance Staff to understand how current RAA provisions and
- 115 consensus policies regarding deletion, auto-renewal, and recovery of domain names following
- 116 expiration are enforced'. To facilitate this process, ICANN Compliance Staff has participated in
- 117 the deliberations of the Working Group and has provided the information outlined in section 5
- 118 on complaints received and Expired Domain Deletion Policy Audits.

120 1.4 Public Comments

- 121 The Working Group published an Initial Report on 31 May 2010 and a proposed Final Report on
- 122 21 February 2011. Following review of the public comments received on both reports (see
- 123 section 7), the WG has now published its Final Report for submission to the GNSO Council.

125 1.5 WG Survey

- 126 In order to assess the views of the WG members and determine where there might be
- 127 agreement or consensus on a possible approach forward, a survey was conducted amongst the
- 128 WG membership. Based on the initial results, a drafting team (a subset of the WG) was

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Marika Konings 31/5/11 21:56
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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142 convened to refine the survey, including a selection of possible remedies. Annex C describes the
143 refined survey, the options considered, and the poll results.

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145 **1.6 Charter Questions & Recommendations**

146 Taking into account the Working Group Deliberations (see Section 6), the WG Survey (see Annex
147 C) and the Public Comments received (see Section 7), the Working Group has put forward the 18
148 (eighteen) recommendations listed hereunder to address each of the Charter Questions.

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149 All the recommendations listed below have full consensus support from the Working Group. The
150 Working Group would like to emphasize that it considers all the recommendations listed below
151 as inter-dependent and recommends that the GNSO Council should consider these
152 recommendations as such.

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153 The recommendations have been grouped together according to issue they address. In
154 addition, for each of the recommendations it has been indicated to which charter question the
155 recommendation relates (see section 3 for the charter questions).

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157 **General**

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... [2]

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

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

168 **Post Expiration Behavior and Ability to Renew**

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

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185 interrupted² by the registrar, to the extent that the registry permits such interruptions, and the
186 domain must be renewable by the RNHaE until the end of that period. This 8-day period may
187 occur at any time following expiration. At any time during the 8 day period, the Registered
188 Name Holder at Expiration may renew the domain with the Registrar and the Registrar, within a
189 commercially reasonable delay, will restore the domain name to resolve to its original DNS
190 resolution path prior to expiration. Notwithstanding, the Registrar may delete the domain at any
191 time during the Auto-renew grace period. (Charter Question 1)

192
193 Rationale: This ensures that for at least an 8-day period following expiration, the domain will
194 cease to operate as it did prior to expiration. The WG believes that this failure to function may
195 be one of the more effective methods of getting a registrant's attention. Although 8 days is set
196 as a minimum, there is nothing to prevent a Registrar from providing a longer period such as
197 most registrars do today. The WG notes that it deliberately allowed for a floating 8 day period to
198 allow for the various registrar business models and potentially competitive business continuity
199 services. The recommendation has been updated to reflect that the registrar is responsible for
200 interrupting the DNS, noting that there might be cases, such as for example .tel, where the
201 registrar might not be permitted to interrupt the DNS.

202
203 **Recommendation #3:** If at any time after expiration when the Registered Name is still
204 renewable by the RNHaE, the Registrar changes the DNS resolution path to effect a different
205 landing website than the one used by the RNHaE prior to expiration, the page shown must
206 explicitly say that the domain has expired and give instructions on how to recover the domain.
207 Wording must make clear that "instructions" may be as simple as directing the RNHaE to a
208 specific web site. (Charter Question 4)

209
210 Rationale: If a replacement web site is reached via the domain name after expiration, as is the
211 case for most expired domains today (at some point after expiration), the replacement web
212 page must make it clear that the domain has expired and tell the registrant what to do to renew.

² 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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Recommendation #4: 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. (Charter Question 1)

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

Registrar Disclosure and Expiration Warning

Recommendation #5: 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. (Charter Question 2)

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 #6: 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. (Charter Question 3)

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

Recommendation #7: 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

244 days) and one must be sent one week prior to expiration (± 3 days).). If more than two alert
245 notifications are sent, the timing of two of them must be comparable to the timings specified.
246 (Charter Question 3)

247
248 Rationale: The current requirement in the RAA to send at least two notifications is vaguely
249 worded. There is also nothing to prohibit such notifications from being sent too early or too late
250 to be effective.

251
252 **Recommendation #8:** Unless the Registered Name is renewed or deleted by the Registrar, at
253 least one notification to the RNHaE, which includes renewal instructions, must be sent after
254 expiration. (Charter Question 3)

255
256 **Recommendation #9:** Notifications of impending expiration must include method(s) that do not
257 require explicit registrant action other than standard e-mail receipt in order to receive such
258 notifications. (Charter Question 3)

259
260 Rationale: Notifications must not solely be done by methods, which require explicit Registrant
261 action to receive, the most common being the requirement to log onto the Registrar domain
262 management system to receive notifications.

263
264 **Recommendation #10:** Best Practice: If post-expiration notifications are normally sent to a point
265 of contact using the domain in question, and delivery is known to have been interrupted by
266 post-expiration actions, post-expiration notifications should be sent to some other contact point
267 associated with the registrant if one exists. (Charter Question 4)

268
269 Rationale: Today, message sent to the registrant after expiration typically go to the same
270 address that is used prior to expiration. If that address uses the domain in question, and that
271 domain is now intercepted by the Registrar (as is typically the case), the message will not be
272 deliverable. The Working Group did not feel that it was practical to mandate how this should be
273 fixed, but felt that it was important that Registrars consider the situation.

274

275 **Recommendation #11:** Best Practice: the notification method explanation (see recommendation
276 #9) should include the registrar's email address from which notification messages are sent and a
277 suggestion that registrants save this email address as a 'safe sender' to avoid notification emails
278 being blocked by spam filter software. (Charter Question 3)

279
280 **Recommendation #12:** Best Practice: Registrars should advise registrants to provide a secondary
281 email point of contact that is not associated with the domain name itself so that in case of
282 expiration reminders can be delivered to this secondary email point of contact. (Charter
283 Question 3)

284
285 **Rationale:** See Recommendation #10.

286 **Redemption Grace Period (RGP)**

287
288 **Recommendation #13:** With the exception of sponsored³ gTLDs, all gTLD Registries shall offer
289 the Redemption Grace Period (RGP). For currently existing unsponsored gTLDs that do not
290 currently offer the RGP, a transition period shall be allowed. All new gTLDs must offer the RGP.
291 As part of the implementation, ICANN Staff should consider the Technical Steering Group's
292 Implementation Proposal (see [http://www.icann.org/en/meetings/bucharest/redemption-
293 topic.htm](http://www.icann.org/en/meetings/bucharest/redemption-topic.htm)). (Charter Question 1)

294
295 **Rationale:** Although most current unsponsored gTLDs Registries currently offer the RGP service,
296 there is no such obligation, nor is it required in the new gTLD Applicant Guidebook.

297
298 **Recommendation #14:** If a Registrar offers registrations in a gTLD that supports the RGP, the
299 Registrar must allow the Registered Name Holder at Expiration to redeem the Registered Name
300 after it has entered RGP. (Charter Question 1)

301

³ 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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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.

Recommendation #15: The Working Group recommends that a transfer of a domain name during the RGP should not be allowed. (Charter Question 5)

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.

Registrant Education and Awareness

Recommendation #16: 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. (Charter Question 2)

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 #17: 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

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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. (Charter Question 2)

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.

Monitoring and Follow-Up

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.

1.7 Next Steps

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

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361 2. Objective and Next Steps

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

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382 3. Background

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384 Background

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

- 393 1. Whether adequate opportunity exists for registrants to redeem⁴ their expired domain
 394 names;
- 395 2. Whether expiration-related provisions in typical registration agreements are clear and
 396 conspicuous enough;
- 397 3. Whether adequate notice exists to alert registrants of upcoming expirations;
- 398 4. Whether additional measures need to be implemented to indicate that once a domain name
 399 enters the Auto-Renew Grace Period, it has expired (e.g., hold status, a notice on the site
 400 with a link to information on how to renew, or other options to be determined);
- 401 5. Whether to allow the transfer of a domain name during the RGP..

402

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

406

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

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⁴ 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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413 **4. Approach taken by the Working Group**

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415 The Post-Expiration Domain Name Recovery Working Group started its deliberations on 28 July
 416 2009. It was decided to continue the work primarily through weekly conference calls and e-mail
 417 exchanges. In addition, public meetings were organised in conjunction with ICANN meetings in
 418 Sydney and Seoul. The Working Group agreed to start working on the different charter questions in
 419 parallel to the preparation of constituency statements and the public comment period on this topic.
 420 In addition, the Working Group decided to conduct a Registrar Survey in order to Review current
 421 registrar practices regarding domain name expiration, renewal, and post-expiration recovery to help
 422 inform the deliberations. In order to facilitate the work of the [Stakeholder Groups and](#)
 423 [Constituencies](#), a template was developed for responses (see Annex [D](#)).

