

OUTCOMES REPORT OF THE GNSO AD HOC GROUP ON DOMAIN NAME TASTING 4 October 2007

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STATUS OF THIS DOCUMENT

This is the final version of the Outcomes Report from the GNSO ad hoc group on Domain Name Tasting, submitted to the GNSO Council on 4 October, 2007.

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1 Executive summary

1.1 Background

Following a request from the At-Large Advisory Committee in spring 2007, the GNSO Council called for an Issues Report on Domain Tasting from ICANN Staff in May 2007. This Issues Report, available at <http://gnso.icann.org/issues/domain-tasting/gnso-domain-tasting-report-14jun07.pdf> was discussed at the ICANN San Juan meeting, where the GNSO Council on 27 June 2007 (minutes at <http://gnso.icann.org/meetings/minutes-gnso-27jun07.shtml>) resolved to establish an ad hoc group for further fact-finding on the practice of domain tasting.

Based on the questions identified in the Issues Report, the group conceived a Request for Information that was launched on the ICANN website on 10 August and also as an on-line form on BigPulse. The deadline for responses was set to 15 September, in view of the holiday season. The GNSO Council, at its meeting 9 August (minutes at <http://gnso.icann.org/meetings/minutes-gnso-09aug07.shtml>) decided to defer the reporting deadline for the group until 4 October, in view of handling the outcomes at the Council meeting 11 October.

Further information retrieval launched by the group included analysis of monthly registry reports, answers from several ccTLDs about their domain tasting experiences, a questionnaire to Uniform Domain Name Dispute Resolution Policy (UDRP) service providers regarding their views and experiences, a supplemental request for information conducted by the Intellectual Property Constituency (IPC) targeting trademark owners and their representatives, a submission about registrars' use of the Add Grace Period (AGP) and a sample zone file data study that was contemplated but has not been done. However, VeriSign has not provided a substantive answer to a request about specific statistical data. An overview of the findings is given below.

1.2 Outcomes summary

The RFI enabled respondents to categorize themselves in one or more categories. It prompted over 200 responses, mostly from intellectual property rights (IPR) owners and registrants/users, with a clear majority of respondents claiming that the disadvantages with domain tasting outweigh the benefits. Most are in favour of reducing domain tasting by eliminating the AGP, although many alternative means are also suggested by respondents. Domain name registrations for free are regarded by most as facilitating domain tasting and a majority of respondents suggest that ICANN should stipulate minimum registration fees, while some state that such action is outside of ICANN's mandate. A number of respondents provide examples, statistics and suggested sources of additional information.

Graphs based on data from monthly registry reports, mainly from .com and .net, show a marked increase in total number of deletes in recent years and also an increase of the fluctuation of net additions over time. Recent data on deletes within the AGP show that a small number of registrars are responsible for the overwhelming majority of such deletes.

Input from a group of ccTLD registry operators show that domain tasting is a comparatively rare phenomenon for most in this group. The different main factors put forward for this state of affairs are absence of AGP, monthly pricing modes and provisions for activation on payment. A few have experienced domain tasting and acted against it, while at least one has introduced domain tasting as a service, for a fee.

The Intellectual Property Constituency conducted a Supplemental RFI, the outcome of which is summarized in section 4.3 with the full results featuring in Annex 5.

A submission from a group of registrars indicates several other uses of the AGP unrelated to domain tasting, as further developed in section 4.4.

1.3 Draft Terms of Reference for a PDP

As requested, the group has drafted Terms of Reference to be considered in the case the GNSO Council opts for launching a Policy Development Process on domain tasting. The draft ToR identifies two crucial aspects to be considered by each Constituency and for which consensus would be sought - the overall assessment of the impacts of domain tasting, based on available data, and the considerations of which measures to take. See Sec. 5.1 for the draft ToR.

1.4 Next steps

The GNSO Council may choose to launch a PDP based on the proposed ToR, or a modified ToR, and/or to recommend further research (see Sec. 5.2) on the impact of potential countermeasures to domain tasting practices - or on refining the specific data about domain tasting. The actions are not mutually exclusive, but call for time phasing and coordination if launched in parallel

2 Objective

- 2.1 This report is submitted in response to the request from the GNSO Council on 27 June, 2007 to provide additional data on the practice of domain tasting.
- 2.2 The purpose of this report is to identify further data on the substance matter, as a basis for decisions on further steps, to give an update on alternative paths to address domain tasting practices and to suggest draft Terms of Reference should the GNSO Council decide to proceed with a Policy Development Process regarding domain tasting.

3 Background

3.1 Process background

- Following a request from the At-Large Advisory Committee in spring 2007, the GNSO Council called for an Issues Report on Domain Tasting from ICANN Staff in May 2007. This Issues Report, available at <http://gnso.icann.org/issues/domain-tasting/gnso-domain-tasting-report-14jun07.pdf> was discussed at the ICANN San Juan meeting, where the GNSO Council on 27 June 2007 (minutes at <http://gnso.icann.org/meetings/minutes-gnso-27jun07.shtml>) resolved to establish an ad hoc group for further fact-finding on the practice of domain tasting.
- The GNSO Council resolution reads as follows:
“The GNSO Council resolves:
 - 1) *To acknowledge the Issues Report on Domain Tasting;*
 - 2) *To create a small, ad hoc group of GNSO representatives to direct and consider further research on domain tasting, including but not limited to examination of questions posed on page 30 of the issues report, and to draft terms of reference for a possible GNSO policy development process in a timely way;*
 - 3) *To direct the ICANN staff to work with the ad hoc group to gather further information and data about the domain tasting issue and make further recommendations on effectively scoping a PDP;*
 - 4) *To consider the further research and terms of reference, receive a status report on non-PDP mechanisms regarding domain tasting, and to consider whether to launch a policy development process on domain tasting at the September 2007 GNSO Council meeting.”*
- Five volunteers signed up for the ad hoc group at the Council meeting, and Mike Rodenbaugh/BCUC was appointed as chair. More participants volunteered as the launch of the group was announced via the GNSO Constituencies and a dedicated mailing list was established as [gnso-dt-wg], with subscribers as listed in Annex 1. To keep the foreseen weekly conference calls manageable, the chair requested each Constituency to appoint no more than two members for the calls. 10 conference calls were held, on 17 and 25 July, 1, 8 and 22 August, 5, 12, 18 and 26 September, and 3 October.

- Based on the questions identified in the Issues Report, the group conceived a Request for Information (RFI) that was launched on the ICANN website on 10 August and also as an on-line form on BigPulse. The deadline for responses was set to 15 September in order to allow enough time for responses after the holiday season. The GNSO Council, at its meeting 9 August (minutes at <http://gns0.icann.org/meetings/minutes-gns0-09aug07.shtml>) decided to defer the reporting deadline for the group until 4 October, in view of handling the outcomes at the Council meeting 11 October.
- Further information retrieval tracks launched or contemplated by the group included:
 - analysis of monthly registry reports
 - inquiries to ccTLDs about their experiences with domain tasting
 - requests for information from constituency members prepared and conducted by the constituencies
 - a questionnaire to UDRP service providers about their experiences with domain tasting
 - straw poll of registrars regarding other uses of the AGP
 - sample zone file data study
 - analysis of more detailed statistics from VeriSign
- The Outcomes Report was reviewed as successive drafts by the ad hoc group, both on the list and on two conference calls, before being finalized and submitted to the GNSO Council.

3.2 Issue Background

- The issue background has largely been covered in the aforementioned Issues Report, available at <http://gns0.icann.org/issues/domain-tasting/gns0-domain-tasting-report-14jun07.pdf>.
- Certain developments since the Issues Report was finalized deserve to be mentioned, in particular that the Public Interest Registry (PIR), the operator of the registry for .org, introduced a 0.05 USD fee per domain deleted for registrars deleting more than 90% of their registrations within the AGP, a measure that in practice relates to option “C” among the means referred to in the RFI, questions 7 and 10. [Statistics](#) show that this reduced such deletes substantially, from 2.4 millions in May

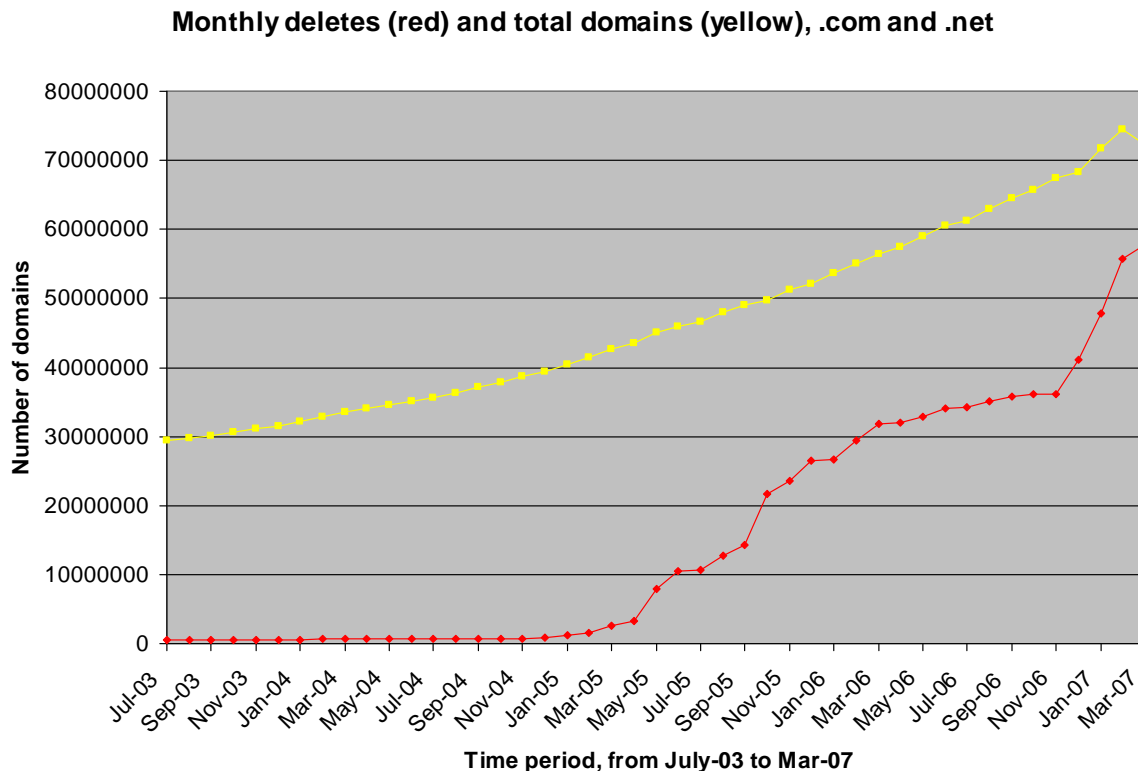
to 152,700 in June. At the ICANN meeting in San Juan, a PIR representative is on record as stating that most of the domain tasting was performed by two entities, both of which discontinued the practice as a consequence of the measure.

- It can also be noted that the SSAC is preparing a study on “domain front-running”, when a party gathers information in various ways on whether a particular name is of interest and registers that as a domain name based on such information.

4 Outcomes

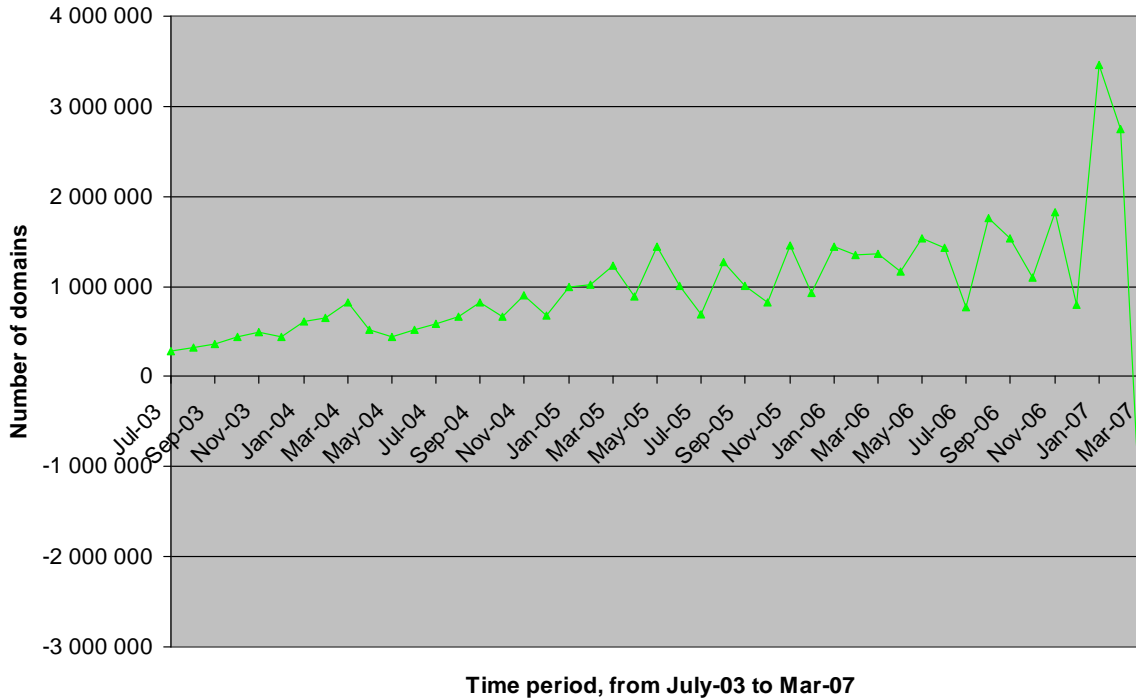
4.1 Analysis of Registry Monthly Reports

Based on data in the registries' monthly reports to ICANN, a couple of graphs have been developed by ICANN staff, as presented below. The focus has been on data for .com and .net, being the two gTLDs with the highest incidences of domain tasting.



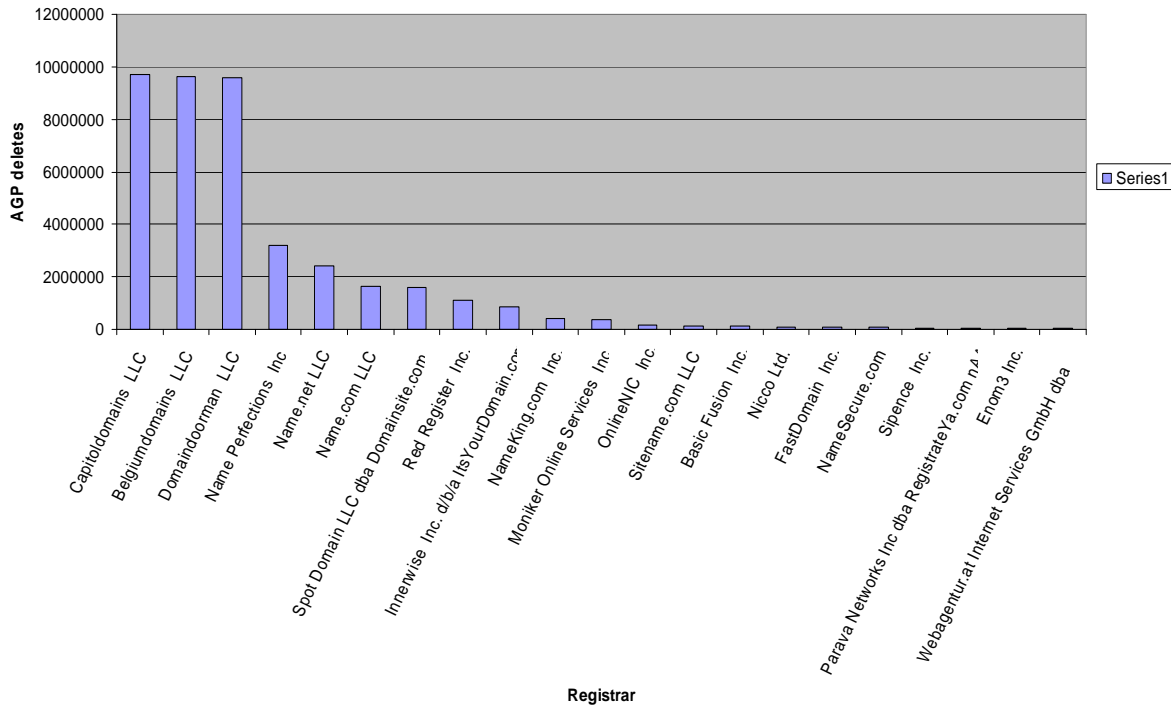
This graph clearly shows how the total number of deletes remained stable at a low level until early 2005, when a phase of marked increase starts, followed by an inflection point in the graph late 2006 marking an accelerated increase.

Net monthly additions, .com and .net



The net monthly additions, as illustrated in this graph, display a pattern of increasing fluctuations.

AGP deletes top 20 April -07



Information on deletes within the AGP was only recently made publicly available by VeriSign. The above diagram is based on the April 2007 data for such deletes regarding .com and shows the most active registrars in this respect. It can be noted that the Whois records for the three registrars with the highest numbers of deletes within AGP all display the same address in Miami, Florida; the same phone number; and the same corporate formation date, indicating that these registrars are interrelated.

Registry representatives from PIR (.org registry) and NeuStar (.biz) provided more detailed data on deletes within the AGP and analyzed it as follows:

Data for the .org registry show a total of 4,997,048 deletes within the AGP during the period January – June 2007. For these cases the table below shows the range of repetition. For example, in the 4 to 10 range, a domain name was created/deleted no less than 4 times and no more than 10 times during this 6 month period.

Number of Times Deleted	Count	Percentage
1	4,141,477	82.9%
2-3	785,688	15.7%
4-10	66,955	1.3%
10+	2,928	.1%
Total	4,997,048	100%

For the same time period in .biz, there were between 20,000 and 45,000 deletes within the AGP per month for a total of approximately 195,000. Out of this total:

- 183,935 names were not re-registered and deleted. In other words, they could have been re-registered on a permanent basis, but not tasted again.
- 402 names were deleted and re-registered more than 10 times total during that 6 month period (**probable but not confirmed kiting)
- 1503 names were deleted or re-registered 4 to 10 times total during that 6 month period (*possible kiting, but not probable)
- 9286 names were deleted or re-registered 2 or 3 times total during that 6 month period (but that may not have been consecutively)

Therefore, 0.21% of the total tasted names were “probable” kiting. Even taking into account the names that were possibly “kiting”, that only brings the percentage up to 0.98%.

VeriSign was asked to provide similar information for .com and .net, but has not yet supplied such data.

4.2 Request for Information (RFI)

The wording of the RFI, as well as a summary of the 203 responses in BigPulse (195 via the online form plus 8 input manually from email responses) are available in Annex 2 to this report. It should be noted that the respondents were requested to identify themselves as belonging to one or more categories of interested parties and that many marked themselves for more than one category. The comments received to each RFI question are also included in Annex 2, grouped by the respective questions. The comments provided are extensive and

deserve detailed reading, but some highlights of the results and comments are provided below:

A majority of respondents are IPR owners/representatives, followed in numbers by registrants/individual users. 91 out of 188 (48%) see registrants as benefiting from domain tasting, followed by 65 (35%) for registrars, while 62 (33%) see nobody benefiting.

Comments from various respondents elaborate on their answers as follows:

Registrants are characterized as benefiting from

- “try before you buy” with immediate registrations at no financial risk
- ability to correct misspelled domain names at no registration cost
- opportunity to get short-term ppc advertising revenue without registration cost
- opportunity to take short-term advantage of IPR holders’ brands

Registrars are characterized as benefiting from

- increased revenue through increased net additions of registrations
- ability to delete names at no cost in cases of registrant credit-card fraud
- their own domain tasting with the same advantages as tasting registrants, boosted by better opportunities to scale and technical capabilities to act in real-time with registries

Other actors that are characterized as benefitting are registries (getting net increase in registration revenues) general Internet users (getting direct navigation to a live webpage instead of error messages), IPR owners (verifying the appeal of their brands as domain names) and governments (getting more taxes as more business is generated).

Furthermore, other comments characterize spammers, phishers and other dubious/criminal activities as benefiting from opportunities to cover their tracks through domain tasting fast-flux registration.

149 out of 183 (81%) see IPR owners disadvantaged by domain tasting, followed by 106 (58%) for individual Internet users, while 15 (8%) see nobody disadvantaged. Comments from various respondents elaborate on their answers:

IPR owners are characterized as being disadvantaged by:

- short-term infringement of their trademarks
- erosion of brand names thru user confusion
- erosion of reputation thru users diverted to unexpected and potentially harmful sites

- loss of revenues thru diversion of traffic
- increased monitoring costs and reduced possibilities to trace IPR violators
- increased brand enforcement costs from additional infringing registrations

Internet users are characterized as being disadvantaged by:

- confusion and loss of time when reaching an unexpected web site
- dissatisfaction due to unintended or erroneous commercial transactions
- harm from spamming, malware and fraud, facilitated by domain tasting

Other actors that are characterized as being disadvantaged are would-be registrants and non-tasting registrars (restricted choice of domain names, plus extra administration and loss of goodwill for registrars), registries (additional transaction load) and governments (additional costs for law enforcement activities).

139 out of 182 (76%) believe that domain tasting impacts the security and stability of the Internet. Comments posit adverse effects on the security of the end users through increased phishing and other abusive activities facilitated by the AGP, aggravated by law enforcement agencies' reduced possibilities to track abusers due to volatility and increased volume of WHOIS information. Some comments state that the increased transaction load for domain tasting endangers Internet stability.

17 out of 181 (9%) have requested deletion of a domain name during the AGP. Comments state the reason for AGP deletes to be registrars' detections of credit card fraud, correction of typos and other mistakes, load testing, other testing purposes and domain tasting. Comments from respondents that haven't requested AGP deletes state that the domain name registration costs for mistakes are limited and bearable and that the registrants and/or registrars should check input for mistakes or carry the responsibility for them.

94 out of 182 (52%) state that they have been disadvantaged by domain tasting. Comments provide examples of the disadvantages mentioned above and also other negative experiences, not directly connected to domain tasting.

50 out of 173 (29%) suggest additional means to those listed in the RFI (A, B, C) to address domain tasting. Comments suggest, inter alia, DNS activation only after payment,

shortening of the AGP, suggestions “B” and “C” but with higher charges, capping the number of free deletes for registrars in relation to their net additions or to their total number of registered domain names, enforcement of RAA to eliminate warehousing of domains by registrars, pro rata billing for the time a domain is tasted, registry policing of domain names with continually shifting registrants, contributions by tasting registrants/registrars to a fund for increased enforcement costs, and maintaining public WHOIS data beyond the registration time.

110 out of 173 (64%) support suggestion A (eliminating AGP), while 25 (14%) prefer suggestion C (registry excess deletion fees charged to registrars for disproportionate deletes), 17 (10%) support B (ICANN 0.20 USD charge to apply to names deleted within AGP) and 20 (12%) vote for D (neither A,B or C). Comments regarding potential disadvantages with A-C range from statements that there are no, or negligible, disadvantages with any of them for anybody, to statements that all three would very negatively affect registrants (potential and current), registrars, registries and Internet users. That option A would deprive registrants of the ability to correct mistakes for free is noted by many. However, one respondent highlights that, in Brazil, national consumer protection legislation stipulating the right to return purchases within seven days for a full refund does apply to domain names, meaning that the registrar would have to carry the full cost for A. Options B and C are noted for adding costs and administration for registrars, while also being questioned by some as to whether B or C would sufficiently deter domain tasting. Others, on the contrary, find B and C less disruptive to provisioning of ongoing services, while also referring to the PIR/.org experience as to the efficiency of option C. Comments on potential additional benefits diverge considerably, although many state that A would prompt registrants to be more careful and add commercial certainty while being the easiest option to administrate. Some state that B and C would provide more revenues to ICANN and registries, respectively, and that C would hold registrars more accountable. Comments on whether any of the suggested means should be implemented largely reflect the comments on disadvantages and benefits and on other suggested means above.

128 out of 173 (74%) deem that domain registrations at no cost to the registrant would permit domain tasting. 131 out of 173 (76%) find that ICANN should prohibit domain

registrations at no cost to the registrant. 122 out of 173 (71%) find that ICANN should impose a minimum registration fee on domain registrations. The comments on such suggested fees vary between extremes of 0.05 USD and 1000 USD, while most are in the range of 1 – 40 USD. Some suggest fees that decrease with the registration period, for example 10 USD for one year, 8 for two years, 4 for five years etc. Quite a few state, to the contrary, that ICANN should not be involved in any pricing matters.

Commenting on statistical and other factually supported information of potential use, respondents name the monthly registry reports, MarkMonitor's "BrandJacking Indexes" reports (in particular the recent report with information on kiting), and a forthcoming study from the Coalition Against Domain Name Abuse ("CADNA").

Some examples are provided, sites like pool.com and webhosting.info are mentioned and contacts with Google suggested. A number of individuals are suggested as experts to be contacted - names of those consenting to this show in comments to question 15 in Annex 2.

Additional comments are provided, for example CADNA stating that 2 million names are being tasted every day. One respondent notes an increase from 5 infringements a day to 30 per day over a 6 month period. Statements that the survey appears biased against domain tasting and that addressing domain tasting as such is outside ICANN's scope are also noted. On a more general level, some comments state that it is important to further pinpoint what the exact problem is to be solved.

A summary of the responses received via email to ICANN is given below, with respondents' affiliations if provided. There were 23 email responses to the RFI, whereof 1 off-topic not included here. The complete email responses can be viewed at <http://forum.icann.org/lists/rfi-domaintasting/> .

- Eight respondents provided input structured along the RFI questions; Tony Finch/University of Oxford, Tim Ruiz/GoDaddy, Markus Faure/CORE, Darren Williams/Full-Effect.com, Nikki Schoorl/AI Tamimi & Co, Alex Tajirian/Domain Mart, Éva Szigeti/Danubia and Jorge Tristán/Facio & Cañas,. These have been added to the overview Big Pulse

results and their text comments are included in the corresponding Annex 2 section for each question.

- Ghazwa Malhas states that domain tasting is not practiced in certain countries and should not be accepted. ([mail response](#))

- Dorn Hetzel suggests a higher fee for instant registration and a lower fee for registration after a waiting period. ([mail response](#))

- Douglas Otis/Trend Micro Inc focuses on cost-increases and other negative effects from domain tasting on enforcement agencies' work and Internet protective services, like monitoring of new domain names' relationships with prior ones, and calls for delays in handling of domain name transactions to address these problems. ([mail response](#))

- Richard J Archer states that the AGP was justified when the price of a domain name was 35 USD a year, but not any longer. ([mail response](#))

- Kevin Hourican relates experiences of checking domain name availability prompting snatching of the name for tasting by a third party thru unknown means. ([mail response](#))

- Stephen Wilcox calls for elimination of domain tasting, invoking connections to spam. ([mail response](#))

- Danny Younger supplies an analysis of registrations and deletes per registrar over time, drawn from the ICANN monthly registry reports for .com and .net, noting the marked increase of total deletes over time as well as identifying the top ten registrars in this respect. Over a two-year period these registrars performed over 587 million deletes while collectively adding a total of 2.7 million domain names. ([mail response](#))

- Mark Samson brings forward suspicions that domain tasting is used for spam advertising of domains involved in phishing and other criminal activities, noting observations regarding spamming registrants in the .org gTLD. ([mail response](#))

- Alexander Schubert states that domain tasting increases the number of parked sites and that users arriving at parked sites lose time and get confused. Moreover, stating that the pool of useful available domain names for bona fide registrants is severely reduced by the practice, he concludes that each domain should be paid for. ([mail response](#))

- Dominik Filipp submits results of a study made by combining information from www.pool.com on soon-to-be-deleted domain names with Whois data over time. He introduces two categories, “first-league” and “second-league” tasting registrars - the first being the foremost in recovering sought-after deleted names from the batch pool and the second largely getting “left-over” domain names, while compensating with higher volumes. As a consequence, the second category executes more AGP deletes than the first. Both categories are featured with registrar names. Other notions include the use of “phantom registrars”, i. e. to establish affiliated registrars in order to increase the chances of retrieving deleted names, and the use of “phantom registrants” to fill out Whois data. Names of such entities are also featured. ([mail response](#))

- Zbynek Loebel/CAC suggests the enabling of a UDRP based solely on electronic communications in order to timely address tasting of domain names that violate UDRP rules. ([mail response](#))

- David Taylor/Lovells LLP claims that domain tasting and kiting, involving automated registration, anonymous WHOIS and transient zone file data, make monitoring on behalf of brand owners much more difficult. He supports curbing of domain tasting, by abandoning AGP or through other means. ([mail response](#))

- Dominik Filipp, in a second posting, elaborates on his previous comments regarding tasting registrars building domain name portfolios and highlights connections between domain tasting and abuses like spam and phishing as well as risks that parked sites confuse users, reduce available domains for registrants and swamp the domain space with dummy sites. ([mail response](#))

- Pablo Hinojosa/ICANN provides input on domain tasting experiences from Latin American ccTLDs. This input is included in section 4.5 below and in the corresponding Annex 3.

- An email response from MarkMonitor that suffered a communications problem and does not feature on the ICANN site has been included in Annex 2 ([link to full text](#)). This response contains a study of sample registration data for domain names during two weeks in July, to illustrate domain tasting activity. It also provides links to the MarkMonitor site, where two “BrandJacking” research reports from MarkMonitor may be downloaded.

- Input has also been received directly to the group from the Domain Name System Policy Working Group of the Anti-Phishing Working Group (“APWG”). This input summarizes an investigation about phishers’ use of domain tasting and is included in Annex 2 ([link to full text](#)). The conclusions are that phishers do not use domain tasting but that domain tasting does negatively impact the anti-phishing organizations due to increased infrastructure needs for monitoring many more domain registrations.

4.3 Intellectual Property Constituency Supplemental Request for Information

The IPC prepared its Supplemental Request for Information (RFI) in response to the ad hoc group’s decision to use a general RFI and to permit Constituencies to develop and conduct Constituency-specific requests for information. Although the IPC designed its Supplemental RFI to seek specific data from trademark owners and their representatives, participation was open to all interested respondents who were willing to provide contact data for response verification.

The IPC first made its draft Supplemental RFI available to the ad hoc group on 29 July to permit review and comment by the group members. The IPC revised several of the questions and the FAQs in response to comments and suggestions from ad hoc group members. The wording of the IPC Supplemental RFI is available at Annex 5¹ ([link](#)) The IPC Supplemental RFI was available only as on-line polling. Polling opened on 7 September and was extended twice – once from 15 September to 20 September in light of religious

¹ Respondents who answered in the negative for some questions were instructed to “skip” questions relevant to only those persons who answered in the affirmative.

holidays and again from 20 September to 24 September in light of a number of reports of technical difficulties from potential respondents. After polling was closed, one-third of respondents were contacted by email to verify that they were, in fact, the persons who responded. No reports of false participation were received.

The summary of responses and comments received in response to each question in the IPC Supplemental RFI are also included in Annex 5, grouped by the respective questions. The comments are extensive and deserve detailed reading, but some highlights of the results and comments are provided below.

The IPC received 115 tabulated responses to its Supplemental RFI². The great majority of the respondents identified themselves as IPR owner representatives (75%), followed by IPR owners (44%), registrants (24%), individual internet users (20%), and registrars (8%).³ The only stakeholder groups not represented among the results were government and registries.

44 of 99 respondents (44%) stated that their brands (or those of the companies they represent) have been the subject of tasting and an additional 28 respondents (28%) did not know if their brands/marks had been the subject of tasting. Of the 37 respondents who identified how such domain names came to their attention, 20 respondents (57%) learned of them through a watch or monitoring service. Of the 52 respondents who answered the question seeking the number of tasted domain names that incorporated or used their brands, 15 respondents (29%) indicated that the number was 500 or more, while another eight respondents (15%) indicated that that the number was in the range of 100-499.

39 of 50 respondents (78%) stated that the number of tasted domain names that incorporate or use their brands had increased over the past year. A follow up question resulted in 34 of 46 respondents (74%) confirming that tasting had increased in real terms (as opposed to only a perceived increase due to increased awareness of domain tasting). 38 of 48

² One additional respondent identified itself as testing question_7. Because circumstances indicated that this user id was, in fact, a "test" identity created by one respondent, the responses submitted under this user name were suppressed from the results.

³ Several questions allowed respondents to select all answers that applied, which resulted in "total" percentages exceeding 100%. This was one such question.

respondents (80%) who answered if the existence and number of tasted domain names had changed their enforcement strategies confirmed that they had – through increased time, budget, and staff resources devoted to domain tasting problems and enforcement. While almost two-thirds of respondents (32 of 50) had sent objection/demand/cease and desist letters regarding tasted domain names that incorporated or used their brands/marks, the number of letters sent and domain names implicated varied from 1-24 letters and names (17 of 33 (52%) and 14 of 32 (44%), respectively) to more than 300 letters (3 of 33 (9%)) and 500 or more names (5 of 32 (16%)).

The great majority of respondents do not view existing enforcement mechanisms such as the UDRP and judicial proceedings as effective against domain tasting. Almost two-thirds of respondents (30 of 47 (63%)) had not initiated UDRP proceedings and over 90% of respondents (40 of 44) had not initiated judicial proceedings regarding tasted domain names that incorporated or used their brands/marks. The primary reasons provided for not doing so were because the domain name was deleted during the AGP and doing so was too costly given the number of domain names. The amount of time required to prepare and file complaints under UDRP and national law appeared to be another factor; 47% of respondents reported spending 4 or more days for UDRP complaints and 70% reported spending 4 or more days on judicial complaints (25 of 53 and 35 of 51, respectively).

Many respondents provided detailed comments about their experience with domain tasting and its impact on their business. For example:

"The detrimental effect of domain name tasting for trade mark owners far outweighs the original legitimate purpose underlying the practice of domain name tasting. Domain name tasting is being abused by "new age" cybersquatters. We have seen the registration of hundreds of domain names, which incorporate our clients well-known brand names for the purpose of hosting monetized websites. The registrants of these domain names earn profit by attracting users to the site by virtue of our clients reputation in its brands. Before any action can be taken, the domain name is deleted often only to be immediately re-registered in the name of a different company. From experience, we know that many of the registrant companies are either the same company (using different names) or related entities. Normal enforcement practices as a means for responding to this form of misuse of brand owners' rights. The constant changing of registrant names also makes filing timely and accurate UDRP Complaints impossible. For these reasons domain name tasting should be stopped." (Sally Foreman, Associate, Davies Collison Cave, Melbourne, AU.)

This comment is just one of many opinions, all of which appear in Annex 5 ([link](#)).

4.4 Opinion Polling of Registrars regarding use of AGP

A change to the status quo in the AGP, including the potential elimination of the AGP, is considered as one of the potential remedies to domain tasting. The RFI regarding the use of AGP (Sec. 4.2) posed three different options to consider in remedying the current abuses in AGP: (1) making the ICANN fee non-refundable; (2) requiring some form of restocking fee per name deleted within the AGP term; and (3) eliminating the AGP in its entirety.

What follows is the result of a poll of the Registrar Constituency considering: (1) the various uses of the AGP unrelated to domain tasting or domain kiting and (2) the impact to registrants for each if AGP were to be eliminated. The thought behind this polling was that it could contribute to completeness of the points of view on the issue of domain tasting, including potential impacts of proposed solutions.

Methodology:

The entire Registrar Constituency, consisting of 65 registrars who represent hundreds of ICANN-accredited registrars (as there are 'families' of registrar accreditations), was solicited to state uses of the current AGP that were unrelated to domain tasting or kiting, and to consider the impacts of a complete elimination of the AGP. A request to respond to these questions either directly for this section, or to the RFI, was sent in an email on 14 September to the Registrar Constituency list. Supplementary polling of registrar representatives took place in direct interviews by phone or in person at industry events.

All responding registrars expressed that they would prefer to respond directly, but not be publicly identified due to concerns that their support might be misinterpreted as support for domain tasting or domain kiting. Additionally, some registrars stated that some non-tasting uses of AGP might be proprietary and requested that they be treated with sensitivity not to expose trade secrets.

Responses came from 38 members of the registrar constituency, thru conversations or email responses, whereof 3 (8%) agreed with the findings but responded to the general RFI.

Of the remaining 35 (92%) registrars (the number of registrar accreditations represented was not quantified), only one (3%) offers some form of bulk registration 'domain tasting' as part of the AGP.

Responses were collected and assembled in summary format and reflected in an initial draft of this section. On September 28th, 2007, this draft was provided to the Registrar Constituency list offering opportunities to voice opposition. There was no opposition from any member of the Registrar Constituency. Additional feedback was received, including an additional use of AGP that would be impacted by an elimination of the AGP. In addition, 4 registrars not responding to the poll expressed support of the text as factual and accurate.

