

Initial Report on the Post-Expiration Domain Name Recovery Policy Development Process Executive Summary

STATUS OF THIS DOCUMENT

This is the Executive Summary of the Initial Report on the Post-Expiration Domain Name Recovery PDP, prepared by ICANN staff for submission to the GNSO Council on 31 May 2010. A Final Report will be prepared following public comment.

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Glossary

Auto-Renew Grace Period

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

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

EDDP - Expired Domain Deletion Policy

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

RAE - Registrant At the time of Expiration

In order to facilitate discussions and nomenclature, the PEDNR WG introduced the term 'Registrant At the time of Expiration' (RAE) to distinguish between the person or entity that is listed in WHOIS as the Registered Name Holder at the time of expiration and the person or entity that is listed in WHOIS as the Registered Name Holder following expiration, which might be different following

expiration. Many registration agreements allow the Registrar to alter the WHOIS data to indicate that the Registrar itself, an affiliate, or a third party is the registrant at this time, but the prevalence of this practice was not studied.

RGP - Redemption Grace Period

The Redemption Grace Period (RGP) is an optional service offered by some registries and registrars. Although the implementation details may vary in different gTLDs, when a deleted domain name enters the RGP, it will not be included in the root-tld zone file (i.e., the name servers for the domain will not be listed, thus the domain name will not resolve—no web traffic or e-mails will reach the domain or any destination). The domain name will be so identified in WHOIS and held in the RGP for 30 calendar days or until restored. At the conclusion of the RGP (and a brief pending-delete period), the domain name will be returned to the pool of domain names available for registration. All non-sponsored gTLD registries apart from .pro and .name offer the RGP. Even where offered by a registry, registrars are not required to provide the redemption service to registrants.

Registrar

With respect to gTLDs, a Registrar is an entity that has entered into the [Registrar Accreditation Agreement \(RAA\)](#) with ICANN and can therefore register domains on behalf of gTLDs (“Registrar Services”).

Reseller

A Reseller is an entity that contracts with a Registrar to provide Registrar Services. A Reseller is required to honour the same terms as Registrars related to registration agreement terms and notices that must be provided.

1. Executive Summary

1.1 Background

- At the ICANN Meeting in Cairo in November 2008, the At-Large Advisory Committee (ALAC), voted to request an Issues Report on the subject of registrants being able to recover domain names after their formal expiration date.
- The [ALAC request](#) was submitted to ICANN policy staff and the GNSO Council on 20 November 2008.
- The [Issues Report on Post-Expiration Domain Name Recovery](#) was submitted to the GNSO Council on 5 December 2008.
- The GNSO Council [initiated a PDP](#) on 7 May 2009 and tasked a Working Group to answer the following charter questions:
 1. Whether adequate opportunity exists for registrants to redeem their expired domain names;
 2. Whether expiration-related provisions in typical registration agreements are clear and conspicuous enough;
 3. Whether adequate notice exists to alert registrants of upcoming expirations;
 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);
 5. Whether to allow the transfer of a domain name during the RGP.
- The Post-Expiration Domain Name Recovery (PEDNR) PDP Working Group started its deliberations in July 2009.

1.3 Issue Background

- Section 3.2 provides an overview of the current pre- and post-expiration process as described in the Post-Expiration Domain Name Recovery Issues Report.

1.3 Deliberations of the PEDNR WG

- The PEDNR Working Group started its deliberations in July 2009 where it was decided to continue the work primarily through first bi-weekly and then weekly conference calls, in addition to e-mail exchanges.
- 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 Initial Report.
- No evidence establishing the prevalence of unintentional domain name loss was presented, despite requests for this research by some members of the WG.
- 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. Section 5 provides an overview of the main questions and outcomes of the survey.
- 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 has participated actively in the deliberations of the Working Group and has provided the information outlined in section 6 on complaints received and Expired Domain Deletion Policy Audits.

1.4 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 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. Section 8 describes the refined survey, the options considered, and the poll results.
- The WG is encouraging the ICANN Community to provide input on the different questions and options outlined in this section so that these can be taken into account during the second phase

of the PDP during which the WG hopes to reach consensus on a proposed way forward for each of the charter questions.

- Factoring in the outcomes of the survey, the WG will formulate a set of recommendations for consideration by the GNSO.
- The following questions were addressed in the survey (for further details and context, please see section 8).
- **Overarching Issues**
 1. Should the RAE have the ability to recover his/her domain name registration following expiration for a certain amount of time? [Charter Question 1]
 2. What should this minimum timeframe be during which the RAE has the ability to recover the domain name registration? [Charter Question 1]
- **Period Prior to Expiration**
 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]
 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]
 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]
 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]
- **Post-Expiration**

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]
 8. Are notices post-expiration required? [Charter Question 3]
 9. How should an HTTP (port 80) request using the expired domain name resolve? [Charter Question 4]
 10. How should e-mail directed at an address within the expired domain behave after expiration [Charter Question 4]
 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]
 12. Should a RAE have the ability to request an Inter-Registrar Transfer after expiration?
- **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]
 14. Should the fee to be charged for renewal of a domain name after expiration be explicitly stated?
 15. Should information on where to find the cost for recovery after expiration be in the registration agreement? [Charter Question 1]
 - **Redemption Grace Period**
 16. Should the Redemption Grace Period be adopted as a consensus policy for gTLD Registries? [Charter Question 1]
 17. Should registrars be required to offer the Redemption Grace Policy for registries that offer it? [Charter Question 1]
 18. Should a transfer of a domain name during the RGP be allowed? [Charter Question 5]