

AGP Limits Policy - Implementing GNSO Recommendations

Staff Implementation Report

18 November 2010

Introduction

This report is the fourth ICANN Staff update to the GNSO Council on the implementation of its recommendations for the [Add Grace Period \(AGP\) Limits Policy](#). ICANN Staff committed to analyzing and reporting on the effects of the Policy to the GNSO at six-month intervals for two years after its implementation.¹ The purpose of these reports has been “to allow the GNSO to determine when, if ever, these recommendations and any ensuing policy require additional clarification or attention based on the results of the reports prepared by ICANN Staff.”² This constitutes the proposed final report under this plan.

Background

The AGP Limits Policy, an ICANN Consensus Policy, is the result of a GNSO Policy Development Process regarding Domain Tasting. The GNSO motion and its recommendations were adopted by the ICANN Board on [26 June 2008](#), and ICANN announced this new Policy and its implementation on [17 December 2008](#).

In its first report to the GNSO, Staff reported that all TLD operators that are required to comply with the Policy had done so. In its second report, Staff reported that all TLD operators that have processed exemption requests since the initial report are in compliance with the requirement to maintain and provide exemption request documentation. The contents of this fourth report are consistent with the information presented in the third report except that the statistics presented in Exhibits 1 and 2 have been updated for the current reporting period.

Monitoring Progress

This report presents data ICANN Staff committed to providing to the GNSO Council that the body could use to assess the effectiveness of the Policy and to inform any future discussions or work it might conduct in response to outcomes of the implementation.

¹ The Policy’s [implementation notes](#) were posted on 17 December 2008 and its effective date is 1 April 2009. The [first implementation report](#) was issued on 10 June 2009, the [second report](#) on 14 December 2009, and the [third report](#) on 2 June 2010.

² This information is from the 25 April 2008 [GNSO Council Report to the Board](#).

TLD Net New Registrations and AGP Deletes

The information in Exhibit 1 to this report presents the number of net new registrations, AGP deletes, and percentage of names deleted on an aggregate basis for all Registrars, for the period 1 March 2010 through 31 July 2010, from each Operator. Prior to implementation of the Policy, AGP deletes across all TLDs were on the order of millions of names per month. Since the Policy was implemented in April 2009, the number of AGP deletes across all TLDs has held steady at around 70k names per month – approximately 0.3% of what it once was.³

History of Exemption Requests

Since the Policy's effective date of 1 April 2009, there have been 31 exemption requests (8 in this period) reported for nearly 90,000 domains across the 15 gTLDs that offer an AGP in their TLD. The information in Exhibit 2 to this report presents the data points listed below for the requests that have been received and processed for the period 1 March 2010 through 31 July 2010. The relevant data points reported include:

- TLD
- Registrar name and IANA ID #
- Reason for request
- Number of names affected
- Disposition by the Operator (approved/denied) and their rationale

ICANN's Experience Implementing the Policy

The implementation of the Policy has been effective at curtailing domain tasting. As reported in ICANN's 12 August 2009 [announcement](#), domain tasting has been reduced by 99.7% since the introduction of the Policy.

An element of the implementation review is to assess how the Policy has affected TLD operators and ICANN-accredited registrars. As presented in the second report, there had been some registrar complaints regarding exemption requests that were denied when fraud was the basis for the request. The second report also recounted an inquiry from a TLD operator who sought clarification about the appropriate interpretation of "extraordinary circumstances" and "reoccur regularly" referenced in the Policy.

At the time of this fourth report, ICANN is not aware of any new registrar complaints regarding the implementation of the Policy and has not received any additional requests

³ Information from more recent reporting periods is not available due to the confidentiality restrictions applied to registry reports supplied to ICANN (i.e., Registrar specific information could not be provided to the GNSO until 90 days after the latest applicable reporting period).

from TLD operators about interpreting it. In fact, the number and frequency of reported exemption requests from registrars appears to have dropped considerably.

Staff Summary and Analysis of the Policy Implementation

The success of the Policy is evidenced by the near elimination of domain tainting based on the dramatic reduction in excessive AGP deletes. As described above from the second report, there had been isolated registrar complaints about the implementation of the Policy.

At the GNSO Council calls on 21 April 2010 and 20 May, 2010, Staff provided an AGP implementation update and posed the following questions to the Council given the results and community reaction to date:

- Should the Council consider modifying the AGP Limits Policy to no longer require semi-annual updates?
- Should the Council consider modifying the AGP Limits Policy by defining the terms “extraordinary circumstances” or “reoccur regularly”? For example:
 - o Should instances of consumer fraud automatically be a legitimate use of AGP deletes?
 - o If a registrar proactively takes down (i.e., deletes) domains that are known to propagate a fraudulent activity such as phishing, should the registrar bear the cost if the deletions cause the registrar to exceed the threshold defined in the Policy?

At these GNSO Council calls, the decision was made that the success of the Policy and the low number of exemption requests demonstrated that modifications to the Policy were not warranted at this time. With regard to the question about no-longer requiring the semi-annual updates, the Council determined it would like to continue to receive the updates through the two-year reporting period defined in the Policy.

In summary, the Policy continues to achieve its desired outcome and has significantly reduced abuse of the AGP.

Future ICANN Reporting Expectations

The approved AGP Limit Policy provides that ICANN is to report on the implementation of the Policy for two years following its effective date of 1 April 2009. Given there has been no significant change in the results from the Policy in the last year and that the next report would be due several months after the effective date, ICANN proposes that this fourth update be the final report to the GNSO Council and the community on the implementation of the Policy.