Findings

The results of the poll of the registrars yielded five (5) perceived benefits of the AGP, unrelated to domain tasting and domain kiting:

1. Correcting typographical errors made by the registrant
2. Using a cart "hold" system to provide access to names
3. Mitigating fraud impacts;
4. Monitoring, testing and development of their provisioning, production and/or merchant gateway systems; and
5. Addressing situations of Buyer's Remorse (defined below) on behalf of the registrant

The responding Registrars stated that the elimination of the AGP would also eliminate these benefits, referenced as unrelated to tasting or kiting. Descriptions of each use and considerations of the effects of the two other measures proposed for curing abuses of the AGP (a non-refundable ICANN fee or a restocking fee per name deleted within the AGP term) follow below.

Responding registrars consider that the registrants' responses to the RFI are formed largely by the experience that they have with their registrar. Registrars (or registrar resellers) provide registrants with a 'front end' consisting of web based 'shopping carts' or portals to

register or manage their domain names, host records, email, web hosting, blogs, etc. with a view to simplifying the process and streamlining the user experience.

AGP Use 1: Correction of typographical errors made by registrant

Whatever the underlying reasons may be for typographical mistakes by registrants, such mistakes do happen, and the AGP is used by many registrars to remedy such occurrences.

At last count, there are more than 900 ICANN-accredited registrars. Because there are so many registrars, there is competition among registrars to differentiate themselves within the marketplace thru price, quality of service or otherwise. Registrars focused on the quality experience of the registrants enable them to reverse a registration within the AGP thru a phone call to the registrars' customer service departments.

Members of the Registrar Constituency stated that the elimination of AGP would increase the cost of providing this service by forcing the registrar to absorb the cost of a second registration in such circumstances, or alternatively suppressing this service for their customers. From that perspective, a restocking fee or non-refundable ICANN fee would be more palatable options to curb domain tasting.

AGP Use 2: Cart "hold" to provide access to domain names

Some registrars state that the practice of domain tasting is creating a confusing user experience that is disruptive to their business. They contend that domain tasting generates volumes of customer complaints to their customer service departments, contend that a domain was looked up and available for their company one day and approval or budget to proceed is obtained only to find that within the time elapsed it had been registered by another entity.

By analogy, when a customer finds a unique item in a store, it is not uncommon to ask the sales clerk to set it aside while the purchaser continues to shop, confirms with a spouse, gets the necessary cash, etc. The item is held for a period of time so that nobody else can purchase it as though it was left on the shelf. In a similar fashion, many registrars leave the

item on the shelf, as it were, and only fully allocate it upon completion of payment. This creates a circumstance where someone could conceivably purchase the item elsewhere.

There are some registrars that have created a cart reserve process, utilizing the AGP, that immediately reserves the domain at the registry once it gets looked up by the user. This mitigates the issue of the domain being otherwise provisioned by another while completing the sales process. If the sales process is not completed, or nearly 5 days passes, the domain is deleted at the registry.

Some registrars contend that this solution could easily be adopted by registrars that are concerned about customer confusion. Yet it seems that many of the registrars that compete primarily on price and operate on thin profit margins are unlikely to adopt this approach because it means that their available funds at the registry are held in a non-sales transaction until it closes. Many registrars claim that, from a budget perspective, they opt to keep their balance available at the registry and not commit funds at the registry with the add command until a finalized purchase has completed with the registrant.

Responding registrars state that a restocking fee or non-refundable ICANN fee would be less disruptive to this offering, in contrast to an elimination of the AGP that would make this service unsustainable.

AGP Use 3: Fraud remedies

The AGP currently allows for remedies in the event of fraud, enabling return of domain names within the AGP for credit. Examples of such types of fraud correction put forward by the Registrars are (but may not be limited to):

- Recovering from phishing activities involving theft of registrar account credentials
- Remedy of credit card fraud, or
- Correctional efforts towards rogue reseller customers.

Registrars state that elimination of AGP would eliminate the opportunity to remedy these circumstances via a refund during the AGP. With a restocking fee or ICANN non-refundable fee, registrars would also incur an expense, but lower than the total cost of the domain names.

AGP Use 4: Monitoring, testing and development of systems.

Many registrars state that they take proactive steps to monitor and ensure the security and stability of their registration and resolution systems in order to ensure service levels, quality and availability. Such registrars use the AGP as a tool for proactive monitoring to determine the health of their connections to the provisioning system of registries. Some of the responding registrars do this only when there is not typical registration activity to indicate system help. Some of the registrars do a simple EPP registration and deletion, others run a suite of tests combining EPP and DNS that involve registration, modification, and determination that DNS resolution changes also took effect prior to deleting the test name.

The current secretary of the Registrar Constituency, Bob Connolly, indicated that there are registrars that utilize the AGP to relieve costs of development where test domains are registered within the production environment at a registry, either when adding new functionality to an existing cart system or when adding new TLDs to a new cart system.

Further, testing of a merchant gateway or payment processing system, to handle credit cards, electronic check, PayPal, or other electronic fund processing methods, is common in the development process, to resolve problems, or as part of testing new pricing or bundles. In the event of a change of merchant gateway, or in the development or integration of a new one, it becomes necessary to simulate the process that would exist within a typical sales cycle to incorporate the payment action within that cycle. Often it is necessary to test multiple price packages, as domain term lengths (years registered), quantity of domains at once, and additional services (quite frequently, domains are sold at below the registry cost – at a loss – assuming the costs would be recouped in the revenue from other services sold in conjunction), or other price groupings impact the price to the consumer. Registrars or their resellers want to ensure that the appropriate actions happen both in terms of payment and fulfillment.

While restocking fees or non-refundable ICANN fees would imply an additional cost to such registrars engaged in these uses of the AGP, some registrars state that the elimination of

the AGP would impose a higher cost from proactively monitoring, testing and developing their systems, outside of customer activity.

AGP Use 5: Addressing Registrant 'Buyer's Remorse'

Some registrars state that another use of the AGP is to address 'buyer's remorse', when a domain is intentionally registered although not activated and the registrant subsequently changes his/her mind, requesting a return. This use is exemplified in a comment from the registrar EnCirca as follows:

"We do a lot of business in the domains where the price tag typically exceeds \$100 per name. The typical order can contain several names, increasing the price tag to over \$1000. As a general policy, we accept order cancellations within the AGP. In fact, we prefer it to the alternative of an unhappy customer who is may feel inclined to pursue a charge-back. The customer is relieved and more likely to be more prudent the next time around. The AGP is one of the few pro-consumer ICANN policies that exists. It should stay in place."

This specific example relates to gTLDs with higher-than-average registrar prices, where the registrant price can exceed 100 USD for a domain name. The typical order can contain multiple names, with order totals over 1000 USD. Registrars addressing this market state that they accept and process cancellations within the AGP as a preferred alternative to unhappy customers inclined to pursue chargebacks with their credit card companies. While the customer may be relieved and more likely to be prudent the next time around, the presence of AGP allows for better handling of these circumstances for all parties.

Conclusion on considering impacts to change in AGP

In conclusion, if the results of this ad-hoc working group should indicate that PDP is the appropriate course of action, and should that PDP contemplate elimination of the AGP, it is important to note that these legitimate uses of the AGP would be adversely impacted, and should be part of the consideration process.

The responding members of the Registrar Constituency believe that the other alternatives of making the ICANN fee non-refundable or requiring some form of restocking fee per name deleted within the AGP term, is a more effective and appropriate way to achieve a balanced approach to curbing the abuses of the AGP while at the same time preserving other benefits of the AGP that registrants enjoy or expect as part of their registrar experience.

Registrars indicated in their responses that they gratefully appreciate careful forethought, evaluation, and consideration of the other impacts should there be changes to business logic or provisioning logic, or provisioning systems as a part of any PDP. Forced or sudden change in the behavior of an EPP command or expected behavior of business logic could take time and technical resources to implement, per gTLD and per registrar.

4.5 Sample zone file data study

In a note to the Working Group, the following suggestion was put forth by Bruce Tonkin, a GNSO representative on the ICANN Board:

"Many of the names being registered are being used for possible trademark infringement. This could be determined by selecting a sample size of names that were registered and deleted within the 5 day period, and then comparing the names with a database of trademarks (e.g USA trademark office). You might want to identify direct matches (e.g. check for icann), and also potentially common misspellings (e.g check for icnan)."

As this suggestion for a zone file study was deemed to be meritorious, it was agreed by the Working Group to initiate such a study. Unfortunately, owing to unforeseen circumstances the study was not progressed. The ad hoc group recommends that such a project be considered as part of potential follow-up activities that the GNSO Council may elect to launch.

4.6 Experiences from ccTLDs

ICANN staff contacted a number of ccTLD registry operators to get their experiences from domain tasting activities. 20 ccTLD representatives responded to the request and the responses feature as Annex 3 to this report. 14 ccTLD representatives reported having an add grace period, which varied in length from 2 to 30 days.

.DE does not have an add grace period, but domains may be registered and deleted on a monthly basis.

Nominet instituted a policy in August 2006 to combat domain tasting in .UK. The policy limits monthly deletions per registrar to 5 domain names or 5% of monthly registrations, whichever is greater. Nominet considers the dual approach ensures that both large and small registrars working within the rules are unaffected. Deletions in .UK are only to be made for the correction of mistakes. Since introduction of the policy, deletions have dropped from 2% of monthly registrations to .37%.

.AU has a three day add grace period and has begun to experience an increase in domain tasting.

.NL charges a 1.40 EUR fee on registration (non-refundable if the domain name is deleted after the 7-day add grace period).

.PL has implemented limited domain tasting. Domain names may be tasted by registrars for 5 days for 1 PLN (.20 EUR) per domain name.

Many of the Latin American ccTLDs reported policies of “activation after payment”.

4.7 Experiences and views from UDRP providers

A questionnaire was compiled by members of the ad hoc group and sent to the UDRP providers. The questionnaire and the responses are available in Annex 4. The responses hardly lend themselves to summarizing and are preferably read in their entirety ([link to the responses](#))

4.8 Analysis of additional statistics from VeriSign

The group prepared a request to VeriSign for more detailed statistics on particular aspects, as detailed in Annex 6 ([link](#)) in view of making further analyses. PIR and NeuStar had provided similar information, prompting the group to request it from VeriSign as well. To date, VeriSign has not supplied that such information.

4.9 Potential measures to reduce domain tasting

The Issues Report featured a number of potential measures that could reduce domain tasting. These were included in the RFI and the opinions on them from the RFI respondents are covered in 4.2 and Annex 2. Other potential measures are known to have been put forward and still more may well exist, but addressing these was considered outside the scope of the ad hoc group's work.

5 Next steps

Although it was not part of the ad hoc group's task to draw conclusions from the information gathered, nor to recommend to the GNSO Council what further steps to take, the group wishes to draw the Council's attention to the considerations below.

5.1 Draft Terms of Reference

As requested by the GNSO Council, the ad hoc group has drafted the following Terms of Reference for a potential Policy Development Process, for the GNSO Council's consideration, should the Council resolve to pursue that option:

1. Review and assess all the effects of domain tasting activities that have been identified.
2. Judge whether the overall effects justify measures to be taken to impede domain tasting.
3. If the answer to 2 is affirmative, then consider the potential impacts of various measures on the Constituencies, and recommend measures designed to impede domain tasting.

5.2 Further research

The GNSO Council could also consider a request for further research into the likely impacts of different measures to impede domain tasting, using this outcomes report as a starting point for such a study. Examples of such study areas appearing elsewhere in the report are the sample zone file data study (see 4.5) and further review of the experiences with PIR's introduced measure (see 3.2). Such a study/studies need not be an alternative to, or a prerequisite for, a PDP, but could be undertaken in parallel, although timing of the parallel activities would then become crucial.

Annex 1 - Subscribers to the DT list

The following individuals were signed up to the mailing list [gnso-dt-wg] of the DT ad hoc group:

ALAC: Alan Greenberg

CBUC: Marilyn Cade, Sarah Deutsch, Phil Lodico, Mike O'Connor, Mike Rodenbaugh

ISPCP: Greg Ruth

IPC: Kristina Rosette, David Steele, Patrick Cain, Laura Mather

Nominating Committee appointees to GNSO Council: Sophia Bekele, Avri Doria

NCUC: Danny Younger

Registrar C: Francesco Cetraro, Mason Cole, Robert Connelly, Paul Diaz, Jeff Eckhaus, Jothan Frakes, Seth Jacoby, John Kane, Adrian Kinderis, Peter Lamson, Margie Milam, Bill Mushkin, Jon Nevett, Tim Ruiz, Paul Stahura, Peter Stevenson, Ricardo Vaz Monteiro, Jay Westerdal

gTLD Registry C: Caroline Greer, Chuck Gomes, David Maher, Ram Mohan, Jeff Neuman

Observers: Rod Rasmussen - APWG

ICANN staff: Patrick Jones, Tim Cole, Olof Nordling, Karen Lentz, Kurt Pritz, Denise Michel, Glen de Saint-Géry

Annex 2 - RFI Responses

The RFI prompted 23 responses by email to ICANN (plus 1 off-topic) and 195 responses via the on-line form to BigPulse.

RFI responses via on-line form at BigPulse

Poll Results

Poll menu: Domain tasting RFI

Report date: Tue 25 Sep 2007 14:15 UTC

Country: All

1. Please categorize yourself (indicate all that apply):

As at: Sat 15 Sep 2007 23:00 UTC

Number of voters: 203

Ranked by votes

Rank	Opinion	Votes	%
6	Non-commercial Internet user	21	10.34
9	Government	1	0.49
2	Intellectual Property Rights Owner	77	37.93
7	Registrar	18	8.87
8	Registry	5	2.46
3	Registrant	74	36.45
1	Intellectual Property Rights Owner Representative	104	51.23
5	Registrant Representative	41	20.20
4	Individual Internet User	72	35.47

2. Which of the categories (A-I) may benefit from domain tasting - and in what way?**As at:** Sat 15 Sep 2007 23:00 UTC

Number of voters: 188

Ranked by votes

Rank	Opinion	Votes	%
3	No benefit	62	32.98
9A.	Non-Commercial Internet User	12	6.38
10B.	Government	3	1.60
6C.	Intellectual Property Rights Owner	26	13.83
2D.	Registrar	65	34.57
5E.	Registry	33	17.55
1F.	Registrant	91	48.40
8G.	Intellectual Property Rights Owner Representative	17	9.04
7H.	Registrant Representative	19	10.11
4I.	Individual Internet User	36	19.15

3. Which of the above categories (A-I) may be disadvantaged by domain tasting - and in what way?**As at:** Sat 15 Sep 2007 23:00 UTC

Number of voters: 183

Ranked by votes

Rank	Opinion	Votes	%
10	No disadvantage	15	8.20
4A.	Non-Commercial Internet User	68	37.16
8B.	Government	49	26.78
1C.	Intellectual Property Rights Owner	149	81.42
6D.	Registrar	51	27.87
7E.	Registry	50	27.32
5F.	Registrant	64	34.97
3G.	Intellectual Property Rights Owner Representative	84	45.90
9H.	Registrant Representative	45	24.59
2I.	Individual Internet User	106	57.92

4. Do you believe that domain tasting impacts the security and stability of the Internet?**As at:** Sat 15 Sep 2007 23:00 UTC

Number of voters: 182

Ranked by votes

Rank	Opinion	Votes	%
1	Yes	139	76.37
2	No	43	23.63

5. Have you requested the deletion of a domain name during the AGP (Add Grace Period)?**As at:** Sat 15 Sep 2007 23:00 UTC

Number of voters: 181

Ranked by votes

Rank	Opinion	Votes	%
2	Yes	17	9.39
1	No	164	90.61

6. Have you been disadvantaged by domain tasting?**As at:** Sat 15 Sep 2007 23:00 UTC

Number of voters: 182

Ranked by votes

Rank	Opinion	Votes	%
1	Yes	94	51.65
2	No	88	48.35

7. Potential means to address the practice of domain tasting have been suggested. Do you have any other suggestions in addition to A-C below?**As at:** Sat 15 Sep 2007 23:00 UTC

Number of voters: 174

Ranked by votes

Rank	Opinion	Votes	%
2	Yes	50	28.74
1	No	124	71.26

8. Which additional disadvantages would each suggestion bring?

No results, 96 inline comments

9. Which additional benefits would each suggestion bring?

No results, 93 inline comments

10. Should any of these suggestions be implemented?**As at:** Sat 15 Sep 2007 23:00 UTC

Number of voters: 173

Ranked by votes

Rank	Opinion	Votes	%
	1A) eliminating the AGP so that domain registration fees are non-refundable between registry and registrar	110	63.58
	4B) making the ICANN annual transaction fee (currently 0.20 USD per year) apply to names deleted during the AGP, or to a significant portion of them	17	9.83
	2C) imposing registry 'excess deletion fees' charged to registrars for disproportionate deletes (for example in .org, PIR registry charges 0.05 USD per deleted domain if more than 90% of domains are deleted in a given time period)	26	15.03
	3D) None of the Above	20	11.56

11. If domain registrations were offered at no cost to the registrant, would this effectively permit domain tasting?**As at:** Sat 15 Sep 2007 23:00 UTC

Number of voters: 173

Ranked by votes

Rank	Opinion	Votes	%
	1Yes	128	73.99
	2No	45	26.01

12. Should ICANN prohibit domain registrations at no cost to the registrant?**As at:** Sat 15 Sep 2007 23:00 UTC

Number of voters: 173

Ranked by votes

Rank	Opinion	Votes	%
	1Yes	131	75.72
	2No	42	24.28

13. Should ICANN impose a minimum registration fee on domain registrations?**As at:** Sat 15 Sep 2007 23:00 UTC

Number of voters: 173

Ranked by votes

Rank	Opinion	Votes	%
	1Yes	122	70.52
	2No	51	29.48

14. Please provide any statistical or other factually supported information (with source or source data included for third party validation) that could be useful for analyzing domain tasting issues.

No results, 33 inline comments

15. Please name any expert persons you know of regarding any issues raised by this RFI.

No results, 25 inline comments

16. Please provide any other comments you may have to this RFI.

No results, 28 inline comments

Comments to individual RFI questions (submitted via on-line form)**2. Which of the categories (A-I) may benefit from domain tasting - and in what way?**

	Date	Comment
1	14 Sep 07	It is highly unlikely to make a mistake while registering a domain name if you are requested to double check the domain name information before you submit and pay for it.
2	14 Sep 07	I strongly suspect that the registrars are heavily involved in this practice and are making money off the arbitrating in domain names. The registries are making money because the registrants eventually register some of the tasted names. Finally, the tasters make money by monetizing the names.
3	14 Sep 07	Registrars benefit from the added income. Registries also benefit because many of them have not "caught on" so this allows them to sell more domain names. Registrants who engage in cybersquatting or targeted search pages for click through income benefit.
4	14 Sep 07	The registrant may benefit from registering a domain name that infringes on third party trademark rights and generates revenue from pay-per-click advertising posted on the web site associated with the "tasted" domain name, yet the registrant does not even pay a registration fee. This is an inherent flaw in the current registration system that must be remedied, preferably by eliminating the grace period for paying a registration fee.
5	14 Sep 07	Domain tasting, defined by the Ad Hoc Group as the "monetization practice employed by registrants to use the add-grace period (AGP) to register domain names in order to test their profitability," enables interested parties to test domain names for value at no cost. The practice of domain tasting, as is evident from ICANN's Monthly Registry Reports, has resulted in a significant rise in the number of total new registrations - the top 10 tasting registrars account for nearly 10% of all domain growth over the past 2 years. Both registrars and registries benefit from the practice of tasting, since it leads to more registrations and in turn more revenue. Additionally, ICANN benefits from the increase in the number of registrations since there is a payment made to them per domain name registered.

Additionally, the registrants of names that are identified via tasting benefit greatly from being able to retain only those names that have proven their worth and traffic, and thus incur cost only on names that have a proven ROI.

It is important to note that most domain tasting appears to be done by registrars themselves, where they are both the registrar and the registrant of domain names. The reason for this is that registrars have the technology to directly connect to the registry and thus add/drop names automatically and in real time. It is with this connection and systematic ability to spin and test names that tasting can scale and begin to deliver significant revenue to the party.

6	14 Sep 07	Domain tasting, defined by the Ad Hoc Group as the "monetization practice employed by registrants to use the add-grace period (AGP) to register domain names in order to test their profitability," enables interested parties to test domain names for value at no cost. The practice of domain tasting, as is evident from ICANN's Monthly Registry Reports, has resulted in a significant rise in the number of total new registrations - the top 10 tasting registrars account for nearly 10% of all domain growth over the past 2 years. Both registrars and registries benefit from the practice of tasting, since it leads to more registrations and in turn more revenue. Additionally, ICANN benefits from the increase in the number of registrations since there is a payment made to them per domain name registered.
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Additionally, the registrants of names that are identified via tasting benefit greatly from being able to retain only those names that have proven their worth and traffic, and thus incur cost only on names that have a proven ROI. It is important to note that most domain tasting appears to be done by registrars themselves, where they are both the registrar and the registrant of domain names. The reason for this is that registrars have the technology to directly connect to the registry and thus add/drop names automatically and in real time. It is with this connection and systematic ability to spin and test names that tasting can scale and begin to deliver significant revenue to the party.

-- Which of the above categories (a-I) may be disadvantaged by domain tasting - and in what way?

Domain tasting allows users to unfairly exploit a system loophole whereby they are able to test the value of domain names (based upon the traffic they generate) on a massive scale and operate virtually risk free. This practice was not the intended use of the AGP and is not in the spirit of the inherent interests of the Internet. This abuse of the AGP and the subsequent domain registrations and kiting that occur as a result of it make it much more difficult for businesses to protect themselves and their customers against online harms and frauds, thus expanding the list of harmed and disadvantaged parties.

Nearly all of the categories referenced are disadvantaged and additionally harmed, by domain tasting. From the impact on consumer choice, to unfair business practices, to the resulting harms from names identified in tasting, there are no winners in domain tasting besides the select few registrars who have skirted the line of entrepreneurship and fraud, the registries that enable tasting, and ICANN.

The names that are registered are names that have been proven to receive direct navigation traffic. While many names that are tasted are of a generic nature, a similarly large number of names are based upon trademarks and famous brands. Consumer behavior demonstrates that individuals identify with brands and often conceptualize products and services in concert with brand names. Consumers directly navigate by typing in branded names for that same reason.

Data on this practice can be seen by examining the registration of any branded name. This is particularly true after a new launch. For example, Apple announced their "new" iPod with a touch screen on 9/6/07. By 9/7/07 there were hundreds of domain names in play – none of which Apple owned (e.g., ipodtouchtv.com, ipodtouchstore.com, ipodtouchnano.com, etc.). These names were registered in the hope that consumers looking for information from Apple on the new iPod would directly navigate to these sites.

Instead of ending up on the brand owner's site, unsuspecting consumers could be routed to sites that expose them to spyware, promote the sale of what turns out to be counterfeit goods, expose their personal information for further exploitation, or display a pay-per-click site, none of which was the consumer's want or expectation.

Who is harmed and how?

a. Individual Internet Users (The general public)

Domain tasting has contributed to a dramatic increase in domain registrations, and some of the registrants of those names are cybersquatting on well-known brands. In those situations, the registrant is able to harm consumers (through spam, spyware and other crimewares, phishing, and the sale of unwanted counterfeit goods) by using the brands to bridge the trust gap.

b. Non Commercial Internet User (Would-be Registrants)

Domain tasting has contributed to a dramatic increase in domain registrations, as is evident from ICANN's Monthly Registry Reports, and has resulted in a significant rise in the number of total new registrations - the top 10 tasting registrars accounted for nearly 10% of all domain growth over the past 2 years. The number of available .COM domain names is dwindling and consumers are left with fewer choices and fewer opportunities. Consumers with legitimate interests in registering domains are left with less desirable and less relevant choices. Furthermore, high-volume tasters have a distinct advantage over other consumers in this competition for desirable domains because they are able to identify names that they want through automated means and direct connections to the registry.

c. Government

The AGP, domain tasting, and subsequent domain registrations are catalysts for government involvement. In cases where domain names that contain others' trademarks are identified to have value during the AGP and end up being used in cyber-crime, governmental organizations become involved. The volume of domain names that are in the AGP at any given time allow parties to operate in virtual hiding for the 5 day window- it is nearly impossible for enforcement to cut through so many millions of names. In addition, with criminals registering and using domain names of government bodies and personnel, the government falls victim to cybersquatting practices as well. ICANN has a connection with the US Commerce Department, so if problems persist, the US government will unavoidably become more directly involved in policing Internet fraud.

d. IP Owners

Because branded and trademarked names inherently garner large volumes of traffic, cybersquatters often register domains that contain these names, either in their original form or with common spelling errors or typos in order to redirect visitors and consumers onto fake websites.

As noted previously, it is important to talk about domain registrations when discussing domain tasting. Tasting enables the identification of domain name registrations. Names that are identified as having value are often cybersquatted names.

Cybersquatting is costing brand owners worldwide well over \$1 billion U.S. dollars every year as a result of diverted sales, the loss of hard-earned trust and goodwill, and the increasing enforcement expense of protecting consumers from Internet-based fraud. Depending on the brand owner's industry, the total impact of cybersquatting on a single brand could be in the tens of millions of U.S. dollars when taking into consideration the value of lost leads and sales, costs of dilution, confusion, poor customer experiences and millions of lost unique Web site visitor impressions every week.

e. IP Rights representative

CADNA, as an IP Rights Representative, is a coalition of brand owners that is working to make the Internet a less confusing and safer place for consumers and businesses alike. The coalition is taking action to end the

practices of domain name tasting and kiting and to reduce instances of cybersquatting. Our membership is concerned about the impact of these practices on their business, on their IP rights, and on their consumers.

7 14 Sep 07 In the case of a registrar, it allows for names to be registered for testing purposes as well as allowing them to delete names clients have registered by accident.

For registrants, it allows them to request names be deleted that were registered in error.

8 14 Sep 07 Registrants using domain name tasting for nefarious purposes benefit from the practice by "tasting" domains incorporating intellectual property of third parties and trading on the goodwill those third parties have built in the intellectual property.

Registrars and registries might benefit from the increased registration numbers. For example, a certain registrar or registry could say it has xxx number of registrations to show its popularity, reputation, etc. However, that number may not take into consideration the number of deletions that follow those registrations in the practice of domain name tasting.

9 14 Sep 07 Intellectual Property Rights Owners in order to verify the appeal of their trademarks as domain names.

Individual Internet users in order to verify the appeal of the chosen domain name and, in some cases, to take advantage of Intellectual Property rights of other subjects.

10 14 Sep 07 It precludes legitimate potential registrants who have a bonafide desire to register the domain name from doing so and it permits cheating by others at the expense of such legitimate potential registrants.

11 14 Sep 07 A small group of registrars and/or registrants are doing almost all the tasting, obviously to their benefit as the practice has grown rapidly and enormously. Registries (at least .com and some of the ccTLDs) benefit from the increased volume of registrations.

12 14 Sep 07 we manage domain assets for a number of the internet's leading domain registrants and companies.

13 14 Sep 07 In theory, registrants should benefit from the add/drop period. However, most registrars do not appear to offer the opportunity to drop a misspelled domain name and get a refund except to large scale domainers (who may be part owners of the registrar). (I say this from personal experience as I once registered a domain for personal use, realized I had misspelled one of the words, and could not drop the domain)

14 14 Sep 07 They can see how many hits a name will generate without actually buying.

15 14 Sep 07 They make money from this abuse.

16 14 Sep 07 Domain tasting apparently is intended to gain profits from arbitrary domain names, which users might be likely to key in - without any connection to specific content or the business of the registrant. Nobody else than a registrant can benefit from such action.

17 13 Sep 07 Registrants who participate in tasting benefit through the ability to generate revenue without having to pay for the domain name. Registrars that permit tasting benefit to the extent permitting tasting attracts registrants to whom additional products can be sold. The registry monthly reports contain data to suggest that some registrars are themselves participating in tasting (see, e.g., delete domains grace data for CapitolDomains and DomainDoorman in VeriSign monthly report for May 2007). Such registrars presumably benefit in the same way as tasting registrants.

18 13 Sep 07 By confirming the economic benefit before paying, thus reducing their financial risk. This is very prevalent among registrants seeking to register misspellings of legitimate domain names.

19 13 Sep 07 Registry and Registrar by charging a fee for tasting to their customers.

Registrants by having the possibility of checking the value of a domain name and only paying for the good on

20 13 Sep 07 The AGP allows registrants to correct spelling mistakes or to test the profitability of a domain name.

21 13 Sep 07 The costs for registration of a DN are not usually high. I think it is just a matter of costs. What will be cheaper? to register 10-20 dn or to make cost-benefits analysis for each of them until it will be find the most profitable?

22 13 Sep 07 he/she may consider whether or not he/she really wants to keep the domain + can correct errors

23 12 Sep 07 Would allow registrar time to make corrections to typos. Could also allow registrants and representatives to take advantage for the purpose of domain tasting.

24 12 Sep 07 D. allowing a "test-drive" sells more registrations

F. zero-cost site for collecting revenue, for at least a short time

25 12 Sep 07 Domain tasting is abused by entities that create traps individual internet users by filling the internet with deceptive material, which is posted for too short of a period to be properly handled legally. While their may at first glance be some benefit to legitimate users who are careless in their domain registrations,

this benefit is outweighed by the potential harm to legitimate registrars from frequent and repeated typo-squatting of their domain.

26 12 Sep 07 Registration volume benefits everyone as it makes things easier to find, unless someone can argue that an error page is a good user experience.

Registrars and Registries benefit because it is more business, and registrants benefit from the overall value of their domain name as a scarce commodity accruing in value.

27 11 Sep 07 Registrants - benefit by being able to identify domain names that generate sufficient revenue to justify the registration cost, at no cost to them.

Registrars & Registrys - benefit by receiving registration fees for at least some of the domain names tasted. If tasting was not available, registration numbers would be lower, hence less revenue.

28 11 Sep 07 They will be able to obtain profit from something that is not from their creation. Its equivalent to register a trademark which I did not invent.

29 11 Sep 07 I do not believe any legitimate organization seeking to disseminate information can determine the efficacy of a domain name in a few days.

30 11 Sep 07 The registrar gets to offer domain names to potential buyers. The registrant has a chance to change its mind about keeping the registration.

31 11 Sep 07 Allowing the tasting will very much encourage infringement of IP rights without the possibility for the IP Right Owners to be able to react within the tasting period

32 11 Sep 07 Non-Commercial Internet User: most popular names will be registered; popular implies need by internet user

Government: it's business, there's turnover and profit, so there are taxes

Registrar: the registrar likely gets paid by a client to do the tasting, or does the tasting himself to get "the best" names, which will then be sold at a higher price (i.e. with a larger margin_

33 11 Sep 07 ...

34 10 Sep 07 can hold names hostage or sell to others

35 10 Sep 07 Registrants and their representatives benefit from domain tasting because they essentially get to try something for free. In fact they essentially can obtain a domain name for free by cycling through domain names so that they are continually dropped and re-registered.

Registrars benefit from domain tasting because they also can test the value of a domain name without having to pay for it, and if the value is significant enough they can register the domain name themselves.

Registries benefit because the sheer volume of domains that are tasted generate additional fees for those domains that are retained.

36 10 Sep 07 There is no or extremely limited benefit.

37 10 Sep 07 Tasting is most useful to those who try to drive traffic to a site using a name similar to a trademark or famous name of another.

38 10 Sep 07 Depending on the business an IP owner or registrant may want to determine whether or not a domain would be profitable before racking up the domains that are not used and wasting the money on them.

39 10 Sep 07 Both can test domains for SEO / traffic benefits wven if they are related to somebody elses' TM/IP. Passing off / trading off that brands investment in their marketing.

40 09 Sep 07 I don't think any legitimate business benefits by domain tasting.

41 07 Sep 07 fees are generated by each registration

42 07 Sep 07 I can see how some legitimate registrants could use domain name tasting to their advantage, by kind of "test driving" a given name. And I can see how a given registry could profit by tasting, by allowing them to use the process to valuate given names. But I honestly cannot see how domain name tasting could benefit legitimate IPR owners or an average individual internet user.

43 07 Sep 07 Free "tasting" period allows registrant to see how popular a URL is without committing to registering it, and allows registrant to prevent it from being registered by others for more legitimate purposes.

44 07 Sep 07 Determining the success of a campaign is very important. Having additional metrics and, as a result, more options would be very beneficial.

45 07 Sep 07 There is no domain tasting in Uruguay

46 07 Sep 07 Domain tasting is often beneficial to those who misuse other parties' domain names and are seeking domain names that will mislead and misdirect users.

47 07 Sep 07 Registrants benefit by maximizing the value of domains they acquire. Registrars benefit from increased registration activity driven by value-seeking registrants.

48 07 Sep 07 A. Testing traffic flow from backlinks at no cost.

F. Registrant receives profit from existing backlinks and/or IPR owner trademark recognition.

H. Registrant Rep. gets paid for services by Registrant.

- 49 07 Sep 07 increased fees
- 50 07 Sep 07 In order to reserve/keep a domain while an internal decision is taken.
- 51 07 Sep 07 The registrant has the opportunity to use the domain name for a grace period of 5 days and could earn income from infringing an Intellectual Property Rights Owner's marks.
- 52 07 Sep 07 Tasting allows registrant/non-commercial internet user and individual internet user to test domain names which may contain trade marks of IP owner, and so allows infringement on a short term basis, which will be extremely difficult for the IP rights owner to monitor or take action to prevent.
- 53 07 Sep 07 Some registrants may benefit from exploiting a loophole in system. There may be a marginal benefit to legitimate registrants as it enables corrections to errors (eg typos) but I would have thought that most legitimate registrants would take care to get details correct upfront.
- 54 07 Sep 07 So-called domainers for testing domains for parasitic exploitation
- 55 07 Sep 07 As soon as a domain name becomes available due to a failure to renew it, several companies try to see if there is still traffic during 4-5 days. In the affirmative, they keep the domain name and may sometime contact the previous owner to sell it back to him. This is therefore good for Registrar and Registry as they get more money (without the Tasting, people will not try to register the domain for a year).
- 56 07 Sep 07 Increasing the number of registrations
- 57 07 Sep 07 Because it allows them to sample which domain names will make them money without having to pay for them first - this will only increase the cybersquatting problem
- 58 07 Sep 07 I've made registration mistakes and eat them. If you make a mistake you should live with it. This was crazy from inception.
- 59 06 Sep 07 The entire idea of domain tasting is a bad idea and allows misuse of the system.
- 60 06 Sep 07 Reports are that the 5-day Add period permits significant income to be made by some taste and refund registrants.
- 61 06 Sep 07 We do not see a legitimate benefit to any category from domain tasting.
- 62 06 Sep 07 Registrant can, free of transaction charge, determine which domain names are profitable.
- 63 06 Sep 07 I believe that tasting alone can impinge on IP rights of third parties and further enables illegal and/or bad activities with respect to domain names
- 64 06 Sep 07 Benefits Click Thru Advertising Sales; Harms Everyone Else
- 65 06 Sep 07 Commercial benefit to the confusion of consumers and expense of owners
- 66 06 Sep 07 the benefit is to cheats.
- 67 06 Sep 07 generates revenue with click through ads
- 68 06 Sep 07 As a registrant - With the ability of domain tasting, I can register many different domains the second I think of them and then discuss my selections with members of my team and then return ones that the team does not agree on. This try before you buy scenario reduces buyers remorse and make the entire process enjoyable.

As an Individual Internet User - Domain tasting benefits me by providing me with seamless navigation to sites I am looking for without the time consuming process of meeting a 404 and then having to try typing the domain name in again.

- 69 06 Sep 07 Some legitimate uses by owners of trademarks to see what traffic a domain would hold; illegitimate use by third parties to divert traffic or to profit from others IP.
- 70 06 Sep 07 A Registrant gains the benefit of a Domain Name for 5 days without having to pay for it, enabling cybersquatting and typosquatting with virtually no come-back. Repeated domain tasting of the same domain name (which can be computerised) allows a Registrant long term use of a domain name without having ever to pay for it.
- 71 06 Sep 07 Domain Name registrant benefits by testing the domain name for profitability prior to payment
- 72 06 Sep 07 When registering for a domain name, the registrant or its representative can cancel the registration within a set period of time if the registration contains errors or if it does not prove to be profitable or of use.
- 73 06 Sep 07 In my experience domain tasting mainly benefits those seeking to illegally capitalize on the brand rights of others. There is little need to taste domain which do not incorporate branded text strings.
- 74 06 Sep 07 domaina are commercial property and should be treated in the same manner. No where in the property world can you "taste" and return without actually buying.

75 06 Sep 07 Certain registrars appear to be engaging in domain tasting and registration for use on PPC sites. Domainers (who are registrants) may benefit from tasting in that it allows them to optimize the monetization of domains.

76 06 Sep 07 Only cyber-squatters may potentially benefit

77 05 Sep 07 The domain name taster benefits from being able to determine the value of a domain name (often a variation of a third party trademark) "risk-free." The registrar, and registry, benefit financially (even though they ultimately must return the registration fee, they do collect interest during the "trial period").

78 31 Aug 07 Domain tasting also supplies names that are sold to the general public they would not have much chance to get otherwise and provide a way for intellectual property rights owners to recover names through such services and for names kept make more money for registrars and the Registry. The only bad practice is continually moving names to avoid paying for them. Tasting is not a problem.