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425 **4.1 Members of the PEDNR Working Group**

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426 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 ⁵	▼	0
	Rob Hall	▼	0
	Oliver Hope ⁶	▼	0
	Tatyana Khramtsova	▼	1
	Mark Klein	▼	0

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⁵ Resigned from the WG on 14 December 2009

⁶ 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 ⁷	▼	0
	Michael Young	▼	1
▼			
	Berry Cobb	▼	2
	Phil Corwin	▼	0
	Mike O'Connor	▼	2
	Michael Palage ⁸	▼	0
	Mike Rodenbaugh	▼	2
Intellectual Property Constituency			
	Alaine Doolan	▼	0
	J. Scott Evans	▼	0
	Ted Suzuki	▼	0
▼			
	Avri Doria	▼	0
	Debra Hughes ⁹	▼	0
	Divina Meigs	▼	0
	Ron Wickersham	▼	2
▼			
	Garth Bruen	▼	0
	Olivier Crepin-Leblond ¹⁰	▼	0

⁷ Resigned from the WG on 14 May 2009

⁸ Resigned from the WG on 18 March 2010

⁹ Joined WG in March 2010

¹⁰ Joined WG in January 2011

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

502

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

505

506 The statements of interest of the Working Group members can be found at

507 <http://gnso.icann.org/issues/post-expiration-recovery/soi-pednr-20july09.html>.

508

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

511

512 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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558 As of July 31, 2009, the Compliance team received the following complaints in 2009:

559

▼

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

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Possible Compliance Issue
Transfer Problems
Replies
Whois
Registrar Service
UDRP
Contact Update
CCTLD
RIR PEN
Website Content
DN Dispute
Reseller Provider
Ownership Transfer
Redemption
Name Password
CPanel
Spam Abuse
Domain Renewal
Financial Transaction
GTLD
Other
Total

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560

561 A further breakdown of the “transfer problems” category in the complaint statistics is not done and
 562 the system used for complaint intake does not allow for this. However, a search within the text
 563 submitted with each complaint using the terms “expired” and/or “redemption” revealed that of the
 564 1642 transfer problems reported so far, 644 complainants used these terms to describe their
 565 problem. Notice, however, that “redemption” and “domain renewal” are also a stand-alone
 566 categories (that the complainants chose not to use to file under). This offers some insight on
 567 possible misunderstandings the community faces when it comes to filing complaints and knowing

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569 | which category would be more accurate to file under¹².

570

571 5.2 Expired Domain Deletion Policy Audits

572 Deletion and Renewal Consensus Policy Audit

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

586

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

¹² 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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597 deletion and renewal policy. To further clarify the intent of the EDDP for two noncompliant
598 registrars, Staff sent a copy of the EDDP, along with the Advisory concerning the requirement to
599 post fees for expired domain names, to the two registrars for rapid implementation and posting.

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

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

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608
609 The EDDP requires registrars to post on their website the actual fees charged to registered name
610 holders for recovering domain names that are in RGP. As a result, the ICANN Compliance Team has
611 posted [an advisory](#) to clarify this requirement.

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

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6.22 6. Deliberations of the Working Group

6.23

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

6.28

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

6.33

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

6.39

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

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

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656 7.1 Charter Question 1: Whether adequate opportunity exists for registrants to 657 redeem their expired domain names

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

AlanGreenberg 23/5/11 01:36

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673 7.2 Charter Question 2: Whether expiration-related provisions in typical registration 674 agreements are clear and conspicuous enough

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

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

- 688 **All** agreed that additional education and information to registrants should be explored in
689 order to enhance understanding of current practices and provisions in registration
690 agreements relating to expiration and recovery.
- 691 Some suggested that a central repository or document should be developed in which
692 renewal and expiration related information from the different registrars would be held,
693 which would be complimentary to the Registrant's Rights and Responsibilities charter which
694 is currently under development.
- 695 Instead of trying to define "clear and conspicuous", some suggested that it might be easier
696 to define the opposite; what is considered unclear and obfuscated.

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698 **7.3 Charter Question 3: Whether adequate notice exists to alert registrants of** 699 **upcoming expirations**

- 700 Many pointed out that the current display of WHOIS information is confusing as upon auto-
701 renewal by the registry, as the expiration date displayed will be one year from the actual
702 expiration date while the registrant actually has not yet paid for the renewal. Upon viewing
703 this information, the registrant might think that the domain name registration has been
704 renewed. Some also noted that the format in which dates are displayed (MM/DD/YYYY) can
705 be confusing for non-US registrants where other formats might be used (e.g. DD/MM/YYYY).
706 It was also pointed out in the public comment period that WHOIS records do not indicate
707 whether a registrant has requested a deletion of a domain name, which might mean that a
708 complainant in a UDRP proceeding would not be able to exercise its rights under paragraph
709 3.7.5.7 of the EDDP.
- 710 There was unanimous support within the Working Group that the lack of a clear indication in
711 WHOIS that the registrant has not yet renewed, even the expiration date has been advanced
712 by one year by the Registry's Auto-renew Grace Period to the Registrar is major point of
713 confusion. However the Working Group felt that it was beyond its capabilities to address
714 exactly how this should be fixed.
- 715 Many pointed out that first and foremost it is the responsibility of a registrant to renew

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

- 721 ▪ The WG discussed the current provision in the EDDP, which only mentions ‘a second notice
722 or reminder’ and debated whether further details should be provided on when and how
723 those notices are sent to registrants. It was pointed out that in practice many registrars send
724 well in excess of two notices, with some providing exact details to registrants on when
725 notices are being sent prior to and after expiration.
- 726 ▪ The WG also discussed whether the registry should be required to send a notice to the
727 registrant prior to expiration, but it was pointed out that in order to do so it would need
728 access to registrant contact information, which is not available in so-called ‘thin’¹³ registries.
- 729 ▪ The WG reviewed data from the Nominet [Domain Name Industry Report 2009](#), which found
730 that of those people renewing their .uk domain name registration, 60% renew due to a
731 reminder from their registrar, 25% believe their domain names renew automatically and
732 7.3% renewed after receiving reminders from Nominet. At expiration, .uk domains enter
733 their equivalent of the RGP wherein the domain ceases to function and Nominet attempts to
734 send notices to the registrant. Of course, the experiences and business practices of a ccTLD
735 are not directly applicable to the gTLDs managed by ICANN.

736

737 **7.4 Charter Question 4: Whether additional measures need to be implemented to**
738 **indicate that once a domain name enters the Auto-Renew Grace Period, it has**
739 **expired (e.g., hold status, a notice on the site with a link to information on how to**
740 **renew, or other options to be determined)**

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

743

744

¹³ 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.

745 | **7.5 Charter Question 5: Whether to allow the transfer of a domain name during the**
746 | **RGP.**

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

760 | Following the review of the public comments (see [Section 7](#)), the WG continued its deliberations
 761 | taking into account the public comments received as well as the results of the WG survey (see [Annex](#)
 762 | [C](#)). On this basis, an initial list of agreed upon principles was drawn up (see [here](#)) from which the
 763 | proposed recommendations **that were included in the proposed Final Report were** derived.
 764 | Following the review of the public comments received on the proposed Final Report and continued
 765 | deliberations, the WG has now finalized its recommendations for submission to the GNSO Council
 766 | (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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825 7.2.1 Stakeholder Group / Constituency Views

826

827 The four statements responding to the questions outlined in the template were submitted by the
828 Intellectual Property Constituency (IPC), the Registry Stakeholder Group (RyS) the Registrar
829 Stakeholder Group (RS) and the Business and Commercial Users' Constituency (BC). The complete
830 text of the constituency statements that have been submitted can be found here [provide link to
831 wiki page with Constituency / Stakeholder Group statements]. These should be read in their
832 entirety. The following section attempts to summarize key constituency views on the issues raised in
833 the context of PEDNR PDP. This section also summarizes further work recommended by the various
834 stakeholder groups / constituencies, possible actions recommended to address the issues part of the
835 PEDNR PDP, and the impact of potential measures on the GNSO stakeholder groups / constituencies.
836

837 Charter Question 1: Whether adequate opportunity exists for registrants to redeem their expired 838 domain names

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

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853

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

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

868

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

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

881

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

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

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

895

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

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

906

907 **General Comments**

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

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

920

921 7.3 Public Comment on the Initial Report

922

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

928

929 7.3.1 Public Comment Forum

930

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

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

943

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

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947 **General Comments**

948

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

954

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

958

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

962

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

965

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

968

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

971

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

975

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

979

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

981

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

984

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

988

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

994

995 The RySG would also support a clarification of WHOIS output in relation to renewal, suggesting in
996 addition that: '1) because this issue applies to both thick and thin gTLDs, the WG may want to
997 consider not restricting its focus in this regard to only thick registries; 2) a technical point to keep in
998 mind is that 'Auto renewed and in grace period' is not an EPP status so if it is reported in Whois
999 output it should not be shown as a status; 3) if this is recommended, it may be worthwhile to
1000 consider recommending that the same be done for other similar periods; 4) if it is recommended
1001 that registries do this, it should also be recommended that registrars do so as well'.

1002

1003 The RrSG is of the opinion that no additional measures are needed as sufficient notice is already
1004 provided. The RrSG does recognize the potential confusion caused by WHOIS output in relation to
1005 renewal and notes it intends to work with the RySG 'to further examine this potential problem and
1006 propose possible solutions'.

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

1007

1008

1009

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

1010

1011

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'.

1020

1021

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'.

1022

1023

Desired Outcomes

1024

1025

1026

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

1027

1028

1. Consensus policy requiring that all registrars must allow renewal of domain names for a reasonable amount of time after expiration.

1029

1030

2. Consensus policy explicitly stating the minimum requirements for pre-expiration notices.

1031

1032

3. Consensus policy requiring clarity of how messages will be sent.

1033

1034

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.

1035

1036

5. Consensus policy requiring that notice(s) be sent after expiration.

1037

6. Consensus policy requiring that web sites (port 80) no longer can resolve to the original web site after expiration

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1039 function after expiration.

