Post Expiration Domain Name Recovery Issues Report

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18 December 2008

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Background

- Request made by At-Large Advisory Committee (ALAC)

- ALAC alleges that current measures 'have proven to be ineffective', 'loss of domain name can cause significant financial hardship' and previous attempts to instill predictability for post-expiration domain name recovery are 'not successful'.

Domain Name Life Cycle
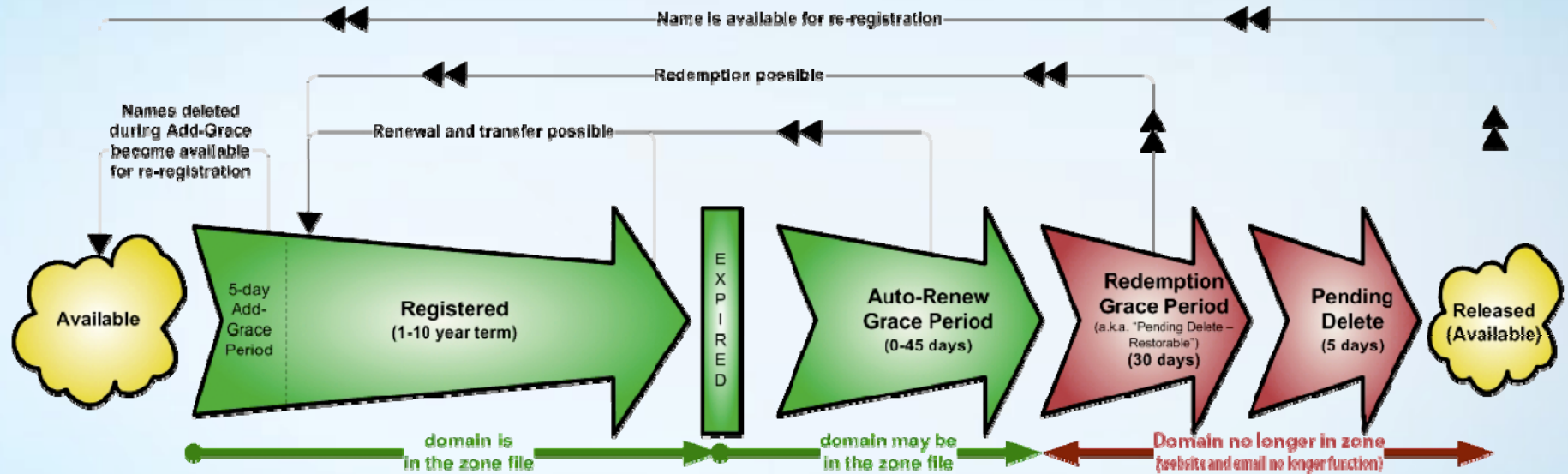
Prior to Expiration

- RAA states that a registrar 'shall provide notice to each new registrant […] of their deletion and auto-renewal policy'

- RAA specifies that registrar should clearly display on its web site deletion and auto-renewal policy as well as any fee charged for the recovery during RGP

- RAA requires registrar to send at least two notices or reminders

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Auto-Renew Grace Period

- If domain name is not renewed before expiration, the registration will be automatically renewed by the registry the first day after expiration

- Maximum length of Auto-Renew Grace Period is 45 days, but registrar can opt to delete before

- During Auto-Renew Grace Period a domain name might resolve normally, stop resolving or resolve to a registrar-designated IP address which hosts a parking, under construction or temporary page

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Auto-Renew Grace Period

- Majority of registration agreements seem to have a provision in place in which the registrant agrees to allow the registrar to redirect the domain name to IP address designated by the registrar, which hosts parking, under construction or other temporary page

- Registrar may elect to offer an auto-renewal policy, but is under no obligation to do so

- If a domain name is deleted, it enters into the Redemption Grace Period (RGP)

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Auto-Renew Grace Period

- However, some domain names never reach RGP because they are sold, auctioned or transferred to another party

- Many registration agreements provide for the right of renewal by the registrar and transfer of ownership to the registrar through a subsidiary or affiliate or third party in case the registrant does not renew the domain name

- 'If the domain name has any value over $6, they're no longer entering the RGP' (Rob Hall, 2007, ICANN meeting Lisbon)

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Redemption Grace Period

- Intended to prevent unintentional deletions

- Not established as a consensus policy, voluntary decision by registrar to offer or not. Most registrars are believed to offer RGP.

- 30 day registry 'hold' period, designed to allow registrars the ability to restore names that were deleted accidentally or without intent of the registrant

- Domain name will not function/resolve

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Redemption Grace Period

- Registrant can redeem its registration through the registrant

- The registrar can redeem the name in the registry by paying renewal fees plus a service charge

- It is not possible to transfer a domain name to another registrar in RGP

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Pending Delete

- Domain name is placed in PENDINGDELETE status if it has not been restored during RGP

- A domain name cannot be recovered or transferred by anyone at this point

- Domain name is deleted from registry database after 5 days

- Following deletion, domain name becomes again available for registration

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Analysis

- Auto-Renewal Grace Period and RGP do not address concerns raised by ALAC that some registrants may not have sufficient notice or opportunity to recover expired domain names

- RGP is not a consensus policy

- Many registrars do offer auto-renewal policy, but are under no obligation to do so

- The consequences of provisions that provide registrar the right to redirect or renew, auction or sell domain name following expiration might not be fully understood by registrants at the time of signing

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Analysis

- No obligation to put domain name on HOLD during Auto-Renew Grace Period or include notice of expiration on domain name – registrant might not realise registration has expired

Recommendations

- ICANN staff recommends GNSO Council to initiate a PDP to review and consider changes addressing:
  - Whether adequate opportunity exists for registrants to redeem expired domain name
  - Whether expiration related provisions in registration agreements are clear enough
  - Whether adequate notice exists re. expirations
  - Whether additional measures need to be implemented to indicate a registration has expired
  - Whether, and if so, how to enable the transfer of a domain name in RGP

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Recommendations

- Further information should be sought from ICANN compliance staff to better understand how RAA provisions on availability of information on deletion and auto-renewal policy are enforced

- Enhancements and better information providing could also be pursued outside of PDP process, e.g. through co-operation between GNSO and consumer protection organisations

- Further fact-finding and workshop might be helpful in preparing for and focusing the PDP

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Thank You

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