

ALAC Statement on the Fake Renewal Notices Report Workspace

Comment Close Date	Statement Name	Status (Please click "Adopted" to download a copy of the Final Statement)	Assignee (s) and RALO(s)	Call for Comments	Call for Comments Close	Vote Announcement	Vote Open	Vote Reminder	Vote Close	Date of Submission	Staff Contact and Email	Statement Number
20.04.2012	Fake Renewal Notices Report	Adopted 13Y, 0N, 0A	Alan Greenberg (NARALO)	01.04.2012	11.04.2012	13.04.2012	13.04.2012	18.04.2012	19.04.2012	20.04.2012	Marika Konings marika.konings@icann.org	AL/ALAC/S/0412/5

Comment Reply Periods (*)	<p>Important Information Links* Public Comment Announcement</p> <ul style="list-style-type: none"> To Submit Your Comments (Forum) View Comments Submitted
Comment Open:	21 March 2012
Comment Close:	20 April 2012
Closing Time (UTC):	23:59 UTC
Reply Open:	21 April 2012
Reply Close:	11 May 2012

Close Time (UTC):	23:59 UTC
Brief Overview	
Originating Organization:	GNSO Council
Categories / Tags:	Top-Level Domains
Purpose (Brief):	On 6 March 2012, the Fake Renewal Notices Drafting Team submitted its report [PDF, 559 KB] to the GNSO Council. Prior to considering this report [PDF, 559 KB] and its recommendations, the GNSO Council is requesting community input.
Current Status:	The GNSO Council is requesting input on the Fake Renewal Notices Report.
Next Steps:	The GNSO Council will review the comments received and consider next steps to address the issue of fake renewal notices.
Staff Contact:	Marika Konings
Email:	policy.staff@icann.org
Detailed Information	

Section I: Description, Explanation, and Purpose	<p>Fake renewal notices are misleading correspondence sent to registrants from an individual or organization claiming to be or to represent the current registrar. These are sent for a variety of deceptive purposes. The desired action as a result of the deceptive notification is:</p> <ul style="list-style-type: none"> * Pay an unnecessary fee (fraud) * Get a registrant to switch registrars unnecessarily ("slamming", or illegitimate market-based switching) * Reveal credentials or provide authorization codes to facilitate theft of the domain <p>The Registration Abuse Policies Working Group discussed this type of abuse in its Final Report [PDF, 1.73 MB] and recommended that 'the GNSO initiate a Policy Development Process by requesting an Issues Report to further investigate this abuse'. In order to help inform its deliberations on this recommendation, the GNSO Council requested that a small group of volunteers prepare a request for information concerning Fake Renewal Notices for the Registrar Stakeholder Group. The Fake Renewal Notices Drafting Team (DT) which was formed subsequently has submitted its report [PDF, 559 KB] to the GNSO Council in which it presents the results of the survey it conducted as well as offering the following options for possible next steps:</p> <ul style="list-style-type: none"> * Add a section to the RAA that addresses Business Practices * Add the issue to the current or one of the upcoming Inter-Registrar Transfer Policy (IRTP) PDPs * Add this issue to the upcoming PDP on the RAA <ul style="list-style-type: none"> • Refer the issue to the At-Large Advisory Committee (ALAC) to encourage better education and awareness of this type of abuse amongst the end-user community • Raise this issue with the Federal Trade Commission (FTC) in the United States to see if the registrar is in compliance with relevant law • Initiate a Policy Development Process on Fake Renewal Notices • Do not proceed with any action at this time <p>As the report was developed by a small group of volunteers, the Fake Renewal Notices DT recommended that the GNSO Council put this report out for public comment in order to obtain community input on the findings and potential next steps. Following the presentation of the report, the GNSO Council decided to follow the DT's recommendation and put the report [PDF, 559 KB] out for community input.</p>
Section II: Background	<p>Prior to acting on the recommendation of the Registration Abuse Policies (RAP) Working Group to request an Issue Report on fake renewal notices, the GNSO Council decided it would be desirable to gather further information on this issue and it therefore resolved: 'The GNSO Council hereby requests that the Registrar Stakeholder Group provide further information and data on the nature and scope of the issue of Fake Renewal Notices to help inform the GNSO Council's and its RAPWG deliberations on whether an Issue Report should be requested. A small group of volunteers consisting of registrar representatives and others interested (including former RAP WG members) should be formed to prepare such a request, work with the Registrar Stakeholder Group to obtain the information requested and report back to the GNSO Council accordingly'.</p>
Section III: Document and Resource Links	<p>Fake Renewal Notices Report [PDF, 559 KB]</p>
Section IV: Additional Information	<p>None</p>

(*) Comments submitted after the posted Close Date/Time are not guaranteed to be considered in any final summary, analysis, reporting, or decision-making that takes place once this period lapses.