1040 8. Consensus policy requiring clarity in the expiration terms and fees offered by registrars.

1041 9. Consensus policy requiring that the Redemption Grace Period be offered by all registries
1042 (including future gTLDs) and by all registrars.'

1043

1044 ALAC recognizes that there might be a need for some limited exceptions to the above outcomes and
1045 also notes the role best practices may play above this minimum set of requirements.

1046

1047 JF notes that the obvious solution to avoiding post-expiration issues is to avoid expiration by paying
1048 the renewal fee in time. He would welcome an outcome of 'some best practices and/or consensus
1049 policies that would reflect some minimum responsible baseline of conduct surrounding expiration of
1050 a domain name, from which a consistent baseline structure of expectation can be formed and then
1051 socialized to the community'.

1052

1053 The RySG also emphasizes the importance of consistency and transparency, noting that 'the general
1054 idea of Registrars displaying explicit information around their domain expiration processes is helpful
1055 for registrants'.

1056

1057 IR argues that 'the drop recovery policy is unfair' and would prefer a system whereby expired
1058 domain name registrations are allotted 'on a random basis'.

1059

1060 The CBUC 'takes the position that Consensus Policy changes are required to correct issues within the
1061 domain expiration process' in order to 'achieve the openness, transparency, and predictability' as
1062 current inconsistencies 'lead to market confusion and in some cases create unfair market
1063 conditions'.

1064

1065 **Education / Information**

1066

1067 JF points to the importance of education as there is a lot of misunderstanding among registrants
1068 when it comes to the life cycle of a domain name registration and suggests that, once the WG has
1069 finalized its recommendations, a diagram and narrative 'making clear the expectations and process

1070 surrounding the expiry of a domain name' would be developed. In addition, he notes that 'reduction
1071 in inconsistency will also help reduce trouble areas or perceptions' (e.g by standardizing timing of
1072 notices, how these are sent, what happens if a domain name expires). JF points out that the
1073 comment submitted by AA is an example of one of the misunderstandings that seems to exist 'that a
1074 trademark is somehow an exemption from renewal fees or the consequences of not renewing a
1075 domain name within an agreed period of time'.

1076

1077 BN notes that many problems could be avoided 'if time and energy were focused on encouraging
1078 registrants to do more active housekeeping on their domain(s) prior to expiry'.

1079

1080 The CBUC proposes 'the creation of consumer education, perhaps ICANN sponsored, around the
1081 expiration of domain names'.

1082

1083 **Auto-Renew Grace Period**

1084

1085 The RySG points out that the Initial Report seems to assume that registry Autorenew practices are
1086 the same for all registries which is not the case as, for example, there are known differences when
1087 Auto-Renews are charged.

1088

1089 **Redemption Grace Period**

1090

1091 The RySG points out that a number of assumptions that accompanied the implementation of the
1092 RGP with the objective to provide a last opportunity to registrants to recover a domain name
1093 registration following expiration are no longer valid. These assumptions include the assumption that
1094 'the originating Registrant of the domain would be the current Registrant of record upon a domain
1095 being deleted and entering the Redemption Grace Period' and 'the effective use case for the
1096 Autorenew Grace Period was to garner additional time for Registrars to attempt to have originating
1097 Registrants renew their domains'. As a result, the RySG notes that 'the intended goal of RGP cannot
1098 be guaranteed by the behavior of Registries alone'.

1099

1100 The RySG recognizes that in order to fulfill the original intentions of the RGP, provided these are still
1101 valid, the 'RGP needs to be applied consistently by all parties involved' and therefore would be
1102 willing to 'explore RGP as a consensus policy'.

1103

1104 Other Issues

1105

1106 JF points to another issue that he has come across in relation to post-expiration which deals with
1107 registrars invoicing for the renewal of a domain name registration that has already been transferred
1108 out before expiration. He notes that 'as part of a responsible renewal notice process, a registrar
1109 should be required to check with the registry that they are in fact still the registrar of record for the
1110 name, before sending any billing related materials'.

1111

1112 The CBUC recommends that the WG explore the following issues in further detail: '

- 1113 ▪ Adequate documentation of the expiration process (current & proposed) models
- 1114 ▪ Change confusingly-similar terms like "automatic renewal" vs. "auto renew grace period", as an
1115 example
- 1116 ▪ Provide consistent and informative domain-status flags across registries, registrars and TLDs
- 1117 ▪ Provide consistent "service disruption" across registrars on expiration (triggers active/technical
1118 response)
- 1119 ▪ Provide consistent notification/display of deletion, automatic-renewal, auto-renew grace-period
1120 and redemption grace-period policies on reseller/registrar web pages
- 1121 ▪ Provide consistent redemption grace-period intervals rather than leaving it up to provider
1122 discretion
- 1123 ▪ Provide consistent post-expiry implications when registrants elect not to automatically-renew
1124 domains and/or opt out of monetization of web addresses
- 1125 ▪ Shift all TLDs to thick-registry model to aid in normalizing WHOIS-based processes
- 1126 ▪ Evaluate any conflict of interest – registrar either generates revenue from renewal OR
1127 monetization/aftermarket auction/ drop-catching, not both'

1128

1129 7.3.2 Public Comment Survey

1130

1131 In addition to a public comment forum, interested parties had the opportunity to contribute and
1132 comment on the Initial Report by completing a survey (see Annex C for Survey questions). Four
1133 hundred and twelve (412) responses were received to the survey. A broad overview of the survey
1134 results can be found here (see attachments at [http://forum.icann.org/lists/pednr-initial-
1135 report/msg00009.html](http://forum.icann.org/lists/pednr-initial-report/msg00009.html)). In addition, the WG carried out an in-depth analysis of the survey
1136 responses, which has been summarized below. The detailed analysis carried out using pivot tables
1137 can be viewed [here](#).

1138

1139 WG Analysis of Survey

1140

1141 After closer review of the data, it was determined that 51 responses were not complete and
1142 therefore excluded from the overall results leaving 361 responses¹⁴. Taking those responses, the WG
1143 grouped related questions in the following broader themes to determine whether a relationship
1144 existed in the responses to these related questions.

1145

1146 Renewal after Expiration

1147

1148 The questions relating to this category can be found in Annex C of this document. In response to the
1149 question whether registrars should offer renewals for a period of time following expiration and
1150 whether this should be done in compliance with a consensus policy, a best practice or as a means
1151 for registrars to offer competitive services, an overwhelming majority (337 responses) is of the
1152 opinion that renewal should be offered for a certain period of time to be required by consensus
1153 policy. Again an overwhelming majority agrees that this period of time should be defined by the
1154 consensus policy with a small majority being of the opinion that this period of time should be
1155 between 0 and 30 days (30 days being the most popular answer with 151 responses).

¹⁴ 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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1156

1157 Expiration Notices

1158

1159 A majority of respondents (251) is of the opinion that a consensus policy should specify the
1160 minimum number of notices being sent as well as when such notices should be sent. 152
1161 respondents consider 3 notices the appropriate number of reminders required to be sent according
1162 to the policy, while 18 respondents prefer 1 reminder, 72 respondents prefer 2 reminders and 41
1163 respondents would like more than 3 reminders required by the policy. In addition, 138 respondents
1164 are of the opinion that the policy should specify how such notices are sent, while 127 respondents
1165 are of the opinion that it is sufficient if such information is included in the registration agreement or
1166 web-site of the registrar. Most respondents consider email (119) the effective means to remind a
1167 registrant that their domain is about to expire, followed by postal (56) or a combination of email and
1168 postal (47).

1169

1170 WHOIS

1171

1172 A majority of respondents (206) is of the opinion that WHOIS should be changed to make it obvious
1173 that a domain has expired and not yet renewed by the registrant (or their agent).

1174

1175 Information & Education

1176

1177 Most respondents (160) consider email the most effective means to alert a registrant that their
1178 domain name has already expired, followed by postal mail (62), re-direct/kill web-site (50),
1179 telephone (31) and fax (9). Most respondents (307) indicate that the registration agreement should
1180 specify what will happen following expiration of a domain name registration.

1181

1182 Services after Expiration

1183

1184 A majority of respondents (209) is of the opinion that all services related to the domain name
1185 registration (web-site, email, IP services) should stop working to alert a registrant that their domain
1186 name registration has already expired.

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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 that details the Working Group’s responses to the public comment received.

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 \(RySG\)](#)

	<u>Comment</u>	<u>Who/Where</u>
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	PI

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	<u>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).</u>	
3.	<u>The ALAC supports most of the recommendations, but not all of them (see recommendation #2). In addition, it believes that some recommendations are missing from the report (see hereunder).</u>	ALAC
4.	<u>Resellers have often been associated with renewal problems raised by Registered Name Holders. The ALAC finds it unfortunate that the WG did not address this issue directly because at the present moment, not incorporating reseller problems leaves recommendations open for gaming.</u>	ALAC
5.	<u>There is great value in moving forward with standardization of the overall process involving PEDNR, but the cost of such actions toward standardization should not be procedures that fail to adequately protect the rights of consumers and brand owners. As such, certain recommendations in the Report require further detail and clarification.</u>	INTA
6.	<u>The RrSG supports the Final Report of the PEDNR PDP WG as it currently stands. The RrSG notes that it is its position that all 14 recommendations in the PEDNR Final Report are inter-dependent and should therefore be considered and adopted as a group by the GNSO Council.</u>	RrSG
7.	<u>This section in the report implies that if the registration is deleted during the Auto-Renew Grace Period, the registrar is absorbing the extra costs from the auto-renewal charge following expiration. This should be clarified, because the registrar either (a) never charges the registrant in the first place, or (b) is reimbursed by the registry if the registrar deletes the domain during Auto-renew Grace Period and reimburses the registrant.</u>	RySG
Charter Question 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.		