79 27 Aug 07 There might be benefits but I do not have an opinion on them.

80 27 Aug 07 no opinion

81 26 Aug 07 Registrar benefits from additional business. Domain Name tasting (Still) keeps many registrars in business.

The Registry benefits by getting an automated appraisal of their long tail of unused names. It's probably a transitory benefit, as the TLD grows (if domain tasting would happen on a non.com TLD) the benefit erodes as the tasters sit on then-valuable names and erode the purpose of the TLD. In the long run, therefore, the value to Registry erodes and becomes negative.

82 23 Aug 07 Domain testing really does not benefit individuals

83 23 Aug 07 Some registrars are doing tasting themselves. Others are providing a service to their customers. Registries make more money because more domains are registered.

84 22 Aug 07 Registrants don't have the same information about queries executed against the DNS servers maintained by registries. Domain tasting brings some of this advantage to registrants. Registrars and Registries benefit because at the end, this practice increases sells.

85 22 Aug 07 Market conditions are such that individual registrants may profit off of domain tasting. These profits are shared by the registrars and registries.

86 22 Aug 07 Registrars are able to charge for tasting and increased registrations as a result of tasting.

Registries increase registrations (performing names).

Registrants that register the names obviously benefits from being able to identify names to register.

Individual Internet Users benefit from the services offered on the tasted domains (direct navigation etc).

87 22 Aug 07 I run the first ICANN Accredited Registrar in Latin America, Nomer.com, we are based in São Paulo, Brazil. We dont support domain tasting, as a matter of fact, some of our registrants have problems because of the domain tasting.

88 22 Aug 07 It facilitates to test the profitability of the respective domain for the IP Rights Owner.

89 22 Aug 07 commercial users , resellers

90 21 Aug 07 They are each getting increased revenue and likely profits as a result of current tasting activity.

91 20 Aug 07 You don't have a category for "commercial internet user" or "annoying parasite", so I guess "Individual Internet User" is the closest. While domain tasting is bad for most of those groups, and relatively unnecessary for intellectual property rights owners who can afford \$6/year/name to discourage typosquatters, there are two groups of people who can benefit. Individual users who register a name by mistake (e.g. haven't done an adequate trademark search and find they're infringing on someone else's name in some jurisdiction) can get their money back - though if they're a business the primary costs are the administrative time, not the \$6, and the \$6 is really only an issue in the third world where people may be frequently using country-code domains that have their own policies. And "annoying parasites" can apparently make money by domain tasting, either by littering the domain name space with names they hope will generate ad revenue, or by infringing on trademarks, phishing, or doing fast-flux tricks to hide other malicious activity.

92 20 Aug 07 AdSense income, domain name warehousing at registrar, checking name quality before acquiring them for further auctioning.

93 19 Aug 07 Registrars can make money by advertising fees on millions of parked domains they have obtained for free from ICANN

Spammers can register millions of domains for temporary criminal use for free. For many purposes they just need temporary throw away domains eg. just for a few days while victims read spam emails. Spammers may greatly benefit from any power tools registrars enable to obtain these millions of free temporary domain names, to automated their generation of spam domains.

- 94 17 Aug 07 I voted as an individual internet user. I do not understand the reason for the voting & how I would benefit.
- 95 17 Aug 07 I voted as an individual.
- 96 17 Aug 07 The internet user which is trying to explorer an idea for a product is heavily damaged by this domain stealing. The registrar looses its credibility for safe domain research. Regardless of whether the action was caused by them or a third party spyware.
- 97 16 Aug 07 I just put C and D but as Individual Internet User, since speculating is typically human, I may switch to others categories like C and D categories or something like. The frontiers are not sharp as we would like.
- 98 16 Aug 07 The only significant beneficiaries are domain speculators. I suppose they're registrants, but they're a rather unusual subspecies.
- 99 16 Aug 07 the cost is so little for a domain now, and honestly, if there's a revoke process in case of serious error, like stores' return policy, then there's no need for an automatic "change mind" policy. Most registrants aren't aware of it anyway.
- 100 15 Aug 07 The cost involved outweighs all benefits.
- 101 15 Aug 07 Registrars seem to be the only party *on your list* which benefit from domain tasting. Spammers, hucksters, and click-ad shysters aren't on your list!
- Email 16 Sep 07 Registrant – ability to try before you buy. You can test the success of a potential website to ensure you select the “best” domain name or a domain name that will greatest the most traffic. This can all be done at minimal cost. The selection of defensive domain name registrations is also easier in that the most commonly misspelt versions of the intended domain name can be captured. We also note from the GSNO Issues Report on Domain tasting that a large number of registrations are deleted within the 5 day period. There are obvious advantages to registrants whereby domains are not maintained for a long period and therefore re-enter the pool of available names.
- Email 14 Sep 07 All of the above since Domain Tasting could be a tool that could reduce costs if someone determines that a domain registration will not be profitable.
- Email 14 Sep 07 d) Registrar – it realizes income from the registration of domain names by registrants
e) Registry – by means of realizing a considerable income from registration fees
f) Registrant – it realizes income from the advertisements displayed under its domain names
- Email 13 Sep 07 We believe some tasting is done by registrars for themselves as well as for clients or customers, so primarily categories d), f), and i). The benefit is well described in the definition of Domain Tasting included in the RFI.
- Email 27 Aug 07 The issue is not domain tasting per se, rather the AGP.
- Email 23 Aug 07 The only party benefiting from domain tasting are commercial institutions that abuse the 5-day-add-grace period to register names for free and evaluate their potential for free. It may be registrars (d), though some of the players are "only" regular internet companies that are not in your list of categories
- Email 14 Aug 07 I do not believe any legitimate organization benefits from domain tasting.

3. Which of the above categories (A-I) may be disadvantaged by domain tasting - and in what way?

- | | Date | Comment |
|---|-----------|--|
| 1 | 15 Sep 07 | Intellectual property owners may be harmed by registration of trade marks or misspelled trade marks as domain names for different reasons, e.g., selling of counterfeit products. |
| 2 | 15 Sep 07 | By making use of their names, brands and trademarks |
| 3 | 14 Sep 07 | C. because unwary internet users may consider that the misspelled site is, or could be related, to the one they were really looking for.
G. Because they may be requested to take action against the misspelled internet domain names, and the costs involved every time action is required may erode the client-attorney relationship.
I. Because they are forwarded to sites they were not looking for. |
| 4 | 14 Sep 07 | Because tasted names divert advertising revenues, brand owners see the value of their trademarks diminished. The tasting of brands not only causes a diminution in advertising revenues, but also creates a great deal of "white noise" which diverts traffic and thereby confuses consumers. |
| 5 | 14 Sep 07 | A. and I.: disadvantaged by trying to reach a legitimate web site and, by mis-typing the domain name, reaching an illegitimate web site;
C. is disadvantaged by having its trademark rights abused by cybersquatters for a short period of time;
D. is disadvantaged by providing a service that is never paid for;
G. is disadvantaged by spending time on reviewing web sites and drafting cease and desist letters which may not be necessary if the infringing domain name is never registered. |

6 14 Sep 07 Non Commercial and Individual Internet users lose out because most of these targeted search sites divert them from where they are seeking to go. In my experience most links on such pages do not go to where you want to. IP owners lose out because their marks are being used to divert internet users looking for them to other places.

7 14 Sep 07 Domain tasting allows users to unfairly exploit a system loophole whereby they are able to test the value of domain names (based upon the traffic they generate) on a massive scale and operate virtually risk free. This practice was not the intended use of the AGP and is not in the spirit of the inherent interests of the Internet. This abuse of the AGP and the subsequent domain registrations and kiting that occur as a result of it make it much more difficult for businesses to protect themselves and their customers against online harms and frauds, thus expanding the list of harmed and disadvantaged parties.

Nearly all of the categories referenced are disadvantaged and additionally harmed, by domain tasting. From the impact on consumer choice, to unfair business practices, to the resulting harms from names identified in tasting, there are no winners in domain tasting besides the select few registrars who have skirted the line of entrepreneurship and fraud, the registries that enable tasting, and ICANN.

The names that are registered are names that have been proven to receive direct navigation traffic. While many names that are tasted are of a generic nature, a similarly large number of names are based upon trademarks and famous brands. Consumer behavior demonstrates that individuals identify with brands and often conceptualize products and services in concert with brand names. Consumers directly navigate by typing in branded names for that same reason.

Data on this practice can be seen by examining the registration of any branded name. This is particularly true after a new launch. For example, Apple announced their "new" iPod with a touch screen on 9/6/07. By 9/7/07 there were hundreds of domain names in play – none of which Apple owned (e.g., ipodtouchtv.com, ipodtouchstore.com, ipodtouchnano.com, etc.). These names were registered in the hope that consumers looking for information from Apple on the new iPod would directly navigate to these sites.

Instead of ending up on the brand owner's site, unsuspecting consumers could be routed to sites that expose them to spyware, promote the sale of what turns out to be counterfeit goods, expose their personal information for further exploitation, or display a pay-per-click site, none of which was the consumer's want or expectation.

Who is harmed and how?

a. Individual Internet Users (The general public)

Domain tasting has contributed to a dramatic increase in domain registrations, and some of the registrants of those names are cybersquatting on well-known brands. In those situations, the registrant is able to harm consumers (through spam, spyware and other crimewares, phishing, and the sale of unwanted counterfeit goods) by using the brands to bridge the trust gap.

b. Non Commercial Internet User (Would-be Registrants)

Domain tasting has contributed to a dramatic increase in domain registrations, as is evident from ICANN's Monthly Registry Reports, and has resulted in a significant rise in the number of total new registrations - the top 10 tasting registrars accounted for nearly 10% of all domain growth over the past 2 years. The number of available .COM domain names is dwindling and consumers are left with fewer choices and fewer opportunities. Consumers with legitimate interests in registering domains are left with less desirable and less relevant choices. Furthermore, high-volume tasters have a distinct advantage over other consumers in this competition for desirable domains because they are able to identify names that they want through automated means and direct connections to the registry.

c. Government

The AGP, domain tasting, and subsequent domain registrations are catalysts for government involvement. In cases where domain names that contain others' trademarks are identified to have value during the AGP and end up being used in cyber-crime, governmental organizations become involved. The volume of domain names that are in the AGP at any given time allow parties to operate in virtual hiding for the 5 day window- it is nearly impossible for enforcement to cut through so many millions of names. In addition, with criminals registering and using domain names of government bodies and personnel, the government falls victim to cybersquatting practices as well. ICANN has a connection with the US Commerce Department, so if problems persist, the US government will unavoidably become more directly involved in policing Internet fraud.

d. IP Owners

Because branded and trademarked names inherently garner large volumes of traffic, cybersquatters often register domains that contain these names, either in their original form or with common spelling errors or typos in order to redirect visitors and consumers onto fake websites.

As noted previously, it is important to talk about domain registrations when discussing domain tasting. Tasting enables the identification of domain name registrations. Names that are identified as having value are often cybersquatted names.

Cybersquatting is costing brand owners worldwide well over \$1 billion U.S. dollars every year as a result of diverted sales, the loss of hard-earned trust and goodwill, and the increasing enforcement expense of protecting consumers from Internet-based fraud. Depending on the brand owner's industry, the total impact of cybersquatting on a single brand could be in the tens of millions of U.S. dollars when taking into consideration the value of lost leads and sales, costs of dilution, confusion, poor customer experiences and millions of lost unique Web site visitor impressions every week.

e. IP Rights representative

CADNA, as an IP Rights Representative, is a coalition of brand owners that is working to make the Internet a less confusing and safer place for consumers and businesses alike. The coalition is taking action to end the practices of domain name tasting and kiting and to reduce instances of cybersquatting. Our membership is concerned about the impact of these practices on their business, on their IP rights, and on their consumers.

8 14 Sep 07 For intellectual property rights owners, it creates another channel of mis-use that needs to be monitored and enforced. The difficulty in enforcing rights is complicated by the fact that the owner of a domain that is being tasted is much more difficult to identify than an owner of a domain registered for a longer period of time. Since the add grace period is only five days, it creates an environment that forces the IP rights owner to have rapid notification of abuse and the necessity to take swift action since the domain can be deleted within 5 days.

Registrars whose clients do not engage in domain tasting are disadvantaged by the fact there is an artificially large pool of taken domain names that are not available for registration by their clients. Domain tasting also allows for registry operators to increase prices due to additional systems required to support the load domain tasting places on existing systems.

Registrants are disadvantaged because names are being tied up by parties that have no intent to keep the domain registered for any meaningful amount of time.

Individual internet users are affected since domain tasting enables deceptive online behaviors (such as phishing and malware attacks) to be conducted in a manner which creates very little tracking and history from a deleted domain.

9 14 Sep 07 Intellectual Property Rights Owners would be damaged by domain tasting since it would be much more difficult to pursue abuses of their rights.

Individuals may be disoriented in their searches.

10 14 Sep 07 It precludes legitimate potential registrants who have a bonafide desire to register the domain name from doing so and it permits cheating by others at the expense of such legitimate potential registrants.

11 14 Sep 07 Individuals, business, government all suffer as there are far fewer available, worthwhile domain names as the tasters have snapped up huge numbers of registrations. Also, most of the tasters have no regard for whether they are registering domains that correspond to well known brands, and thus illegally profit from cybersquatting on those brands. This costs businesses a lot of time and money to police their brands, and from increased registration fees once domains are recovered from squatters.

12 14 Sep 07 Since domain tasting ties up domains that may be desired by others (and such domains frequently infringe trademarks) almost every constituency other than the domainer community is disadvantaged by the current system.

13 14 Sep 07 since tasting is done with names already given up by a registrant or with names already available to the market and those interested can also taste or register any of the domains available when they are available or when they become available again, we see no disadvantage to the tasting process

14 14 Sep 07 People are signing up for domain tasting of typographical errors in trademarks to see if get enough hit sto make the domain worthwhile to buy...ties up the domain.

15 14 Sep 07 Tasting harms IP rights owners by diluting the value of brands that frequently are the subject of tasting activity. In addition, IP rights owners who wish to enforce their rights now have the added frustration of not being able to identify and stop a registrant who is constantly re-registering the same domain every 5 days through various alternate entities and subsidiaries. Tasting likely also creates consumer confusion and decreases the consumer's ability to quickly locate the true source of goods and services on the web. The

constant registration and withdrawal and then re-registration also harms the stability of the DNS system, as links and domains come and go, consumers, and internet users of all sorts (commercial, non-commercial and governmental) become frustrated at the difficulties in web navigation that occur because of tasting.

16 14 Sep 07 This practice ties-up domain names that should be available to legitimate registrants and leads to aiding spammers.

17 14 Sep 07 Internet-users are disadvantaged by being misled. Usually they seek a certain website when keying in a domain name. A domain name used for domain tasting will not lead them to the intended website. Rather they have to take time to scrutinize the information (usually an automatically generated parking site) given on the website, which will in most cases not be helpful for them.

IP rights owners very often are disadvantaged, because domain tasting is used to find out "valuable" domain names, which shall be further used to generate hits by a registrant, who "has nothing to do" with the "value" of a domain name. Very often the "value" of a domain name comes from its similarity with a (famous) trade mark and is to the detriment of the trademark owner.

Registries are obviously disadvantaged because assumingly registration/deletion/re-registration will cause their systems to be busy for no revenue.

18 13 Sep 07 Domain testing can result in the infringement of registered trademarks and makes it very difficult to take necessary action.

19 13 Sep 07 Individual Internet User - interferes with ability to identify and register available domain names; harms consumers who end up at typosquatted tasted domain names and cannot locate the goods or services they are seeking. Noncommercial Internet User - same reasons as for individuals, esp. if tasted domain name is used for fraudulent site seeking donations.

Government - use of tasted domains in connection with unlawful activity makes identifying and taking enforcement action against the registrants more difficult because of the very short time period within which action can be taken.

IP Rights Owner - Many tasted domain names violate trademark rights. Such infringements damage the goodwill associated with the mark, especially because it is virtually impossible to - within the 5-day period - identify the infringing domain name and initiate enforcement action. Tasted domains that infringe and that are parked at monetization pages (which is the whole point, isn't it?) often contain links that will - eventually - lead to the trademark owner's site. If the trademark owner participates in a PPC program, it will be forced to "pay" twice.

IP Rights Owner Representative - significant increase in client frustration with inability to take effective action; diversion of client resources to "whack a mole"-like efforts to identify and take enforcement action regarding those domain names that violate trademark rights.

20 13 Sep 07 Because it allows potential infringers to select only those variations of a legitimate name that are profitable.

21 13 Sep 07 Intellectual Property Rights Owners and representatives are unable to defend their IP since whois information changes too fast and is difficult to track accurately. Generic Registrants are damaged by the confusion generated by a large number of domains being continuously switched between available/unavailable.

22 13 Sep 07 The AGP is a factor of instability in the domain name system. It confuses consumers as web sites tend to appear and disappear. It makes difficult for IP rights owners and their representatives to defend their rights. The task of governments in prosecuting criminal activities is made much more difficult. It imposes more transaction costs on registrars and registries.

23 13 Sep 07 C: may be blocked to register a domain corresponding with his IPR + domain taster can misuse domain for violating IPRs (misleading potential customers without any possibility for the right holder to take legal action against the domain taster, as the domain does only exist some days)

E: is losing registration fees although the Registry has technical/financial effort for activating the domain
I: danger to get misled (e.g. when looking for a certain product marketed under a special trademark and hoping to find it under a certain domain, which is however registered by a domain taster in bad faith)

24 12 Sep 07 Increased cost. Time delays in getting addresses.

25 12 Sep 07 C. confusion amongst users if similar names are tasted

F. confusion amongst users if similar names are tasted

26 11 Sep 07 Domain name tasting facilitates cybersquatting, typosquatting, and confusion of internet users. It wastes resources of registrars and registries, limits the ability of registrants to obtain preferential domain names, and causes IPR owners and their representatives to engage in wasteful and time consuming investigations and legal proceedings to try to recapture domain names that violate their trademarks.

27 11 Sep 07 Traffic is misdirected to domain testers without cost to them to test the use of an infringing name. This increases the domain name trafficking by infringers.

- 28 11 Sep 07 IP owners may be disadvantaged by registrants obtaining a benefit from the IP owners IP. However, where the domain name tasted is abandoned after the 5 days, it is because the domain name did not attract sufficient traffic to justify registering it, so the damage to the IP owner should be minimal. If the domain name is registered following the tasting, the IP owner will be able to use the UDRP or court proceedings to take action if its rights are being infringed.
- 29 11 Sep 07 Both will have to litigate in order to get ownership of a trademark converted into a domain name and this will cause strong costs.
On the other hand it will cause confusion on consumers.
- 30 11 Sep 07 Domains that come and go confuse all Internet users. To the extent that tasting is used to kite infringing or other inappropriate domains, the practice is misleading and sometimes, unlawful. The domains do not exist long enough to make chasing the owner worthwhile, so those who are abusing the system continue to do so.
- 31 11 Sep 07 The IP rights owner loses because its mark may be included in a domain name without authorization by a registrar who wants to peddle it. If the dn is registered by an unauthorized party, then the IP rights owner has to take action to recover the dn registration which abuses the IP rights owner's trademark rights.
- 32 11 Sep 07 See previous answer
- 33 11 Sep 07 Registry: a lot of transactions without payment
Registrant: tasting can lead to strong increases in the prices of popular domainnames
- 34 10 Sep 07 Constant registratio and deregistration of domain names makes it difficult to know when names are truly available for registration
- 35 10 Sep 07 Individual internet users are greatly disadvantaged because the domain tasters monetize their Web sites by pointing the domain names to pay per click Web sites that create no value for the typical individual. The links on these sites typically masquerade as meaningful information related to the domain name, but end up pointing to affiliate advertising sites.
Intellectual property owners are very frequently the target of domain taster. Variations on their trademarks are registered by the domain taster who then is able to siphon off traffic from the trademark owners site through search engine gaming. The nature of the register/drop/re-register cycle does not allow a trademark owner to pursue a UDRP and the additional volume of domains that are generated by the activity that infringe on the intellectual property owner's rights greatly increases the expense to pursue the infringer.
- 36 10 Sep 07 They both may be disadvantaged by those who register domain names including others trademarks or similar to others' trademarks.
- 37 10 Sep 07 Uses trademarks and typo-cybersquatting to provide financial gain to third parties unrelated to the trademark owner. Added administrative burden on registrar. Removes, at least temporarily, domain names from the open market.
- 38 10 Sep 07 Added time and cost to enforce rights against infringers; restricts available names from valid users with legitimate interests
- 39 10 Sep 07 Infringement for owners and their representatives. Registrars/registry incur higher admin workload and costs for refunds. Individual users can be misled.
- 40 07 Sep 07 confusion to the internet user
- 41 07 Sep 07 I think a lot of entities are disadvantaged by domain name tasting, most particularly the individual internet user. After all, it is the individual user who visits a site that is being tasted, thinking that he will find X when in fact he finds Y. Plus, all the tasting blocks/delays registration of names by legitimate applicants/registrants.
- 42 07 Sep 07 A. and I.'s searches for information on the Internet are hindered or mis-directed. C.'s trademarks are exploited and/or C. cannot register domains that contain its trademarks because the tasters keep re-registering them. D. is prevented from generating revenue from legitimate registrants, and has admin. headache of trying to keep accurate records of constantly changing registry information. E. is an admin. mess for the same reason. G. has to work harder than ever to help protect client's rights (and client has to pay more).
- 43 07 Sep 07 Who's paying for the cost to analyze/correct this situation?
- 44 07 Sep 07 There is no domain tasting in our country.
- 45 07 Sep 07 There is no domain tasting in our country.
- 46 07 Sep 07 Rights owners are disadvantaged by the misuse of their trademarks in the tasted domain names and users are disadvantaged because they are misled and misdirected from the legitimate sites they are seeking.
- 47 07 Sep 07 All these groups are disadvantaged by the churning of domain names and the increased likelihood that brand rights will be infringed upon by squatters extorting money from brand owners.

- 48 07 Sep 07 C. IRP Owners suffer from trademark dilution/genericide and traffic diversion. resources are wasted pursuing domain name tasters and kitters.
I. IIU is mislead as to the source of the goods or services.
- 49 07 Sep 07 It's a help for infringers: how many look up in this domain? Is it useful? Should I use it for advertising? Pay per click? Are the owner active?
- 50 07 Sep 07 Rights of the owner could be infringed by numerous registrants over the grace period. As the grace period is a small period of time it makes any action to prevent such infringement very difficult.
- 51 07 Sep 07 IP rights holders and representatives will find it difficult to monitor infringement of registered trade marks through unauthorised use and registration of domain names in short term tasting scenario
- 52 07 Sep 07 IP rights holders and their representatives will find it very difficult to monitor infringing use of registered trade marks in short term use through tasting.
- 53 07 Sep 07 Rights owners potentially disadvantaged if others are purchasing domains which are intended to trade off the goodwill in their brand.
- 54 07 Sep 07 IP owners find their rights parasitically exploited (e.g. typosquats), registries and registrars lose income, individual users are misled
- 55 07 Sep 07 The ad farming sites created by tasting are contributing to valueless noise that makes access to wanted information more difficult to find
- 56 07 Sep 07 If you are watching your marks on the Internet, you get a lot of watching report with domain tasting. If you connect to see who is behind it and what is on the Website, the Taster will see that there is some traffic and keep the domain name ! It therefore gives more work to IPR owners and representatives
- 57 07 Sep 07 Effort in identifying owner, who may create some confusion. Also effort if domains are monitored, for which actions may be triggered.
- 58 07 Sep 07 Creating a higher level of uncertainty for Rights Owners and their representatives concerning the availability of domain names; long dispute etc. procedures needed to claim own rights in a domain
- 59 07 Sep 07 This will increase cybersquatting, causing fewer domains to be available for non-commercial users and creating additional problems for rights owners
- 60 07 Sep 07 We received hundreds of watches weekly with tasted domains which costs our clients a fair amount of wasted money needed for us to check into the potential infringements.
- 61 06 Sep 07 Facilitates trademark-improper use of Internet, increases cost for all due to overhead costs of tasted-refunded domains.
- 62 06 Sep 07 IP rights owners may be disadvantaged by domain tasting by not being able to track unlawful users of identical or confusingly similar marks
- 63 06 Sep 07 Each of the categories identified above is disadvantaged because of the needless multiplication of registrations, complexity, and resulting work associated with the ability to "taste" domain names. In particular, IP owners have to deal with false alarms (on names that are dropped) and with infringers who have no financial disincentive to experiment with domain names to maximize their gain associated with leveraging confusion with the IP owner's marks and names. Non-commercial and individual internet users are disadvantaged by any system that makes it more likely someone will be confused by domain names that suggest a false association with a established IP rights owner.
- 64 06 Sep 07 Others use and misuse trademarks of others (free typosquatting, etc.)
- 65 06 Sep 07 Cost of transaction (registration) is avoided. Since this process has such a low transaction cost, more domain names that correspond to, or are similar to IP Rights Owners, are registered and then used by tasters.
- 66 06 Sep 07 Domain tasting facilitates the practices of acquiring huge portfolios of domain names to generate click thru advertising revenues. At the same time, the practice clutters the internet with useless information and impairs the ability of others to acquire domain names for legitimate business use.
- 67 06 Sep 07 Easily permit cyber-squatters and other trademark infringers to more easily test out a domain name.
- 68 06 Sep 07 It is a manner for the illegitimate grabbing of domain names at no cost to test simply for resale. this harms the owners of marks that are within those domains and the individual users who rely on those marks as a means of identifying sources
- 69 06 Sep 07 Internet users may be confused and their time wasted searching to unwanted results. Owners will need to bear costs to enforce against infringement and may pass costs onto consumers. Government and community resources (including legal system) may be used to resolve disputes, enact policies, etc.
- 70 06 Sep 07 It opens the door to cheating on registrations. It also burdens the registry

- 71 06 Sep 07 dilutes trademarks, confuses customers searching for corporate sites, can tarnish image of trademark by association with questionable links
- 72 06 Sep 07 Intellectual Property Rights Owners may be subjected to cybersquatting and typosquatting in 5 day bites, which it is impossible to counter. This is an abuse of the domain name system.
- 73 06 Sep 07 IP Rights Owner is disadvantaged if domain name uses its trademark regardless of how long of period of "tasting"; individual internet user is disadvantaged if he is confused as to the source of the site
- 74 06 Sep 07 Legitimate owners are disadvantaged by the large volume of domain tasters and the constant retasting of domains. It makes it extremely hard to protect IP rights.
- 75 06 Sep 07 If organizations that are in the business of buying up domain names that use trademarks of third parties to direct to pages for profit, the IP rights holder (and itself as a registrant) is harmed by dilution of their brand and potential confusion or initial interest confusion. In addition, internet users might be confused by these sites that use trademarks.
- 76 06 Sep 07 All categories may be disadvantaged by tasting.
Non-commercial Internet Users encounter PPC websites which are not the sites they were looking for, and which may be confusing to them, or the source of malware or phishing scams.
The Government is disadvantaged by tasting in that it makes it more difficult for law enforcement to identify phishers and other. Also, government agencies and representatives may also be the victims of cybersquatting that is magnified by tasting.
IP Rights Owners are disadvantaged by tasting in that it significantly increases the difficulty in policing brands on line, both because domains change hands frequently, and because by the time a cybersquatted domain is identified, it has changed owners.
Legitimate commercial registrars are disadvantaged in that domains that might otherwise be available for sale to paying customers are caught up in an endless game of drop-catch, for which the registrar is never paid.
The Registry is disadvantaged because the constant turnover of names creates electronic clutter and system impact.
IP Rights Owner Representatives are disadvantaged for many of the same reasons as IP rights owners.
Individuals are disadvantaged for the reasons discussed for non-commercial users, but also because domain names are less readily available for purchase and use on legitimate sites.
- 77 06 Sep 07 The uncertainty created by unpaid and unregistered "tasted" domains creates confusion and administrative uncertainty for all concerned.
- 78 06 Sep 07 When domains that include a trademark are purchased watch services will detect them, trademark owner will gear for enforcement, then the domains are let go and a lot of time and effort was wasted that could have been avoided
- 79 06 Sep 07 Much more difficult to enforce infringements on the Internet if resources have to be devoted to chasing "ghosts" that aren't there in 5 days. Also no guarantee that after one "taster" has used the name for a few days that another won't come along.
- 80 05 Sep 07 IP rights owners may be disadvantaged because domain name tasting makes the registration and use of infringing domain names financially more feasible. Registrars and registries may be disadvantaged by the administrative burden of providing refunds to domain name tasters. Registries may be disadvantaged if the practice of domain tasting interferes with the stability of the Internet.
- 81 31 Aug 07 If a registrar or tasting entity does not offer the names to the public but keeps them without that step then those who do not get a chance at the name may be disadvantaged, but that does not require tasting to have the same effect.
- 82 26 Aug 07 Registry - tasting decreases perceived value of namespace.
Others : tasting takes names that could otherwise be put to "real" use.
- 83 23 Aug 07 Domain testers cause problems who is interested in developing a real website.
- 84 22 Aug 07 The increased interest for domains makes the work of finding a good domain for a new website or service harder.
- 85 22 Aug 07 There does not seem to be any apparent disadvantages.
- 86 22 Aug 07 Given that domain name tasting is free evaluation of domain names - there would be no more disadvantages from tasting than from "domain name registrations". The tasting itself is hardly any problem.
- 87 22 Aug 07 In Brazil, people request a domain name without use a CREDCARD, they would rather pay the order in the bank.
Sometimes they request a domain name TODAY, and they pay the order on the following day, and the domain name is Taken. Of course, if the registrant decide to NOT use a CREDCARD as a method of payment, is their risk !, but with domain tasting we see sometimes that the domain is taken, after 4 days is available, them is taken

again... so we have to developed a system to keep track of this domains to try to register for our client between one cicle of AGP to another...

Even if the name is very unique, with the brand of the client that happen ! And is very difficult to explain to a registrant that the domain name is available... them taken for domain tasting... and after 4 days... available again...

- 88 22 Aug 07 If applied on too much different domains at once, the situation can get somehow confusing.
- 89 22 Aug 07 DN are blocked, tasting is just for commercial purposes
- 90 21 Aug 07 domains registered via tasting have no value for Internet users in general, and those uses that may want a tasted domain are unable to use it. Valueless domain use also clutters the webspace for all users.
- 91 20 Aug 07 Domain tasters by definition aren't offering any value; they're just finding names that look useful, and attracting traffic to their site instead of to search engines that can help the person using a browser. This means that if you're an individual browser user, domain tasters can waste your time and bandwidth whenever you make a typo.
- If a commercial or non-commercial user who's actually trying to provide useful content wants to use a name, and a domain taster's currently tasting it, it's unavailable, and there's no obvious way to tell whether the registrant is a taster who's going to dump the name, a taster who's going to keep it, or a genuine competing content provider. Also, ad-revenue parasites are less likely to find and keep names if the search process costs them more money than domain tasting, and tasters, especially those that have close relationships with registrars, are more likely to grab names that are similar to existing names.
- Intellectual property owners (and I guess their representatives) are more likely to have to waste their time tracking down domain name owners if there are ad-revenue tasters near their namespace, and more seriously they're susceptible to attack by phishers, especially if they're in the financial industry.
- Then there are spammers, who are currently using fast-flux registration as a way of covering their tracks during a spam run. This is especially a problem with phishers, who register names like Example-Bank-Credit-Card.com to rip off customers of Example-Bank.com. Of course, if you block this spammer tool's usefulness, they'll find another tool, or at least you'll get \$6 of registry money when they use it.
- 92 20 Aug 07 The disadvantage is the instability it creates in the domain name system.
- 93 20 Aug 07 The practice leads to domain name 'drought', domain unavailability to those willing to properly register, trademark infringement, registrars' privilege to acquire valuable names in non-competitive way for free and pay for only those proven to be profitable (AdSense or auctions).
- 94 19 Aug 07 Legitimate users are temporarily deprived from access to domain names. Legitimate Registrars that are not corruptly involved in domain tasting themselves and are not earning parking fees from domain times, have their services used and abused for no fees. Legitimate Internet users, both individual and commercial, get plagued by the rampant criminal abuse of the Internet will 95% of emails as spam and many phishing sites, frauds and sales of fake products.
- 95 17 Aug 07 By far it is the internet user will have the biggest disadvantage. The romance that the web once had will become a parking lot of ads and internet con men crushing the new American dream 2.0 of individuals who are trying to start legitament business. User confidence of the web will sink to an all time low.
- 96 16 Aug 07 1
- 97 16 Aug 07 Obviously, everybody will be disavandtaged. If we just talk about C categorie, C categorie will be a parasite for itself by competing and speculating on a domain name (not to win like to remove opportunities to potentially competitor/parasite). Example : GOOGLR is owned just to avoid misspell usage.
- 98 16 Aug 07 Tasting overloads registries and registrars, and makes the DNS less stable for everyone.
- 99 16 Aug 07 Everyone is disadvantaged - tasters are making \$\$ using services for free that everyone else has to pay for. They suck up the available pool of names, making it difficult for registrants to get the names they want...
- 100 15 Aug 07 Encouraging more spam and more click-ad tar papering of the web hurts everyone but the registries and the spammers and click-ad shysters taking advantage of the system. Using a domain name should have non-zero cost, since *any* use of the domain name effects future use of that domain name. The people currently using domains for free are leaving their fingerprints all over the domains they return, usually harming future uses.
- Email 16 Sep 07 Intellectual Property Rights Owners – Difficulties can be foreseen in trying to bring an action against a party who registers and “tastes” a domain name for the add grace period, but is infringing the intellectual property of another party. Irreparable damage and harm can be caused within a very short period of

time, however, the ability to bring an action against such person/party may prove difficult were the registration to be deleted. We would expect a greater number of defensive registrations to occur. Any time a domain name was tasted that was similar to a registered trademark/business name, intellectual property owners would need to carefully consider trying to obtain the registration to prevent potential misuse. Whilst we recognize many intellectual property owners currently maintain defensive registrations, we believe the risk is greater where people can test traffic on a website before registration (i.e. register the most common typographical errors).
 Registrant – Subject to second party resellers - potential hiking of prices based on domain name tasting results. The history/previous use of the website may also be of concern for registrants (e.g. should a site have been used for phishing or other unlawful/dishonest purpose) and should be made available.
 Intellectual Property Rights Owner Representative – Please see comments regarding Intellectual property owners.

Registrant Representative – difficulties can be foreseen with regards to giving advice on whether or not domain names are available for clients. Currently, whilst there is potential for a domain name to be taken in period between the giving of advice and receipt of clients full instructions, a free of charge, 5 day grace period may have a greater impact on this.

Individual Internet User – there is a higher risk for confusion of users of the internet. Whilst we understand that any content displayed on any domain name is outside the scope of the discussion, however we believe the risks to individual users would be greater and the potential for scams is increased.

Email 14 Sep 07 None

Email 14 Sep 07 a) Non-Commercial Internet User – it cannot find free domain names under gTLDs
 c) Intellectual Property Rights (IPR) Owner – even if IPR owners secure the domain names identical with their trademarks, there are enormous number of domain names registered (by third parties) which contain trademarks or misspellings thereof (typosquatting); furthermore if IPR Owners would like to launch new services or products under new brands, the domain names containing the new trademarks are already registered by third parties.
 d) Registrar – the registrars not involved in domain tasting lose business due to the fact that potential customers cannot register the desired domain names

i) Individual Internet User – it cannot find free domain names under gTLDs; furthermore the customers can be misled by third parties' information displayed under parked domain names or they can become victims of phishing (e.g. through misspelled domain names, typosquatting).

Email 13 Sep 07 Anyone attempting to register a domain name will potentially be disadvantaged including categories a), b), c), f), g), h), and i). As a registrar we are specifically disadvantaged as follows:

- Valid users are unable to take advantage of domain names they desire
- Users will check the availability of a domain name. It is available but then sometimes before they even get through the registration process the name might be registered by a Taster. More often, they collect a list of names that are available, show them to a client, review with their employer, discuss with a family member, etc. Once they have decided to register a name or names perhaps hours a day or so later they find that they have been taken by tasters. Of course, they don't understand that the names are being tasted. This results in customer service calls where we are put in the position of trying to explain what has happened. Often the customer is convinced we are somehow in league with the tasters and taking advantage of them. In many cases we are able to monitor and later register the name when the taster deletes it, but that often just convinces the customer that they were right and we were involved all along.

- User will check the availability of a domain name and it is not available because it is being tasted. They may pick something else less desirable never knowing that their first choice later becomes available.

- We believe all this causes:

- o Customer confusion.

- o Erosion of consumer confidence in what we do as a business and in ecommerce in general.

- o Increased customer support costs for Registrars not involved in Tasting.

The number of complaints like those described has grown steadily since early 2005, from a handful of complaints a week to several per day. We believe that it impacts a far larger number, many of whom don't bother to complain or don't understand enough about what happened to know what to complain about. Please see Exhibit A for actual examples of the complaints Go Daddy receives.