Exhibit 1

Net New Registrations, AGP Deletes and % Names Deleted per TLD
(March 2010 – July 2010)

TLD	March 2009 - Prior to Policy			March			April		
	Net New Reg.	AGP Deletes	% Deleted	Net New Reg.	AGP Deletes	% Deleted	Net New Reg.	AGP Deletes	% Deleted
.AERO	n/a (1)	n/a (1)	n/a (1)	88	0	0	83	0	0
.ASIA	2916	148	5.10%	2920	126	4.32%	3409	78	2.29%
.BIZ	47322	1382	2.90%	52913	1008	1.91%	51076	956	1.87%
.CAT	841	177	21.00%	1028	1	0.10%	1020	5	0.49%
.COM	2368840	2721859	114.90%	2607402	45053	1.73%	2362072	45543	1.93%
.COOP	75	0	0	75	0	0	686	0	0
.INFO	209303	25734	12.30%	324225	4401	1.36%	330555	5963	1.80%
.JOBS	145	205	141.40%	230	0	39.57%	131	0	0
.MOBI	31919	916	2.90%	31799	638	2.01%	32009	1273	3.98%
.MUSEUM	n/a (2)	n/a (2)	n/a (2)	0	0	n/a (2)	0	0	n/a (2)
.NAME	3601	298	8.30%	2928	210	7.17%	2747	115	4.19%
.NET	342541	110899	32.40%	384096	5446	0	353018	6437	0
.ORG	197516	35573	18.00%	229105	3521	1.54%	225524	3612	1.60%
.PRO	1912	7	0.40%	2672	0	0	1788	0	0
.TEL	129509	952	0.70%	6379	109	1.71%	4416	49	1.11%
.TRAVEL	293	9	3.10%	380	1	0.26%	297	18	6.06%
Totals	3336733	2898159		3646240	60514		3368831	64049	

- (1) .AERO did not provide monthly reports until May 2009
(2) .MUSEUM does not offer an AGP

Exhibit 1 (cont'd)

Net New Registrations, AGP Deletes and % Names Deleted per TLD
(March 2010 – July 2010)

TLD	May			June			July		
	Net New Reg.	AGP Deletes	% Deleted	Net New Reg.	AGP Deletes	% Deleted	Net New Reg.	AGP Deletes	% Deleted
.AERO	77	7	9.09%	78	0	0	95	0	0
.ASIA	3007	54	1.80%	3209	65	2.03%	3276	66	2.01%
.BIZ	48921	923	1.89%	45524	850	1.87%	45551	863	1.89%
.CAT	1006	3	0.30%	1219	5	0.41%	876	3	0.34%
.COM	2309272	74182	3.21%	2230614	41798	1.87%	2132195	42630	2.00%
.COOP	68	0	0	56	0	0	50	0	0
.INFO	447378	5527	1.24%	329774	18139	5.50%	326558	8887	2.72%
.JOBS	87	0	0	206	0	0	202	0	0
.MOBI	27436	344	1.25%	26409	307	1.16%	22881	348	1.52%
.MUSEUM	3	0	n/a (2)	2	0	n/a (2)	3	0	n/a (2)
.NAME	2649	110	4.15%	2456	133	5.42%	2278	102	4.48%
.NET	345806	7528	1.45%	325372	5951	5.06%	312304	16652	5.33%
.ORG	212279	3261	1.54%	197296	2908	1.47%	194389	4484	2.31%
.PRO	2072	30	1.45%	1442	73	5.06%	1320	45	3.41%
.TEL	12750	24	0.19%	12439	119	0.96%	5645	43	0.76%
.TRAVEL	222	38	17.12%	237	17	7.17%	184	1	0.54%
Totals	3413033	92031		3176333	70365		3047807	74125	

- (1) .AERO did not provide monthly reports until May 2009
(2) .MUSEUM does not offer an AGP

Exhibit 2

History of Exemption Requests
(March 2010 – July 2010)

TLD	Month	Registrar	Basis of Request	Number of Names Requested	Operator Response /Rationale
.COM	March	Rebel.com Corp., IANA #600	Fraudulent registrations used to propagate phishing	1731, 1687 over threshold, approved for 1687	Approved: Registrar substantiated claim with documented information.
.COM	March	CHEAPIES.COM INC., IANA #1039	Fraud	300, 250 over threshold, 250 not approved	Declined: Operator does not recognize fraud as an extraordinary event.
.COM	April	China Springboard, Inc., IANA #1412	Consumer Error	538, 348 over threshold, not approved	Declined: The names were registered in good faith and then attempted to be returned because they would not be of any value. Operator stated the request does not meet the criteria for an AGP Exemption Request.
.COM	May	007 Names Inc., IANA #91	Fraud	96, 54 over threshold, not approved	Declined: Operator does not recognize fraud as an extraordinary event.
.COM	May	AB Systems Inc, IANA #1261	Registrar deleted names during AGP	30,439, 28,296 over threshold, not approved	Declined: The supporting documentation provided by the registrar does not substantiate their claim for exemption.
.NET	May	AB Systems Inc, IANA #1261	Registrar deleted names during AGP	1,531, 1,421 over threshold, not approved	Declined: The supporting documentation provided by the registrar does not substantiate their claim for exemption.

TLD	Month	Registrar	Basis of Request	Number of Names Requested	Operator Response /Rationale
.INFO	July	AB Systems Inc, IANA #1261	Fraud	12,870	Declined: Request did not conform to ICANN's AGP (Add Grace Period) Limits Policy requirements as detailed and operator does not recognize fraud as an extraordinary event.
.NET	July	AB Systems Inc, IANA #1261	Registrar deleted names during AGP	8745, 10,501 over threshold, not approved	Declined: The supporting documentation provided by the registrar does not substantiate their claim for exemption.