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

	<u>period?</u>	
17.	<u>The BC supports this recommendation, with the exception that the 8-day period should be extended to 30 days.</u>	<u>BC</u>
18.	<u>The ALAC commends the overall intent of the recommendation, but given that most registrars already offer a 30-40 day period, the ALAC strongly believes that the recommendation should guarantee no less than 30 days. Setting this guaranteed minimum to 8 consecutive days has the potential to be highly detrimental to users. It is unreasonable, especially considering the fact that prior to Registrars creating the post-expiration domain name re-assignment process, all Registered Name Holders had between 30 and 75 days to renew.</u>	<u>ALAC</u>
19.	<u>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,</u>	<u>INTA</u>
20.	<u>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'.</u>	<u>INTA</u>
21.	<u>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.</u>	<u>INTA</u>
Recommendation #3 (now recommendation #4) <u>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.]</u>		
22.	<u>Support for this recommendation.</u>	<u>IPC, BC, ALAC</u>
23.	<u>WHOIS contact data after expiry must be the same as before expiry, so everyone can see who has to be warned about the expiration.</u>	<u>PI</u>
24.	<u>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.</u>	<u>INTA</u>
Recommendation #4 (now recommendation #13) <u>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.</u>		
25.	<u>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</u>	<u>IPC</u>

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	vary for RGP in different gTLDs).	
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 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.	INTA
Recommendation #5 (now recommendation #14) 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 1 – Section 7 Deliberations of the WG		
32.	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 these additional clarifications, and (b) a lack of standardization in existing WHOIS standards.	RySG
Charter Question 2 - Whether expiration-related provisions in typical registration agreements are clear and conspicuous enough		
Recommendation #6 (now recommendation #5) 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.		
33.	The IPC agrees with this recommendation, but	IPC

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	<u>would further suggest that Registries and Registrars are prohibited from using, even if disclosed, a pricing model based upon an auction or similar transaction whereby the RNHaE's price is subject to the demand of third-parties bidding on the domain name.</u>	
34.	<u>ICANN must limit the fees for post-expiration renewal and post-delete restoration.</u>	<u>PI</u>
35.	<u>Support for this recommendation.</u>	<u>BC, ALAC, INTA</u>
Recommendation #7 (now recommendation #17) <u>In the event that ICANN gives reasonable notice to Registrar that ICANN has published web content providing educational materials with respect to registrant responsibilities and the gTLD domain life-cycle, and such content is developed in consultation with Registrars, Registrars, who have a web presence, shall provide a link to the webpage on any website it may operate for domain name registration or renewal clearly displayed to its Registered Name Holders at least as clearly as its links to policies or notifications required to be displayed under ICANN Consensus Policies.</u>		
36.	<u>Support for this recommendation, but suggestion that the WG should also recommend that registrars be required to include a reasonable prominent link to the "Domain Life-Cycle" document in question within renewal reminder emails to registrants.</u>	<u>IPC, INTA</u>
37.	<u>Support for this recommendation.</u>	<u>BC, ALAC</u>
Recommendation #8 (now recommendation #16) <u>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.]</u>		
38.	<u>Support for this recommendation, but proposal that the recommendation should be revised by deleting the wording "are expected to" and inserting the term "must" instead.</u>	<u>IPC, INTA</u>
39.	<u>Support for this recommendation.</u>	<u>BC, ALAC</u>
40.	<u>In relation to the bracketed wording, to ensure consistency and that best practices are updated, it would be best to have registrars include a link to a web page at the ICANN site as opposed to their linking to their versions of the document.</u>	<u>INTA</u>
Recommendation #9 (now recommendation #6) <u>The registration agreement and Registrar web site (if one is used) must clearly indicate what methods will be used to</u>		

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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.		
41.	Support for this recommendation.	IPC, BC, ALAC, INTA
42.	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 - Whether adequate notice exists to alert registrants of upcoming expirations		
43.	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
Recommendation #10 (now recommendation #7) 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
Recommendation #11 (now recommendation #9) 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
Recommendation #12 (now recommendation #8) 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	INTA

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	to recover the domain name.	
<p>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)</p>		
<p>Recommendation #13 (now recommendation #3) 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.]</p>		
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 third parties.	IPC
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
<p>Recommendation #14 (now recommendation #10) 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.</p>		
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
<p>Charter Question 5 - Whether to allow the transfer of a domain name during the RGP.</p>		
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	RySG

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	<u>opinion that there should be a proactive recommendation that transfers during the RGP process are not permitted.</u>	
57.	<u>The BC supports no action at this time.</u>	<u>BC</u>

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1220 8. Proposed Recommendations and Next Steps

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1222 Taking into account the Working Group Deliberations (see section 6), the WG Survey (see Annex C)

1223 and the Public Comments received (see section 7), the Working Group puts forward the following

1224 recommendations for GNSO Council consideration to address each of the Charter Questions. All the

1225 recommendations listed below have full consensus support from the Working Group. These

1226 recommendations represent the compromise that has been found between the different viewpoints

1227 that existed amongst the WG members and the WG is confident that these recommendations will

1228 provide additional guarantees to registrants; will improve registrant education and comprehension,

1229 and; are in line with current registrar practices and will have minimal impact on most registrars and

1230 other affected stakeholders. The Working Group would like to emphasize that it considers all the

1231 recommendations listed below as inter-dependent and recommends that the GNSO Council should

1232 consider these recommendations as such. As recommended as part of the new GNSO Policy

1233 Development Process, individual Working Group members remain available to provide feedback on

1234 the implementation plan for the recommendations directly to ICANN staff, by joining an

1235 Implementation Review Team should the GNSO Council decide to form one, or by providing advice

1236 to the GNSO Council directly if so requested.

1237

1238 Note: The WG recognizes that some of these recommendations may need special consideration in

1239 the context of existing provisions in the Uniform Dispute Resolution Policy (UDRP), the proposed

1240 Uniform Rapid Suspension System (URS) or exceptions due to fraud, breach of registration

1241 agreement or other substantive reasons and the WG, therefore, recommends that such

1242 considerations are taken into account as part of the implementation of these recommendations,

1243 once adopted.

1244

1245 The recommendations have been grouped together according to issue they address. In addition, for

1246 each of the recommendations it has been indicated to which charter question the recommendation

1247 relates (see section 3 for the charter questions).

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General

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. (Charter

Question 1)

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.

Post Expiration Behavior and Ability to Renew

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 interrupted¹⁵ 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 restore the domain name to resolve to its original DNS resolution path prior to expiration. Notwithstanding, the Registrar may delete the domain at any time during the Auto-renew grace period. (Charter Question 1)

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 more effective methods of getting a registrant's attention. Although 8 days is set as a minimum, there is nothing to prevent a Registrar from providing a longer period such as most registrars do

¹⁵ DNS interruption is defined as total Internet service interruption except for an informational web page (only one IP on which only port 80/443 is active).

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1309 today. The WG notes that it deliberately allowed for a floating 8 day period to allow for the various
1310 registrar business models and potentially competitive business continuity services. The
1311 recommendation has been updated to reflect that the registrar is responsible for interrupting the
1312 DNS, noting that there might be cases, such as for example .tel, where the registrar might not be
1313 permitted to interrupt the DNS.

1314
1315 **Recommendation #3:** If at any time after expiration when the Registered Name is still renewable by
1316 the RNHaE, the Registrar changes the DNS resolution path to effect a different landing website than
1317 the one used by the RNHaE prior to expiration, the page shown must explicitly say that the domain
1318 has expired and give instructions on how to recover the domain. Wording must make clear that
1319 “instructions” may be as simple as directing the RNHaE to a specific web site. (Charter Question 4)

1320
1321 **Rationale:** If a replacement web site is reached via the domain name after expiration, as is the case
1322 for most expired domains today (at some point after expiration), the replacement web page must
1323 make it clear that the domain has expired and tell the registrant what to do to renew.

1324
1325 **Recommendation #4:** The RNHaE cannot be prevented from renewing a domain name registration
1326 as a result of WHOIS changes made by the Registrar that were not at the RNHaE’s request. (Charter
1327 Question 1).

1328
1329 **Rationale:** Currently a change to WHOIS may, depending on the specifics of a Registrar’s system,
1330 prohibit the RNHaE from renewing the Registered Name.

1331
1332 **Registrar Disclosure and Expiration Warning**

1333
1334 **Recommendation #5:** The registration agreement must include or point to any fee(s) charged for
1335 the post-expiration renewal of a domain name. If the Registrar operates a website for registration or
1336 renewal, it should state, both at the time of registration and in a clear place on its website, any
1337 fee(s) charged for the post-expiration renewal of a domain name or the recovery of a domain name
1338 during the Redemption Grace Period. (Charter Question 2)

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1347 Rationale: The registrant must be able to forecast what renewal will cost if it is not renewed prior to
1348 expiration. This is not an attempt at setting the price but rather that the price must be disclosed to
1349 the registrant ahead of time. The pricing disclosed would be the then-current prices and does not
1350 preclude a later price change as part of normal business price adjustments.

1351
1352 **Recommendation #6:** The registration agreement and Registrar web site (if one is used) must clearly
1353 indicate what methods will be used to deliver pre- and post-expiration notifications, or must point
1354 to the location where such information can be found. What destination address/number will be
1355 used must also be specified, if applicable. (Charter Question 3)

1356
1357 Rationale: Registrants should be told ahead of time how the Registrar will communicate with them.