Registries should certainly speak for themselves on this issue. However, we believe that a significant addition of physical resources would have to be added to any registry's infrastructure to support the levels of tasting that are evident, for example, in the .COM/.NET monthly registry reports posted on ICANN's website. The deletes activity in the March 2007 COM/NET report suggests that over 54 million COM/NET domain names were deleted during the AGP, no doubt tasting activity. VeriSign states in their June 2007 Domain Name Report that they had 7 million new registrations in the first quarter of 2007, or an average of 2.3 million new COM/NET names per month. That would indicate that over 95% of the new registration activity supported by VeriSign's infrastructure

was for domain name tasting. Yet the March 2007 registry report indicates that tasting is benefiting only around 20 of the 260 or so registrar groups, and just 9 individual registrars' account for over 98% of the activity. How much of the increase in wholesale registration prices that takes affect this October are a result of tasting activity that benefits only a handful of registrars in any significant way? But perhaps even more importantly, what is the cost in damage to the reputation of our industry?

Email 5 Sep 07 a) If a criminal tastes a domain (i.e: uses the 5 day grace period) he is still leaving a footprint on the domain (whois), whether he was to do that or register a new available domain (i.e: jzsdjffjsd.com).

b) If domain tasting did not exist, internet businesses would still register domains for ppc parking anyway(as they have done before tasting was available anyway), so you'd still suffer from typo-squatting

c) If Registrars don't offer domain tasting, they won't suffer from wastefully over-specified junk registrations. Those who do offer domain tasting are making that much money from it, is covering their infrastructure, otherwise they wouldn't offer domain tasting.

Email 27 Aug 07 As we see AGP to be the culprit, the main group that is being disadvantaged is the average registrant.

Email 23 Aug 07 Everyone who wants to register a domain name is directly affected as the namespace is narrowed down, that is category a, b, c, f, g, h, i. c and g are less affected as they can challenge the registration, but they would have to go through an otherwise unnecessary process. Registrars are affected as a densely populated space makes it harder to sell domain names. At first sight, registries are affected as the tasters tend to hammer the registries with zillions of add requests, but as they use it as an excuse to increase their pricing, and ICANN has for some reason accepted that excuse, they really benefit from tasting. This can be proven by the fact that registries are under the current agreement already in a position to impose charges for abusive behaviour. With the glorious exception of PIR nobody went down that road. As soon as tasting does not increase the number of paid domains any more, we can be sure that the registries realize they are able to charge for abusive requests, however you will hear that statement only behind closed doors.

Email 14 Aug 07 Internet users are disadvantaged by criminal or borderline-fraudulent activity related to domain tasting (especially spam & phishing that uses throwaway domains) and by junk results from search engines. IP owners suffer from typo-squatting. Registrars and registries have to implement wastefully over-specified infrastructure to cope with the volume of junk registrations and deletions.

4. Do you believe that domain tasting impacts the security and stability of the Internet?

	Date	Comment
1	15 Sep 07	Internet environment should be predictable. Domain tasting causes uncertainty and additional burden for intellectual property owners in respect to illegal activities performed by third parties, e.g., unauthorized advertising and spamming that infringes intellectual property rights.
2	14 Sep 07	Simply, because domain tasting allows for misspelling sites to distract potential clients and/or customers to other sites.
3	14 Sep 07	I think this abusive practice threatens to overload the Internet's capacity. It clear affects the security in that tasting is clearly linked to phising activities. The prevalence of phising scams on the Internet causes consumers tremendous harm and thwarts e-commerce.
4	14 Sep 07	The internet becomes unstable when domain names can essentially be registered every five days but never paid for, such that intellectual property rights owners are adversely affected by these repeated acts of infringement that require their attention. As this practice of "tasting" continues to proliferate, people may lose some degree of confidence in the legitimacy of conducting commerce on the Internet. This would have potentially catastrophic economic ramifications, on a global scale.
5	14 Sep 07	Domain tasting encourages registration of domain names that are used solely for targeted search sites. Many of these sites are also listed on SORBS as being used for spam or other fraudulent activities.
6	14 Sep 07	Domain tasting impacts the security and stability of the Internet. We look at security and stability from the user perspective and not from an infrastructure standpoint. As noted previously, tasting enables users to identify names that garner traffic and reach an intended audience. Such names can be used by criminals to steal, sell counterfeit goods, or just to confuse the public. In all examples where domain registrations ultimately are used for harm just because that garner inherent traffic, the security and stability of the Internet is threatened.
7	14 Sep 07	We do believe domain tasting impacts the security and stability of the internet because it opens up an additional channel for online abuse that otherwise would not exist. Domain tasting

expands the avenues cybersquatters and cyber-criminals have to commit online abuse. The enforcement of intellectual property rights are further complicated by the increased volume of activity domain tasting creates.

8 14 Sep 07 It would probably create high volatility in a part of the Internet.

9 14 Sep 07 Tasting leads to increased cybersquatting and a massive volume of new domain registrations, benefitting only a few conglomerates and harming everyone else. The huge volume makes it much more difficult and costly to police brands not only for cybersquatting, but also for more severe criminal and fraudulent activity such as phishing and malware distribution. Moreover, uncontrolled tasting in new or existing TLDs could lead to registry failure if registry is unable to handle enormously increased and unexpected volume, which would harm all registrants and registrars in that registry.

10 14 Sep 07 Add/drop abuse could be theoretically used in conjunction with phishing and other short term scams.

11 14 Sep 07 absolutely not. tasting has actually inspired internet growth and new business creation.

12 14 Sep 07 Tasting creates frustration for internet navigators since the proliferation of short lived registrations just creates more "noise" in search results, and more fruitless clicking to get to a desired result. This increases frustration both for users/navigators and for those doing business on the web who need consumers to find them easily and without frustration.

Tasted sites may be more attractive to those parties on the web who engage in ID theft, phishing or pharming schemes (or other forms of internet crime) because the sites are often up for short periods and difficult to track (making them potentially attractive platforms for participants who don't want to be found/identified)

13 14 Sep 07 It burdens the net with useless spam.

14 14 Sep 07 1. Generates traffic
2. Decreased confidence of internet users - because of being misled (see 3.)

15 13 Sep 07 Domain tasting could lead to fraud mechanisms which would be very difficult to monitor and act against.

16 13 Sep 07 I can't imagine how such incessant adding and deleting wouldn't impact the security and stability of the Internet. Consumer inability to rely on the DNS also undermines the security and stability of the Internet.

17 13 Sep 07 It enhances the presence of cybersquatters and greatly reduces their cost of doing business, indeed allows them to continue operating by only registering infringing or confusing names which they know will quickly generate revenue.

18 13 Sep 07 it generates lots of unnecessary transactions, thus requiring more resources from the Registries. Tasted domains are also easy instruments for scams and phishing attempts.

19 13 Sep 07 Internet becomes a speculative place. It permits mass registration of domain names and therefore their unavailability for legitimate registrants willing to use the web for non-speculative purposes. Internet is a less secure place with domain tasting as it gives incentive for activities such as phishing or pharming.

20 11 Sep 07 Tasting facilitates phishing and other unlawful and deceptive activities

21 11 Sep 07 It makes it less secure, by allowing easier access to proprietary domain names by infringers.

22 11 Sep 07 No, other than the load it places on servers, by having many domain names registered, then abandoned a few days later.

23 11 Sep 07 Because the confusion on consumers it will make. An internet customer may purchase product or service from a not legitimate business.

24 11 Sep 07 As previously mentioned, domains that are here today/gone tomorrow confuse everybody. To the extent that the practice is used to kite infringing or marginally legitimate sites, it undermines public confidence in the Internet.

25 11 Sep 07 I would say tasting affects the credibility of the internet more than the security of the net. It's not a friendly place for IP rights owners. In turn that may affect the stability of the net in the minds of many businesses and other rights owners. I feel that the web is fairly lawless when it comes to enable IP rights owners to protect their property.

26 11 Sep 07 is encouraging infringements of IP rights and fraud as after the tasting period is expiring, infringers can use a different entity and block the domain name AT NO PRICE

27 11 Sep 07 Security not really. Stability: the large number of registrations and cancellations involved in tasting might destabilize a registry's IT systems and/or its financial position

28 10 Sep 07 Users can no longer trust the authenticity of the WHOIS information before they make a purchase or visit a Web site since the domain may only be a temporary owner. The temporary nature of

domain tasting registrations makes it very difficult for law enforcement officials to investigate fraudulent Web sites that exploit the refund period in their fraud.

The Internet is also quickly becoming a virtual world of pay per click advertising that provides no value to a typical internet user.

- 29 10 Sep 07 It encourages domainers who thrive on using others' intellectual property or domain names similar to others' intellectual property for click through or other unethical websites.
- 30 10 Sep 07 So many tasting registrations take the focus of the registrar away from other tasks. The volume of these tastings may affect the stability of the internet.
- 31 10 Sep 07 Allows squatters to pass themselves off as someone else.
- 32 10 Sep 07 Allows squatters to pass themselves off as someone else.
- 33 10 Sep 07 Added time and cost to enforce rights in marks; restricts available names from legitimate users; lessens confidence in system
- 34 10 Sep 07 It reduces the number of viable names that can be used; reduces legitimate business
- 35 10 Sep 07 Misleading users.
- 36 07 Sep 07 Slows it down, increases confusion, sets too many traps for unwary users, to divert their attention from what they are really trying to accomplish.
- 37 07 Sep 07 Allowing use of loopholes like this creates to a "wild West" atmosphere on the Internet, where accountability is a growing problem.
- 38 07 Sep 07 Temporary domain names add to confusion for users and make the Internet appear less reliable. People want to know that a web site of interest has some permanence.
- 39 07 Sep 07 It allow domain name misusers to benefit from using a misleading and confusing domain name for a short period without cost.
- 40 07 Sep 07 It allows domain name infringers to use confusing domain names for short periods without cost.
- 41 07 Sep 07 It helps dissociate domain ownership from brands and IP rights with which the public and IP owners associate them.
- 42 07 Sep 07 It negatively impacts the security and stability as it increases opportunities for spam and fraud.
- 43 07 Sep 07 Destroys consumer confidence to purchase goods and services over the internet. The trademark owner may not be the source of the goods or services causing consumer confusion. Business can be conducted during the 5 day grace period but consumer can be cheated without recourse.
- 44 07 Sep 07 Trademarked name and typo tasting goes against the long standing and established business IP law. It reflects VERY badly on the domain industry. A few large automated tasters can tie up thousands of domains dropped per day and individuals and small businesses miss out as a result.
- 45 07 Sep 07 It allows quick piracy.
- 46 07 Sep 07 It's an easy and cheap way to put information on the internet and not getting disclosed.
- 47 07 Sep 07 It allows persons or companies to exploit the intellectual property rights of others for commercial gain over a short period of time. The grace periods are short enough to allow such actions to go unnoticed or prevent any action from being taken against infringers.
- 48 07 Sep 07 creates instability and uncertainty about validity of domain name registrations, and use thereof
- 49 07 Sep 07 Facilitates and encourages misuse of IP rights
- 50 07 Sep 07 artificially increases turnover in domain name registrations purely for parasitic exploitation by domainers
- 51 07 Sep 07 It could lead to potential unauthorised exploitation of rights of an intellectual property owner
- 52 07 Sep 07 variation of domain names have for consequences an unfair profit of existing names owned by third parties
- 53 07 Sep 07 Because it gives some people the chance to see if they can make money using other people's brand !!! If they do not have the chance to Taste, they will probably not try as it would be too costly.
- 54 07 Sep 07 because of causing a likelihood of confusion (through domains which are tasted by third parties without any right to obtain the domain)
- 55 07 Sep 07 It interferes with transactions and adds confusion to the registration system. The internet needs more credibility not more balogna.
- 56 07 Sep 07 Stability seems harsh, but it is very annoying and some clients have to select other domains since the desired ones are being tasted.

- 57 06 Sep 07 for IP rights owners, by not being able to track pirates and for the consumer by being led into mistake or confusion or being deceived
- 58 06 Sep 07 Encourages and rewards illegal behavior
- 59 06 Sep 07 Cybersquatting has increased significantly, in our experience. We can't say that it's directly tied to domain tasting, but the tasters and those who derive advertising dollars from websites posted at these domains, are benefiting from the confusion.
- 60 06 Sep 07 It creates problems for intellectual property owners; it increases chances of committing fraud
- 61 06 Sep 07 Domain name tasting helps facilitate the cluttering up of the internet with useless pages designed to capture and direct internet traffic for the purpose of generating click thru advertising revenues.
- 62 06 Sep 07 Again, would allow cyber-squatters and infringers to "go wild" and test-out domain names indiscriminately.
- 63 06 Sep 07 It allows for domain name speculation and the illegitimate grabbing of domain names with others' trademarks
- 64 06 Sep 07 Domain tasting allows cheats to take advantage of mis-spellings etc, where otherwise the Internet user would be informed they had made a mistake.
- 65 06 Sep 07 The volatility as the practice grows must clearly affect stability. Security can also be compromised when a Registrant disappears from record after only 5 days.
- 66 06 Sep 07 stability and security is undermined for any of a number of reasons, including the possibility of infringement issues, the possibility of terrorist issues, the possibility of damages to IP rights and their owners, etc.
- 67 06 Sep 07 I think it is more profitable to illegitimate holders than legitimate.
- 68 06 Sep 07 It makes it very difficult to track down who is registering domain names and to find the people responsible for IP infringements or pornographic sites.
- 69 06 Sep 07 Constant turnover of names impacts stability. Tasting affords malware distributors and phishers places to hide.
- 70 06 Sep 07 Tasted domains are made artificially unavailable to those who would otherwise put them to constructive, productive and legal uses.
- 71 06 Sep 07 it creates uncertainty
- 72 06 Sep 07 Allows cyber-squatters to divert traffic from legitimate users.
- 73 06 Sep 07 Tasting, like cybersquatting and other online infringement, jeopardizes the security of use of the Internet, as it increases the chances that users are subject to fraud.
- 74 05 Sep 07 I understand that domain tasting is done on such a large scale that it may impact the security and stability of the Internet.
- 75 29 Aug 07 It encourages misuse of the domain name registration process, and also encourages phishing and other types of fraud, the distribution of viruses, etc. by enabling "tasters" to sample a domain names ability to attract traffic at essentially no cost.
- 76 23 Aug 07 Its an unstable model for proper website development.
- 77 23 Aug 07 tasting does not hurt the internet.
- 78 22 Aug 07 Domain tasting is already happening without significant impact on either security or stability of the Internet.
- 79 22 Aug 07 Because is an abuse of the AGP policy and must be forbidden.
- 80 22 Aug 07 very often, domain tasting is used by spammers: they use the domain name only to redirect on a illegal website for a couple of days or hours and then they delete the DN and begin with another, always to redirect on illegal business
- 81 20 Aug 07 Stability - the DNS servers for .com, .net, and .org get potentially millions of transactions a day that are for bogus domain tasting. Not only does this make them less stable, it makes it much harder to use alternative distribution methods for DNS information (caching at ISPs, secure multicast channels, etc.) that can provide additional stability and security for DNS.
Security - Domain tasters aren't just the ad-banner-revenue parasites; they also include a variety of phishers, fast-flux spammers, and other miscreants that are actually causing security problems. If example-bank-typo.com is just an ad-banner page offering you ads for different banks, it's merely annoying, but if it's purporting to be from the real example-bank.com and collecting customer data, or if it's distributing malware of various sorts, then it's a security problem.
- 82 20 Aug 07 Tasting is like 'try before you buy.' First, I don't think it should be referred to as 'tasting'. Secondly, it deals specifically to the Add-Grace-Period and tasting is a concept.
How it impacts the security and stability: In effect, registrars and registrants use the AGP to their advantage by:
1- registering a name

- 2- utilizing it for some purpose
- 3- deleting it so payment is refunded
- 4- re-registering the name
- 5- back to step 2

The AGP was initially intended to be able to delete a name that was typed in and registered erroneously, not to 'taste' domains.

The instability is created by the constant registering and deleting of the same names, and is also created by only a few select registrars/registrants who are manipulating the system.

83 20 Aug 07 a) in an incredible traffic performed by tasting registrars during domain name deletion in order to acquire as much domains as possible

b) the practice can turn the domain naming system into a speculative market place

84 19 Aug 07 Absolutely. It is a gross abuse of the domain name system. It makes a mockery of the whole system, that some registrars are just game playing and paying no fees for domains, they park for income or enable spammers to use in criminal enterprises on a massive scale. It appears that this activity is imposing approximately 95% of the load in registering domain names, without paying any fees towards the costs it imposes. It is a scandal.

85 17 Aug 07 As said in my previous responses. It has a high impact on security and stability. If you search forum responses to this new phenomena, many users even question the stability of the host site they are typing in. I worked for many years at a major cable ISP and spoke to tens of thousands of network users. Security was always on the top of list and only got worse in the new spyware age.

86 16 Aug 07 It is sure that a growing by million in DNS database is not what we wish everyday, even more when you know that 98 percent of this growing will disappear five days later. And may be, the same entries will be submitted again by another domain tasting entity.

Also, since I would like to own a domain name (not in very short term), I lose my time to check availability of a domain name and see it is unavailable or subject to speculating. So I try other domain name but how can I be sure that someone has not blocked my wished domain name just for 5 days. Can I tell to myself 'wait 5 days and may be it will be available...'. It does not seem to be the right way to equal accessibility to domain name (if the goal is equality for all of course)

87 16 Aug 07 Domain names don't mean the same thing from one day to the next.

88 16 Aug 07 It promotes "here today gone tomorrow" domains, it distorts the economic model

89 15 Aug 07 Due to widespread abuse, the benefits are greatly outweighed.

Email 14 Sep 07 If there is no cross reference with registered trademarks worldwide, this could be used as an illegal means to register domain names that are already well-known marks on behalf of the real owners.

Email 14 Sep 07 Yes. The aim of the Internet is that it would have to provide the users with equal chance to display information. However, owing to the fact that under gTLDs (especially under .com) the possibility to find an unregistered domain name is marginal, newcomers cannot appear under gTLDs. Furthermore it is a serious risk for IPR Owners that under 'tasted' domain names, which are confusingly similar to their trademarks, independent third parties provide the customers with misleading information (regarding their brands, products, services etc.).

Email 13 Sep 07 Yes. The affect is similar to Site Finder with which the SSAC found that although it had not caused "network-shattering effects," it did violate "well-established codes of conduct and good practice" intended to ensure security and stability. The same is true for the large volume, indiscriminate tasting of domain names that we are seeing today and the activity has been growing in volume: 1) Tasting activity has disturbed the stability of a set of existing services that had been functioning satisfactorily, namely the competitive domain name registration services developed by hundreds of ICANN Accredited Registrars and tens of thousands of their resellers. Millions of domain names are indiscriminately registered on almost a daily basis that the registrant knowingly has no intent to keep. This takes millions of viable names temporarily out of the pool of available names for potential registrants who have an interest in those names for legitimate purposes. It has created a situation where existing registration services appear to be unstable, or worse, appear to be using information collected from users for personal gain.

2) Millions of domain names flux in and out of the DNS almost daily. This creates a situation where a domain name is available then suddenly is not, and then is again a few days later. Other potential Registrants for those names become confused, accuse Registrars and others of inappropriate behavior such as spying, and lose confidence in the secure nature of online commerce and transactions. The high volume flux in the DNS has also played havoc with other parties who rely on the Zone files for various value added services, such as Intellectual Property (IP) monitoring services.

3) The activity creates additional costs that are absorbed by potential registrants, non-participating Registrars and resellers, the IP community, and others not benefiting from domain name tasting.

4) Despite the long held tenet of "First, do no harm," there was no research, testing for potential disruption of existing services, public review, or comment prior to this high volume activity abruptly occurring in the DNS.

5) The experiences of Go Daddy, as illustrated in the examples of customer complaints in Exhibit A, and other anecdotal evidence indicates that there may be an aftermarket in user domain name search information. The information is allegedly used by tasters to construct lists of possibly viable names to taste. This user information is allegedly collected from ISPs, Whois services, spyware, Browser Helper Objects, and other methods. If this is true, there should be serious concerns as to the legality, or at the least, the ethicalness of such data collection and the affect it has on perceived security of the DNS and domain name registration system.

In brief, high volume, indiscriminate tasting activity, as with Site Finder, has "undermined expectations about reliable behavior" and in so doing has "reduced trust in the security and stability of the system."

Go Daddy recommends that the activity should be immediately stopped until such time as an appropriate study can be done of the above effects and their potential threat to the stability and security of the DNS and the services at the edges that rely on the DNS. Go Daddy also recommends that any resumption of the activity (quoting advice from the SSAC regarding Site Finder) "should take place only after a substantial period of notice, comment and consensus involving both the technical community and the larger user community. This process must (i) consider issues of security and stability, (ii) afford ample time for testing and refinement and (iii) allow for adequate notice and coordination with affected and potentially affected system managers and end users."

Email 5 Sep 07 Whether a criminal or illegitimate business had to pay for a domain registration or not (grace period vs no grace period) they would still obtain a domain for illegal activity. Therefore the point of criminals using domains for illegal activities, should be the actual issue we should be focusing on instead? Statistically, criminals spam from hijacked/hacked websites & users computers anyway, rather than risk registering a domain name and leaving behind a bigger paper trail.

b) Effective competition? The only time 2 registrars would be in competition, is to register the same domain, therefore that would be for the purpose of ppc parking? which is what you appose?

Email 27 Aug 07 One of the reasons used in arguments to abolish domain tasting is the stress the associated transaction volume brings on the registry system. However, this argument is no longer compelling, as the extra capacity has been built in and is now a sunk cost. Thus, the cost of stress should not enter into the calculus of the merits of eliminating the AGP.

Email 23 Aug 07 Working registries are vital for the functionality of the internet. Domain tasting is practically a DDOS attack against the registry which they have to fight with otherwise unnecessary hardware and manpower investments.

Email 14 Aug 07 Domain tasting affects the security of the Internet indirectly by making it easier for criminals to hide behind throwaway domains. It makes effective competition between registries harder, by artificially making it harder to provide the service.

5. Have you requested the deletion of a domain name during the AGP (Add Grace Period)?

	Date	Comment
1	14 Sep 07	On rare occasions, MarkMonitor (as a registrar) is asked to delete a name a client has registered in error either by a mis-spelling or by simply requesting a name that was not needed. Additionally, MarkMonitor takes advantage of the AGP for testing purposes and deletes newly registered domains that truly are not needed. Other than these isolated situations, MarkMonitor does not delete names in mass during the AGP.
2	14 Sep 07	yes as a registrar, we offer this service to qualified customers.
3	13 Sep 07	I don't recall ever having made a typographical error when registering a domain name. Even if I did, the fees for my time to cancel the registration and request a refund far exceed the refund itself.
4	13 Sep 07	Very rare cases, normally in case we were informed of credit card frauds by our resellers.
5	12 Sep 07	Tends of Thousands of times. As a registrar for fraud, chargebacks, systems and load testing and from customer requests
6	11 Sep 07	We register domain names for our clients but have never needed to correct one. Given the low registration cost, if we made a mistake in a domain name registration, we would probably just wear the cost ourselves and register the correct domain name.
7	07 Sep 07	Not yet, but I expect to do so on behalf of an IP rights owner.
8	07 Sep 07	No because our converged registrar does not permit an AGP.

9	07 Sep 07	We let the period lapse.
10	07 Sep 07	about 10 times, all cases were in respect of confusing similar domains or typo-domains
11	07 Sep 07	Any regristration I've done incorrectly I ate it.
12	06 Sep 07	We are careful when we register a domain name for a client, not to make a typo. And if we do make a mistake, the regsitration fee is not significant that we can't just register another one.
13	06 Sep 07	Timely notification and information regarding registrant is needed.
14	06 Sep 07	Typo error, maybe 5 times in the last year.
15	31 Aug 07	3 or 4 because of typo of desired name.
16	27 Aug 07	we use this period to rectify errors
17	23 Aug 07	We tried tasting for one of our customers and determined that it wasn't something we were going to offer to anybody else. We also delete domains during the AGP because of fraud. If somebody buys 100 domains and we find out it's a stolen credit card we have 5 days to get the money back.
18	22 Aug 07	My company doesn't taste domains, but typos are a real issue. Once in a while, the registrant doesn't want to pay for a domain that has a typo.
19	22 Aug 07	Several times in day to day business
20	22 Aug 07	Always only the registrant realises that he requested the WRONG name and them we replace to the correct domain name without any cost.
21	19 Aug 07	I've never requested deletion. The cost of registering a domain name is much lower than it used to be and it is only common sense to check the spelling.
Email	14 Sep 07	No. In Costa Rica there is no such practice available at the Academia Nacional de Ciencias-entity in charge of domain management and registration in our country.
Email	14 Sep 07	No.
Email	13 Sep 07	Go Daddy uses the AGP to correct mistakes based on what we determine to be legitimate requests and to remove domains that we determine to have been registered fraudulently (using a stolen CC for example). We do not use it for testing in any significant amount. We charge a \$2.00 restocking fee for all other deletes within the AGP.
		Go Daddy's overall AGP deletes as a percentage of total new registrations average less than 1%. Over 90% of our AGP deletes are due to fraud detection.
Email	23 Aug 07	CORE has a few AGP deletions. None of the CORE members is in the business of tasting. However, we have not asked for feedback on this service, so we can only speculate that it was for the originally intended reason, correction of typographic errors.
Email	14 Aug 07	I have not deleted a domain during the AGP.

6. Have you been disadvantaged by domain tasting?

	Date	Comment
1	14 Sep 07	Not me personally, but I have heard several horror stories form large brand owners.
2	14 Sep 07	We have had "tasted" domain names that infringe our trademarks continually reported to us by a service provider who monitors the Internet on our behalf for infringing or abusive behavior. In addition to the volume of incidents reported which require review by staff, we also often draft cease and desist letters which, in the end, need not be sent because the domain name has not been paid for and becomes available for registration. This has caused us an incalculable number of hours of lost productivity and unnecessary activity.
3	14 Sep 07	We monitor our client's marks and find that about 20 percent of the time when we see a new name that it disappears five days later. This creates added expense and time. And during that period there is nothing to be done to find out who is tasting. It is like a free five day infringement period. Which can be very lucrative.
4	14 Sep 07	Client experience diverted internet traffic away from legitimate site.
5	14 Sep 07	As a coalition of brand owners that are representatives of their customers, CADNA has been disadvantaged by domain tasting. Our members encounter domain registrations that are in place because of tasting on a regular basis and as mentioned, cybersquatting on a single brand could be in the millions of U.S. dollars when taking into consideration the value of lost leads and sales, costs of dilution, confusion, poor customer experiences, litigation costs, and lost unique Web site visitor impressions every week.
6	14 Sep 07	See earlier response in regard to how a registrar and intellectual property owner are disadvantage. Additionally, as a brand protection company our clients are disadvantaged since the confusion it causes by an abusive domain being created and then disappearing days later when a company attempts to take action.

- 7 14 Sep 07 Huge increase in registration of infringing domain names, and difficulty in finding current ownership information for infringing domain names.
- 8 14 Sep 07 Unable to register a legitimate domain name.
- 9 14 Sep 07 Our domain name customers, primarily small businesses, are less able to find a decent .com domain name. We are disadvantaged from rapidly increasing costs to monitor and police our brands.
- 10 14 Sep 07 I monitor registrations of domain names including my client's trademarks and frequently see large numbers of domain names being registered and dropped that incorporate my client's trademarks.
- 11 14 Sep 07 Typographical errors of client's domains are being taken.
- 12 14 Sep 07 It prevented me from obtaining a domain name using my initials.
- 13 13 Sep 07 Necessary to make repeated efforts over several days to register domain names. Client frustration over the inability to do anything to stop tasting.
- 14 13 Sep 07 The registration by infringers of multiple misspelled infringing domains. This greatly increases the administrative cost of monitoring the registration of infringing domain names.
- 15 13 Sep 07 The fast changes in the availability of a lot of domain names are hard to understand for normal customers, who have problems registering the domains they would like to use for their legitimate interests. Also drop-catching of expiring domains connected with abuse of the AGP cause interruption of services and long downtimes for customers who fail to renew their domains in time.
- 16 11 Sep 07 We have wasted time and resources trying to recover names that have been tasted and are repeatedly transferred through tasting
- 17 11 Sep 07 Domain name testers registered infringing domain names after discovering they were cost justified. They might not have registered the names if they had a risk in registering the names.
- 18 11 Sep 07 Not yet.
- 19 11 Sep 07 Our Mark Monitor report lists many probably infringing names, that seem to have disappeared by the time we log onto them. I must assume that at least some of these ephemeral sites are kited, or tasting, sites.
- 20 11 Sep 07 I do not know.
- 21 10 Sep 07 Our company has seen a tremendous increase in the number of non-authorized uses of our trademark in domain name registrations. These registrations are typically dropped within a very short time period and before we can pursue the infringer, but subsequently re-registered by another party. The time to investigate and pursue these unauthorized uses of our trademark is a significant drain on resources.
- 22 10 Sep 07 We must police domain names and the ability of domainers to use domain tasting increases the number of domain name registrations we must review to determine if a domain name registration is still valid.
- 23 10 Sep 07 We have had sites taking advantage of some of our trademarks use tasting to test the profitability of a site.
- 24 10 Sep 07 I assume clients have been disadvantaged by the diversion of traffic
- 25 10 Sep 07 Having to spend time and clients' money tracking down tasters to see if they are infringers
- 26 10 Sep 07 I don't get redirected to the page/business that I actually want but get some illegitimate site instead
- 27 09 Sep 07 Tasting allows infringers to try various domain names without cost to determine which domain names are most profitable and refine their infringement strategies without cost.
- 28 07 Sep 07 expenses associated with monitoring and policing intellectual property rights infringed by tasters
- 29 07 Sep 07 Yes, but only because tasting has made the whole system slower and more burdened by fraud and misdirection.
- 30 07 Sep 07 My clients' customers are mis-directed.
- 31 07 Sep 07 Tasters have used misleading variations of our trademarks and domain names to drive traffic and obtain revenues without cost.
- 32 07 Sep 07 Blocked attempts to register domains useful to an upcoming product launch.
- 33 07 Sep 07 We believe there has been an increase in domain names misappropriating our trademarks.
- 34 07 Sep 07 Our trademarks have been used, abused and diluted by unauthorized individuals. Resources are expended in reviewing and monitoring reports of tasting activity. Traffic has been diverted from our legitimate websites.

- 35 07 Sep 07 I have not been able to be at a PC for some domains that I have wanted to register, only to find that a "taster" had picked them up automatically.
- 36 07 Sep 07 Various violatoin of our valuable trademark rights by the tasting of domainnames which consist of or contain our trademarks
- 37 07 Sep 07 not to our knowledge
- 38 07 Sep 07 IP owners that monitor their marks are deluged with results that have been abandoned after the add-grace period. They spend time and money (in legal fees) to review these sites and determine if they are actually infringing.
- 39 07 Sep 07 It's time consuming to review domain watch notices and follow-up within e.g. two weeks.
- 40 07 Sep 07 Third parties purchasing domains related to my organisation's brands
- 41 07 Sep 07 no cost for domainers to switch domains - difficult to pin down infringers
- 42 07 Sep 07 Third party securing domain names containing our trademarks
- 43 07 Sep 07 A couple of domain names have failed to be renewed by our subsidiaries and 3 different companies have Tasted the domain name so that it was not possible to register it back immediately or even contact the Taster as the Taster had already changed by the time we found who it was !!! At the end of the day, the third Taster kept one of them because everybody in the subsidiary tried to connect to have a look at the Website content !
- 44 07 Sep 07 but our clients
- 45 07 Sep 07 not yet
- 46 07 Sep 07 I don't think so.
- 47 07 Sep 07 For clients I have been.
- 48 07 Sep 07 Speculators registering domain names to test whether they generate advertising revenue. The domain names contain trademarks of other parties and harm authorized uses of the trademarks.
- 49 06 Sep 07 We have been disadvantaged by the time and money we have to invest into investigating and responding to domain names that ultimately were dropped. We have also been disadvantaged to the extent domain tasting makes it cheaper and easier for registrants to establish "parking" pages.
- 50 06 Sep 07 Not that I know of.
- 51 06 Sep 07 my clients have lost clients to unlawful users of their trademarks registered as domain names
- 52 06 Sep 07 Not personally
- 53 06 Sep 07 No, that I know of.
- 54 06 Sep 07 The selection of domain names for legitimate business purposes is made more difficult.
- 55 06 Sep 07 as a prominent and well-known US company, cyber-squatters and infringers have registered domain names which are confusingly similar to our marks in an effort to profit off of our company's proprietary rights, goodwill, reputation, etc.
- 56 06 Sep 07 We devote significant resources to policing trademark infringement, including large numbers of domain squatters.
- 57 06 Sep 07 You need a lesson in elementary question writing. This question SHOULD have three answers: Yes, no, don't know
Part of the problem is that I may not be able to tell.
- 58 06 Sep 07 How can I tell? That's part of the problem.
- 59 06 Sep 07 domains similar to our trademarks have contained links to inappropriate material and have lead to complaints by our customers
- 60 06 Sep 07 I dont know if I have been disavantaged or not. May not ever know if I was or was not. It is possible that I have been, but I have no knowledge or any specific instances (yet).
- 61 06 Sep 07 I am not sure if I have been disavantaged or not. It is possible that I have, but do not know of any specific instances (yet).
- 62 06 Sep 07 Adds watching costs and monitoring fees.
- 63 06 Sep 07 As an IP rights holder, we police our domain names. BEcause these can be turned on and off so quickly, it is difficult to know which sites will be up long enough to do anything about. And even if we do have the site shut down, it was still live for a certain period and we are then unable to seek out the registrant to stop them from doing the same thing in the future.
- 64 06 Sep 07 As a brand owner, we monitor numerous brands online. My weekly watch reports contain tens and sometimes hundreds of domain names incorporating our brands. In many instances, by the time we review the report, the domain has already been drop-caught several times. By the time we get a demand letter out to the current (often anonymous) registrant, the domain has already been turned over again.

- 65 06 Sep 07 I have been unable to register a needed domain while it was being repeatedly tasted ("kited") by a registrant who was using it for illegal purposes (i.e., trademark infringement).
- 66 06 Sep 07 Cybersquatters taking domains containing trademarks not owned by themselves and exploiting parked websites for the grace period
- 67 06 Sep 07 by spending time and money to investigate those who would try and register a domain name that includes our trademarks
- 68 06 Sep 07 investigating reports of registration of domain names that infringed client rights, only to have the domain name fall out of use in a few days, resulting in wasted investigation resources
- 69 06 Sep 07 Yes, certain domains are domain tasted for 5 days. Then the domain is let go, then the same domain is domain tasted for 5 more days. This continues indefinitely.
- 70 05 Sep 07 I suspect that domain name tasting has made it more financially feasible to register domain names that infringe my company's trademarks.
- 71 31 Aug 07 In fact I believe I have benefitted as I have purchased many names that were acquired by "tasters" who offered the names for sale at a good price.
- 72 23 Aug 07 Many times I've seen a domain dropping that I wanted to develop. One domain was tested six times before it became available.
- 73 22 Aug 07 Domain tasting has not disadvantaged me.
- 74 22 Aug 07 As explained before. We had to develop a system to "catch" domains requested by our clients and are under this domain tasting cycle because many orders in Brazil are processed in the next day. People in Brazil avoid use of credit card via Internet.
- 75 22 Aug 07 Misleading content browsing
- 76 22 Aug 07 domain tasting is used to temporarily redirect to websites selling counterfeit items
- 77 20 Aug 07 I was looking for medical information on Google, and got pages full of pointers to the usual bogus advertising-revenue sites or dubious pharmaceutical dealers, which made it hard to find the real information I wanted. Some of that's going to happen anyway by people willing to pay \$6/page, but many of the website domain names were obviously automatically-generated strings of keywords, which appear to be generated by the domain tasting process unless they're put together by really really bored humans. I've often tracked down spammers and found that their domain name information was registered within the past day - again, I can't tell if they're going to return it before the grace period, but it's likely that they will, and it makes them hard to track down _after_ a few days. I've occasionally wanted to register a domain name and found it occupied by yet another bogus advertising-banner page, and that may or may not have been because of domain tasting - it's hard to tell.
- 78 20 Aug 07 I have tried to register domain names that have been unavailable as they were being tasted by others. I have also had names that infringed my company's trademark tasted by others, causing a lot of wasted time, energy and cost to resolve.
- 79 20 Aug 07 True answer: unknown
Names that could have been registered in good faith are caught up in bad-faith registration (tasting). Had these names been available they could have been registered in good faith.
- 80 20 Aug 07 Currently, there is no possible to acquire any single .COM and .NET domain name after elapsing its deletion date, whatever garbage the name is. All names with the mentioned TLDs are immediately grabbed in a millisecond they are released. Many of them are released in 5, 10, 15 days later (or never depending on the name quality), but many are being retained several weeks or months (using 'jumping' re-registration after 5 days).
- 81 19 Aug 07 Domain tasting has encouraged bad behaviour by registrars and created processes for mass creation of spam domains that have abused my email and millions of other Internet users. It often seems that spammers and domain name abusers are the biggest customers of Registrars and that it takes enormous effort and persistence by multiple spam reporters to make any progress getting spam domains removed. The more I learn of the domain name system and how to report abuse, the more it seems set up for the requirements of criminals rather than legitimate users. Domain tasting/kiting is just typical of this.
- 82 17 Aug 07 I am a small business owner and work with partners developing new ways to reinvent business models. I have companies in technology and Cleaning services with several more in production. Occasionally I explore new ideas and potential domain names to match. Recently I put together an idea for a food related business and found an available domain. After discussing development 24 hrs later the domain was registered under capitol domains llc. I was suspect because several ideas such as video resume and vidpit have ended the same way in the past. I had to go back and register a similar name and backorder the original. Suddenly, on the 5th day of the grace period the domain was transferred to me and along with it the price of a backorder, but capitol domains pays nothing and got their money back. My registrar tells me they don't cache

searches and blame it on spyware. Funny how they tell me this; a guy who worked for cablevision TSG rated number one and winners of the STI award, beating out other ISP's and corporations.

