

Proposed Final Report on the Post-Expiration Domain Name Recovery Policy Development Process

Executive Summary

STATUS OF THIS DOCUMENT

This is the Executive Summary of the Proposed Final Report on the Post-Expiration Domain Name Recovery PDP.

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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 entitled to the additional registration year. In most cases the registry assesses the registrar's account for the renewal fee at the beginning of this period, 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>.

RNHaE - Registered Name Holder at Expiration

In order to facilitate discussions and nomenclature, the PEDNR WG introduced the term 'Registered Name Holder at Expiration' (RNHaE) 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. 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 following expiration, but the prevalence of this practice was not studied.

RGP - Redemption Grace Period

The Redemption Grace Period (RGP) is an optional service offered by most registries and some registrars. Although the implementation details may vary in different gTLDs, a deleted domain that name enters the RGP 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 RGP status will be identified in WHOIS queries, and will last for 30 calendar days or until the domain name restored. Restoration of the domain name must be requested by the RNHaE and this request must be made through the registrar of record at the time the domain was deleted. At the conclusion of the RGP (and a 5-day pending-delete period), the domain name will again be available for registration. All non-sponsored gTLD registries apart from .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 in gTLDs (“Registrar Services”) following completion of a Registry-Registrar Agreement with the particular Registry Operator.

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 as well as ICANN Consensus Policy requirements.

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.

1.2 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 proposed Final 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 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.

1.3 WG Survey

- 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.

1.4 Charter Questions & Proposed Recommendations

- Taking into account the Working Group Deliberations (see Section 7), the WG Survey (see Section 8) and the Public Comments received (see Section 9), the Working Group has put forward the following proposed recommendations for Community Consideration to address each of the Charter Questions. The Working Group would like to point out that a number of these recommendations will need further refinement, as noted in some of the bracketed language. Following review of public comments received on this report and finalization of the recommendations, a poll will be conducted among the WG membership to ascertain the level of support for each of the final recommendations. The level of support, as well as names of those WG members in support and not in support, will be included in the Final Report. Prior to the issuance of this Proposed Final Report, only one Working Group member registered disagreement with one of the proposed recommendations as drafted.

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.

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.

2. 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.

3. 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.

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);

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, messages 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.

5. 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

1.5 Next Steps

- The WG 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 to the GNSO Council.