1358
1359 **Recommendation #7:** Registrar must notify Registered Name Holder of impending expiration no less
1360 than two times. One such notice must be sent one month or 30 days prior to expiration (± 4 days)
1361 and one must be sent one week prior to expiration (± 3 days).). If more than two alert notifications
1362 are sent, the timing of two of them must be comparable to the timings specified. (Charter Question
1363 3)

1364
1365 Rationale: The current requirement in the RAA to send at least two notifications is vaguely worded.
1366 There is also nothing to prohibit such notifications from being sent too early or too late to be
1367 effective.

1368
1369 **Recommendation #8:** Unless the Registered Name is renewed or deleted by the Registrar, at least
1370 one notification to the RNHaE, which includes renewal instructions, must be sent after expiration.
1371 (Charter Question 3)

1372
1373 **Recommendation #9:** Notifications of impending expiration must include method(s) that do not
1374 require explicit registrant action other than standard e-mail receipt in order to receive such
1375 notifications. (Charter Question 3)

1376
1377 Rationale: Notifications must not solely be done by methods, which require explicit Registrant action

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1378 to receive, the most common being the requirement to log onto the Registrar domain management
1379 system to receive notifications.

1380
1381 **Recommendation #10:** Best Practice: If post-expiration notifications are normally sent to a point of
1382 contact using the domain in question, and delivery is known to have been interrupted by post-
1383 expiration actions, post-expiration notifications should be sent to some other contact point
1384 associated with the registrant if one exists. (Charter Question 4)

1385
1386 Rationale: Today, message sent to the registrant after expiration typically go to the same address
1387 that is used prior to expiration. If that address uses the domain in question, and that domain is now
1388 intercepted by the Registrar (as is typically the case), the message will not be deliverable. The
1389 Working Group did not feel that it was practical to mandate how this should be fixed, but felt that it
1390 was important that Registrars consider the situation.

1391
1392 **Recommendation #11:** Best Practice: the notification method explanation (see recommendation #9)
1393 should include the registrar’s email address from which notification messages are sent and a
1394 suggestion that registrants save this email address as a ‘safe sender’ to avoid notification emails
1395 being blocked by spam filter software. (Charter Question 3)

1396
1397 **Recommendation #12:** Best Practice: Registrars should advise registrants to provide a secondary
1398 email point of contact that is not associated with the domain name itself so that in case of
1399 expiration reminders can be delivered to this secondary email point of contact. (Charter Question 3)

1400
1401 Rationale: See Recommendation #10.

1402
1403 **Redemption Grace Period (RGP)**

1404
1405 **Recommendation #13:** With the exception of sponsored¹⁶ gTLDs, all gTLD Registries shall offer the

¹⁶ 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

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1409 Redemption Grace Period (RGP). For currently existing unsponsored gTLDs that do not currently
1410 offer the RGP, a transition period shall be allowed. All new gTLDs must offer the RGP. As part of the
1411 implementation, ICANN Staff should consider the Technical Steering Group's Implementation
1412 Proposal (see <http://www.icann.org/en/meetings/bucharest/redemption-topic.htm>). (Charter
1413 Question 1)

1415 Rationale: Although most current unsponsored gTLDs Registries currently offer the RGP service,
1416 there is no such obligation, nor is it required in the new gTLD Applicant Guidebook.

1418 **Recommendation #14:** If a Registrar offers registrations in a gTLD that supports the RGP, the
1419 Registrar must allow the Registered Name Holder at Expiration to redeem the Registered Name
1420 after it has entered RGP. (Charter Question 1)

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1422 Rationale: This ensures that the registrant will be able to redeem a domain name if it is deleted and
1423 if the Registry offers the RGP service.

1425 **Recommendation #15:** The Working Group recommends that a transfer of a domain name during
1426 the RGP should not be allowed. (Charter Question 5)

1428 Rationale: The need is significantly reduced based on the recommendation to have the RGP
1429 mandatory for Registrars coupled with the complexity and possible adverse effects of allowing such
1430 transfers.

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1431
1432 **Registrant Education and Awareness**

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1434 **Recommendation #16:** ICANN, in consultation with Registrars, ALAC and other interested parties,
1435 will develop educational materials about how to properly steward a domain name and how to
1436 prevent unintended loss. Such material may include registrant responsibilities and the gTLD domain

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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1454 [life-cycle and guidelines for keeping domain name records current. \(Charter Question 2\)](#)

1455

1456 Rationale: Insufficient registrant understanding and education was identified as a significant
1457 problem and any attempt to address it will lower the number of problems experienced by
1458 registrants.

1459

1460 **Recommendation #17:** [In the event that ICANN gives reasonable notice to Registrars that](#)
1461 [ICANN has published web content as described in Recommendation 7:](#)

- 1462 [▪ Registrars, who have a web presence, must provide a link to the ICANN content on any](#)
- 1463 [website it may operate for domain name registration or renewal clearly displayed to its](#)
- 1464 [Registered Name](#)
- 1465 [▪ Holders at least as clearly as its links to policies or notifications required to be displayed](#)
- 1466 [under ICANN Consensus Policies.](#)
- 1467 [▪ Registrars may also host similar material adapted to their specific practices and processes.](#)
- 1468 [▪ Registrar must point to the ICANN material in a communication sent to the registrant](#)
- 1469 [immediately following initial registration as well as in the mandated annual WHOIS](#)
- 1470 [reminder. \(Charter Question 2\)](#)

1471

1472 Rationale: Insufficient registrant understanding and education was identified as a significant
1473 problem and any attempt to address it will lower the number of problems experienced by
1474 registrants.

1475

1476 **Monitoring and Follow-Up**

1477

1478 **Recommendation #18:** [The Working Group recommends that ICANN Compliance is requested to](#)
1479 [provide updates on a regular basis in relation to the implementation and effectiveness of the](#)
1480 [proposed recommendations, either in the form of a report that details amongst others the number](#)
1481 [of complaints received in relation to renewal and/or post-expiration related matters or in the form](#)
1482 [of audits that assess if the policy has been implemented as intended.](#)

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

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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.]

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1520 **Next Steps**

1521

1522 The WG has submitted this Final Report to the GNSO Council for its consideration.

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

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1528 **Annex A – Post-Expiration Domain Name Recovery - PDP Working**
1529 **Group Charter**

1530 As adopted by the GNSO Council on 24 June 2009

1531

1532 Whereas:

1533 The GNSO council has decided to initiate a PDP on Post-Expiration Domain Name Recovery (PEDNR);

1534 and

1535 The GNSO council had decided against initiating a Task force as defined in the bylaw;

1536 The GNSO Council RESOLVES

1537 To form a Working Group composed of Constituency representatives as well as interested
1538 stakeholders in order to develop potential policy and/or best practices to address the issues
1539 covered, while seeking additional information as appropriate to inform the work. The WG will also
1540 be open to invited experts and to members or representatives of the ICANN Advisory Committees,
1541 whether acting in their own right or as representatives of their AC.

1542

1543 The Working Group initially shall:

- 1544 1. Pursue the availability of further information from ICANN compliance staff to understand how
1545 current RAA provisions and consensus policies regarding deletion, auto-renewal, and recovery of
1546 domain names following expiration are enforced;
- 1547 2. Review and understand the current domain name life cycle;
- 1548 3. Review current registrar practices regarding domain name expiration, renewal, and post-
1549 expiration recovery.

1550

1551 The Working Group shall then consider the following questions:

- 1552 1. Whether adequate opportunity exists for registrants to redeem their expired domain names;
- 1553 2. Whether expiration-related provisions in typical registration agreements are clear and
1554 conspicuous enough;
- 1555 3. Whether adequate notice exists to alert registrants of upcoming expirations;
- 1556 4. Whether additional measures need to be implemented to indicate that once a domain name
1557 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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1558 to information on how to renew, or other options to be determined);

1559 5. Whether to allow the transfer of a domain name during the RGP.

1560

1561 The Working Group is expected to organize an issue update / workshop at the Seoul meeting, in
1562 addition to an update to the GNSO Council.

1563

1564 The Working Group should consider recommendations for best practices as well as or instead of
1565 recommendations for Consensus Policy.

1566

1567 Working Group processes:

1568 While the development of Guidelines for Working Group operations are still to be developed the
1569 following guidelines will apply to this WG:

1570 The WG shall function on the basis of rough consensus, meaning all points of view will be discussed
1571 until the chair can ascertain that the point of view is understood and has been covered. Consensus
1572 views should include the names and affiliations of those in agreement with that view. Anyone with a
1573 minority view will be invited to include a discussion in the WG report. Minority report should include
1574 the names and affiliations of those contributing to the minority report.

1575 In producing the WG report, the chair will be responsible for designating each position as having one
1576 of the following designations:

- 1577 ▪ Unanimous consensus position
- 1578 ▪ Rough consensus position - a position where a small minority disagrees but most agree
- 1579 ▪ Strong support but significant opposition
- 1580 ▪ Minority viewpoint(s)

1581

1582 If several participants in a WG disagree with the designation given to a position by the chair or any
1583 other rough consensus call, they can follow these steps sequentially:

- 1584 1. Send email to the chair, copying the WG explaining why the decision is believed to be in error.
- 1585 2. If the chair still disagrees, forward the appeal to the council liaison(s) to the group. The chair
1586 must explain his or her reasoning in the response.

1587 If the liaisons support the chair's position, forward the appeal to the council. The liaison(s) must
1588 explain his or her reasoning in the response.