83 16 Aug 07 As I told previously, I am in way of searching a domain name but many of my first ideas (domain name) were owned by a 'this domain name may be sold by the owner'.

Since I don't like this kind of acting, I prefer to choose another domain name idea because I know that every popular word as domain name will be out of interest since too commercial. If I want to find commercial site, I make a deeper search or click ads on site of interest.

84 16 Aug 07 Web browsing is less effective due to unpredictable ad-only pages that appear when one mistypes something; search engines are less useful due rapidly changing underlying domains.

85 16 Aug 07 When I did a name lookup, by the time I was ready to register the name, it was a tasting site. This happens way too often.

86 15 Aug 07 India Sweets and Spices (a registered trademark company) is not able to obtain IndiaSweetsandSpices.com for a reasonable cost, currently we are stuck using .org and .net, both technically inappropriate for a company.

87 15 Aug 07 Huge amounts of abuse generated by domains that exist for only a few days.

88 15 Aug 07 A non-trivial amount of the spam I receive is either sent from domains that are later returned, or advertise likely fraudulent businesses using those domains. Spammers are using tasted domains in their fast-flux rotations frequently.

Email 14 Sep 07 We have one Client whose main mark was registered as domain name in the form of INCAE.INFO. We have no idea if the current owner used Domain Tasting or not when it registered it.

Email 14 Sep 07 No. However, on behalf of our clients (IPR Owners), we have recovered domain names, which were confusingly similar to their trademarks and/or company names, by means of cease and desist letters and Alternative Dispute Resolution procedures. Our clients (IPR Owners) reported to us that they suffered disadvantages by 'tasted' and/or parked domain names due to the fact that they were not able to use domain names under which their customers probably have been searching for them or for their services/products.

Email 13 Sep 07 See our response to question 3 above.

Email 5 Sep 07 Same as number 4 above, most spamming is done via compromised servers and users computers.

b) "Junk results from search engines".... This is my biggest argument for registering domains that are due to be deleted, if they weren't registered, all search results from search engines would end in a page cannot be found error, since nearly all deleted domains are re-registered, all search results end in a page full of relevant links. It's then up to the user to follow a link. On another note 99% of the ppc links are to relevant legitimate websites. It is helping to knit the internet together. (i.e: A user searching for "tropical holiday", is always going to end up on a travel website, whether clicking on a ppc parked website or not), otherwise the amount of dead links would be more noticeable.

Email 23 Aug 07 Generally due to the narrowed domain space which drives away business. As CORE discourages tasting, it is likely that some organizations did not become CORE members but rather went to tasting-friendly organizations

Email 14 Aug 07 I have had problems from domain tasting in my anti-spam and anti-phish efforts - it is difficult to use domain names in blacklists because most of them are thrown away after being used - and by junk results from search engines.

7. Potential means to address the practice of domain tasting have been suggested. Do you have any other suggestions in addition to A-C below?

	Date	Comment
1	15 Sep 07	Before deletion the reason of deletion should be clear (problem in payment...)
2	14 Sep 07	If suggestion A is not enacted, the fees charged in suggestions B and C should be made much more punitive (e.g. \$100 USD for each name deleted)
3	14 Sep 07	Domains that are registered and actively resolve to content within the initial 5 day registration period should not be eligible for a return of registration fees.
4	14 Sep 07	. In addition to these recommendations, CADNA will be issuing a whitepaper examining Delete Caps, Activation After Payment and other domain tasting solutions in much greater detail.
a.		Activation After Payment (no refunds on active names) – This is a practice that is employed by a number of ccTLDs, though Activation-After-Payment should not be seen as a prevention method against domain tasting simply because other TLDs employ the practice. No TLD is like .COM in terms of traffic, customer adoption and value, and thus comparing it to other TLDs such as .ORG is often not relevant.

The spirit of the Activation-After-Payment policy is that a domain name is only active in the root after full payment has been made. In practice this would eliminate the ability for tasting registrars and other large tasters to have an unfair competitive advantage over the general public; they would no longer be able to ascertain traffic metrics on non-active names and would thus have to pay for every name they wish to understand and garner traffic on. Any name would have to be paid for before a PPC site or any other content would be able to resolve on that site. This policy, though, would keep the AGP in place for mistakes and charge backs since there is no need for such names to be live.

b. Cap the number of "free" deletes a registrar is able to have as a portion of their total number of "adds." The deletes should be a very small number (the average percentage of all registrar deletes except for the top ten and bottom ten, for example).

- 5 14 Sep 07 Enforcement and/or modification of Registrar Accreditation Agreement to ensure that registrars cannot taste, and cannot warehouse domains.
- 6 14 Sep 07 ICANN and the registries already receive a fee for domains that are kept so everyone benefits financially to the small percentage of domains registered that have not been. There should be no additional fees assessed.
- 7 14 Sep 07 Monitor registrars that participate in domain name tasting and remove them as registrars.
- 8 14 Sep 07 Devise strategies to prevent automated generation for domain names, where only hits in general are exploited (parking sites) with no relation to any "real" content or the business of the registrant.
- 9 13 Sep 07 Registrars deleting more than 50% of their domain names within AGP for more than 3 months in a row should lose their accreditation.
- 10 13 Sep 07 This system was initially created to allow registrants to correct spelling mistakes. The system could be maintained for this sole purpose while excluding speculative intent. In case the registrant removes the web site without at the same time applying for the registration of a domain name with the mistake corrected, the fee would not be refunded. If, on the other hand, the registrant asks for the removal of the incorrect web site and for the registration of the domain name with the correct spelling, the AGP would still apply.
- 11 13 Sep 07 Requesting a certain fee for the deletion of a domain during the AGP from the registrant
- 12 12 Sep 07 B, C
- 13 12 Sep 07 Allow a certain number of deletions based upon a percentage of domains under management. This will eliminate the tasters who hold very few names and allow the registrars who use the AGP as a legitimate tool to continue
- 14 11 Sep 07 We are of the opinion that someone that is trying to register a domain name should present proof that he/she/it owns the trademark being registered or at least that it is their own creativity.
- 15 11 Sep 07 Why do we need a test period at all? The registration fee for a domain name is very low--a few dollars U.S. Anyone who needs to test a site can almost certainly afford to risk a few dollars to do so.
- 16 11 Sep 07 A
- 17 11 Sep 07 A
- 18 10 Sep 07 A legitimate refund should only occur as a very small percentage of total domains registered. Anything in excess of this percentage should be denied.
- 19 10 Sep 07 limit the number of domain names that can be owned by one entity.
Do not allow "Parked" sites that provide no services or goods, but rather are for the sole purpose of making money by diverting traffic
- 20 07 Sep 07 penalties imposed on registrants who delete more than 50% of domains.
- 21 07 Sep 07 Offer prorated billing for the period of time the domain was in use.
- 22 07 Sep 07 The primary reason for an AGP is to correct legitimate mistakes. But the cost of registration is so low, that on the rare occasion where a domain name is mistakenly purchased, it is not unreasonable to require re-registration. I don't think options B or C would be effective, as the fee is too low in B and it would be easy to game the "excess deletion fee" by rotating different registrant names.
- 23 07 Sep 07 Registrant (domain name owners) need to ensure that they remove any backlinks before deleting a domain name.
Suggestion A is preferred means to address this issue.
- 24 07 Sep 07 Limit the number of AGP refunds to ONE name per day per organization And/Or charge \$1.00 per AGP no matter what the reason. An individual can afford that amount and should take the time to register a name properly.
- 25 07 Sep 07 Make the AGP registration process provide verification of Registrant as an actual, locatable person or business with legitimate interest in the domain name

- 26 07 Sep 07 recognising that domainers are doing business and should NOT be entitled to hide their identities behind whois anonymising services - reputable businesses have to comply with normal legal requirements - domainers all too often do not.
- 27 07 Sep 07 Instant gratification is no longer really necessary in domain name registration. You could reserve pay and go live. This would solve the problem the AGP was designed to solve without allowing the harm created by immediate use before payment.
- 28 07 Sep 07 eliminating the AGP so that domain registration fees are non-refundable between registry and registrar
- 29 07 Sep 07 Keeping the AGP but making it 2 days long (instead of 5) and making the registrant pay 25 percent of the usual registration fee (and ICANN to get O,10 USD)
- 30 07 Sep 07 Allowing AGP only for domains which do not correspond to an existing registered or filed trademark.
- 31 07 Sep 07 Make it simpler to delete them, not get a refund.
- 32 07 Sep 07 A
- 33 06 Sep 07 prior to registering a domain name, have the applicant prove that the name sought to be registered has also been registered as a trademark at least in their country of origin
- 34 06 Sep 07 I would vote for A.
- 35 06 Sep 07 Fines for registration of infringing domains (regardless of whether the domains are deleted) and increasing fines for repeat offenders. Establish a fund to reimburse owners for enforcement costs to be funded by Registrars or Registrants with disproportionate deletes and/or defaults or negative rulings in ICANN enforcement proceedings.
- 36 06 Sep 07 Make the time period one business day. Anyone who doesn't check for typographical errors in that time period deserves what they get.
- 37 06 Sep 07 I strongly favor A) above. Applicant's should not register a domain if they are not certain they want to keep it.
- 38 06 Sep 07 create a system where a credit for the purchase of another domain is created and there is a limit per credit card for how many time you can chargeback.
- 39 06 Sep 07 Legitimate domain name owners will rarely make honest mistakes. Eliminating the AGP and requiring the payment of \$6 or so per domain should not be a burden, while it should help to eliminate the practice of "free test drive" of the infringement profitability of a domain name.
- 40 06 Sep 07 I strongly support item A.
- 41 31 Aug 07 Do not eliminate tasting nor charge for it, but the Registry should police the continued shifting of names to avoid payment and penalize registrars or companies that support it.
- 42 29 Aug 07 Create publicly available database of "excess deleters."
- 43 27 Aug 07 not changing the current system would also be an option
- 44 27 Aug 07 not changing the current system would be another suggestion
- 45 26 Aug 07 A/B/C: All of these must be up to the Registry in question.
- While this is not AGP - for .name - it is extremely important to have a free trial period for people wanting to try domain names. So removing the AGP for registries must be done very selectively and cautiously. The ICANN transaction fee MUST only be charged for domains that are actually taken up after the free trial period. Otherwise it becomes an unbearable burden on Registrar.
- C) This must be up to the Registry in question.
- 46 23 Aug 07 Make testers pay for EVERY domain that they drop after. Every domain and make it at least 25 cents. For anyone who makes a genuine mistake that amount is not that large.
- 47 23 Aug 07 I really like #C. This would stop the big guys from registering millions of domains per day. Which in my opinion is a total waste of resources.
- 48 22 Aug 07 I support suggestions B and C above.
- 49 22 Aug 07 I believe "c)" is the best Option. I would like to Highlight that "a)" is a catastrophe in Brazil !!! Since by the Brazilian LAW we must change the registration order with NO extra costs to the registrant until 7 DAYS after the payment. So if you eliminate the AGP, a registrant can request to change the Domain name at Registrars expense. This happens already since agp is 5 days and the brazilian law is 7 days, but without the AGP, this problem will become worse.
- 50 20 Aug 07 Retaining the whois and credit registration information for a longer period of time even if the domain was tasted and returned. This gives spam-trackers, phishing-investigators, and trademark owners (or their representatives) more time to deal with problems, and as a side benefit it can tell would-be domain tasters some names that aren't worth bothering the registrars about.
- 51 20 Aug 07 A) eliminating the AGP so that domain registration fees are non-refundable between registry and registrar; - I think eliminating the AGP is a good idea

B) making the ICANN annual transaction fee (currently 0.20 USD per year) apply to names deleted during the AGP, or to a significant portion of them; - I think this is already in effect

C) imposing registry 'excess deletion fees' charged to registrars for disproportionate deletes -This is just silly

52 20 Aug 07 Eliminating the AGP is the only effective way to stop the practice.

53 19 Aug 07 Answer = A. I would prefer for the AGP to be removed since it has been so abused. Since some criminal users only need temporary use of domains for which a 5 day period is ideal, they will continue to abuse the AGP if it provides a cost saving over normal legitimate registration fees. Most legitimate users are just registering a single domain, with registration fees much lower than they used to be, the cost of any mistake is easily affordable.

54 17 Aug 07 Domain servers should be held responsible for the security of the searches on their sites. There should be a fine if an investigation leads to the domain server being at fault. there should be a group setup up for such types of investigations and I am sure many would do it for just the pleasure. There should be a quota on the amount of names that can be registered per day, quarterly, or annually and a penalty should be paid if this amount is exceeded. This may help to ease the flow of a million or so domains being registered daily and give consumers some breathing room. Backorder charges should be waived if the domain is released within a specific time frame in order to avoid parking fraud. This is when you are forced to backorder a suspiciously registered domain and suddenly it is released and becomes yours for double or triple the cost of the original price. This is one is just my theory of a loop hole that can be exposed in the backorder system. So many paper companies out there can work this angle and look as if two separate registrars are involved but they are really the same entity.

55 16 Aug 07 b

56 16 Aug 07 I don't know about the complexity to evaluate multi criteria boundaries like coupled semantic-professional domain boundaries, or orthographic criteria or whatever. GOOGLR, if is not refering to other subject, domain or something wich is valuable should be a 'lost word' and should not be eligible to any other owner than Google. In fact, with a domain name should come a pack of related word setted as lost word. And if someone want to own a lost word, it should demonstrate that it is not interfering too much (competition must still exist) with the 'valid word' (versus the 'lost word'). The problem is to find on wich criteria we could apply filter for 'lost word'. It suppose also that there is an instance who proceed to the recovering of a 'lost word'. This imply cost of course. How much ? And efficiency of the service ? Since there is the same problem with enterprise 's logo and intellectual right property, everything seems to drive us in this way. But what will be the cost impact on fees for a domain name. The A suggestion above is a filter which will avoid excess domain tasting but will let the richer companies applying domain tasting. So it is a poor solution. But if you could apply some part of my suggestion (light system) above, after filtered with 'A' suggestion, it could be a valuable solution.

57 16 Aug 07 Simply remove the AGP and then if there is a serious problem and a registrant needs a refund, set up a proper refund policy - only for good-faith mistakes etc

58 15 Aug 07 Choice "A" will be the only *effective* solution. Choices "B" and "C" will just end up raising the cost of the fraud slightly.

Email 16 Sep 07 We believe that it needs to be determined whether or not domain tasting is a practice that is going to be allowed (i.e., the benefits outweigh the potential risks/challenges/costs) That is, if it is not to be allowed, then options A & B would be appropriate. However, if it is to be allowed, the potential solution needs to focus eliminating or al least minimizing the risks/challenges/costs.

Email 13 Sep 07 See our response in question 8 regarding modifying B.

Email 27 Aug 07 Tasting will continue as long as there is an increase in the average advertising revenue or search volume, advertising for new keywords or improvements in content to better match user intent. Any solution has to accomplish two things: (1) give ICANN an incentive to take the necessary action and (2) eliminate the subsidy to tasters. One such solution is to at time of registration give the registering entity, in addition to paying a registration fee, the option to buy an insurance policy that guarantees a full refund within, say, five days of registration. The insurance policy should have difference prices for various registering entity's risk classes. Nevertheless, a pure legal remedy to trademark tasting, whether individual or coordinated action as in CADNA, is not viable as it is value destroying for the trademark holders and the domain owners. Thus, ICANN should encourage trademark owners to adopt a coordinated cooperative solution with advertising agencies (such as Google and Yahoo) and monetizers.

Email 23 Aug 07 While I support a small fee for AGP deletions as in the B) model, it is not understandable why it should be forwarded to ICANN. ICANN will not ever provide any kind of support for a domain that is deleted during AGP. I therefore suggest a small fee that the registry may charge. 20c as a flat fee might not work for all registries. It could also be a fraction like 10/365 of the actual registration price, or 20/365 if

the first is considered to be insignificant. This may be fine-tuned based on the findings of its effectiveness once implemented and tested for some time.

8. Which additional disadvantages would each suggestion bring?

	Date	Comment
1	15 Sep 07	The suggestion (B) making the ICANN fee apply to names deleted during the AGP would adversely impact (1d) registrars and (1h) registrant representatives, but positively impact (1c) intellectual property rights owner and (1g) intellectual property rights owner representatives.
2	15 Sep 07	C & D only. A & B not a good solution in my opinion
3	14 Sep 07	a) It should not adversely impact any of the groups. b and c) Would not make much difference on the situation now. Please note that on my position the AGP should be removed. c)
4	14 Sep 07	I do not believe any group is severely disadvantaged.
5	14 Sep 07	I don't see how these suggestions would adversely impact any legitimate business. It would only impact those that are trying to profit without regard to trademark rights of others. Instead of using software programs to generate list of domain names to buy there would have to be some subjective review. That is not bad. It encourages responsibility. It would also make life easier for the registries and registrars.
6	14 Sep 07	The only suggestion presented by the ad hoc group that is viable at all is eliminating the AGP. Eliminating the AGP would not create any discernable disadvantages.
7	14 Sep 07	registrants who made good faith mistakes and sought to change their information would be penalized
8	14 Sep 07	Imposing registry excess deletion fees.
9	14 Sep 07	Total elimination of the AGP could bring some disadvantages, in the rare case where it is used legitimately, but those largely could be addressed by registrars at minimal cost and/or by a process that allows AGP refunds only under certain, limited circumstances.
10	14 Sep 07	imposing any additional fees to this process decreases business in an exciting emerging marketplace. Domains are assets and we should be working together to promote its growth and its success, not limiting the availability of domains through legislation and fees.
11	14 Sep 07	The benefits of "A" would far exceed the disadvantages for all legitimate internet users.
12	14 Sep 07	The proposal A) would negatively affect registrants and registrars. The proposal B) would negatively affect registrants and registrars. The proposal C) would negatively affect registrars.
13	13 Sep 07	Fully expect tasters to find a work-around to excess deletion fees (e.g., using multiple registrars, creating own registrars, etc.)
14	13 Sep 07	a) The AGP is a legitimate instrument to protect registrars and registrants, if used correctly and not abused. c) This fee is way too low to represent a real deterrent to domain tasting. Tasting Registrars normally charge a few cents more to their customers for these services, and thus the fee simply reduces a bit their margins.
15	13 Sep 07	A) would negatively impact registrants and positively impact IP rights owners, governments and consumers. B) and C) would adversely impact registrars and registrants and would positively impact consumers and IP rights owners as domain tasting would made more costly and therefore less attractive.
16	13 Sep 07	??
17	12 Sep 07	A. registrant is paying for typos B. registrant is paying for typos C. still allows wide latitude for tasting, if % is too high
18	12 Sep 07	Each of these suggestions would pose tremendous costs to Registrars in terms of systems changes and additional costs due to fraud. These charges will eventually be passed along to the end customer
19	11 Sep 07	No disadvantages to legitimate domain name applicants from any of these options.
20	11 Sep 07	We favour option A (eliminating the AGP). The number of typographical errors made when registering domain names must be fairly small, and it should be buyer beware. This would increase the burden on registrants, but the low cost of registrations means this burden would not be large.

- 21 11 Sep 07 We are of the opinion that domain name tasting is harmful, not only because of the AGP but because someones creativity shall have a negative impact. As I mentioned before, domain names should be treated as trademarks, in the sense that someone that does not own or has the rights to a trademark shall not be allowed to register the domain name. In that way stealing of creativity (through registering domain names) can be stopped.
- 22 11 Sep 07 A would only encourage consolidation. The transaction fee, assuming you mean twenty U.S. cents and not twenty U.S. dollars, is too small to have a real impact. Excess deletion fees are a good idea, but they need to be high enough to actually affect behavior and five cents is not anywhere close to high enough.
- 23 11 Sep 07 A would positively affect ip rights owners and their representatives.
- 24 11 Sep 07 A) is a good solution (SIDN has no AGP for .nl)
B) brings profit to ICANN but does not cover the costs of tasting at the registry's level
C) works but still leaves a lot of tasting (e.g. if 85% of the names are cancelled)intact
- 25 11 Sep 07 all of the above will minimize the freedom of moovement on the IE but this is a cost we should be willing to pay
- 26 10 Sep 07 All of these suggestions would result in some improvement.
- 27 10 Sep 07 A or any other that would be most expensive.
- 28 10 Sep 07 a - disadvantages domainers. This is appropriate.
b - disadvantages domainers and registries dealing in bulk names. This is appropriate
c - disadvanges registeries dealin in bulk name. Again this is appropriate.
- 29 10 Sep 07 All these suggestions would benefit rights owners and rights owners representatives.
(B) would disadvantage registrars
- 30 10 Sep 07 A is best because it makes everyone be really careful before registering a domain name. This benefits everyone except the squatters. B benefits most people but to a much smaller extent. C is pretty useless because dedicated squatters will simply keep switching between registrars before they hit the limit.
- 31 09 Sep 07 Suggestions (A), (B) and (C) should advantage the IP owners and disadvantage the registrars.
- 32 07 Sep 07 Not granting domain name testing to irregular individuals.
- 33 07 Sep 07 A) registrar, registrant, registrant reps
B) registrant, registrant rep
C) registrant, registrant rep
- 34 07 Sep 07 This question makes no sense.
- 35 07 Sep 07 Suggestion a benefits the registry only and discourages small business growth.
Suggestion b doesn't seem to be enough to discourage abuse.
- 36 07 Sep 07 A) benefits registry only and discourages small business growth
B) may not be enough to discourage abuse
C) can't think of any
- 37 07 Sep 07 Suggestion A is extreme and only benefits the registry.
Suggestion B and C seem reasonable. Although, I don't know if option B is enough to discourage domain tasting.
- 38 07 Sep 07 Suggestion A is extreme and only benefits the registry.
Suggestion B and C seem reasonable. Although, I don't know if option B is enough to discourage domain tasting.
- 39 07 Sep 07 Suggestion A is extreme and only benefits the registrar.
Suggestion B and C seem reasonable. Although, I don't know if option B is enough to discourage domain tasting.
- 40 07 Sep 07 Do not see additional disadvantages
- 41 07 Sep 07 None, ICANN needs to stop the practice of domain tasting.
- 42 07 Sep 07 No disadvantages to honest and proper use of the registration process.
- 43 07 Sep 07 The advantages of instituting these suggestions far outweigh any potential disadvantages
- 44 07 Sep 07 (A) would disadvantage speculator registrants and the registrars that serve them. (B) likewise. (C) would disadvantage registrars by making them bear the sole cost of anti-tasting efforts.
- 45 07 Sep 07 B - transaction fee is too low to be effective
C - seems easy to game this system to avoid charges by changing registrant names slightly.
- 46 07 Sep 07 A. Registrant is negatively impacted.
B.& C. Registrars and Registrants will pay higher fees and may lead to domain name hording. This does not address PPC issue associated with domain name tasting.
- 47 07 Sep 07 no comment
- 48 07 Sep 07 A) would help as it would discourage speculative domain name registration and help IP owners, their representatives B) would also help IP owners and representatives. C) the same.

- B)
- 49 07 Sep 07 no view
- 50 07 Sep 07 The intent should be to ensure the ultimate costs are borne by the domainers in all cases
- 51 07 Sep 07 N/C
- 52 07 Sep 07 imposing registry 'excess deletion fees' charged to registrars for disproportionate deletes
- 53 07 Sep 07 A would badly impact registrants who made a mistake in good faith but it would have a positive effect all the other actors (on Registry, Registrars, IP right owners and representatives...)
B may have some positive effect on IP Owners and representatives but it will create a lot of work for Registrars.
C will probably penalize big registrars and not small ones but it will pass on the problem to be solved by Registrars and not Registry.
D (my previous proposal) may appear as a compromise. If the registrant is in good faith he will not pay full price (as in your A), Registry will get something (contrary to in A) and it should not be detrimental to Registrar (as in B) since they will be able to charge the Registrant a significant amount.
- 54 07 Sep 07 A) would be a disadvantage to registrants, who are in good faith and have accidentally made a typing error.
- 55 07 Sep 07 I do not see any disadvantages
- 56 07 Sep 07 none
- 57 07 Sep 07 B) would probably impose higher administrative burden
- C) which level of "disproportionate" is the right one; who is going to decide; different levels for different TLDs ???
- 58 07 Sep 07 A) - C) all adversely impact registrants and registrant representatives but positively impact IP owners and representatives
- 59 07 Sep 07 A
- 60 07 Sep 07 Force them to pay at least a one year fee.
- 61 07 Sep 07 no disadvantage to IP rights owners or representatives
- 62 06 Sep 07 Prefer A, have registrant bear the cost of ensuring no typing errors, etc. Similar to USA (and other jurisdiction) Trademark application practice--no amendment of the trademark as applied for--do it right or abandon and pay another fee.
B- such a small fee, even tripling unlikely to have material deterrent effect.
C- Tasting may still be profitable; fix problem at root.
- 63 06 Sep 07 no additional comments
- 64 06 Sep 07 A) Non-refundable domain registration fees do not create any significant economic burden to valid users of the internet. This is clearly the best choice.
- 65 06 Sep 07 a)
- 66 06 Sep 07 B and C do not sufficiently address the problem and imposes additional procedures and costs; A is the best solution.
- 67 06 Sep 07 Frankly, as an owner of valuable trademarks, our interests lie in protecting our assets. Any steps to eliminate, minimize, etc., domain name tasting or AGP would not be disadvantageous to us. Believe that protecting the interests of trademark owners is the most important goal here.
- 68 06 Sep 07 No comment
- 69 06 Sep 07 As I said before, what is holy about five days? If the time period were shorter (say one business day), legitimate registrants would still have time to catch the error, but cheats would not have enough time to get a "taste".
- 70 06 Sep 07 Each of A, B and C could have a minor effect on Registrars and Registrants who make genuine mistakes. It will severely impact Registrants intent on cybersquatting and/or typosquatting by use of domain tasting. Each of A,B and C will be beneficial to Intellectual Property Rights Owners who may otherwise be subject to cybersquatting and typosquatting. It will also be beneficial to Registries because all domains registered will generate a Fee, allowing Fees to be reduced to all genuine users of the system over time.
- 71 06 Sep 07 no comment
- 72 06 Sep 07 Unknown
- 73 06 Sep 07 (A) this is a disadvantage to all registrants as it would make it impossible to correct typos and mistakes in the registration. (C) there is no disadvantage to anyone using this process to correct errors but it would greatly disadvantage those who are improperly using the system to test domain names for profit.
- 74 06 Sep 07 Suggestion A) would not disadvantage any of the identified groups since an applicant should not be permitted to register a domain if they are not certain they want to own it.
- 75 06 Sep 07 I do not see any disadvantage for item A. We have purchased over 10,000 domains over the past several years, and have not requested a refund on any.

- 76 31 Aug 07 A) Very bad. This period is needed frequently in the aggregate. Registrars and registrants would suffer. The Registries would benefit from that suffering.
B and C both also very bad as registrants and IP owners would lose a source of names they want that only the high powered pros with their own registrars would then get, and registrars would lose a source of income.
- 77 29 Aug 07 Option A could impose an unfair penalty on legitimate domain name owners who use the AGP merely to test the effectiveness of certain domain names to attract traffic to their websites.
- 78 27 Aug 07 no comment
- 79 26 Aug 07 A) Would for some TLDs very negatively impact Registrar/Registry/Registrant/Potential Registrant/Individual users.
B) Would for some TLDs very negatively impact Registrar/Registry/Registrant/Potential Registrant/Individual users.
C) Would for some TLDs very negatively impact Registrar/Registry/Registrant/Potential Registrant/Individual users.
- 80 23 Aug 07 An disadvantage to the domain testing industry is fine by me. Again the testers should pay for EVERY domain that they test.
- 81 23 Aug 07 I would not use #B, because if you have to delete a domain for fraud you don't want to be charged for it. Also at least once a week we have a customer who may register some domains and then realize they are TM domains and they want us to delete them.
- 82 22 Aug 07 (A) will just make the process of buying a domain a bad experience, where no mistake is forgiven, so it affects directly registrants and registrars. Registries should be affected later since the relationship between registrant and registrar would receive some tension.
(B) as (A) does stresses the relationship between registrants and registrars when a mistake comes out, the registrant won't be satisfied with having to pay any thing for a small mistake.
(C) seems to be the most balanced purpose. The only ones affected here are registrars that do heavy domain tasting.
- 83 22 Aug 07 Suggestion A disadvantages Registrars and Registrants from using the AGP for its original intended purpose. It also disadvantages the general Internet population because domain name speculators are more likely to hold on to a name for an entire year, doing nothing with it, even when the name proves unprofitable.
I believe that options B and C are reasonable solutions, though I doubt they will prevent tasting from happening. Domain tasters will most likely just factor this into their cost of business.
- 84 22 Aug 07 A) People would have to engage in different methods to find valuable names (DNS/resolver data, search engine stats etc). Registrars would be unable to correct errors.
B) Would decrease tasting volume and remove kiting.
C) Would decrease tasting volume and remove kiting.
- 85 22 Aug 07 a) Is a disaster from a Brazilian Registrar point of view.
b) Its okay, since the cost is not much (even for Brazil)
c) Our choice !
- 86 22 Aug 07 A) eliminating AGP offer
- 87 20 Aug 07 A - Not a big problem, but if somebody's registered a name that they find potentially conflicts with an existing trademark, they need some incentive to give the name back other than "threatening letter from the trademark owner's lawyer"; giving back some or all of their money may be an incentive, though it's not much of one. On the other hand, if they've made a business decision to register a given name hoping it'll generate advertising revenue, and it doesn't, I see no reason that that shouldn't cost them money - they're using the registrar and registry databases and ought to pay a fee.
B - It's a good start, but might not eliminate all of the ankle-biters. On the other hand, it'll at least eliminate a lot of the toe-biters, and some domain-tasters will stick around even if they have to pay the whole \$6 fees, and I assume the \$0.20 USD has some economic relationship to ICANN's actual costs.
C - It's too complex, doesn't reflect the actual costs to any of the service providers, and leads to complex lawyer-filled arguments about who's really conforming to what policy and leads to creative tricky workarounds that'll cause more problems. Charge a flat fee and be done with it - either the 0.20USD, or the whole ~\$6, or something in between, and let the economics of the market take care of it.
- 88 20 Aug 07 in B and C, the fees are negligible. No real solution can be had in these categories. In eliminating the AGP, an additional disadvantage is -obviously- not being able to delete a name if registered in error. I don't think this is a big deal, and would ensure proper care when completing a registration. Registration fees currently are not too high to cause significant problems anyway, and if someone makes a mistake in a registration, they have the option not to renew and have the name return to the pool in a year.
- 89 20 Aug 07 Only A) suggestion is the principal solution.

The rest two have the common basic flaw: they allow to keep the tasting alive as the proposed fee is so small that it cannot prevent the tasting registrars from doing the tasting. Moreover, they keep an inherently unfair and unethical privilege given to registrars to be the only participants in the tasting process.

90 19 Aug 07 A - individuals would be responsible for any typing mistakes they made. As registration fees are much lower than when the AGP was originally started, they will only suffer a minor cost. B - A fee of 0.20 USD per year, will still be a huge saving over normal registration fees for any spammer only needing domains for a 5 day period, so will not deter abuse. Whilst domain tasters may be more selective, it will not stop domain tasting as this fee can be covered by just one click on a domain parked for domain tasting via advertising.

C) This would punish Registrars, though they may not necessarily be the ones involved in domain tasting. However the Registrars may be able to block domain tasting by stopping large scale registration that does not appear legitimate. Setting a level of 90% deletes, will not stop the large scale practice of domain tasting, only lower the bar somewhat and Registrars have resellers that might be used to get around this.

91 17 Aug 07 The non refundable suggestion could effect those who misspell a name, although if possible a mandatory process should be added during check out that can notify the registrar to confirm the names spelling before order confirmation.

92 16 Aug 07 All of these suggestions will always be a question of \$\$\$\$. If you have enough \$\$\$ to override the 'filtering effect' of these suggestions, you just let more place to the ones who can continue their business with more accessibility to domain name tasting (domain name not AGPed by discarded companies). Finally, A, B and C are jsut a little brake to domain tasting.

93 16 Aug 07 B and C impose extra responsibilities on registrars, to nobody's benefit.

94 16 Aug 07 None, really

95 15 Aug 07 A) is the ideal solution. The minor cost to companies or even an individual user is so small as to be meaningless. HOWEVER, permitting a registrant to re-register one domain due to a type once per year would be "nice" but would likely cost far too much to be practical.

96 15 Aug 07 Choice "A" is the only solution that might work. Choices "B" and "C" will only raise the cost of the fraud slightly and will encourage registrars to being cooperating more with the fraudsters.

Email 16 Sep 07 It appears that by introducing option A & B, the advantages of domain name testing for registrants (1f) and intellectual property owners (1c) is removed. We question why, if fees are still payable, would a party elect to delete a registration when it costs them no more to maintain the registration.

Email 13 Sep 07 The disadvantage of A is that there are legitimate uses for the AGP. See our response to question 5 for example. Other registrars we have spoken with indicated other legitimate uses as well and we encourage the Ad Hoc group to explore those fully before making any assumptions. It seems extreme to punish the other 240 odd registrar groups due to the activity of a handful of others.

The disadvantage of B is that it would increase costs to registrars who make legitimate use of the AGP as pointed out above. However, this can be offset by allowing a certain percentage of new registrations to be deleted during the AGP without the imposition of the transaction fee. The percentage could be determined by studying the average of percentage of new registrations that are deleted during the AGP. For example, this information could be gleaned by the Ad Hoc group (with the Staffs help) from the April reports with a day or so of work. However, a longer historical average would help to smooth any anomalies and so it would be helpful for the Registries to assist with that. The data could be gathered into brackets:

Percentage of New Registrations Deleted during AGP

X Registrars 5% or less

X Registrars > 5% up to 10%

X Registrars > 10% up to 20%

and so forth...

Suggestion C has the same disadvantage as described above for B, and the same possible solution. However, C has another disadvantage that makes it somewhat less desirable than B. It relies on the Registries to be motivated to take action, and the exact implementation may differ from Registry to Registry making it more complicated for Registrars to implement and for Registrants to understand. We believe there is merit in this suggestion but believe that B is a better overall solution.

Email 27 Aug 07 To reduce confusion, the suggestion in (7) must be initially implemented and enforced at the registry level.

Email 23 Aug 07 A) registrants who mistype a name would have to fully pay for it

B) registrants who mistype a name would have to partially pay for it, or the registrar would have to swallow the fee. It is not likely that a registrar forwards a fee of 20 cent, so some will charge a small fee of one or a few dollars while other pay for typos themselves.