FINAL SUBMITTED DRAFT

Please [click here](#) to download a copy of the PDF below.

DRAFT ALAC Statement on Fake Renewal Notices Report

The ALAC strongly advises immediate action being taken on this issue. The problem has been around for a long time, it has been much discussed, but until this report, no action has been taken.

This problem, although relatively minor compared to some that ICANN and the GNSO must consider, is symbolic of ICANN's perceived inability to ensure a safe and trusted Domain Name space. Virtually all parties have agreed the Fake Renewal Notice issue is bad, yet we have been unable, or unwilling to take any sort of action to stop it.

ICANN and the GNSO should take this token issue and use it to demonstrate that it can indeed enact change swiftly when it is warranted.

With respect to the potential next steps identified in the Drafting Team (DT) Report:

1 Add a section to the RAA that addresses Business Practices

The ALAC rejects this alternative on two grounds:

- It would not take effect for up to five years
- Given the pressure to complete the current round of RAA discussions, it is unlikely that this issue could be included and addressed without delaying the current process – a result that many would consider totally unacceptable.

2. Add the issue to the current or one of the upcoming IRTP PDPs

The ALAC would consider it acceptable to add this issue to the current IRTP C PDP, but questions whether this is possible given that it was not included in the Issue Report leading to this PDP.

Adding this issue to the next IRTP D PDP is certainly possible, but the delay before even starting would be considerable. IRTP C is currently scheduled to report to the GNSO Council in October 2012. Even assuming no delays, given the lengthy process associated with GNSO approval and then starting the next IRTP PDP, the new one *might* optimistically start early in 2013.

3. Add the issue to the upcoming RAA PDP

Again, this is possible, but it would be one small item in a large and potentially complicated PDP. It is impossible to estimate how long that PDP would take, again delaying this issue indeterminably.

4. Refer the issue to the ALAC to encourage better education and awareness

The ALAC is neither funded nor staffed to undertake such a project. Although At-Large is certainly willing to take the issue and widely disseminate such warnings, any more active action is not possible, and in any case would not likely have the penetration to be even partially successful. As such, the ALAC would be willing to participate in any education and awareness program (regardless of how the overall problem is addressed), it cannot be the main method of addressing the problem.

5. Raise the issue with the Federal Trade Commission in the US

Although this may well address an issue with a particular Registrar as long as they are located in the US, it does not seem to be a very robust solution to the problem.

Alternative Approach

The ALAC does offer one other alternative that it believes should be carefully considered. Alternative 1, the DT's preferred approach, is to draft a clause, perhaps patterned after RAA 3.7.3. In fact the DT even goes so far as to try a first draft of the needed clause. The ALAC suggests a dedicated PDP for the Fake Renewal Notice Issue. Although the concept of a PDP seems onerous, if the possible solution is anywhere near as simple as the DT suggests in their preferred solution, such a PDP would require a very minimal amount of work. It would admittedly take about nine months, the minimum estimated elapsed time for the complete PDP process, but the actual staff and volunteer effort would be minimal.

As an alternative, less onerous but still acceptable approach, the current RAA allows the GNSO Council to approve Consensus Policy simply by a 2/3 majority vote, the GNSO could request that a Drafting team including Registrar participants draft suitable language for the RAA for approval by the GNSO.

By taking either such action, the GNSO would demonstrate that it CAN act quickly when required and the situation allows it. Demonstrating that it is not bound by rules that always take several years to set formal any, even minimal, Consensus Policy would send a VERY good and important message to the community.

DRAFT ALAC Statement on Fake Renewal Notices Report - Replaced 10 April 2012

The ALAC supports immediate action being taken on this issue. The problem has been around for a long time, it has been much discussed, but until this report, no action has been taken.

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