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1590 3. If the council supports the chair and liaison's position, attach a statement of the appeal to the
1591 board report.

1592

1593 This statement should include all of the documentation from all steps in the appeals process and
1594 should include a statement from the council.

1595 The chair, in consultation with the GNSO council liaison(s) is empowered to restrict the participation
1596 of someone who seriously disrupts the WG. Any such restriction will be reviewed by the GNSO
1597 council. Generally the participant should first be warned privately, and then warned publicly before
1598 such a restriction is put into place. In extreme circumstances this requirement may be bypassed.

1599

1600 The WG will have an archived mailing list. The mailing list will be open for reading by the
1601 community. All WG meetings will be recorded and all recordings will be available to the public. A
1602 PEDNR WG mailing list has been created (gns0-pednr-dt@icann.org) with public archives at:
1603 <http://forum.icann.org/lists/gns0-pednr-dt/>. A SocialText wiki has been provided for WG usage and
1604 can be found at [post expiration domain name recovery wg](#)

1605

1606 If the guidelines for WG processes change during the course of the WG, the WG may continue to
1607 work under the guidelines active at the time it was (re)chartered or use the new guidelines.

1608 The council liaisons to the WG will be asked to report on the WG status monthly to the council.

1609 All WG charters must be reviewed by the GNSO council every 6 months for renewal. Milestones

1610 WG formed, chair & Council liaison & staff coordinator identified = T

1611 Initial Report: T + 150 - 170 days

1612 First comment period ends: T + 170 - 200 days

1613 Preliminary Final Report: T + 190 - 220 days.

1614

1615 Note: if the WG decided that a change is needed to the milestone dates, it should submit a revised
1616 time line to the GNSO council for approval

1617

1618

1619 Annex B - Registrar Survey

1620 As instructed in its charter, the PEDNR WG started its deliberations by reviewing current registrar
1621 practices regarding domain name expiration, renewal, and post-expiration recovery. In order to
1622 gather further information, it was decided to conduct a registrar survey. Hereunder is an overview
1623 provided of the main questions and outcomes of the survey.

1624 **Methodology**

1625 The survey covers the top 10¹⁷ registrars by total domains, which represents approximately 66% of
1626 domains registered. ICANN Staff reviewed information publicly available on registrar web sites in a
1627 first attempt to respond to the questions. Following that, the registrars in question where contacted
1628 to verify the information found as well as to provide input on those questions for which no publicly
1629 available information was available. Following this feedback, the survey responses were updated
1630 and anonymized. The complete registrar survey can be found here.

1631 **Findings**

- 1632 **1633** ▪ What is the registrar's practice regarding a domain name at the time of expiration when the
1634 registrant is silent regarding its intention to renew a domain name?

1635 All registrars that participated in the survey renew the registration on behalf of the registered
1636 name holder following expiration. As a courtesy, the Registered Name Holder at Expiration
1637 (RNHaE) should be able to reclaim its name at least for a certain period of time with most
1638 registrars, and in the majority of cases, this is what occurs. Many registrars, however, point out
1639 in the registration agreement that this is not an obligation but at the sole discretion of the
1640 registrar to provide the opportunity to recover the domain name registration.

1641 **Does the registrar allow the domain name to auto-renew in those registries that employ that**

1642 **policy?**

1643 Yes, this applies to the majority of registrars. The intended scope of the question was related to
1644 the Registry-Registrar auto-renewal (the Auto-Renew grace Period). This question was also
1645 interpreted by some as asking whether the registrar provides an auto-renewal option to the
1646 registrar.

¹⁷ 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.

1647 registrant, by which it e.g. keeps a credit card on file and will automatically attempt to renew
1648 the registration before expiration. It was found that in certain cases this is the default setting
1649 and the registrant needs to take affirmative action to switch off such a auto-renewal; in some
1650 cases this is an optional service; in one instance, the registrar does not provide an auto-renewal
1651 service for its registrants but many of its resellers do provide this feature.

1652 **▪ When and how are notices of expiration sent to the RNHaE prior to expiration? If a reseller**
1653 **was involved in the domain transaction, are notices sent by reseller or by registrar?**

1654 Notices are generally sent by email, often to the different email addresses on file (contact
1655 handles associated with the domain). Some registrars may also notify the RNHaE via notices to
1656 their registrar account (requiring logging on to receive the message). Some registrars provide a
1657 detailed calendar of when notices are sent, others do not. One registrar indicates that direct
1658 mail notices are also sent to the mailing addresses on record. Those that provide information on
1659 when notices are sent provide the following range of when the first notice is sent prior to
1660 expiration: 90, 75, 45 and 21 days. Two registrars note that ‘as a convenience to the registrant,
1661 and not as a binding commitment’, the registrar may ‘send an email message’, but in practice
1662 these registrars send notices to their customers (an issue that was later corrected to be
1663 compliant).

1664 **▪ When and how are notices of expiration sent to the RNHaE following expiration? If a reseller**
1665 **was involved in the domain transaction, are notices sent by reseller or by registrar?**

1666 Several registrars confirm that notices are also sent following expiration. Those that provided
1667 specific details, note that notices are sent from 10 – 21 days after expiration. One registrar does
1668 not sent notices following expiration, but the user account does contain an alert that the
1669 domain name registration has expired.

1670 **▪ Does the registrar make substantial changes to any of the underlying WHOIS data associated**
1671 **with the domain name in or around the time of expiration? (Note: changing status of a**
1672 **domain name registration e.g. to ‘pending delete’ and/or changing the expiration date are not**
1673 **considered substantial changes) (yes/no; if yes, when)**

1674 Six registrars note that WHOIS records ‘may’ undergo changes such as replacing the RNHaE
1675 contact information with that of the registrar, although one registrar confirms it actually does
1676 not make any substantial changes even though the contract does allow for such changes. Three
1677 registrars do not make substantial changes to WHOIS data apart from changing the

1678 nameservers.
1679 **▪ Is the cost to the registrant to recover/renew a domain name post expiration but prior to the**
1680 **imposition of any Registry Redemption Grace Period different to that one charged for renewal**
1681 **prior to expiration? If the cost is different, does it vary or is it the same for every domain**
1682 **name at any point in time during the Auto-Renew Grace period? If so, what does this variance**
1683 **depend on (e.g. time of renewal, estimated value of the domain, cost burden of recovery for**
1684 **registrar?)**

1685 Five registrars indicate that the RNHaE may renew the domain name at least for a certain period
1686 (in some cases as short as 3 days or as long as 45 days) for the normal renewal fee. In other
1687 cases an additional fee may apply, which in certain cases is the same as the fee charged for
1688 recovery of the domain name during RGP or may be unspecified.

1689 **▪ At what point after expiration is the DNS changed so that the domain name no longer resolves**
1690 **to the RNHaE's web site? Where does it now point to,(e.g. PPC, renewal page)?**

1691 All surveyed registrars reserve the right to direct the IP address to a registrar designated page
1692 which may include notification or renewal information, in addition to pay-per-click (PPC)
1693 advertisements or other promotional information. In some cases, a web site will continue to
1694 function following expiration. In one case, the RNHaE can opt out of the display of a registrar
1695 parked page, if he or she indicates so before the expiration of the registration.

1696 **▪ Does the new page explicitly say that the original registration has expired and how it could be**
1697 **re-claimed?**

1698 In six instances the new page will display information that the registration has expired,
1699 information on how to renew the registration or advertise the sale / auction of the registration.
1700 In two instances, it does not. This question is not applicable to the registrar that does not
1701 operate a renew grace period for the RNHaE.

1702 **▪ Based upon the changes made by the registrar upon expiration, what happens if email is sent**
1703 **by a third party (i.e. someone other than the reseller or registrar) to the email address (e.g.**
1704 **xx@example.com) that uses the expired domain name (e.g. www.example.com)? Does the**
1705 **email bounce, is it still delivered to the RNHaE on an alternative email address or is it**
1706 **discarded?**

1707 In most cases, the email will bounce and is discarded, unless the DNS is hosted with the registrar
1708 and only the "A Record" is changed. This question is not applicable to the registrar that does not

1709 operate a renew grace period for the RNHaE, nor does it apply if the DNS nameservers are
1710 hosted by the RNHaE or a third-party (e.g. hosting provider).

1711 **▪ If the RNHaE's contact e-mail used the domain name in question, does the registrar factor this**
1712 **in sending out post-expiration reminders? If so, how?**

1713 No, for those registrars that sent post-expiration notices, this is not factored in.

1714 **▪ Are reminders sent from the same address the registrar normally uses for communication**
1715 **with the RNHaE (a different address might result in the email getting caught in the spam**
1716 **filter)?**

1717 Five registrars confirm that all communications come from the same address. One registrar
1718 notes that it uses different 'from' addresses to identify the type of communication intended for
1719 the RNHaE. Some note that in cases where a reseller is involved, this might differ as it is up to
1720 the reseller to configure this type of communication.

1721 **▪ At what point, if any, is the expired domain name made available to others than the RNHaE**
1722 **(e.g. sale, auction, transfer to registrars or an affiliate's account).**

1723 In most cases, the registrar can in theory renew or transfer the registration to the registrar or a
1724 third party immediately upon expiration. However, several registrars specify that in practice this
1725 only happens at the end of the renewal grace period provided by the registrar to the RNHaE. In
1726 certain cases, the registration may be put up for auction but only after a certain period of time,
1727 e.g. 25 days, 30 days or 35 days have passed following the expiration.