C) will not affect registrant and registries who are not in the tasting business

9. Which additional benefits would each suggestion bring?

	Date	Comment
1	15 Sep 07	(A) eliminating the AGP so that domain registration fees are non-refundable between registry and registrar would reduce the amount of tasted domain names.
2	15 Sep 07	C: To make the registrar or taster know of th additional money they will pay. D: to know that they cannot taste simply, to delete they need to prove that there was an error in registration.
3	14 Sep 07	a) It would result on people paying more attention when filing for a domain name. b and c) Would only increase the profits -and costs- of the domain name registering business.
4	14 Sep 07	A. Completely eliminates the problem. B and C raise the cost of the practice and this MIGHT serve as a disincentive to the problem of monetization, but I would need to see proof.
5	14 Sep 07	I favor A because I think the whole practice is abhorrent. I wish there were some way to add an affirmative penalty for anyone registerign domain names based on software programs but I recognize that ICANN can not easily do that.
6	14 Sep 07	All solutions above and as outlined in earlier answers would decrease the amount of fraudulent and abusive registrations as well as increase the security and stability of the internet to some degree.
7	14 Sep 07	additional commercial certainty
8	14 Sep 07	Eliminating the AGP will create an Internet where abusive practices in the name space are less frequent. All named categories would benefit from this. Domain tasting occurs today because of abuse of a loophole in policy. This loophole needs to be closed while taking into account all groups needs.
9	14 Sep 07	A, or a properly designed combo of B&C, would eliminate commercial tasting, thereby benefiting everyone other than the few conglomerates engaged in this activity.
10	14 Sep 07	I recommend elimination of the Add/Drop Period completely. Due to the overwhelming abuse of the add/drop period (and its limited availability for its intended use) the domain name system would be best served by its elimination. B & C don't go far enough since Pay-per-click advertising would likely cover these token expenses.
11	14 Sep 07	no comment
12	14 Sep 07	b)
13	14 Sep 07	A and B) would make entities think more before signing up for a domain if they couldn't get their money back and C) would hold registrars more accountable.
14	14 Sep 07	Same answer as in Q 8.
15	13 Sep 07	Eliminating AGP would help combat public perception that ICANN hasn't acted against tasting because it is perceived to make money from it.
16	13 Sep 07	Proposition C) would allow for a selective application of the AGP. Registrars would be driven to refund the registration fee within the AGP only when the decision to remove the domain name is justified by the fact that a typographical error has been committed and not where the decision is based on a cost-benefit analysis. Proposition A) seems to be too extreme and does not allow for the coorection of typos.
17	13 Sep 07	b will make ICANN very happy. c will help registries pay for the extra resources they need to put in place to cope with the increased volumes of transactions.
18	13 Sep 07	Suggestion A) would be benefitial for every group as it makes the registration process easier, faster and - probably - cheaper. Only registrants were forced to consider in advance whether or not they wish to register a certain domain, which does not seem to be a big burden. However, exemptions should be made for typing errors.
19	11 Sep 07	Intellectual property rights owners would benefit from each alternative, especially A.
20	11 Sep 07	Eliminating the AGP would benefit IP owners by making it more difficult for domain name registrants to take advantage of IP owners' rights.
21	11 Sep 07	At least there will be an economic sanction. Ip or IP rights owners will benefit
22	11 Sep 07	I am not impressed by any of the suggestions. At a minimum the fee amounts suggested should be much larger.
23	11 Sep 07	not sure
24	11 Sep 07	A) best stops the practice and neutralizes the largest problem: the large number of transactions at registry level without payment
25	10 Sep 07	Help limit the domain names domainers can try out.
26	10 Sep 07	a - eliminate incentive to taste

27 10 Sep 07 all are good suggestions, but I think (A) would be easiest to administrate.

28 10 Sep 07 A eliminate most squatting. B eliminate a significant amount of squatting. C none.

29 10 Sep 07 Would potentially free up available names to legitimate users; would discourage behavior, lessening costs to legitimate mark owners and the general public

30 10 Sep 07 Less domain tasting and squatting. I say do whatever is necessary so as to limit these practices.

31 09 Sep 07 (A), (B) and (C) should advantage IP owners.

32 07 Sep 07 None

33 07 Sep 07 A, B, C) intellectual property owners, non-commerical users of the internet

34 07 Sep 07 All of these would make applicants/registrants more careful, and would also penalize registrars from engaging in the practice.

35 07 Sep 07 ?

36 07 Sep 07 A) Benefits the registry
B) ?
C) ?

37 07 Sep 07 -----

38 07 Sep 07 The playing field would be leveled by eliminating the AGP so that domain registration fees are non-refundable between registry and registrar.

39 07 Sep 07 Imposing obstacles and burdens on fraudulent registrations and registrars who support such activity.

40 07 Sep 07 (A) decrease the risk of merely speculative registrations. (B) not much advantage because would create a temporal disconnect between registration practices and fee payments. (C) none.

41 07 Sep 07 A - would make mass registration of names less attractive because of the cost.

42 07 Sep 07 A. Streamline registration process. Would curtail extraneous activity.
B. & C. No benefits except to the Registry that recoups higher fees.

43 07 Sep 07 no comment

44 07 Sep 07 A would benefit IP owners

45 07 Sep 07 I tend to apply A), so there is a direct cost (althought not high) and complete information should be given. I'm completely against Privacy-Whois.

46 07 Sep 07 A) Registrations would be more likely to be genuine.

47 07 Sep 07 no view

48 07 Sep 07 Impose costs on domainers

49 07 Sep 07 N/C

50 07 Sep 07 eliminating the AGP

51 07 Sep 07 A would be very easy to deal with for everyone !
B would be good mainly for ICANN
C would be good for Registry only

52 07 Sep 07 A) would be an effective way to remove the problem. I do not believe AGP is in any way necessary - the registrants can be required to be careful and double-check the domain they are registering. If they make a typing error, it is their problem. Anyway the domains are not that expensive that anyone would go bankrupt for registering accidentally a wrong domain.

53 07 Sep 07 would protect the interests of IP-holders.

54 07 Sep 07 A) has the benefit, that some more thought is put in, before registration

55 07 Sep 07 A) imposing a "financial threat" to registrants abusing the domain system

56 07 Sep 07 A

57 07 Sep 07 Fewer tasting.

58 07 Sep 07 provides certainty to IP rights owners by requiring domain registrants to invest at least some amount of money to show their commitment to the domain name.

59 06 Sep 07 A- simplest solution, high expected value, low cost, few anticipated side effects.

60 06 Sep 07 no additional comments

61 06 Sep 07 A) eliminating the AGP will immediately eliminate a vast amount of illegal activity with almost no burden on others

62 06 Sep 07 B)

63 06 Sep 07 Pls see response to Q8

64 06 Sep 07 No comment

65 06 Sep 07 See answer to 8

66 06 Sep 07 Each of A, B and C will benefit Intellectual Property Rights Owners by deterring cybersquatting and typosquatting. Registries will benefit in that substantially all domain names awarded will

produce a Fee income. Individual Registrants not involved in abusing the system by resort to this practice may also benefit in time since additional Fee income for Registries may allow the level of Fees to be reduced over time.

67 06 Sep 07 no comment

68 06 Sep 07 Unknown at present

69 06 Sep 07 Suggestion A) would bring the benefit of certainty and honesty to all concerned.

Allowing applicants to repeatedly taste a domain for free is unethical and harms the integrity of the entire domain system.

70 06 Sep 07 (B) (C) and (D) all benefit those trying to avoid having registrants take advantage of the system to "test" domain names for profitability.

71 06 Sep 07 Item A would level the playing field for everyone on the internet. It would not severely impact any particular group; except for large scale domain tasting companies, which are exploiting right now.

72 05 Sep 07 All of these suggestions would benefit IP rights owners in that they would discourage the abusive practice of domain tasting.

73 31 Aug 07 All would be of benefit only to high powered pros that have their own registrars as I see it. The shifting of names for non payment would stop, but that is not tasting.

74 27 Aug 07 no comment

75 26 Aug 07 A) Would benefit trademark owners and noone else.

B) Probably none. It would just raise the barrier for keeping names to those that earn enough to earn back the extra fee. Say by \$5 if the hit rate is 1/25.

C) Like B). Would benefit Registry giving extra revenue. Might as well raise the domain price.

76 23 Aug 07 It could free up names that will be developed into real websites.

77 23 Aug 07 I would recommend improving #C, and saying that you get up to 2000 drops a day without any fees.

78 22 Aug 07 I don't see any advantage in (A) or (B).

(C) has a subtle advantage of creating a control mechanism similar to interest rates used by governments to control currencies. ICANN would be able to adjust 'excess deletion fee' and threshold volume to "send the message".

79 22 Aug 07 The advantage of B and C is that it does provide an opportunity to offset the already high costs that everybody must pay to ICANN to register domain names.

80 22 Aug 07 A) IP companies monitoring the zonefiles.

B) IP companies monitoring the zonefiles.

C) IP companies monitoring the zonefiles.

81 22 Aug 07 a) No benefit, as explained before.

b) Since the number of domain names that we cancel is so little, they cost will be reasonable for a Registrar.

c) We keep the AGP and force Domain taster out of the business without any extra cost to the market.

82 22 Aug 07 A) an efficient tool to limit spamming

83 20 Aug 07 A - Extra money for registries and registrars, though not much because it'll chase away most of the domain tasters.

B - Extra money for ICANN, possibly more than A because it'll chase away fewer domain tasters, but probably enough to meet the operational costs for the registries and registrars?

C - Extra money for lawyers on all sides arguing about whether the deletes are really disproportionate - just charge a flat fee.

84 20 Aug 07 I think that option A is the easiest to implement, and understand. The rest of the world of commerce works that way - you buy, you pay.

85 20 Aug 07 B and C: no real benefit.

A - the benefit in eliminating the AGP is to not have a grace period, thereby eliminating bad-faith registration (tasting).

86 20 Aug 07 A) is the solution.

B) and C) still keep and support the speculative and privileged attitude towards the name market.

87 19 Aug 07 A) No more of this nonsense. People take registering a domain name and ICANN more seriously, rather than keep taking the whole system for a ride.

88 17 Aug 07 It would slow down the pace of the current internet domain cancer. The companies who got fat during its run may have staying power and develop a work around for the new regulations if applied. Perhaps a way to sort out bogus urls and registrar better combination of names. No matter what it is a possitive step towards a better future for the web.

- 89 16 Aug 07 If domain tasting entities are not enough monetary strong versus the monetary brake of the best suggestion (A , B or C), then it will be a great advantage. The question is : will it be a good brake to this phenomen?
- 90 16 Aug 07 AGP was never properly reviewed or debated, so A simply corrects the mistake that was made when it slipped past the ICANN board.
- 91 16 Aug 07 end of the free ride and reduction in tasting!
- 92 15 Aug 07 A) benefits the general audience.
- 93 15 Aug 07 "B" and "C" will only benefit fraudsters and the registrars that service them. Choice "A" *might* help reduce fraud and improve the signal to noise of the web.
- Email 16 Sep 07 NIL
- Email 13 Sep 07 Suggestion B has the additional benefit of simplicity – ease of implementation for Registrars and little or no confusion for Registrants.
- Email 27 Aug 07 There is a positive spillover effect driven by the insurance policy whereby tasters will be more likely to start using analytical tools to guide their acquisition decisions instead of their current bootstrap methods. Such action expands the domain names knowledge base and thus, is value creating.
- Email 23 Aug 07 A) will eliminate tasting almost completely B) will greatly reduce tasting C) will partially reduce tasting

10. Should any of these suggestions be implemented?

- | | Date | Comment |
|----|-----------|---|
| 1 | 14 Sep 07 | People should pay more attention to what they are doing at the moment of doing it. If they know that they an AGP exists, they do not pay enough attention while filing for the registration. |
| 2 | 14 Sep 07 | Eliminating the AGP should reduce the incidence of tasting substantially. If A is not implemented, then the fees imposed in suggestion B or C, if either or both are implemented, should be much more severe. Currently, those fees serve no deterrent effect to those who engage in domain tasting. |
| 3 | 14 Sep 07 | This will have the biggest impact on the practice and therefore is the most effective. The others only make the economic cost something to be factored into the software programs used to generate these programs. That will still happen even under A but it will be the most expensive. |
| 4 | 14 Sep 07 | The instances of domains registered in error and those used for testing are far less than the domains being registered during the AGP used for improper means. By doing away with the AGP all together, it would cut off a channel currently causing issues for internet users. |
| 5 | 14 Sep 07 | By eliminating the AGP, it may become to costly to register trial domain names. |
| 6 | 14 Sep 07 | Either A, or a properly designed combo of B&C, should work to eliminate commercial domain tasting, and either option would have almost no downside except to the few conglomerates engaged in this activity. |
| 7 | 14 Sep 07 | "A" would end this unsavory practice and should be implemented. |
| 8 | 13 Sep 07 | See comment on question 9. |
| 9 | 12 Sep 07 | There should be a study if 90% is the right number. |
| 10 | 11 Sep 07 | The AGP invites abuse and the proposed fixes in B and C will merely allow crafty abusers of the system to game the new process. The disadvantages of the AGP far outweigh its potential benefits |
| 11 | 11 Sep 07 | Even as a representative of IP owners, we consider the damage caused by domain name tasting to be minimal, and not justifying any of these steps. If action is to be taken, we favour elimination of the AGP. We have never used it. We are not aware of any of our clients having used it. Domain name registrants should be careful to ensure the domain name they register is correct. |
| 12 | 11 Sep 07 | C is likely to be the most effective, but the fee needs to be much higher than five cents, at least for all non-.org and non-.gov domain names. |
| 13 | 11 Sep 07 | Implement in order to reduce instances of tasting. |
| 14 | 11 Sep 07 | Most effective. And there is no reason for a refund as costs have already been made by the registry at the moment the registration is executed |
| 15 | 10 Sep 07 | In favor of the most expensive method. |
| 16 | 10 Sep 07 | this is not very helpful to legitimate IP owners who usually register few domain names because those domains will be used for advertising true business, not merely click ads |
| 17 | 10 Sep 07 | See previous comments |
| 18 | 10 Sep 07 | I like this suggestion the least although I question how many actual "typos" there could be. I would prefer either B or C much better. |

19 10 Sep 07 A-C should be implemented to discourage the practice of tasting so that legitimate users may adopt domains and to impose a cost for those who insist on tasting

20 07 Sep 07 will not allow tasting for free of domains

21 07 Sep 07 -----

22 07 Sep 07 -----

23 07 Sep 07 (A) is the best way to make speculating registrants bear the cost of their practices.

24 07 Sep 07 Curtail unnecessary activity and proscribing of PPC sites.

25 07 Sep 07 A) prevents genuine errors from being corrected and B) is an insufficient amount of money to impact the decision making process. C) may actually affect domain tasting decisions.

26 07 Sep 07 Fees should not be refundable and it's the easiest way to avoid "checking out the domain". Besides with a registration and a reverse whois, bad faith can easily be determined.

27 07 Sep 07 By eliminating the AGP registrations are more likely to be genuine in the future with less chance of infringers attempting to make quick commercial gain from the intellectual property of others.

28 07 Sep 07 to impose costs on domainers

29 07 Sep 07 N/C

30 07 Sep 07 Registrants should think about the domain name they are interested in having and not just "try them out". Once a request is filed, price is due

31 07 Sep 07 A is best solution of the three but the one I proposed earlier may be seen as a better compromise for all the Actors.

32 07 Sep 07 A) would be effective and not have too much disadvantage to anyone acting in good faith.

33 07 Sep 07 generally speaking it seems to be a strange concept to see if something really produces revenue before buying it. In light of the very moderate registration fees it is not clear why these should be refundable in any case, even if a typing error occurred.

34 07 Sep 07 to be implemented because

- it can be completed without additional administrative burden to ICANN, registries as well as registrants
- it deters by "financial threats" from abuse of the system

35 07 Sep 07 Simplify

36 07 Sep 07 This attacks the user and main culprit best.

37 06 Sep 07 Fairest, simplest, most likely effective.

38 06 Sep 07 with some lawful exceptions, it seems that disproportionate deletes are carried out by unfair competitors

39 06 Sep 07 Pls see response to Q8

40 06 Sep 07 All of these are a start to increasing the costs (decreasing economic incentives) to squatters and infringers.

41 06 Sep 07 A is to be preferred as most likely to eliminate the problem. If not A, then B. If not A or B, then C.

42 06 Sep 07 MAKE THE TIME PERIOD SHORTER AND YOU DON'T HAVE TO DO ANYTHING ELSE

43 06 Sep 07 B will make the practice of obtaining and then deleting domain names more costly to those who traffic in domain names.

44 06 Sep 07 Applicants should be certain they want to keep a domain at the time they apply for it and registrars should be tasked with collecting fees from their applicant customers as is the case in any other transparent business of integrity.

45 06 Sep 07 see earlier response

46 05 Sep 07 There are other ways in which the registrant can be protected - for example, a requirement to input a desired domain name twice - this should prevent erroneous registrations and the need for a refund.

47 31 Aug 07 As previously stated these would adversely impact registrants and IP owners that get to purchase or otherwise acquire names from those that acquire them and offer them to the public, and also registrars.

D) the policing of constant shifting of names to avoid payment should be policed seriously by the Registries.

48 27 Aug 07 all of the models would have to be explored further

49 26 Aug 07 See previous comments.

50 23 Aug 07 The fee should apply to ALL names deleted. It should even be increased.

51 23 Aug 07 I think we need the AGP to survive as registrars.

52 22 Aug 07 (C) should be implemented, (A) and (B) should not. See previous answer for whys.

53 22 Aug 07 I am not sure that "tasting" is the real "problem".

Domain name "testing" is going on in a lot of zones without "AGP" (.de for instance where the initial setup fee is €1).

The above suggestions would decrease volumes, but people will still register domain names and try them out for traffic - the pre-evaluation techniques will be more sophisticated.

54 22 Aug 07 As explained before.

55 21 Aug 07 Domain tasting litters the namespace and makes it much easier for phishers, spammers, and scammers to operate. I don't know if there's enough legitimate use of the AGP to justify keeping it or not, because it's drowned out by illegitimate use, but there's certainly enough justification for B.

56 20 Aug 07 A) as the only principal and fair solution to stop the domain tasting practice.

57 19 Aug 07 The AGP has been so abused, ICANN should eliminate it. The AGP was a polite service to registrants when first introduced but it is not so needed now as the cost of errors is much lower. The other alternatives chaging excess deletion fees might help a bit, but are not significant to stop the AGP continuing to be abused as a cheaper alternative to paying the proper registration fees where a domain is only required for a short period of time.

58 17 Aug 07 All the suggestions should be applied, not one would make a dent on its own. Even though the deletion rate is high there are many that are kept.

59 16 Aug 07 This is the more expensive suggestion so it would be a good brake. As individual internet user or good company, if I make a mistake in my domain name, I m just losing 6 \$ USD. That will not crash my company in anyway. Domain tasting is making so many 'mistakes' that it should be a relatively good solution to apply the A suggestion.

60 16 Aug 07 See prior answers.

61 16 Aug 07 but all will probably work

62 16 Aug 07 Any of these will be fine

63 15 Aug 07 Even if a user has a typo and needs to re-register, the minor cost involved sould simply be chalked up to experience.

64 15 Aug 07 Emphatically! "A" should be implemented! If we're worried about grandma typo-ing her yarn-art website name, then also implement a fund to come out of the increased fee income to investigate and resolve such situations. Also, encourage additional fees for "expedited" domain setup. Very few people need a domain setup and running in 5 minutes, and they should be asked to pay additional fees to support the infrastructure costs of that service as well as to help mitigate the abuses of speedy domain setup/teardown.

Email 16 Sep 07 None of these options address our major concern regarding the greater risks for trademark infringement, confusion and the availability of redress for intellectual property owners.

Email 13 Aug 07 Any realistic cost/benefit analysis of domain tasting clearly shows that if there is any cost associated with the activity it would be seriously thwarted, regardless of what FUD you hear from those with an interest in keeping it going. Nothing we or anyone else does will stop tasting entirely, but it can be brought back down to the levels prior to 2005 when no one noticed or cared. Even eliminating the AGP will not stop tasting entirely. However, if there is some cost associated with it those who want to taste will have to at least give more actual thought to what they are doing instead of the indiscriminate activity we see in growing volumes today. Our preference would be to see some version of B implemented. Some version of C would be a second choice. We would prefer not to see A implemented for the reasons stated above in question 8.

Email 5 Sep 07 Assuming that, by stopping domain tasting, would prevent junk domains being registered, is like saying by making it illegal to take drugs, will stop people taking them.

Email 23 Aug 07 In principal I support model B) but with the changes suggested in 7. While A) while eliminate tasting almost completely, B) will have nearly the same effect while still allowing to correct typos, which was the initial intention, so it is a best of both worlds. While C) is a good step and works partially, depending on your size it will still allow you a certain degree of tasting.

Email 14 Aug 07 I think suggestion A or B would substantially reduce domain tasting. I'm less happy with C - though it attacks the registrars that support tasting it leaves room for a significant churn of junk domains registered via the large registrars.

Comment options for questions 11 and 12 below, in italics, were not included in BigPulse, but comments by email entries are included here for completeness sake.

11. If domain registrations were offered at no cost to the registrant, would this effectively permit domain tasting?

Date Comment

Email 16 Sep 07 No. The advantage of a paid registration system is that the registrant must make a decision within the 5 day period whether or not to continue with the registration. To continue means any fees paid are not returned. Where domain name registrations are free, there is no such timeframe for such a decision to be made and the domain name would be registered until such time as it expired.

Email 14 Sep 07 Of course. If the service is for free, everyone would be interested in trying it out.

Email 13 Sep 07 Technically, yes. However, unless ICANN would agree to waive the transaction fee imposed on registrars as part of the free domain offer, there would still be a considerable throttle on the activity. For example, if a taster wanted to register 1 million domains under the free offer the registrar would still be billed by ICANN for \$200,000. So either the registrar would have to eat that or pass the cost on to the taster. Either way, it would serve as a deterrent to tasting in the volumes we are seeing today in a completely no cost scenario.

Email 5 Sep 07 Tasting is the art of testing a domain for its traffic values, however, businesses were still registering deleted domains years before domain tasting was available anyway. By saying the volume of registering deleted domains has rose significantly since domain tasting was available, I would also state, please take user/business inflation into account, the explosion of new users/businesses onto the internet in recent years also plays a part in the large volume of registered domains.

Email 23 Aug 07 This depends on the small print. If you restrict the number of domains per registrant, you would make tasting harder, though with enough energy you will still be able to taste.

12. Should ICANN prohibit domain registrations at no cost to the registrant?

Date	Comment
Email 16 Sep 07	No. However, we do have concerns about the number of domain names that would become registered and are not deleted. This has an impact on the potential names available.
Email 14 Sep 07	Yes. There should be always a cost involved.
Email 13 Sep 07	No. We would only be opposed to ICANN waiving the transaction fee under these conditions.
Email 23 Aug 07	It may make sense in special situations, especially for sTLDs. There should be reasonable restrictions against tasting.

13. Should ICANN impose a minimum registration fee on domain registrations?

Date	Comment
1 14 Sep 07	The minimum fee should be around to USD50.- per year. Please note that de cttld .com.ar it used to be a free domain name registration and with no deadline on the registrations, which lead to a number of cybersquatters to virtually register almost all known trademarks and famous people names as a regular business. Now a days, though it is still free, domain name registrations last for one year (renewable) and this made hundred thouthands of domain name registrations to lapse without being renewed. Ip Attorneys in Argentina are currently trying to make domain name registration allowed only after paying an anual fee to difficult the action of cybersquatters.
2 14 Sep 07	It should be high enough to create a deterrent to domain tasting, e.g. \$50 or \$100 USD.
3 14 Sep 07	30 dollars per year. That makes it more difficult to generate click through income that makes owning a site profitable. Otherwise the net will become a lot of targeted search pages going to useless sites.
4 14 Sep 07	While the "no" box above is checked, we are electing NOT to answer this question in the positive or negative.
5 14 Sep 07	No. Minimum registration fees may make cybersquatters more selective but it will not eliminate the practice of domain name tasting.
6 14 Sep 07	\$100.00
7 14 Sep 07	It should be designed to eliminate commercial tasting, requiring registrants to make a cost/benefit analysis with every registration.
8 14 Sep 07	At least \$10/year.
9 14 Sep 07	At least \$10 annually.
10 13 Sep 07	US \$50
11 13 Sep 07	EUR 10
12 12 Sep 07	ICANN should not be involved in the economics of registration fees and minimums.
13 12 Sep 07	\$5

- 14 11 Sep 07 I leave this for experts to address, but some fee should be required that would be at a sufficient level to prevent de facto domain name tasting
- 15 11 Sep 07 \$20
- 16 11 Sep 07 \$ 200.00 but besides a monetary requirement there should be a legal pre requisite, which should consist in proving that the domain name that is being registered is of its own creativity. This could be done through proving that it has a registered trademark or at least it has passed the originality test.
- 17 11 Sep 07 \$25.00 to \$30.00 US should be high enough to discourage tasters and mass registrations.
- 18 11 Sep 07 US\$50
- 19 11 Sep 07 ICANN should not impose this, but allow/propose it. It should leave the decision to the registry
- 20 10 Sep 07 \$8.00
- 21 10 Sep 07 US\$5.00
- 22 10 Sep 07 \$50
- 23 10 Sep 07 At least a dollar, preferably several dollars.
- 24 10 Sep 07 Even a \$0.05 fee would effectively stop this practice. The highest that should be charged would be the \$0.20 fee that is imposed by ICANN.
- 25 10 Sep 07 A nominal fee could be imposed that would discourage rampant tasting and yet would not be prohibitive to individuals and non-profits with legitimate interests in domains.
- 26 10 Sep 07 £2.99
- 27 09 Sep 07 Do not have enough information to know what the minimum should be.
- 28 08 Sep 07 \$20 USD
- 29 07 Sep 07 non-refundable fee of \$5
- 30 07 Sep 07 USD \$5.00
- 31 07 Sep 07 100.00 US
- 32 07 Sep 07 \$20
- 33 07 Sep 07 \$20.00 per year
- 34 07 Sep 07 At least €40 - only domains which are going to be effectively used will be registered.
- 35 07 Sep 07 20 Euro
- 36 07 Sep 07 Around \$50
- 37 07 Sep 07 \$5 - minimum fee should be payable to registry even where a registrar offers "free" registration to a registrant - there must be a cost for registration to deter abuse
- 38 07 Sep 07 US\$100
- 39 07 Sep 07 \$10 it could be more if we can divert it to something useful other than making registrar's rich
- 40 07 Sep 07 10 US\$
- 41 07 Sep 07 Minimum fee to be paid by a Registrant should be 3USD
- 42 07 Sep 07 10 USD for one year.
- 43 07 Sep 07 10 US dollars
- 44 07 Sep 07 1.00 usd
- 45 07 Sep 07 \$25 per year.
- 46 06 Sep 07 Minimum fee might vary depending on domicile of registrant, but that is difficult to police. "Free" goods tend to create inefficiencies, and the true is is born somewhere.
- 47 06 Sep 07 the regular fee
- 48 06 Sep 07 I would charge much more than the current fee - to discourage those who don't have a legitimate interest in a particular domain, and make it a true economic decision to purchase a domain - for example similar to the cost of a trademark registration - in the ballpark of \$1,000.
- 49 06 Sep 07 Do not mess with prices, they should be left to market forces to establish
- 50 06 Sep 07 Fees should at least cover the cost of administration of the domain name system.
- 51 06 Sep 07 It should be high enough to stop cyber-squatters, infringers, etc.
- 52 06 Sep 07 \$20/year
- 53 06 Sep 07 This question also needs a don't know. Truth is I don't have enough information to answer.
- 54 06 Sep 07 Whatever the cost is to maintain the internet and allow ICANN to run self-sufficiently.
- 55 06 Sep 07 Without a reasonable and minimum cost of entry, domain name registrations would be even more abused than they are now and more important domains would be withheld from productive and legitimate use.

- 56 06 Sep 07 Something nominal for the registrant if registering a normal number of registrations, but which could add up for people registering in bulk.
- 57 06 Sep 07 \$50 or higher
- 58 30 Aug 07 \$.10
- 59 23 Aug 07 At least .25 cents.
- 60 22 Aug 07 The market already imposes a minimum fee. ICANN should not interfere with that process.
- 61 22 Aug 07 I do not believe this to be part of ICANNs' mission, to regulate prices (unless possibly to regulate a monopoly). The stability of the Internet is not in danger here. Ask VeriSign.
- 62 22 Aug 07 THIS IS A VERY IMPORTANT ISSUE. I really believe that ICANN should impose a minimum registration fee ! Why ? The low-cost and low fair strategy might put some registrars out of the business ! And this is not good for the stability of the Internet. It seems that the registerfly issue was a administration issue, BUT a minimum registration fee will protect and strengthen the registrar business. My suggestion: US 8/year. No less. We must remember that the cost with Networksolutions was +- US35/domain name. The registry/registrar structure impose a war of prices and services BUT on the other hand ICANN should impose a limit also in this dispute. What if Google give the domain names for free ? Dozens of Registrars might go out of the business. ICANN should promote the competition AND the stability, not only the competition ! As a matter of fact I would like to quote John Nash, the "Nash equilibrium" is achieved when every participant do what is best for him Limited to the common interest. ICANN promote the competition which is good for the market, BUT is NOT a public interest that Registrars go out of the business, so, ICANN should promote the competition AND the stability, not only the competition !
And the minimum registration fee is a good answer, and for those that will complain ? US 8 is 23% of what a domain name used to cost.
- 63 21 Aug 07 \$5
- 64 21 Aug 07 The minimum fee should cover the transaction costs for all the participants in the system - registrar, registry, ICANN, whois-maintainers. I haven't seen any public figures for those costs, but I assume they're at least USD\$0.20, and much less than USD\$6.00. The registrars' costs are variable and somewhat under their control, but ICANN should release the costs for the registry and their own costs. But if that's politically unacceptable, make it \$0.20 for ICANN and I'll put in my 2 Euro-cents for the registrars' cut since this is an international network.
- 65 20 Aug 07 US\$12 pa
- 66 20 Aug 07 Not per se,
However, ICANN should charge a fee to someone.
I disagree with ICANN raising fees on an annual basis, or authorizing registrars to raise their fees indiscriminately. When we start mandating fee structures, we impede the market.
- 67 19 Aug 07 Criminals must be stopped from registering millions of spam domains and making a mockery of the whole system. Most legitimate users do not need large numbers of domains, it is only those game playing the system or involved in crime that need massive numbers of domain names. So please do set a minimum fee, 1 USD seems reasonable - if it is too low, presumably transaction costs become a large percentage of the costs. I am more in favour of lower fees for domains registered over a longer period and higher fees for domains registered for just a short period as this strongly favours legitimate users over illegitimate users. So the larger the initial fee and the lower the longer term fee for a domain the better.
- 68 17 Aug 07 \$10 yr
\$8 2yr
\$4 5yr
- 69 16 Aug 07 something reasonable... because Internet is composed also with internet users and small website and small budget.
Freedom access to everyone is important. this must not be parasited by commercial intentions.
- 70 16 Aug 07 A dollar or so, to avoid speculative warehousing.
- 71 16 Aug 07 there are cases in which registrar can and should offer free domains - local govt, ngos, schools, etc
- 72 15 Aug 07 Anytime a service is offered "below cost" there is an issue. But as long as ICANN is receiving the fees, the companies will not be able to provide service at under cost.
- 73 15 Aug 07 No comments allowed on the last two questions! Shame on you!
ICANN should keep their nose out of registrars business models. There *should* be a non-trivial cost to *registrars* for every domain used in any way (i.e. activated and made accessible on the web).
- Email 16 Sep 07 Unless some mechanism exists with regards to comments to question 12,
- Email 14 Sep 07 The fee should be high instead (US\$100) so that unlawful use could be prevented.

Email 13 Sep 07 No. See our response to 11 and 12 above.
 Email 23 Aug 07 see 10 and 12
 Email 14 Aug 07 If the current \$0.20 transaction fee is enough to substantially reduce tasting then that is sufficient. If it is not, the minimum registration fee should be larger. It's probably necessary to try this out in the real world and revise the minimum fees if tasting continues.

14. Please provide any statistical or other factually supported information (with source or source data included for third party validation) that could be useful for analyzing domain tasting issues.

	Date	Comment
1	15 Sep 07	Not available.
2	14 Sep 07	We receive daily reports containing potential issues of concern relating to new domain name registrations that may infringe upon one of our core brand names. Each week, we receive dozens or scores of reported issues of potential domain name abuse which turn out to be "tasted" domains.
3	14 Sep 07	Mark Monitor's summer brandjacking report for the pharmaceutical industry shows that domain name kiting increased by 243 percent.
4	14 Sep 07	As a brand protection company, MarkMonitor monitors domain name registrations that potentially infringe on the trademark rights of major corporations. Our reports routinely identify instances of domain tasting and domain kiting targeting major brands, conducted mostly by a limited group of registrars. To understand the scope of the problem facing the world's largest brands, MarkMonitor has published its quarterly BrandJacking Index in the Spring/Summer 2007 that identifies the increasing amounts of abusive registrations resulting from domain tasting and domain kiting. The assumptions and methodology behind these statistics are described in greater detail in the BrandJacking Index, copies of which will be emailed separately. We will also provide specific examples of domain tasting and kiting activity via e-mail.
5	14 Sep 07	CADNA is conducting a statistical audit of domain tasting and kiting via a long-term study of many tens of thousands of domain names. At the time of this writing that analysis is incomplete; however, CADNA will make it available upon completion (most likely in the month of September).
6	14 Sep 07	We see hundreds of registrations a week, bad faith cybersquatting on our brands, with the vast majority dropped within the AGP.
7	13 Sep 07	Monthly registry reports. I reviewed the VeriSign report for May 2007 and couldn't find total numbers of .com and .net "deleted domains grace." So, my assistant has to total them all up for me. She's not very happy about that. Why can't ICANN provide the data in aggregate form for all registries?
8	13 Sep 07	No statistical information available
9	11 Sep 07	Domain tasting makes it easy for cybersquatters, typosquatters and others who would take advantage of the Internet and IP owners without offering any social benefit to continue their practices. While curtailing this practice would be welcome, an even more welcome change would be to limit registration of domains that contain a trademark to the trademark owner or someone who can provide a copy of a license from the owner. The current situation, with its proliferation of trademark-infringing domains that also serve no useful social purpose (generation of click-through revenue is not a useful social purpose) compromises the integrity of the Internet and undermines public confidence in it. We appreciate your interest in curbing at least this one area of abuse.
10	11 Sep 07	None
11	10 Sep 07	none
12	07 Sep 07	No data.
13	07 Sep 07	Reviewing/deleting backlinks for each domain name prior to deleting at the Registry is recommended.
14	07 Sep 07	no comment
15	07 Sep 07	No information available
16	07 Sep 07	Ask Google
17	07 Sep 07	-
18	07 Sep 07	I would love to see how long on average domain names are kept before being released. I suspect 4.5 days to be the figure as people in good faith who makes mistake will definitely correct it within 24 hours. However, if you are in bad faith and want to see if you can make money, you will keep it as long as possible !
19	07 Sep 07	none
20	07 Sep 07	No comment
21	06 Sep 07	I currently have none.
22	06 Sep 07	I do not have any information at hand

- 23 06 Sep 07 none
- 24 31 Aug 07 I have purchased through an auction house over 500 names in 2007 that were acquired by that auction house when they deleted. In most cases I purchased those names for little more than a direct registration through a registrar. In many cases I would not have known they were going to be available and in many cases there were other interested parties and I would not have obtained all the names I did were this service not available. Tasting is a side effect of this service I expect but that does no harm to me.
- 25 27 Aug 07 no comment
- 26 23 Aug 07 I had one domain tested by FIVE different testers before it became available for me so I could develop it.
- 27 22 Aug 07 I've heard a lot that domain tasting is a business for a small number of registrars, but nobody seems to know this number, even though it doesn't seem to be hard to be obtained.
- 28 21 Aug 07 Sorry - all of my numbers came out of my hat, or were things I read on the Internet :-)
- 29 20 Aug 07 - WebHosting.info
- Pool.com (to see how .COM and .NET domains are immediately grabbed after deletion date)
- 30 19 Aug 07 <http://www.bobparsons.com/DomainKiting.html>
"Meet DirectNIC.
You might find the registration statistics of DirectNIC somewhat interesting. DirectNIC registered more than 8.4 million domain names in April 2006, but only permanently registered — or paid for — 51.4 thousand of those. The trend was the same in March, when DirectNIC registered 7.6 million names and only permanently registered — or paid for — 52.5 thousand. Whatever could DirectNIC be doing? Why are they dropping and re-registering all those names – again – and again – and again? And why doesn't ICANN care?"
http://en.wikipedia.org/wiki/Domain_tasting
"In April 2006, out of 35 million registrations, only a little more than 2 million were permanent or actually purchased. By February 2007, the CEO of GoDaddy reported that of 55.1 million domain names registered, 51.5 million were canceled and refunded just before the 5 day grace period expired and only 3.6 million domain names were actually kept."
<http://gns0.icann.org/issues/domain-tasting/gns0-domain-tasting-report-14jun07.pdf>
"The .ORG monthly report for January, 2007 shows that five registrars deleted 1,773,910 (99.4%) of domain names within the AGP, retaining only 10,862 domain names following the AGP."
- 31 17 Aug 07 My search was conducted on the 8th....
We've noted that the following changes occurred between 08/14/2007 and 08/15/2007:
The registrar has been changed:
OLD: CAPITOLDOMAINS, LLC
NEW: WILD WEST DOMAINS, INC.
The WHOIS server has been changed:
OLD: whois.capdom.com
NEW: whois.wildwestdomains.com
The domain expiration date has been changed:
OLD: 11-aug-2008
NEW: 15-aug-2008
The domain name servers have been changed:
OLD: NS-1.ACTIVATEDHOST.COM
NS-2.ACTIVATEDHOST.COM
NS-3.ACTIVATEDHOST.COM
NEW: No nameserver
- 32 16 Aug 07 here some domain name I tried/found without link with the site content while searching a domain name for my website.
<http://www.mademeure.com/>
<http://www.dansmamaison.com/> (under construction... how long)
<http://www.dansmamaison.com/> (no website but registered)
<http://www.madeco.com/> (under construction.. how long - 1 page)
<http://www.madecoration.com/> (for sale by its owner)
<http://www.alamaison.com/> (for sale by its owner... 5000\$)
These are some examples of course. You will be able to find others 'for sale by its owner'
- 33 16 Aug 07 ICANN registrar and registry reports make it clear that a small set of specialist registrars do all the tasting.
- Email 14 Sep 07 As addressed in question 6, one client tried to register and discovered that the name had already been taken by an entity that sells domain names. Its reputation in the business education

field-main practice of this entity-is being affected by the wrongful image that the site INCAE.INFO is bringing on its service provision image (high quality education in the field of business management mainly).

