

From the Registration Abuse Policies Final Report (29 May 2010) -

<http://gnso.icann.org/issues/rap/rap-wg-final-report-29may10-en.pdf>

Cross-TLD Registration Scam

Issue / Definition

“Cross-TLD Registration Scam” is a deceptive sales practice where an existing registrant is sent a notice that another party is interested in or is attempting to register the registrant’s domain string in another TLD. The registrant is therefore pushed to make additional registrations via the party who sent the notice – often a reseller who would profit from the additional registrations, and is offering the new domain creates at a higher-than-average market price. This practice is separate from but related to fake renewal notices due to the deceptive tactics. However, the rogue sales and marketing practices here focuses on *new registrations* versus existing registered domains. There is insufficient research about the practice to determine the sources or frequency of the practice. As with Fake Renewal Notices, some suggest that resellers could be the primary culprits, but this is only anecdotal.

Background

A notice is sent to the current registrant of a domain name (typically the registrant of a .COM, .ORG, and/or .NET name), stating the registrant has a limited time to protect the brand in the said country where the threat of the trademark is requested.

An example of a deceptive notice can be found on the RAP Mailing Archive at:

<http://forum.icann.org/lists/gnso-rap-dt/msg00621.html>

No formal data exists as to the extent of deception and monies paid to this regard, but the prevalence of the scam is widely recognized. Informal review of this issue does indicate that the deceptive practices occur mostly within ccTLDs, but this does not omit the issue from occurring in gTLDs.

A number of governments have used their law enforcement and consumer protection agencies to pursue such abuses. Link to examples: <http://forum.icann.org/lists/gnso-rap-dt/msg00624.html>

Scope and Policy Issues

The RAPWG discussed how this issue involves domains that are not yet created, and members did not come to a consensus that the practice itself can be termed a registration abuse that is within the scope of ICANN policy making. Some members believed that when a consumer is deceived and commits to the defensive registrations, that begins to enter the ICANN policy realm. Other members did not agree with that assessment, and suggested that ICANN does not have a relevant consumer protection mandate, and that this deceptive practice could or should be dealt with via legal, regulatory, or consumer protection mechanisms offered by governments.

The practice may involve a WHOIS abuse: lists of registrants are being obtained and spammed, possibly in violation of WHOIS policies.

Recommendation

The RAPWG recommends the GNSO monitor for Cross-TLD registration abuse scam in the gTLD space and co-ordinate research with the community to determine the nature and extent of the problem. The WG believes this issue warrants review but notes there is not enough data at this time to warrant an Issues Report or PDP.

The WG achieved unanimous consensus on the above recommendation. In favour (14): Aaron (RySG), Amadoz (RySG), Bladel (RrSG), Cobb (CBUC), Felman (MarkMonitor), Neuman (RySG), O'Connor (CBUC), Queern (CBUC), Rasmussen (Internet Identity), Rodenbaugh (CBUC), Seltzer (NCSG), Shah (MarkMonitor), Sutton (CBUC), Young (RySG). Against, or alternate views: none.

Domain Kiting / Tasting

Issue / Definition

Registrants may abuse the Add Grace Period through continual registration, deletion, and re-registration of the same names in order to avoid paying the registration fees. This practice is referred to as “domain kiting.” This term has been mistakenly used as being synonymous with domain tasting, but it refers to multiple and often consecutive tasting of the same domain name.

Background

Bob Parsons appears to have introduced the term “domain kiting” in a blog post in 2006. In the post he chose to call the activity “kiting”, but his definition described what later came to be termed “domain tasting” (as The Public Interest Registry did in its letter to Steve Crocker on March 26, 2006). This confusion of terms carried forward for some time as can be seen in a MessageLabs report published several months later.

Eventually, the current definition of domain kiting (the serial re-registration of a domain to get a domain for free) solidified. Domain tasting is a different practice, in which a registrant measures the monetization potential of a domain during the Add Grace Period, and deletes it in AGP if the domain is not worth keeping.

ICANN staff looked into domain kiting (while developing the 2007 Issue Report on domain tasting) and could not find anything except anecdotal evidence of the activity. A RAPWG member performed an analysis of the .INFO registry in 2008 and again in December 2009, and did not find any examples of kiting. [1] However domain kiting was a factor in a broader complaint brought by Dell and Alienware against various registrars and individuals in 2007 [here's the link -- http://www.domainnamenews.com/images/dell_doc1.pdf]

Recommendations

It is unclear to what extent domain kiting happens, and the RAPWG does not recommend policy development at this time. The RAPWG suggests that the Council monitor the issue (in conjunction with ongoing reviews of domain-tasting), and consider next steps if conditions warrant.

The WG achieved rough consensus on the above recommendation. In favour (13): Aaron (RySG), Amadoz (RySG), Bladel (RrSG), Cobb (CBUC), Felman (MarkMonitor), Neuman (RySG), O'Connor (CBUC), Queern (CBUC), Rasmussen (Internet Identity), Rodenbaugh (CBUC), Seltzer (NCSG), Shah (MarkMonitor), Sutton (CBUC), Young (RySG). Against, or alternate views: one member (Queern) supported the following alternate view: 'The RAPWG recommends policy development regarding domain kiting / tasting with input from the appropriate parties'.