1728 **▪ If a reseller was involved in the original transaction:**

1729 **- How does the RNHaE determine whether they are dealing with the reseller or the**
1730 **registrar?**

1731 Many note that the reseller information shows up in the WHOIS database and the reseller
1732 serves as the first point of contact for the RNHaE. Others note that the RNHaE should be able to
1733 tell by the absence of the 'ICANN Accredited Logo' on the website. One registrar notes that it
1734 provides a reseller information retrieval tool on its website. Under the terms of the 2009 RAA,
1735 which most ICANN-accredited registrars have signed, resellers are obliged to "identify the
1736 sponsoring registrar or provide a means for identifying the sponsoring registrar" (RAA 3.12.2).

1737 **- If the RNHaE is dealing with a reseller, how can the RNHaE identify the affiliated registrar?**

1738 This information is available through a WHOIS lookup.

1739 **- To recover the expired domain name, can the RNHaE work with the registrar directly or**

1740 **must it work with reseller?**

1741 Most note that the reseller should be the first point of contact for the RNHaE, however in the
1742 case of escalation (e.g. unresponsiveness of the reseller) the registrar will assist the RNHaE.

1743 **▪ What options are available for contacting reseller/registrar post expiration (web form, e-mail,**
1744 **telephone)?**

1745 Most note that all pre-expiration support options (e.g. web, email, telephone) also remain
1746 available after expiration. The RAA does not require the availability any specific support
1747 methods.

1748 **▪ Under what conditions is a domain name deleted (and thus enters the RGP)?**

1749 In most cases, the domain name registration only enters RGP if it has not been renewed by the
1750 RNHaE or transferred to a third party. One registrar allows for the RNHaE to notify the registrar
1751 that he or she does not want the registrar to proceed with a transfer to a third party. In this case
1752 the registration is deleted. In one case, if the registration has been canceled or the auto-renewal
1753 service is explicitly turned off, the registration will immediately enter RGP.

1754 **▪ What is the duration of the renewal grace period provided by the registrar to the RNHaE?**

1755 The period following expiration during which the RNHaE can recover the domain name
1756 registration, is generally not guaranteed by registration agreements. The actual period provided
1757 by registrars to registrants varies from zero (one registrar), but most provide additional time,
1758 offering 30-42 days for the RNHaE to renew following expiration.

1759 **▪ What is the registrar's practice regarding a domain name at the time of expiration when the**
1760 **registrant gives explicit instructions regarding its intention NOT to renew the domain names?**
1761 **Indicate if same as for "no notice given" or address all of the issues in Question 1.**

1762 Most registrars follow the same procedure as for "no notice given". Only in one instance, if the
1763 domain name registration has been explicitly cancelled from the registrar system, it will not be
1764 renewed and go straight to RGP.

1765 **▪ If a registrant specifically requests to delete a domain name prior to its expiration, does the**
1766 **registrar treat it as an expired domain name or is it treated differently?**

1767 Most registrars indicate that the domain name registration is immediately deleted upon request
1768 or treated differently from an expired registration. One registrar confirms that it will treat it as
1769 an expired registration.

1770 **▪ Are the terms of the treatment of the domain name registration at the time of expiration**

1771 **contained in the registration agreement or in another document? Please specify the terms if**
1772 **not already done so in question 1 or 2.**

1773 In most cases, the terms are contained in the registration agreement. Some registrars provide
1774 additional details or information in FAQs, Help Centre or Deletion / Renewal policies. It is not
1775 always obvious where to find the relevant information. In addition, the language in the
1776 registration agreements is often too legal to be clear and often not specific (e.g. may/may not,
1777 in its sole discretion, no guarantee, can change without notice) although registrar participants
1778 on the WG pointed out the need to preserve legal protections for themselves and their
1779 registrant clients by including legally appropriate language in their agreements. In certain cases,
1780 the language in registration agreements does not seem to match actual practice, but seems to
1781 provide more of a 'safety net', in case the registrar would like to change its practices.

1782 **▪ If the registrar makes substantial changes to the WHOIS data at the time of expiration is that**
1783 **practice dependent upon whether the registry charges you upon expiration or not (i.e. auto-**
1784 **renew v.s. non-auto-renew) or is the change in underlying WHOIS data the same regardless of**
1785 **the TLD?**

1786 All respondents indicated that this does not have an impact.

1787 **▪ Does the registrar or affiliated auction service provider provide the RNHaE the right to remove**
1788 **a name from auction / sales process?**

1789 In four cases, the RNHaE can remove the domain name registration from the auction / sale by
1790 renewing the registration. One registrar confirms that if the RNHaE has notified the registrar
1791 that he/she does not want to proceed with a transfer to the third party, the domain name
1792 registration will be deleted. In two cases, the RNHaE cannot remove or recover the domain
1793 name from auction / sale. One registrar notes that once the auction process has commenced it
1794 is not customary to remove the name from auction.

1795 **▪ For those registrars or affiliated auction service provider that provide auction services with the**
1796 **ability of the registrant to renew/re-register a name, what measure of registrants have exercised**
1797 **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 Lavery, RC DotAlliance
3	Berry Cobb, CBUC
4	Cheryl Langdon-Orr, ALAC
5	Alan Greenberg, ALAC
6	Ron Wickersham, NCUC
7	Michele Neylon, Registrar
8	Glenn McKnight, FBSC
9	Paul Diaz, Network Solutions
10	Matt Serlin, MarkMonitor
11	Jeffrey Eckhaus, eNom

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

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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	<u>1</u>	<u>6%</u>
Total	<u>17</u>	<u>100%</u>

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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

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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%

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2. Period Prior to Expiration

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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]

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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).

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

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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).

1873

WG Response:

<u>Options (select one)</u>	<u>Number of responses</u>	<u>Percentage</u>
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a) <u>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.</u>	<u>13</u>	<u>76%</u>
b) <u>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</u>	<u>1</u>	<u>6%</u>
c) <u>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</u>	<u>0</u>	<u>0%</u>
d) <u>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</u>	<u>0</u>	<u>0%</u>
e) <u>Maintain status quo - keep the language of the RAA as is with no explicit mention of a requirement to send pre-expiration notices.</u>	<u>3</u>	<u>18%</u>
Total	<u>17</u>	<u>100%</u>

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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:

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

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

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

WG Response:

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

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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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<u>along with the registrant, should receive these notices</u>		
<u>Recommends that documentation encourage that registrars: Registrar accounts can notify of impending expirations in their control website</u>	<u>4</u>	<u>24%</u>
<u>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).</u>	<u>3</u>	<u>18%</u>
<u>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)</u>	<u>4</u>	<u>24%</u>
<u>Recommends that documentation encourage that registrars: Must advise Registrant to include at least one fax number</u>	<u>1</u>	<u>6%</u>
<u>Recommends that documentation encourage that registrars: Use at least two mechanisms for contact (i.e. both email and phone, or email and letter)</u>	<u>3</u>	<u>18%</u>
<u>Recommends that documentation encourage that registrars: Should allow alternate email addresses and telephone numbers for specific contacts in WHOIS</u>	<u>4</u>	<u>24%</u>
<u>None of the above</u>	<u>3</u>	<u>18%</u>

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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
<u>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.</u>	<u>5</u>	<u>29%</u>
<u>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.</u>	<u>4</u>	<u>24%</u>
<u>None of the above</u>	<u>3</u>	<u>18%</u>
<u>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.</u>	<u>8</u>	<u>47%</u>

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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%

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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

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1929 registration has been renewed. The confusion arises because there are two
 1930 "expiration" relationships: that between the registry and registrar, and that
 1931 between the registrar and registrant. Note: it is understood that this may require
 1932 changes to the Registrar:Registry EPP (Extensible Provisioning Protocol).
 1933 In the first version of this survey, there was rough consensus (73%) that WHOIS
 1934 status messages related to expiration should be clarified.

1935 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%
<u>Total</u>	<u>17</u>	<u>100%</u>

1936
 1937 **8. Are notices post-expiration required? [Charter Question 3]**

1938 Issue: Although many registrars do send notices post-expiration, there is no requirement
 1939 to do so. There was some question in the mind of some WG members whether a
 1940 registrar has any responsibilities to take such actions after expiration as the contract
 1941 with the registrant has expired. In addition, some pointed out the technical
 1942 challenges of communication post-expiration if all applicable e-mail contacts use the
 1943 domain that has expired.

1944 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%

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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

1966 attract the attention of the RNHaE. Others point out that making services “go dark”
 1967 presents liability risk to registrars, and could further confuse registrants.
 1968 In the first version of this survey, there was a general consensus that stopping the
 1969 functioning of a web site was the best way to get the RNHaE’s attention.
 1970 Any policy change should consider exemptions for situations where the registrar is
 1971 in active bi-directional contact with the RNHaE and resolution of the issue is being
 1972 discussed.

1973 WG Response:

<u>Options (select one)</u>	<u>Number of responses</u>	<u>Percentage</u>
<u>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)</u>	<u>6</u>	<u>35%</u>
<u>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</u>	<u>6</u>	<u>35%</u>
<u>c) Maintain status quo - domains are allowed to resolve (directly or indirectly) to the original IP after expiration</u>	<u>5</u>	<u>29%</u>
<u>Total</u>	<u>17</u>	<u>100%</u>

1974
 1975 **10. How should e-mail directed at an address within the expired domain behave after**
 1976 **expiration [Charter Question 4]**

1977 Issue: Currently there is no requirement or standard practice on what should happen with
 1978 e-mail addressed to an e-mail address in an expired domain. Some argue that if e-
 1979 mail is delivered as usual, the registrant might not be aware that the domain name
 1980 registration has expired particularly for domains that are used exclusively for e-mail.
 1981 Others argue that e-mail is a critical resource and should not be disabled if at all
 1982 possible.