Email 13 Sep 07 The Registries have detailed data on AGP deletes and have begun including that information in their monthly reports to ICANN. VeriSign began including it with its April report.

Email 23 Aug 07 This is best provided by the registries. Looking at the number of AGP deletions compared to actual add requests will give you a very good indication.

15. Please name any expert persons you know of regarding any issues raised by this RFI.

Individual names are included for those who have given their consent to it, otherwise obscured as "xyz". Email addresses provided have been omitted for privacy reasons.

	Date	Comment
1	14 Sep 07	xyz and Margie Milam at Mark Monitor
2	14 Sep 07	CADNA, its members, and FairWinds Partners, who is involved with the administration of CADNA, are all experts in the domain name space and are committed to working towards furthering stability of and the confidence in the name space. We can be collectively contacted at info@cadna.org.
3	14 Sep 07	xyz
4	14 Sep 07	Sheldon Klein - He is an experienced lawyer and is familiar with the problem.
5	13 Sep 07	xyz
6	13 Sep 07	??
7	11 Sep 07	xyz
8	11 Sep 07	xyz; Alvaro Castellanos
9	11 Sep 07	Mark Monitor, an organization that assists us in protecting our brand online, performs surveys of different kinds of online phenomena. I expect Mark Monitor would be pleased to provide you with copies of any current studies.
10	11 Sep 07	None
11	10 Sep 07	none
12	07 Sep 07	No idea.
13	07 Sep 07	N/C
14	07 Sep 07	FairWinds Perspective
15	07 Sep 07	Cedric Manara (Edhec in Nice in France) is an expert in domain names (he codrafted the .eu arbitration rules) who could add some interesting comments
16	07 Sep 07	none
17	06 Sep 07	xyz; Eric Goldman; Apple (Computer) Inc.
18	06 Sep 07	xyz
19	06 Sep 07	unknown
20	06 Sep 07	xyz
21	31 Aug 07	xyz
22	27 Aug 07	no comment
23	26 Aug 07	xyz
24	19 Aug 07	xyz; PS. Domain Kiting is just serial domain tasting to try to hold onto a domain. There may be no guarantee a domain can be "retasted" when dropped, unless a registry is able to hold onto to it somehow or have an advantage in timing when it is dropped.
25	17 Aug 07	I cannot provide this information at this time without their consent
	Email 13 Sep 07	The best experts on this activity are the Registrars involved in it, the Registries that have allowed it and in particular VeriSign since COM is by far the most heavily tasted TLD (followed by NET), and ICANN who has all of the data from the Registries' monthly reports (these reports are also publicly available although there is a necessary three month delay in their being posted).
	Email 23 Aug 07	CORE is working in the domain industry since its inception ten years ago. Many of CORE staff and excom members are highly qualified to support ICANN in this process.

16. Please provide any other comments you may have to this RFI.

	Date	Comment
1	15 Sep 07	No.
2	15 Sep 07	Thank you and stop tasting
3	14 Sep 07	No thanks.

4 14 Sep 07 Thank you to the ad hoc committee for this opportunity to participate in the fact gathering process. Thanks also to those individuals that will be giving their valuable time to collate and present the results to the full committee.

5 14 Sep 07 None

6 14 Sep 07 Given the global community's increasing reliance on the Internet as a portal for the conduct of commerce and the open exchange of information, policymakers must act to shore up accountability and transparency on the Internet. If we fail to modernize our policies, if we allow policies to exist that enable practices that have a negative impact on consumers and businesses alike, then we risk squandering the Internet's potential, failing ourselves and failing future generations.

Though there are policies in place to protect against cybersquatting, the ever-changing landscape of Internet fraud has made it so that the practice is as alive and profitable as ever. CADNA views tasting as an unfair contributor to practices that can lead to cybercrime. As has been shown by ICANN's latest report, tasting has driven up the total number of domain registrations. In addition, according to a recent industry report, there are over 1 million kited sites re-registered daily, collectively bringing in \$100-125 million in annual revenue for profiteers and some criminals. All domain tasters are not cybersquatters, but domain tasting leads to a net negative impact on the Internet community as a whole and thus should not be allowed to continue.

As mentioned before, diverted sales, the loss of hard-earned trust and goodwill, and the increasing enforcement expense of protecting consumers from Internet-based fraud has taken a great financial toll on brand owners and negatively impacted consumers and the Internet community as a whole. Cybersquatted domain names are a large part of this overall problem, and domain tasting enables fraudsters to know which brand related names to register because of the traffic they get. Because of that, cybersquatters are able to successfully lure consumers into purchasing counterfeit products (including potentially harmful counterfeit prescription drugs), giving away their personal information (which could lead to further financial loss) and unwittingly exposing themselves to spyware deposits -- in addition to creating an overall negative online experience for the many people that look to the Internet to fulfill their personal and professional needs.

Today, approximately 30-32 million domain names are involved in kiting or were identified and registered via tasting (in many ways the majority of PPC sites we see today are a result of domain tasting since their business model is based upon names needing traffic), with approximately 2 million names being tasted every day.

Because ICANN's AGP policy enables tasting and kiting, ICANN needs to take action to eliminate the loopholes that allow for these practices. Furthermore, registrars that are using domain tasting to identify names to register are warehousing domain names. Such registrars are abusing their fiduciary duties to the public, and ICANN should explicitly ban tasting and this practice of warehousing names in the Registrar Accreditation Agreement. To date, ICANN has not addressed these loopholes, thereby failing to protect both consumers and the intellectual property community.

Our hope is that this Ad Hoc group's work leads to policy reform, and CADNA is committed to working with ICANN and each representative constituency as necessary to ensure the rights of all users are protected and that the ultimate result is a better Internet for consumers, domain investors, registrars, brand owners, and all other relevant parties.

We hope to collaborate with other like-minded organizations to advise and work with ICANN to find new solutions to this ever-evolving problem of Internet fraud.

7 13 Sep 07 Thank you.

8 13 Sep 07 Thanks Kieren and Nick!

9 13 Sep 07 This RFI is a great idea. Many stakeholder groups will be watching to see how the data is used and presented.

10 13 Sep 07 Thanks

11 12 Sep 07 This whole issue is not under the scope of ICANN and should not be addressed by a PDP. This is a knee jerk reaction to a problem that has been brought up by a small group of users with a very loud voice. Let's focus on real issues such as new gTLD's and IDN's. This is a waste of ICANN's time and precious resources

12 12 Sep 07 Thank You.

13 11 Sep 07 No.

14 11 Sep 07 Domain Names should be treated in a more restrictive way, regarding the importance of the internet use around the world.

15 11 Sep 07 Domain Names should be treated in a more restrictive way, regarding the importance of the internet use around the world.

16 11 Sep 07 Thank you for allowing us to vote and to express our opinions. Kind regards, Leigh Fulwood, Corporate Counsel, Costco Wholesale Corporation

17 11 Sep 07 No.

- 18 11 Sep 07 The Internet has proved to be expensive and hazardous for IP rights owners. Registrars get to register domain names containing trademarks that do not belong to the registrant and which infringe the owners' rights. IP rights owners must spend considerable time and money to police its IP rights on the web. I don't see a countervailing benefit in allowing registrars and registries to have such free rein in plundering the IP rights of others.
- 19 11 Sep 07 ..
- 20 10 Sep 07 Over the course of the past 6 months we have seen infringement issues climb from an average of 5 domain registrations a day to nearly 30. At least 80% of these registrations are actually domains that have been dropped during the AGP and then re-registered by another party. These domains are constantly churned within the domainer community as they are dropped only to be snatched up again by another which makes it very difficult to pursue our legal rights through a UDRP.
- 21 10 Sep 07 No thanks.
- 22 10 Sep 07 Please eliminate identity shields.
- 23 10 Sep 07 no
- 24 10 Sep 07 none
- 25 08 Sep 07 No
- 26 07 Sep 07 No.
- 27 07 Sep 07 None.
- 28 07 Sep 07 Nothing to add
- 29 07 Sep 07 No comments.
- 30 07 Sep 07 Some of the questions appear redundant.
- 31 07 Sep 07 Unrelated to tasting -
I am not in favor of the low \$50,000 new domain extension application fee ICANN is seeking that could potentially explode the number of domain extensions. The utter failure of absolutely unnecessary extensions such as .aero, .name, .coop and cheapening of the namespace with the cheezy .biz name does not reflect well on the decisions of ICANN. On the other hand com/net/org/edu/gov/ and CCTlds (for their intended purpose, not hijacked like .tv and .la), .info and .mobi make sense.
- 32 07 Sep 07 Thanks to you.
- 33 07 Sep 07 No further comments
- 34 07 Sep 07 Thanks for allowing me the opportunity to participate
- 35 07 Sep 07 None
- 36 07 Sep 07 Thank you for having this organized
- 37 07 Sep 07 An option could be to let the same Registrant be able to use the AGP once every 2 years for example although it might be hard to implement
- 38 07 Sep 07 -
- 39 07 Sep 07 -
- 40 07 Sep 07 ICANN's willingness to review issues like this is very welcome
- 41 07 Sep 07 Thanks for the opportunity to vote
- 42 07 Sep 07 none
- 43 07 Sep 07 n/a
- 44 07 Sep 07 n/c
- 45 06 Sep 07 None now
- 46 06 Sep 07 None now.
- 47 06 Sep 07 congratulations
- 48 06 Sep 07 no additional comments
- 49 06 Sep 07 Thank you for permitting me the opportunity to comment.
- 50 06 Sep 07 Legal and productive use of domains is only harmed by applicants withdrawing useful domains from the available pool and such improper use is encouraged by allowing applicants to do this at no cost by tasting and kiting.
- 51 06 Sep 07 none
- 52 06 Sep 07 none
- 53 31 Aug 07 This is not an area for ICANN involvement.
- 54 31 Aug 07 I believe this survey is biased towards the elimination of tasting or imposition of fees that would have the same effect to me. I believe this because of the way the questions are written, and the same questions asked multiple times in different ways to try to get an answer to one form of the question that supports that bias.
- 55 30 Aug 07 none

56 27 Aug 07 no
 57 27 Aug 07 no comment
 58 23 Aug 07 Thanks for the opportunity.
 59 23 Aug 07 No additional comment.
 60 23 Aug 07 As a registrar that doesn't taste domains, all I ask for is that, don't put tension on the relationship between registrants and registrars because, at the end of the day, registrants are those who afford the whole system.
 61 22 Aug 07
 62 22 Aug 07 This is really not an issue that ICANN should be involved with. This should be handled at the registry / registrar layer without ICANN's involvement. PIR has already demonstrated an ability to react to the situation, and other registries should follow suit.

When the market conditions change, the behavior of the domain tasters will change. As long as their margins are high, they will adapt to any arbitrary rules that ICANN tries to impose. Meanwhile, it is the registries and registrars (who, for the most part, do not participate in tasting) that will be burdened.

63 22 Aug 07 I think it is important to narrow down the exact problem people are experiencing. Is the problem really "Tasting" or is the problem perhaps "registrations" and then "infringements" of "trademarked names"? That is not the same thing as "Tasting" and will not be solved by removing the AGP. Try to differentiate "Tasting" from "Monetization" and other phenomenas.

64 22 Aug 07 Congratulation to all ICANN members and to the DTWG !
 65 22 Aug 07 thank you for taking seriously in account this problem and taking necessary steps to stop it

66 21 Aug 07 Thanks for holding the poll!
 67 21 Aug 07 The AGP rules mean that registrars have to handle double transactions for domains that might be tasted without getting paid for it, and this gives them a strong incentive not to verify credit card information until after the AGP, which is a Bad Idea. They should be allowed to collect at least part of the fees they charge, and should have to pay the Registry and ICANN, and should have to keep whois information around for the returned domains.

68 20 Aug 07 Thank you for taking the time to study this issue thoroughly.
 69 20 Aug 07 My basis for my comments are derived from what I have seen take place as the AGP was enacted. There are those who misinform the public, citing cybersquatting and tasting and making them sound like criminals, and this is not the case.

The real issue, is is there an unfair advantage in the marketplace.
 Yes, there is. At the registrar level.

'Tasting' encourages temporary registration of domains.

The 'AGP' encourages tasting

If registrars, using their own systems, can take advantage of the AGP, they will if they have a cause.

70 20 Aug 07 You are welcome...
 71 20 Aug 07 The registrars participating on domain warehousing.
 72 19 Aug 07 It never ceases to amaze me how corrupt the domain name system is and what bad Registrars and their bad customers can get away with.
 73 19 Aug 07 It never ceases to amaze me how corrupt the domain name process is and what bad Registrars and their bad customers can get away with.

74 17 Aug 07 I have provided my insight and concerns that reflect the thoughts of many users and legitimate business owners. I hope those of you reviewing these surveys understand the impact of your influence on the decisions. Lets work together to bring back the spark the internet once had during its infants y and don't let it become a virtual burial ground.

75 16 Aug 07 thanks
 76 16 Aug 07 Thanks for reading my poor english.

Email 14 Sep 07 It would be highly appreciate if the time response frame could be improved. We entered a claim in the Internic website on Aug. 23 and have not received so far a response as how to solve the situation that we addressed.

Email 13 Sep 07 The best experts on this activity are the Registrars involved in it, the Registries that have allowed it and in particular VeriSign since COM is by far the most heavily tasted TLD (followed by NET), and ICANN who has all of the data from the Registries' monthly reports (these reports are also publicly available although there is a necessary three month delay in their being posted).

EXHIBIT A

Examples of Go Daddy Customer Complaints

GNSO Outcomes Report on Domain Tasting v1.6

Authors: Mike Rodenbaugh, mxrodenbaugh@yahoo.com , Olof Nordling, olof.nordling@icann.org , Patrick Jones, Patrick.jones@icann.org,

The following three examples have certain information redacted to protect privacy.

Example 1

----- Original Message ----- Subject: How this all evolves... From: "XXXXX XXXXXXXX" <XXXXXXXXXX@XXXXXXXXX.com> Date: Mon, August 20, 2007 11:51 am To: <pr@godaddy.com>
... I really cannot believe the course of events taken place today....I am going to follow up, and post this in Digg, Netscape and wherever else I can...This will be a great topic about Godaddy and it's integrity....
I cannot believe that your company is so petty, that you would do this to your clients.....
On Friday, August 17, 2007 I looked up the availability of XXXXXXXXXXXXXXXX.com on your web site....
Within 2 days it was coincidently taking by a company called XXXXXXXX...Which I now understand is your company... [NOTE: IT WAS NOT OUR COMPANY. THEIR DOMAIN NAME HAPPENS TO BE REGISTERED THROUGH US FOR WHATEVER REASON]
Are you squatting on names?....Are you using your customers information to profit unfairly?...It appears to be the situation here...
I would like an immediate response, as this is causing harm to our business...
I will publish this incident on netscape, digg, and wherever else the public will want to learn of your real integrity
Our company here used this brand name for 10 years, and when I went back onto you site this morning to buy the name, you already took it over the weekend.
Does the public know that you are doing this????

Example 2

Received via Web Board Support 30 Aug 2007 12:55:24 -0700
Dear Mr. Parsons, On the 26th of August I used my GoDaddy account (I have over XXXX domains and several email and hosting accounts, and have used other services as well) in order to purchase XXXXXXXXXXX.com to use for my consulting business. For some reason ... the order did not go through. The very next day I went online to try again, but then a company called XXXXXXXXXXX in Pasadena had registered my domain name. I am convinced that the only reason this company registered the domain is because they somehow found out about my failure to register the domain through GoDaddy. I am not sure if what happened is a result of mismanagement on behalf of GoDaddy's employees or if it is company policy to steal from members. Either Tasting RFI – GoDaddy.com's Response Page 7 of 8
way, I hold GoDaddy responsible for what happened. I find this especially serious given the fact that GoDaddy is trying to cultivate an image of honesty. I am determined to get to the bottom of this matter and I want to give you an opportunity to respond before I proceed. Best regards, XXXX XXXXXXXX

Example 3

----- Original Message ----- Subject: Personal note to Bob Parsons From: XXXXX XXXXXXXX <XXXX@XXXXXXXXX.com> Date: Mon, April 16, 2007 11:39 am To: president@godaddy.com Cc: XXXX@XXXXXXXXX.com, XXXX@XXXXXXXXX.com Dear Mr. Parsons, ... Because of this history of using your services, it is with regret that I must report to you a terrible suspicion about your company. That suspicion is that your company (as a matter of policy) OR someone within your company (without your knowledge), is monitoring domain availability searches, then grabbing the more active ones before they can be registered. Here is the story on this: On Friday evening (4/13/07), I conceived an idea for a new take on an online lead generation service. That is to operate a XXXXX service for XXXXXXXX. ... I went to GoDaddy.com to check the availability of "XXXXXXXXXX.com". It was available. Since we have an internal process for registering and paying for names, I sent an email to a single person on my staff to buy the domain first thing Monday morning. My V.P. of Media also checked the domain's availability on your system on Saturday afternoon. Only 3 people knew about this domain search on our end, each of whom is a senior, long-term loyal staffer. Lo and behold, when we went in on Monday morning, it turns out that the name had been registered on Sunday (4/15) by another registrar- XXXXXXXXXXX.com (a.k.a XXXXXXXXXXX.com). This in itself could be a mere coincidence, but I had this same thing happen a few months ago- an immediate loss of a desired domain after checking availability on your site. After discussing the situation with some of my staff, one of them commented that "this domain-sniping problem with GoDaddy is common knowledge". Now, I do not know if this evidence is enough for you to act. But I also bet that if you have someone in your company who is helping usurp interesting domain names that are researched on your system, you have heard of the problem before. For me, the next steps are clear. We have lost a valuable domain name around which we desired to create another business. I and my staff believe the name was misappropriated as a direct result of us researching it on you site . That means, unless there is some contravening evidence that would make us more comfortable, we will work to transfer all our dozens of domains to another registrar, and take our business elsewhere. Sincerely XXXXX
Email 23 Aug 07 None other than 7.

Response from Mark Monitor 14 September

Attached are copies of the MarkMonitor BrandJacking Index for Spring and Summer, 2007. (*Editor's note: Attachments here replaced by links to posted versions.*)

April 2007 Brandjacking Index:

<http://www.markmonitor.com/pr/brandjacking/>

Summer 2007 Brandjacking Index:

<http://www.markmonitor.com/resources/es-ws/bji/index.html>

In addition, we have enclosed a spreadsheet with sample registration data for several domain names tasted/kited during the period 8/3/07-9/14/07. This data provides the name of the registrar, the IP address of the servers hosting the content, as well as the dates of registration and deletion.

These examples highlight the following problems related to domain tasting:

1. A limited number of registrars participate in this activity.
2. The registrations rotate among related registrars, perhaps to avoid detection by the registries.
3. The same IP address often reappears, typically pointing to a PPC site.
4. The similarity of registration dates and deletion dates targeting the same brand suggests the intentional coordination of activity towards a famous brand, in order to maximize the activity and the monetary gain associated with the PPC activity.

The attached is just a snapshot of a few transactions to highlight the problem. As summarized in the BrandJacking Index, the total number of abusive registrations is significant and continues to grow during 2007. Please do not hesitate to contact me if you have any questions related to these materials.

Sincerely,
Margie Milam,
MarkMonitor, Inc

**Examples of Domain Tasting and Domain Kiting
Data from 8/3/07-9/14/07**

Domain Name	Registrar	IP Address	Date	Event
microsoftasp.net				
microsoftasp.net	red register, inc.	83.149.75.58	2007-08-14 12:00	new
microsoftasp.net	red register, inc.		2007-08-15 12:00	dropped
microsoftasp.net	red register, inc.		2007-08-16 12:00	new
microsoftasp.net	red register, inc.		2007-08-17 12:00	dropped
microsoftasp.net	none		2007-08-21 12:00	dropped
microsoftasp.net	name.com llc	69.25.212.153	2007-08-25 12:00	new
microsoftasp.net	name.net llc		2007-08-28 12:00	dropped
microsoftasp.net	name.net llc	69.25.212.153	2007-08-29 12:00	new
microsoftasp.net	none		2007-09-01 12:00	dropped
microsoftantivirus.com				
microsoftantivirus.com	red register, inc.	83.149.105.231	2007-08-03 12:00	new
microsoftantivirus.com	none		2007-08-07 12:00	dropped
microsoftantivirus.com	red register, inc.	83.149.75.58	2007-08-11 12:00	new
microsoftantivirus.com	none		2007-08-16 12:00	dropped
microsoftantivirus.com	none		2007-08-17 12:00	new
microsoftantivirus.net				
microsoftantivirus.net	red register, inc.	83.149.75.58	2007-08-14 12:00	new
microsoftantivirus.net	red register, inc.		2007-08-15 12:00	dropped
microsoftantivirus.net	red register, inc.		2007-08-16 12:00	new
microsoftantivirus.net	red register, inc.		2007-08-17 12:00	dropped
microsoftantivirus.net	name.com llc		2007-08-21 12:00	dropped
microsoftantivirus.net	name.com llc	69.25.212.153	2007-08-23 12:00	new
microsoftantivirus.net	none		2007-08-26 12:00	dropped
messengermicrosoft.com				
messengermicrosoft.com	name.com llc	69.25.212.153	2007-08-07 12:00	new
messengermicrosoft.com	none		2007-08-10 12:00	dropped
messengermicrosoft.com	domaindoorman, llc	66.45.238.60	2007-08-25 12:00	new
messengermicrosoft.com	none		2007-08-29 12:00	dropped
messengermicrosoft.com	name.com llc	69.25.212.153	2007-09-01 12:00	new
messengermicrosoft.com	none		2007-09-06 12:00	dropped
microsoftinternetexplorer.com				
microsoftinternetexplorer.com	red register, inc.	85.17.173.219	2007-08-03 12:00	new
microsoftinternetexplorer.com	none		2007-08-07 12:00	dropped
microsoftinternetexplorer.com	red register, inc.	83.149.75.58	2007-08-11 12:00	new
microsoftinternetexplorer.com	none		2007-08-16 12:00	dropped
microsoftinternetexplorer.com	none		2007-08-17 12:00	new
microsoftdownloads.com				
microsoftdownloads.com	red register, inc.	83.149.105.231	2007-08-03 12:00	new
microsoftdownloads.com	none		2007-08-07 12:00	dropped
microsoftdownloads.com	red register, inc.	83.149.75.58	2007-08-11 12:00	new
microsoftdownloads.com	none		2007-08-16 12:00	dropped
microsoftdownloads.com	none		2007-08-17 12:00	new
orrihatch06.com				
orrihatch06.com	none		2007-08-11 12:00	dropped
orrihatch06.com	capitoldomains, llc	66.45.238.60	2007-08-21 12:00	new
orrihatch06.com	none		2007-08-26 12:00	dropped
orrihatch06.com	domaindoorman, llc	66.45.238.60	2007-09-04 12:00	new
orrihatch06.com	none		2007-09-08 12:00	dropped
wwwlarrycraig.com				
wwwlarrycraig.com	belgiumdomains, llc		2007-09-02 12:00	dropped
wwwlarrycraig.com	belgiumdomains, llc	66.45.238.60	2007-09-03 12:00	new
wwwlarrycraig.com	none		2007-09-08 12:00	dropped
larrycragi.com				
larrycragi.com	belgiumdomains, llc		2007-09-02 12:00	dropped
larrycragi.com	belgiumdomains, llc	66.45.238.60	2007-09-03 12:00	new
larrycragi.com	none		2007-09-07 12:00	dropped
larrycraigpolicereport.com				
larrycraigpolicereport.com	domaindoorman, llc		2007-09-02 12:00	dropped
larrycraigpolicereport.com	domaindoorman, llc	66.45.238.61	2007-09-03 12:00	new
larrycraigpolicereport.com	none		2007-09-07 12:00	dropped
toyotaofsc.com				
toyotaofsc.com	onlinenic, inc.	209.85.84.167	2007-08-11 12:00	new
toyotaofsc.com	none		2007-08-16 12:00	dropped
toyotaofsc.com	none		2007-08-17 12:00	new
toyotaofsc.com	name.com llc	69.25.212.153	2007-08-21 12:00	new
toyotaofsc.com	none		2007-08-25 12:00	dropped
toyotaofsc.com	name.net llc	4.79.81.135	2007-09-04 12:00	new
yourviagrapharmacy.com				
yourviagrapharmacy.com	capitoldomains, llc	66.45.238.61	2007-08-16 12:00	new
yourviagrapharmacy.com	capitoldomains, llc		2007-08-17 12:00	dropped
yourviagrapharmacy.com	domaindoorman, llc	66.45.238.60	2007-08-21 12:00	new
yourviagrapharmacy.com	none		2007-08-25 12:00	dropped
yourviagrapharmacy.com	spot domain llc dba domainsite.com	69.25.212.153	2007-08-30 12:00	new
yourviagrapharmacy.com	none		2007-09-02 12:00	dropped
yourviagrapharmacy.com	domaindoorman, llc	66.45.238.60	2007-09-04 12:00	new
yourviagrapharmacy.com	none		2007-09-09 12:00	dropped
thecheapviagra.com				
thecheapviagra.com	capitoldomains, llc	66.45.238.61	2007-08-21 12:00	new
thecheapviagra.com	none		2007-08-25 12:00	dropped
thecheapviagra.com	spot domain llc dba domainsite.com	69.25.212.153	2007-08-30 12:00	new
thecheapviagra.com	none		2007-09-02 12:00	dropped
thecheapviagra.com	capitoldomains, llc	66.45.238.61	2007-09-04 12:00	new
thecheapviagra.com	none		2007-09-09 12:00	dropped
mail-order-viagra.com				
mail-order-viagra.com	belgiumdomains, llc	66.45.238.60	2007-08-21 12:00	new
mail-order-viagra.com	none		2007-08-30 12:00	dropped
mail-order-viagra.com	spot domain llc dba domainsite.com		2007-09-02 12:00	new
mail-order-viagra.com	none		2007-09-06 12:00	dropped
mail-order-viagra.com	godaddy.com, inc.	68.178.232.100	2007-09-08 12:00	new

Response from APWG 14 September

The Relationship of Phishing and Domain Tasting

A report and analysis by the APWG DNS Policy Working Group

Contributors:

Greg Aaron, Afilias

Dmitri Alperovitch, Secure Computing

Laura Mather, MarkMonitor

Preamble and Summary

The Anti-Phishing Working Group (APWG) is the global pan-industrial and law enforcement association focused on eliminating fraud and identity theft that result from phishing, pharming and e-mail spoofing of all types. The APWG's Domain Name System Policy Working Group (DNSPWG) focuses on policy-related issues associated with the Domain Name System (DNS) to examine abuses of the DNS that may require remediation. DNSPWG analysts examined the consequences of 'domain tasting' – the practice of opportunistically registering domain names to determine their traffic-generating potential and dropping those with less-than-promising prospects – on the larger Internet community and asked whether or not phishers use "tasted" domain names to perpetrate their crimes. APWG analysts found domain name tasting to be antithetical to the phishers' enterprise model and therefore no relationship exists at this time between phishing and domain name tasting, though the large increase in domain name registrations requires a commensurate increase in resources by the anti-phishing entities to monitor for new phishing attacks.

Background

All ICANN accredited generic top-level domains (gTLDs: .com, .net, .org, .info, .biz) and some country-code top-level domains (ccTLDs) have a five-day Add Grace Period. A registrar may delete a new registration within this period to receive a refund. Such cancelled names are returned to the pool of available names in the registry. The Add Grace Period was invented to give registrars a way to deal with registration mistakes, registrant fraud, and credit card charge-backs.

Domain tasting is a practice in which a registrant takes advantage of the Add Grace Period to test whether a domain name can be profitably monetized. The most common monetization practice is to place pay-per-click advertising on the newly-registered domain name and measure how much revenue and traffic the domain name generates in the first days of the registration. If the taster determines that the domain name will not make a profit over the course of a year, the taster cancels the domain name before the end of the Add Grace Period and receives a refund for the registration. Domain names that are deemed profitable are retained in the taster's portfolio. These are often domain names that were previously used by other parties and have since been cancelled. Such domain names enjoy residual traffic from search engines and hyperlinks across the Web. Other examples of profitable domain names include misspellings and mistypes of other popular Web sites or product names; these garner type-in traffic as Web users make spelling and typing errors in their browsers.

It is generally perceived that the great majority of domain name tasting is performed by a small number of registrars who exist specifically to amass and maintain tasting portfolios. Typically, these registrars do not offer registration services to the public. In an observed example, one tasting registrar created 1.8 million domain names in one gTLD over a three-month period, and cancelled all but 10,000 of those names within the Add Grace Period.

This study considers the possible relationship between domain name tasting and phishing. Currently, domain name tasting is an allowable activity (possible cases of intellectual property infringement notwithstanding).

Phishing is illegal in most jurisdictions. It would be surprising for an ICANN-accredited registrar to knowingly engage in phishing, since such criminal activity would endanger its accreditation and reputation.

This report gives details of the findings of several studies that evaluated how much domain name tasting is performed by phishers. First, the results of the analyses are detailed including a description of the methodology used in each analysis. Second, data that are still needed is described. Finally, APWG's analysts make a statement about the way domain name tasting affects the fight against phishing, even if the phishers are not using domain name tasting practices themselves.

Findings

Independently, members of the APWG Domain Name System Policy Working Group conducted two different studies to determine whether or not domain name tasting occurs in instances of phishing. The studies approached the problem employing two different methodologies and correlative data sets, but arrived at the same conclusions.

Phishing Domains used by Tasters

The first study analyzed a list of 793 unique domain names that had been used for phishing during the first half of 2007. (These were second-level domains, not the URLs on those domains used for phishing pages.) The study

determined whether these phishing domain names had been cancelled during the Add Grace Period, and which registrars had registered them.

Here are the findings from that study:

1. Some 78% of domain names reviewed in this study that had been used for phishing had never been cancelled in the Add Grace Period, and were present in the registry at the time of the study. This is contrary to the behavior typical of tasters, who keep a tiny percentage of the names they taste and return the vast majority for refund of registration fees.

2. Six of the phishing domain names used in this study was ever registered at any point by the suspected tasting registrars. Those domain names that were registered by suspected tasting registrars are likely unrelated to the phishing activity on those domain names. It appears that a taster often registered and rejected a name before a phisher subsequently registered it, or a taster registered a name after a phisher had used it.

3. Less than 20% of the phishing domain names reviewed in this study was cancelled within the five-day Add Grace Period. Note that:

A. This takes into account only the last create-and-cancel cycle for each domain name. Some of these domains names were deleted more than once. In some cases a domain name may have been used for phishing and deleted, and then tasted and deleted within the grace period.

B. We do not know who ordered the cancellations of these domain names, or the rationale for their cancellation. Some or all may have been tasted and then deleted by domain name tasters. Some or all may have been deleted by the phishers who were finished with them. Some or all may have been deleted by the registrars because they received reports that these domain names were being used for phishing. Some or all may have been deleted by the registrars because the domain names were purchased using fraudulent accounts or the registrars encountered credit card charge-backs.

In conclusion, the data in this study revealed no correlation between domain names used in phishing attacks and domain names registered for tasting that were returned during the Add Grace Period.

Tasted Domains used for Phishing

In the second study, APWG analysts took the opposite approach and examined all tasted domain names for a large gTLD over a one week period and identified the domain names that were used in phishing attacks from this sample. We classified approximately three million domain names as very likely being subject to a tasting routine during this period. We then compared the domain names classified as tasted against the list of domain names that were known to be used for phishing campaigns. Of the approximately three million domain names that were tasted in this time frame, less than 10 domain names were identified as being used for phishing. Upon further examination, it appears that the cancellation of these 10 domain names was not initiated by the registrants of the domain names themselves, as it would be in the case of tasting. Instead, it appears that the registrar removed them from its system, likely because the registrar was notified that the domain names were being used for fraudulent purposes.

Again, this study showed that there are very few cases of possible domain name tasting performed by phishers and the cases that do exist have possible explanations that are not related to tasting.

Other Implications of Tasting

Despite the above conclusions that phishers do not take advantage of domain name tasting with the domain names they use to host their phishing sites, domain name tasting does affect the anti-phishing community in other ways. Several companies monitor new domain name registrations to identify domain names that may be used for phishing. These companies look for keywords in the domain names themselves that are similar to the brands that are targeted by phishers, additional indicators in WHOIS records, and other identifiers that may signify that the domain name might be used for fraudulent purposes. Years ago, when domain name tasting was much less prevalent than it is today, there were approximately 50,000 new domain names registered a day. With the increase in domain name tasting over the last year or so, there are often between two and three million new domain name registrations per day.

Many organizations monitor domain names to protect their brands as well as any trade and service marks they hold. Several third party providers monitor domain names to identify domain names that are likely candidates for use in phishing attacks. At two million domain name registrations per day, tasting has expanded the pool of potential infringers by a factor of 40. This dramatically increases the cost of monitoring.

Therefore, while the evidence suggests that phishers do not use domain name tasting in their exploits, the anti-phishing community is bearing more burdens in the pursuit of phishers because of the increase in cost of early identification of domain names that may eventually be used to in a phishing attack.

Conclusions

Domain name registration is inexpensive, with the cost of a retail registration being only \$6.00 to \$10.00. The cost of a legitimately purchased domain name is the least of a phisher's concerns. Moreover, since the phishers' business is to steal financial instruments, they often have a supply of stolen credit card numbers that they can

use to illegitimately register domain names. Simply put, phishers have no incentive to practice domain name tasting. In fact, the notion of deleting a domain name that might continue to serve as a phishing site beyond the Add Grace Period because it has eluded detection is entirely contrary to the phishing business model. While these studies demonstrate that tasting is not used by phishers, APWG does note that tasting affects anti-phishing efforts. Members of the anti-phishing community have had to increase their infrastructure to account for the larger number of potential phish sites that are being registered by tasters, and this impedes anti-phishing efforts and increases the cost of detecting and mitigating the fraudulent behavior.

RFI wording**Request for Information on Domain Tasting**

10 August 2007

In view of the increase in domain tasting (definitions below), the GNSO Council recently considered an [Issues Report on Domain Tasting](#) and resolved to form an ad hoc group for further fact-finding on the effects of this practice. The ad hoc group has prepared these questions to assist in gathering facts and opinions, while inviting both qualitative and quantitative input. The group would especially appreciate statistical and other empirical evidence to support your responses, or references to potential sources of information. To be considered by the group, **information should be submitted no later than 15 September 2007 to [insert link here].**

Comments may be viewed at forum [insert link here]

For further information, please see the [FAQ annex](#)

Definitions

Domain Tasting – Domain tasting is a monetization practice employed by registrants to use the add-grace period to register domain names in order to test their profitability. During this period, registrants conduct a cost-benefit analysis to determine if the tested domain names return enough traffic to offset the annual registration fee paid to the registry over the course of the registration period (e.g., currently 6.00 USD for a .NAME domain name) and the annual transaction fee paid to ICANN (currently 0.20 USD).

Add Grace Period (AGP) - A Grace Period refers to a specified number of calendar days following a Registry operation in which a domain action may be reversed and a credit may be issued to a registrar. AGP is typically the five day period following the initial registration of a domain name. AGP appears as a contractual term in some, but not all gTLD registry agreements.

AGP allows, among other things, for the correction of typos and other errors by registrants. Once a domain name is deleted by the registry at this stage, it is immediately available for registration by any registrant through any registrar. When a domain name is registered through an ICANN accredited

registrar, that registrar may cancel the domain name at any time during the first five calendar days of the registration and receive a full credit for the registration fee from the registry and also avoid the ICANN transaction fee.

1. Please categorize yourself (indicate all that apply):

a) Non-Commercial Internet User	b) Government	c) Intellectual Property Rights Owner
d) Registrar	e) Registry	f) Registrant
g) Intellectual Property Rights Owner Representative	h) Registrant Representative	i) Individual Internet User

2. Which of the above categories a-I may benefit from domain tasting - and in what way?
3. Which of the above categories a-I may be disadvantaged by domain tasting - and in what way?
4. Do you believe that domain tasting impacts the security and stability of the Internet - if so, in what way?
5. Have you requested the deletion of a domain name during the AGP (Add Grace Period, definition above) - if so, how many times and for what reason?
6. Have you been disadvantaged by domain tasting - if so, how?