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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
<u>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)</u>	<u>7</u>	<u>44%</u>
<u>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.</u>	<u>1</u>	<u>6%</u>
<u>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.</u>	<u>8</u>	<u>50%</u>
<u>Total</u>	<u>16</u>	<u>100%</u>

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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]

1999 **Issue:** Web access and e-mail are just two specific services using the Internet
 2000 infrastructure. A domain name can be used for any service (including machine-to-
 2001 machine protocols with no human intervention). Currently there are no
 2002 requirements or recommendations as to what should happen to these services post
 2003 expiration. Therefore, they could either continue to work, or could stop, depending
 2004 on how the registrar alters the registration after expiration. Just as with the web and
 2005 e-mail, some argue that ceasing to function is the optimal way to catch the RNHaE's
 2006 attention after expiration.

2007 **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%

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 2009 **12. Should a RNHaE have the ability to request an Inter-Registrar Transfer after expiration?**

2010 **Issue:** Current policy allows Inter-Registrar transfers after expiration but before deletion. A
 2011 losing registrar cannot refuse such a transfer except in the limited circumstances
 2012 specifically enumerated by the Transfer Policy (such as non-payment for the
 2013 PREVIOUS year or UDRP action). See
 2014 <http://www.icann.org/en/announcements/advisory-03apr08.htm> for further
 2015 details.
 2016 However, situations can exist where the RNHaE can not make the request for such
 2017 transfer. Specifically: the RNHaE can not obtain the AuthInfo code required to
 2018 request the transfer from the Gaining Registrar; the domain is "locked" by the

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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%

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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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2036 Registrars on the PDP WG have stated that it is close to impossible to word
 2037 registration agreements so that they will be very clear and understandable, and still
 2038 have them be provide the legal safeguards that they feel are necessary. Registrars
 2039 further point out that legal standards vary (sometimes greatly) according to where a
 2040 registrar’s business is domiciled (USA/Europe/Asia). Settling on easy to understand
 2041 language may: not meet legal requirements; be difficult to translate; and finally,
 2042 may fall short of standards in some areas.

2043 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%

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Total	17	100%
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14. Should the fee to be charged for renewal of a domain name after expiration be explicitly stated?

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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.

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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%

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

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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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2062 WG response:

<u>Options (select all that apply)</u>	<u>Number of responses</u>	<u>Percentage</u>
<u>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.</u>	<u>8</u>	<u>47%</u>
<u>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.</u>	<u>8</u>	<u>47%</u>
<u>c) Modify the WHOIS Data Reminder Policy (WDRP) to include information on renewal and expiration policies, including the cost for recovery after expiration</u>	<u>7</u>	<u>41%</u>
<u>d) None of the above.</u>	<u>5</u>	<u>29%</u>

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2064 **5 Redemption Grace Period**2065 **16. Should the Redemption Grace Period be adopted as a consensus policy for gTLD Registries?**2066 **[Charter Question 1]**

2067 Issue: The concept of a Redemption Grace Period (RGP) was created in 2002 to address a

2068 perceived problem if businesses and consumers are losing the rights to their domain

2069 names through registration deletions caused by mistake, inadvertence, or fraud

2070 (<http://www.icann.org/en/registrars/redemption-proposal-14feb02.htm>). Although

2071 all non-sponsored gTLDs apart from .pro and .name offer the RGP as a voluntary

2072 Registry Service, there is no obligation to offer the RGP. None of the sponsored

2073 gTLDs offer the RGP. As part of the new gTLD process, new gTLDs will emerge that

2074 will have no obligation to offer the Redemption Grace Period, and based on the

2075 experience with the sponsored gTLDs, it is unclear if many will volunteer to offer the

2076 service.

2077 VeriSign reports that there were an average of about 4800 RGP restores per month

2078 for .com and .net combined in 2009, and PIR reports that there about 350 per

2079 month for .org.

2080 Anecdotally, many of the people involved in the original RGP discussions expected
 2081 that it would be adopted as a Consensus Policy, but it is not clear why this never
 2082 happened.

2083 WG response:

<u>Options (select one)</u>	<u>Number of responses</u>	<u>Percentage</u>
<u>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.</u>	<u>11</u>	<u>65%</u>
<u>b) Maintain status quo – leave RGP as an option gTLD registries may offer.</u>	<u>6</u>	<u>35%</u>
<u>Total</u>	<u>17</u>	<u>100%</u>

2084
 2085 **17. Should registrars be required to offer the Redemption Grace Policy for registries that offer**
 2086 **it? [Charter Question 1]**

2087 Issue: Although most registrars offer the Redemption Grace Policy (RGP) for registries that
 2088 offer it, there is no obligation to do so. For registrars which do not allow any
 2089 recovery following expiration (either due to policy of due to immediate delete), the
 2090 RGP is the only possible method of recovery. Only the registrar of record for a
 2091 domain can request its recover under the RGP.

2092 WG response:

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

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2094 **18. Should a transfer of a domain name during the RGP be allowed? [Charter Question 5]**

2095 Issue: Currently a transfer of a domain name registration during the RGP is not allowed. At
2096 the time the current transfer policies were developed, a transfer during RGP was
2097 contemplated but no decision was taken.

2098 If a domain is deleted for a registry that supports the RGP, but the registrar of
2099 record does not offer the RGP, the domain cannot be recovered.

2100 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

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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2132 **Questions**

2133 Please provide your constituency's views on:

2134

2135 1. Whether adequate opportunity exists for registrants to redeem their expired domain names;

2136

2137 2. Whether expiration-related provisions in typical registration agreements are clear and
2138 conspicuous enough;

2139

2140 3. Whether adequate notice exists to alert registrants of upcoming expirations;

2141

2142 4. Whether additional measures need to be implemented to indicate that once a domain name
2143 enters the Auto-Renew Grace Period, it has expired (e.g., hold status, a notice on the site with a
2144 link to information on how to renew, or other options to be determined);

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2146 5. Whether to allow the transfer of a domain name during the Redemption Grace Period (RGP).

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2148 Annex E – Public Comment Forum Survey Questions

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2150 **Renewal After Expiration**

2151 Question 4: Should registrars offer renewals for a period of time following expiration (subject to a
2152 few explicit exceptions?)

2153 Question 5: Additional Comments

2154 Question 6: Should the policy specify the minimum amount of time allowed for renewal after
2155 expiration?

2156 Question 6: Yes - please specify for how long:

2157 Question 7: Additional Comments

2158 Question 8: Should offering renewal after expiration be a consensus policy, best practice, or as a
2159 means for registrars to offer competitive services?

2160 Question 9: Additional Comments

2161

2162 **Expiration Notices**

2163 Question 10: Should the policy specify the minimum number of notices that are required prior to
2164 expiration?

2165 Question 11: If you answered yes to the previous question, what is the most appropriate number of
2166 reminder messages?

2167 Question 12: Additional Comments

2168 Question 13: Should the policy specify when such notices should be sent?

2169 Question 14: If you answered 'yes' to the previous question, what timing or reminder schedule
2170 would you suggest?

2171 Question 15: Additional Comments

2172 Question 16: Should the policy specify how such notices should be sent?

2173 Question 17: If you answered 'Yes' or 'No, but...' to the previous question, what methods should it
2174 specify?

2175 Question 18: Additional Comments

2176 Question 19: What, in your opinion, is the most effective means to remind a registrant that their
2177 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

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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 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 from 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.

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 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.]

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.

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 than two alert notifications are sent, the timing of two of them must be comparable to the timings specified.

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

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 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.

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.

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.

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

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Commercial and Business Users Constituency

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Non-Commercial User Constituency / Non-Commercial Stakeholder Group

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At-Large Advisory Committee / At-Large

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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 101 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 were 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

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.

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 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 send 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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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 Lavery, RC DotAlliance
3	Berry Cobb, CBUC
4	Cheryl Langdon-Orr, ALAC
5	Alan Greenberg, ALAC
6	Ron Wickersham, NCUC

7	Michele Neylon, Registrar
8	Glenn McKnight, FBSC
9	Paul Diaz, Network Solutions
10	Matt Serlin, MarkMonitor
11	Jeffrey Eckhaus, eNom
12	Mason Cole, Oversee.net
13	Sivasubramanian M, isoc india Chennai (ALS), Apralo, At-Large
14	Mike Rodenbaugh, Rodenbaugh Law
15	Michael Young, Afiliis
16	Gray Chynoweth, Dyn Inc.
17	James Bladel, GoDaddy.com / Registrar Stakeholder Group / GNSO

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	0	0%

be sent prior to expiration		
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%

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	12	71%

to expiration.		
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%

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	8	47%

and (for web-based registrations / renewals) on the web site exactly what communications method(s) will be used.		
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%
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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	4	24%

registration, and domain renewal. For web-based access, Registrar must link to ICANN tutorial of importance of accurate contact information.		
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%
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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	6	35%

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.		
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
<p>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</p>	6	35%
<p>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</p>	7	41%
<p>c) Maintain status quo – leave it at the discretion of registrars to ensure that such information is clear and conspicuous.</p>	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 or 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%

Page Break

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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.

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.

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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 than two alert notifications are sent, the timing of two of them must be comparable to the timings specified.

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

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 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.

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.

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 find that it was practical to mandate how this should be fixed, but felt that it was important that Registrars consider the situation.

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