Potential means to address the practice of domain tasting have been suggested, including:

- A) eliminating the AGP so that domain registration fees are non-refundable between registry and registrar;
- B) making the ICANN annual transaction fee (currently 0.20 USD per year) apply to names deleted during the AGP, or to a significant portion of them;
- C) imposing registry 'excess deletion fees' charged to registrars for disproportionate deletes (for example in .org, PIR registry charges 0.05 USD per deleted domain if more than 90% of domains are deleted in a given time period).

Please respond to the following questions from the perspective of your own category (see table in Question 1). Your responses on how other categories may be affected would be welcome.

7. Do you have any other suggestions in addition to A-C above?
8. Which additional disadvantages would each suggestion bring?
9. Which additional benefits would each suggestion bring?
10. Should any of these suggestions be implemented, and if so, please explain why or why not?
11. If domain registrations were offered at no cost to the registrant, would this effectively permit domain tasting?
12. Should ICANN prohibit domain registrations at no cost to the registrant?
13. Should ICANN impose a minimum registration fee on domain registrations - if so, what should the minimum fee be?
14. Please provide any statistical or other factually supported information (with source or source data included for third party validation) that could be useful for analyzing domain tasting issues.
15. Please name any expert persons you know of regarding any issues raised by this RFI.
16. Please provide any other comments you may have to this RFI.

Annex 3 - Experiences from ccTLDs

ICANN staff requested information from 21 ccTLD representatives to collect their experiences with domain tasting. Responses were received from 20 ccTLDs, as further referenced below.

.DE (DENIC, Germany)

According to Stephan Welzel at DENIC, domain tasting is not an issue because DENIC does not have an Add Grace Period. DENIC charges its members (registrars) monthly fees instead of yearly. Therefore, if the registrar obtains a domain name and decides that it or its customer does not want to keep the domain name, the registrar only pays for the first month.

“At the same time, the monthly fee might itself make domain tasting attractive in a way - but apparently, people are not willing to taste high numbers of domain names if they have to pay any fee (however low) in the first place. Consequently, we don't see a significant number of domain names being deleted shortly after their registration.” See <http://forum.icann.org/lists/gnso-dt-wg/msg00100.html>.

.UK (Nominet, United Kingdom) (<http://forum.icann.org/lists/gnso-dt-wg/msg00102.html>)

Lesley Crowley, CEO of Nominet responded to our request for information on Nominet's experiences with domain tasting in .UK. Lesley responded on 3 August 2007 as follows:

Some information for you:

We have always provided registrars with the facility to delete domain names registered in error, before they have been invoiced for. Domain names deleted in this way do not incur a registration fee. Until August 2006 there was no limit on the number of domain names that could be deleted by a registrar.

We became aware of domain tasting in 2005 when it first started to affect the gTLDs. At that time we introduced a policy principle through our Policy Advisory Body clarifying how our deletion facility should be used

(to correct mistakes) and how it should not be used (e.g. domain tasting), and we began to monitor registration and deletion volumes closely.

In August last year we felt it was necessary to take action against the practice of domain tasting. During the spring of 2006 we identified a small number of registrars (far less than 1% of the 3000 registrars in operation) who were potentially abusing the domain delete facility. We considered this practice to be a breach of our acceptable use policy and we were concerned that it would place unnecessary load on our systems, potentially jeopardising access for other users. Whilst at the time we took action there was no noticeable system impact, our concern was for the potential for this behaviour to escalate and we felt preventative action was desirable and would be supported by our stakeholders.

By carefully monitoring registration and deletion behaviour we identified a level of deletions that would enable registrars not engaging in this practice to continue their operations without unnecessary restrictions. To do this we chose a limit of 5 domains, or 5% of monthly registrations, whichever is greater. This dual approach ensures that both large and small registrars (in terms of domain registration volumes) working within the rules are unaffected.

However, we also clarified that any deletion of domains that we believe is not for the purpose of correcting mistakes will be dealt with under our contract with registrars. The sanctions may include reduced credit limits, suspension of registrar access etc.

Finally, we reserved a degree of discretion. We were mindful that scammers registering high volumes of domain names occasionally target registrars and that the registrar will then wish to cancel prior to invoicing. If this situation arises the registrar can appeal directly to us to delete a volume of domain names above the limits set. We have found that this kind of scam is easy to differentiate from tasting activity and over the last year have acted upon a handful of requests to delete domain names for this reason.

Since the policy was introduced deletions prior to invoicing have run at an average of 0.37% of registrations and we have continued to see steady month on month growth in registration volumes within the .uk ccTLD. In the months prior to the introduction of the policy, deletions were running at over 2%. We would consider this a success. We have also received widespread support for the policy both from within our registrar community and from the wider stakeholder community.

Best wishes,

Lesley

.AU (auDA, Australia) (<http://forum.icann.org/lists/gnso-dt-wg/msg00141.html>)

Chris Disspain, CEO of auDA, responded to our request with the following statement:

“auDA has a 3 day grace period. W[e] have begun to experience a small amount of domain tasting but have no stats as yet. We think that our grace period is probably too short for tasting to become a real issue but we may be wrong. We are monitoring the situation.”

auDA also issued a rule clarification in March 2006 on domain monetization and the “close and substantial connection” rule. See <http://www.auda.org.au/reviews/monetisation-2006/>.

.NL (SIDN, Netherlands) (<http://forum.icann.org/lists/gnso-dt-wg/msg00149.html>)

According to Roelof Meijer, CEO of SIDN (the .NL ccTLD manager), .NL has a seven-day grace period to correct DNS errors, but not an add-grace period like other TLDs. According to Roelof, upon (first) registration, the registrant pays 0.50 EUR for the registration and 0.90 subscription fee per quarter.

Both fees are billed at registration, so a taster would pay 1.40 per domain name, even if he cancels the same day. He says that this type of fee proves to be an efficient mechanism against domain tasting in .NL.

.CN (CNNIC, China) (<http://forum.icann.org/lists/gnso-dt-wg/msg00158.html>)

Hualin Qian of CNNIC stated that CNNIC allows a 15 day grace period and domain tasting for new registrants. For the renewal of existing domain name registrations, CNNIC permits a five day grace period and domain tasting. CNNIC does not publish statistics on domain tasting in .CN.

.PL (Poland)

GNSO Outcomes Report on Domain Tasting v1.6

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NASK has implemented domain tasting in the .PL registry. See <http://forum.icann.org/lists/gns0-dt-wg/msg00065.html>. According to the plans discussed at the CENTR meeting in Helsinki in 2007 (http://www.bartosiewicz.pl/2007_06_07_CENTR.pdf), a .PL domain name can be registered for 5 days to test traffic at a cost of 1 PLN (.20 EUR). After 5 days, the domain name is blocked for 2-3 days and released. During domain name tasting period, the domain name may only be registered by a registrar, not an individual registrant. During this period, the domain name has reduced functionality (registrar may only make name server changes and may use the <register> function). To facilitate the service, the grace period is reduced from 30 days to 15 days.

.EU (EURid, European Union)

Giovanni Seppia of EURid responded that .EU does not have a grace period after a domain name has been registered.

.US (NeuStar, United States)

Keith Drazek stated that .US has an add grace period that mirrors .BIZ, but could not provide statistics on domain tasting in .US.

.CH (SWITCH, Switzerland)

ICANN did not receive a response from SWITCH, the ccTLD registry operator for Switzerland's .CH.

Collection of Comments from Latin American ccTLDs

Posting from Pablo Hinojosa summarizing experiences from Latin American ccTLDs: <http://forum.icann.org/lists/gns0-dt-wg/msg00173.html>.

.BZ (Belize)

Belize has a 5 day grace period like gTLDs for registrars, not for end users.

.CL (Chile)

Nic.CL has implemented a policy of "activation after payment". But the

consumer law in Chile gives the client a right to retract, allowing him to desist a purchase in a period of 10 days. This could allow domain tasting practices but this has not happened yet.

In the past there has been some abuses to the system, particularly in the subscription process. There is a 30 day period to pay for the domain after applying for it (subscription). If after this period the domain hasn't been payed, the request is automatically eliminated. Some people request for the domain several times without paying for it. This trick is called "bicycle" and those who practice it "cyclists". They usually wait for an interested party to pay them for the domain instead of applying for a dispute resolution process. There is a "cyclist" that has been doing tricks since 2000!

.CR (Costa Rica)

Activation after payment. This is the usual method for all transactions that require payment.

.do (Dominican Republic)

There are "cyclists" abusing the .do because there is a grace period of 30 days. If domain is not payed during this time, then the name is cancelled.

.ec (Ecuador)

Activation after payment. There is no domain-tasting.

.gt (Guatemala)

There is no domain tasting in Guatemala. There is a grace period of 30 days but name is only reserved and not active until after payment. There are some clients that need a name only for a few weeks (for example, during election periods, for the campaigns). They might find domain tasting as a rational practice.

.mx (Mexico)

Registration policies changed in 2006 to allow DNS resolution (activation) only after domain has been payed. This only applies for direct clients (60%) and not for registrars/resellers. Registrars/resellers can choose when to charge, even after grace period (they choose what will be the mechanisms of charging their own clients). Some registrars may find advantage in promoting their services to domain tasters. The domain tasting discussions in the gTLD arena could be ground-floor for ccTLDs.

.pe (Peru)

"Activation after payment". But there are "cyclists" that block names in search of interested clients. The biggest problem is that those names that are given-back and request reimbursement, generate tax complications. They recently chose a registrar scheme and NIC.Pe hopes the burden get transferred to them.

.pa (Panamá)

There are 30 days after subscription to pay for the name. During that time, information is shown in Whois. But name is activated after payment. Minimum registration is for 2 years. There is a non-reimbursement clause in their policies: once the name is active, there is no turning back.

.py (Paraguay)

NIC-PY allows a grace period of 2 days (with no payment). This was made in case registration happened on Friday and payment could be made until Monday.

This has to be requested by the customer as an option ("test-period") during registration and has the ability to change the name. However, in Paraguay, the customer has actually a 15 day period to make the payment. After 15 days with no payment the registration is automatically canceled. There have been isolated cases of "cycling", in one case for a period of more than 6 months, but client desisted after contact.

.sv (El Salvador)

Activation after payment. There is no domain-tasting.

.uy (Uruguay)

Activation after payment. There is no domain-tasting.

Discussion

The "domain tasting" phenomenology in Latin America responds to the fact that most of the payments for domain names are made "off-line". The "grace period" is part of the payment process. There is a subscription, sometimes there is activation before payment, sometimes not. In the cases where activation may come before payment (as in .do), this is subject to monetization and domain-tasting practices.

There were some questions (and no answers) on whether domain tasting should be treated as a problem (because there is a conflict of interest with registrars; its against consumers and against the health of DNS) or could be a successful commercial practice. It is up to each ccTLD to define if it is something to be promoted or not. If domain tasting is conceived as a problem, there was agreement that it is important to avoid

any incentives for registrars to use the registry themselves: "self dealing", "insider trading", etc.

Best,
Pablo

Previous email from Pablo Hinojosa: <http://forum.icann.org/lists/rfi-domaintasting/msg00011.html>.

Annex 4 - Comments from UDRP providers

The following questionnaire was addressed to the UDRP service providers:

Request for Information on Domain Tasting

to Uniform Domain Name Dispute Resolution Policy Providers

In view of the increase in domain tasting (as defined below),⁴ the GNSO Council recently considered an [Issues Report on Domain Tasting](#) and resolved to form an ad hoc group for further fact-finding regarding the effects of this practice. The ad hoc group has assembled the following questions to Uniform Domain Name Dispute Resolution Policy providers to assist it in gathering facts and opinions, while inviting both qualitative and quantitative input. Statistical and other empirical evidence to support your responses is especially welcome. The ad hoc group thanks you in advance for your participation.

⁴ Definitions

Domain Tasting – Domain tasting is a monetization practice employed by registrants to use the Add Grace Period to register domain names in order to test their profitability. During this period, registrants conduct a cost-benefit analysis to determine if the tested domain names return enough traffic to offset the registration fee paid to the registry over the course of the registration period (e.g., currently \$6 US/year for a .NAME domain name) and the annual transaction fee paid to ICANN (currently 0.20 USD).

Add Grace Period – Add Grace Period, or AGP, refers to a specified number of calendar days following a Registry operation in which a domain action may be reversed and a credit may be issued by the Registry to a registrar. AGP is typically the five-day period following the initial registration of a domain name. AGP appears as a contractual term in some, but not all, gTLD registry agreements. AGP allows, among other things, for the correction of typos and other errors by registrants. Once a domain name is deleted by the registry at this stage, it is immediately available for registration by any registrant through any registrar. When a domain name is registered through an ICANN-accredited registrar, that registrar may cancel the domain name at any time during the first five calendar days of the registration and receive a full credit for the registration fee from the registry and also avoid the ICANN transaction fee.

1. What is the average length of time between your receipt of a UDRP Complaint and your forwarding of it to the Respondent under Paragraph 2(a) of the Rules for Uniform Domain Name Dispute Resolution Policy?
2. Do you require the Complainant to provide the creation date of the domain name(s) that is/are the subject of the complaint? If you do not require it, do you review it if the Complainant provides it?
3. Do you review the creation date as set forth in the registrar's Whois database for the domain name(s) at issue as part of your compliance review?
4. Do you review the identity of the registered name holder(s) as set forth in the registrar's Whois database for the domain name(s) at issue as part of your compliance review?
5. Have you notified Complainants of administrative deficiencies with their Complaints where the deficiency is that: (Please answer all)
 - a) Deficiency A: The creation date(s) in the registrar's Whois database is the same as the creation date identified by the Complainant in its filed complaint, but the registered name holder in the Whois database is different from the registered name holder identified by the Complainant in its filed complaint;
 - b) Deficiency B: The creation date(s) in the registrar's Whois database is different from the creation date identified by the Complainant in its filed complaint, but the registered name holder in the Whois database is the same as that identified by the Complainant in its filed complaint;
 - c) Deficiency C: The creation date(s) and the registered name holder identified in the registrar's Whois database are both different from the creation date(s) and registered name holder identified by the Complainant in its filed complaint;
 - d) Deficiency D: The registered name holder identified in the registrar's Whois database is different from the registered name holder identified by the Complainant in its filed complaint;
 - e) Deficiency E: The domain name that is the subject of the Complaint is no longer registered, and the creation date was within five days of the complaint filing date.
5. If you answered "yes" to any subpart of question #4, please provide the information requested below. (Specific data is more helpful than general approximations, but we welcome whatever insight you can provide.)
 - In how many proceedings have you notified the Complainant of each type of deficiency?

- What action do you require the Complainant to take to remedy this type of deficiency?
- How many domain names overall have been the subject of proceedings in which you have issued a notice for this type of deficiency?
- How many different Respondents have these proceedings involved?
- How many different registrars have these proceedings involved?
- If you retain this data and prefer not to disclose it specifically, would you be willing to provide it in aggregate form (e.g., In 2007, we issued notifications of administrative deficiencies in v [number of] proceedings that appeared to involve domain tasting and that totaled w [number of] different Complainants, x [number of] different Respondents, y [number of] domain names, and z [number of] different registrars.)?
- If you do not retain such specific data and/or would not be willing to provide any such data in aggregate form, have you discerned any patterns or trends among such proceedings and, if so, what are they?

The following responses were received:

1. The ADNDRC:

Request for Information on Domain Tasting
to Uniform Domain Name Dispute Resolution Policy Providers

In view of the increase in domain tasting (as defined below),¹ the GNSO Council recently considered an Issues Report on Domain Tasting and resolved to form an ad hoc group for further fact-finding regarding the effects of this practice. The ad hoc group has assembled the following questions to Uniform Domain Name Dispute Resolution Policy providers to assist it in gathering facts and opinions, while inviting both qualitative and quantitative input. Statistical and other empirical evidence to support your responses is especially welcome. The ad hoc group thanks you in advance for your participation.

1. What is the average length of time between your receipt of a UDRP Complaint and your forwarding of it to the Respondent under Paragraph 2(a) of the Rules for Uniform Domain Name Dispute Resolution Policy?

The average length of time is about Five (5) days. In exceptional circumstances, such as invalid postal address, it may take us a bit longer in serving the Complaint to the Respondent. However, in accordance with the ADNDRC Supplemental Rules (Article 4(3)), any communication by post shall be deemed to be received in four (4) calendar days after posting in the case of local mail or in seven (7) calendar days in respect of overseas mail.

2. Do you require the Complainant to provide the creation date of the domain name(s) that is/are the subject of the complaint? If you do not require it, do you review it if the Complainant provides it?

Yes, we do require the Complainant to provide us with the Whois information of the disputed domain name(s), by which we can confirm the creation date of the domain name(s).

¹
Definitions

Domain Tasting – Domain tasting is a monetization practice employed by registrants to use the Add Grace Period to register domain names in order to test their profitability. During this period, registrants conduct a cost-benefit analysis to determine if the tested domain names return enough traffic to offset the registration fee paid to the registry over the course of the registration period (e.g., currently \$6 US/year for a .NAME domain name) and the annual transaction fee paid to ICANN (currently 0.20 USD).

Add Grace Period – Add Grace Period, or AGP, refers to a specified number of calendar days following a Registry operation in which a domain action may be reversed and a credit may be issued by the Registry to a registrar. AGP is typically the five-day period following the initial registration of a domain name. AGP appears as a contractual term in some, but not all, gTLD registry agreements. AGP allows, among other things, for the correction of typos and other errors by registrants. Once a domain name is deleted by the registry at this stage, it is immediately available for registration by any registrant through any registrar. When a domain name is registered through an ICANN-accredited registrar, that registrar may cancel the domain name at any time during the first five calendar days of the registration and receive a full credit for the registration fee from the registry and also avoid the ICANN transaction fee.

3. Do you review the creation date as set forth in the registrar's Whois database for the domain name(s) at issue as part of your compliance review?

Yes, upon receipt of a Complaint, we shall double check the Whois record with the concerned Registrar as part of our compliance review. (It is our standard procedure).

4. Do you review the identity of the registered name holder(s) as set forth in the registrar's Whois database for the domain name(s) at issue as part of your compliance review?

Yes, we do.

5. Have you notified Complainants of administrative deficiencies with their Complaints where the deficiency is that: (Please answer all)

a) Deficiency A: The creation date(s) in the registrar's Whois database is the same as the creation date identified by the Complainant in its filed complaint, but the registered name holder in the Whois database is different from the registered name holder identified by the Complainant in its filed complaint;

No, as this kind of situation has so far not occurred during our administrative process.

b) Deficiency B: The creation date(s) in the registrar's Whois database is different from the creation date identified by the Complainant in its filed complaint, but the registered name holder in the Whois database is the same as that identified by the Complainant in its filed complaint;

No, as this kind of situation has so far not occurred during our administrative process.

c) Deficiency C: The creation date(s) and the registered name holder identified in the registrar's Whois database are both different from the creation date(s) and registered name holder identified by the Complainant in its filed complaint;

No, as this kind of situation has so far not occurred during our administrative process.

d) Deficiency D: The registered name holder identified in the registrar's Whois database is different from the registered name holder identified by the Complainant in its filed complaint;

No, as this kind of situation has so far not occurred during our administrative process.

e) Deficiency E: The domain name that is the subject of the Complaint is no longer registered, and the creation date was within five days of the complaint filing date.

No, as this kind of situation has so far not occurred during our administrative process.

5. If you answered "yes" to any subpart of question #4, please provide the information requested below. (Specific data is more helpful than general approximations, but we welcome whatever insight you can provide.)

- In how many proceedings have you notified the Complainant of each type of deficiency?
- What action do you require the Complainant to take to remedy this type of deficiency?
- How many domain names overall have been the subject of proceedings in which you have issued a notice for this type of deficiency?
- How many different Respondents have these proceedings involved?
- How many different registrars have these proceedings involved?
- If you retain this data and prefer not to disclose it specifically, would you be willing to provide it in aggregate form (e.g., In 2007, we issued notifications of administrative deficiencies in v [number of] proceedings that appeared to involve domain tasting and that totaled w [number of] different Complainants, x [number of] different Respondents, y [number of] domain names, and z [number of] different registrars.)?
- If you do not retain such specific data and/or would not be willing to provide any such data in aggregate form, have you discerned any patterns or trends among such proceedings and, if so, what are they?

2. National Arbitration Forum

Request for Information on Domain Tasting to Uniform Domain Name Dispute Resolution Policy Providers National Arbitration Forum

In view of the increase in domain tasting (as defined below),¹ the GNSO Council recently considered an Issues Report on Domain Tasting and resolved to form an ad hoc group for further fact-finding regarding the effects of this practice. The ad hoc group has assembled the following questions to Uniform Domain Name Dispute Resolution Policy providers to assist it in gathering facts and opinions, while inviting both qualitative and quantitative input. Statistical and other empirical evidence to support your responses is especially welcome. The ad hoc group thanks you in advance for your participation.

1. What is the average length of time between your receipt of a UDRP Complaint and your forwarding of it to the Respondent under Paragraph 2(a) of the Rules for Uniform Domain Name Dispute Resolution Policy?

The average length of time is eight (8) days, but this can vary widely based on registrar compliance.

2. Do you require the Complainant to provide the creation date of the domain name(s) that is/are the subject of the complaint? If you do not require it, do you review it if the Complainant provides it?

We do not specifically require the complainant to provide the creation date of the domain name. If it is provided, we do not review it. There is no clear definition of the term "creation date." We have observed some who indicate the date of the domain name is the date it was initially registered, and others who say the date is the date the domain name was registered by the current registrant.

3. Do you review the creation date as set forth in the registrar's Whois database for the domain name(s) at issue as part of your compliance review?

We do not review the creation date as part of our compliance review. The UDRP does not require that we check the creation date as part of the compliance review. Our compliance review checks to be sure the complaint meets all of the UDRP Rule 3 (and our Supplemental Rule 4) requirements.

4. Do you review the identity of the registered name holder(s) as set forth in the registrar's Whois database for the domain name(s) at issue as part of your compliance review?

Yes, we review the identity of the registered name holder as set forth in the registrars' Whois database. We not only check the Whois database but we verify the billing address with the Registrar pursuant to UDRP Rule 2.

5. Have you notified Complainants of administrative deficiencies with their Complaints where the deficiency is that: (Please answer all)

a) Deficiency A: The creation date(s) in the registrar's Whois database is the same as the creation date identified by the Complainant in its filed complaint, but the registered name holder in the Whois database is different from the registered name holder identified by the Complainant in its filed complaint;

No.

b) Deficiency B: The creation date(s) in the registrar's Whois database is different from the creation date identified by the Complainant in its filed complaint, but the registered name holder in the Whois database is the same as that identified by the Complainant in its filed complaint;

No, we do not check this because it isn't necessary for us under the UDRP rules to check the creation date. However, some of our panelists, in examining the file in coming to a decision, have noticed that the creation date alleged by a complainant doesn't match what is listed in the Whois. While we note this is an issue in cases, the UDRP does not define this as a deficiency so we, as a provider, have no authority to do so.

c) Deficiency C: The creation date(s) and the registered name holder identified in the registrar's Whois database are both different from the creation date(s) and registered name holder identified by the Complainant in its filed complaint;

No.

d) Deficiency D: The registered name holder identified in the registrar's Whois database is different from the registered name holder identified by the Complainant in its filed complaint;

Yes. This is frequently a problem. The way to correct this deficiency is to name the registered name holder listed in the Whois record or as provided by the Registrar as the listed registrant.

We have no way to track this information electronically and do not track it manually. The best we can do is to guess that this occurs 3-4 times per week (including where the Whois lists a proxy service). We have not noticed a trend in either Registrants (Respondents) or Registrars (with the exception of particular proxy services). It happens frequently enough to touch multiple registrars. If we had more concrete data (or even aggregate data) we would be willing to provide it.

e) Deficiency E: The domain name that is the subject of the Complaint is no longer registered, and the creation date was within five days of the complaint filing date.

Yes. We do not always corroborate the creation date to the deletion of the domain, but we think it happens about once every few weeks. There are many domains that get dropped during the proceedings so it's difficult to track how many have recent creation dates, or how many of the creation dates are accurate. Again, we don't have a clear picture that indicates a trend involving particular respondents or registrars.

Unfortunately, there is no way for a complainant to correct this "deficiency." We cannot accept a case without a disputed domain name, so we reject complaints with no valid, registered domain name. Where a complaint lists multiple domain names and only a subset are dropped, the complainant can amend the complaint to include only the registered domain names.

5. If you answered "yes" to any subpart of question #4, please provide the information requested below. (Specific data is more helpful than general approximations, but we welcome whatever insight you can provide.)

This information is provided within the text of the answers to #4.

- In how many proceedings have you notified the Complainant of each type of deficiency?
- What action do you require the Complainant to take to remedy this type of deficiency?
- How many domain names overall have been the subject of proceedings in which you have issued a notice for this type of deficiency?
- How many different Respondents have these proceedings involved?
- How many different registrars have these proceedings involved?
- If you retain this data and prefer not to disclose it specifically, would you be willing to provide it in aggregate form (e.g., In 2007, we issued notifications of administrative deficiencies in v [number of] proceedings that appeared to involve domain tasting and that totaled w [number of] different Complainants, x [number of] different Respondents, y [number of] domain names, and z [number of] different registrars.)?
- If you do not retain such specific data and/or would not be willing to provide any such data in aggregate form, have you discerned any patterns or trends among such proceedings and, if so, what are they?

3. WIPO

ORGANISATION MONDIALE
DE LA PROPRIÉTÉ INTELLECTUELLE

Centre d'arbitrage et de médiation de l'OMPI

WORLD INTELLECTUAL
PROPERTY ORGANIZATION

WIPO Arbitration and Mediation Center

September 25, 2007

Dear Ms. Rosette,

Thank you for your message of August 31, 2007, to which this letter constitutes an informal reply by the WIPO Arbitration and Mediation Center.

WIPO's Press Release of March 12, 2007 ('Cybersquatting Remains on the Rise with Further Risk to Trademarks from New Registration Practices', http://www.wipo.int/pressroom/en/articles/2007/article_0014.html) drew attention inter alia to the adverse consequences of domain name tasting. With reference also to other practices, the Press Release noted that "[t]he combined result of these developments is to create greater opportunities for the mass, often anonymous, registration of domain names without specific consideration of third-party intellectual property rights. [...] The rate at which domain names change hands and the difficulty to track such mass automated registrations challenge trademark owners in their pursuit of cybersquatters. [...] With domain names becoming moving targets for rights holders, due consideration should be given to concrete policy responses."

/...

Ms. Kristina Rosette
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2.

Ms. Kristina Rosette, Washington, DC - September 25, 2007

We commend sincere efforts to address domain name tasting practices. Frankly, however, as is clear from the above, we would consider the time long past for "further fact-finding" regarding the effects of this practice, which, having evolved from a presumably unintended loophole, has become widespread to the point of now involving tens of millions of names. While we would not dispute the usefulness of an understanding of the phenomenon, we presume this understanding to be sufficiently present among domain name authorities and interested parties. Likewise, the consequences of the practice themselves are readily perceptible, and confirmed with nearly each registration made for tasting purposes.

Your questionnaire seeks to enable conclusions from case data in relation to domain names that have been the subject of complaints under the Uniform Domain Name Dispute Resolution Policy (UDRP). As is evident from the posted Decisions, UDRP cases offer substantial insight into a number of domain name developments, such as the increasing confusion surrounding registrant identity (see for example the Panel Decisions D2006-1620 and D2006-0975, among others in the online WIPO Legal Index). However, one of the obvious effects of the Add-Grace-Period is precisely that this type of registration hardly lends itself to being addressed through the UDRP mechanism in its current form. Domain name tasting effectively prevents trademark owners from assembling reliable and timely information that would enable the filing of a UDRP complaint with a reasonable chance of success, both in terms of jurisdiction and of substance. Moreover, in the Center's experience, even those identifiable cases that are filed increasingly appear to involve entities associated with Registrars, if not Registrars themselves.

In its compliance review, the Center makes every effort to obtain and make sense of available data. In addition to a close examination of the publicly available Whois data, this involves a set of detailed WIPO questions to the Registrar for each domain name in each case. The Center studies any replies received with a view to achieving fair and effective notification of what appear to be the proper parties, while preserving and indeed enhancing the Panel's scope for making any ultimate determinations as to proper parties and substantive consequences. It is thereby obvious that, in the context of a mechanism designed to offer an expedient process to a reasonable outcome, neither a Panel nor indeed a Provider is in a position to engage in unlimited interpretation of evolving data. Moreover, while the Registrar (or the Registry) is in a position to know the history of a domain name registration, such information is not normally made available to the Provider. We assume, however, that your survey does have access to such data for names disputed in UDRP cases.

/...

Ms. Kristina Rosette, Washington, DC - September 25, 2007

3.

In its letter of July 4, 2007 to Dr. Paul Twomey, President and Chief Executive Officer of ICANN, WIPO in a different context drew attention to longer-term risks for the UDRP as a viable alternative to court options. Unfortunately, the practice of domain name tasting is eroding the confidence of trademark owners and other users of the domain name system. We believe that prolonged failure to curb this practice may prove unnecessarily damaging to all interests, and remain at ICANN's disposal in support of concrete measures.

Yours sincerely,

WIPO Arbitration and Mediation Center

Annex 5 – IPC Constituency Supplemental RFI

This annex contains the results overview from BigPulse, the RFI as such and the comments provided per individual question, in that order

Intellectual Property Constituency Supplemental Request for Information on Domain Tasting Results of On-line Polling

Poll menu: IPC Domain Tasting RFI
Report date: Wed 26 Sep 2007 14:06 GMT

Country: All

1. Please identify yourself (check all that apply)

As at: Tue 25 Sep 2007 03:59 GMT
Number of voters: 115
Ranked by votes

Rank	Opinion	Votes	%
1	Rights owner representative	86	74.78
2	Intellectual Property Rights Owner	51	44.35
3	Registrant	28	24.35
4	Individual Internet User	23	20.00
5	Registrar	9	7.83
6	Other (please identify)	8	6.96
7	Non Commercial User (e.g. not for profit organization)	3	2.61
8	Government	0	0.00
8	Registry	0	0.00

2. Please identify your principal line of business:

As at: Tue 25 Sep 2007 03:59 GMT
Number of voters: 102
Ranked by votes

Rank	Opinion	Votes	%
1	Law Firm	59	57.84
2	Other (please identify)	12	11.76
3	Consumer Products	7	6.86

4	Technology/Software	6	5.88
4	Entertainment/Media	6	5.88
6	Financial Services	5	4.90
7	Communications	3	2.94
8	Pharmaceuticals	1	0.98
8	Food/Beverage	1	0.98
8	Travel/Leisure	1	0.98
8	Registrar/Registry	1	0.98

3. Are you a member of the IPC?

As at: Tue 25 Sep 2007 03:59 GMT

Number of voters: 101

Ranked by votes

Rank	Opinion	Votes	%
1	No	64	63.37
2	Yes	37	36.63

4. Has your brand(s) or mark(s) been the subject of tasted domain names?

As at: Tue 25 Sep 2007 03:59 GMT

Number of voters: 99

Ranked by votes

Rank	Opinion	Votes	%
1	Yes	44	44.44
2	I don't know	28	28.28
3	No	27	27.27

5. How many tasted domain names that incorporate or use your brand(s)/mark(s) have come to your attention?

As at: Tue 25 Sep 2007 03:59 GMT

Number of voters: 52

Ranked by votes

Rank	Opinion	Votes	%
1	1-24	24	46.15
2	500+	15	28.85
3	100-499	8	15.38
4	50-99	3	5.77

10. Has the number of tasted domain names changed your enforcement strategies?**As at:** Tue 25 Sep 2007 03:59 GMT

Number of voters: 49

Ranked by votes

Rank	Opinion	Votes	%
1	Yes	33	67.35
2	No	16	32.65

11. Have you sent objection/demand/cease and desist letters regarding tasted domain names that incorporate or use your brands/marks?**As at:** Tue 25 Sep 2007 03:59 GMT

Number of voters: 50

Ranked by votes

Rank	Opinion	Votes	%
1	Yes	32	64.00
2	No	18	36.00

12. How many objection/demand/cease and desist letters have you sent?**As at:** Tue 25 Sep 2007 03:59 GMT

Number of voters: 33

Ranked by votes

Rank	Opinion	Votes	%
1	1-24	17	51.52
2	25-49	5	15.15
2	100-299	5	15.15
4	50-99	3	9.09
4	300+	3	9.09

13. How many domain names were implicated?**As at:** Tue 25 Sep 2007 03:59 GMT

Number of voters: 32

Ranked by votes

Rank	Opinion	Votes	%
1	1-24	14	43.75
2	100-499	9	28.12

3	500+	5	15.62
4	25-49	3	9.38
5	50-99	1	3.12

14. Have you initiated UDRP proceedings regarding tasted domain names that incorporate or use your brand(s)/mark(s)?

As at: Tue 25 Sep 2007 03:59 GMT

Number of voters: 47

Ranked by votes

Rank	Opinion	Votes	%
1	No	30	63.83
2	Yes	17	36.17

15. How many UDRP proceedings have you or your organization initiated to combat domain tasting?

As at: Tue 25 Sep 2007 03:59 GMT

Number of voters: 20

Ranked by votes

Rank	Opinion	Votes	%
1	1-9	14	70.00
2	10-24	4	20.00
3	25-49	1	5.00
3	75+	1	5.00
5	50-74	0	0.00

16. How many domain names were implicated in these UDRP proceedings?

As at: Tue 25 Sep 2007 03:59 GMT

Number of voters: 18

Ranked by votes

Rank	Opinion	Votes	%
1	1-24	14	77.78
2	25-49	1	5.56
2	50-99	1	5.56
2	100-299	1	5.56
2	300+	1	5.56

17. In how many of these proceedings has a Panel issued a decision?**As at:** Tue 25 Sep 2007 03:59 GMT

Number of voters: 18

Ranked by votes

Rank	Opinion	Votes	%
1	1-9	12	66.67
2	10-24	4	22.22
3	25-49	1	5.56
3	75+	1	5.56
5	50-74	0	0.00

18. In how many of these UDRP proceedings in which a decision has been rendered did the Panel grant you the relief you sought?**As at:** Tue 25 Sep 2007 03:59 GMT

Number of voters: 17

Ranked by votes

Rank	Opinion	Votes	%
1	1-9	12	70.59
2	10-24	3	17.65
3	25-49	1	5.88
3	75+	1	5.88
5	50-74	0	0.00

19. If you have not initiated UDRP proceedings regarding tasted domain names that incorporate or use your brand(s)/mark(s), why not?**As at:** Tue 25 Sep 2007 03:59 GMT

Number of voters: 39

Ranked by votes

Rank	Opinion	Votes	%
1	Domain name deleted during AGP	20	51.28
1	Too costly given the number of domain names	20	51.28
3	Other (Please explain below)	17	43.59

20. Have you initiated judicial proceedings regarding tasted domain names that incorporate or use your brand(s)/mark(s)?**As at:** Tue 25 Sep 2007 03:59 GMT

Number of voters: 44

GNSO Outcomes Report on Domain Tasting v1.6

Authors: Mike Rodenbaugh, mxrodenbaugh@yahoo.com, Olof Nordling, olof.nordling@icann.org, Patrick Jones, Patrick.jones@icann.org,

Ranked by votes

Rank	Opinion	Votes	%
1	No	40	90.91
2	Yes	4	9.09

21. How many judicial proceedings have you initiated?

As at: Tue 25 Sep 2007 03:59 GMT

Number of voters: 5

Ranked by votes

Rank	Opinion	Votes	%
1	1-9	4	80.00
2	75+	1	20.00
3	10-24	0	0.00
3	25-49	0	0.00
3	50-74	0	0.00

22. How many domain names were implicated in the judicial proceedings?

As at: Tue 25 Sep 2007 03:59 GMT

Number of voters: 5

Ranked by votes

Rank	Opinion	Votes	%
1	500+	3	60.00
2	1-24	2	40.00
3	25-49	0	0.00
3	50-99	0	0.00
3	100-499	0	0.00

23. In how many of these proceedings has the court issued a decision?

As at: Tue 25 Sep 2007 03:59 GMT

Number of voters: 5

Ranked by votes

Rank	Opinion	Votes	%
1	1-9	4	80.00
2	75+	1	20.00
3	10-24	0	0.00

3	25-49	0	0.00
3	50-74	0	0.00

24. In how many of these proceedings in which a court rendered a decision did the court grant you the relief you sought?

As at: Tue 25 Sep 2007 03:59 GMT
Number of voters: 5
Ranked by votes

Rank	Opinion	Votes	%
1	1-9	4	80.00
2	75+	1	20.00
3	10-24	0	0.00
3	25-49	0	0.00
3	50-74	0	0.00

25. If you have not initiated judicial proceedings regarding tasted domain names that incorporate or use your brand(s)/mark(s), why not?

As at: Tue 25 Sep 2007 03:59 GMT
Number of voters: 39
Ranked by votes

Rank	Opinion	Votes	%
1	Too costly given the number of domain names	17	53.49
2	Other (Please explain below)	13	33.33
3	Domain name deleted during AGP	9	23.08

26. Have consumers contacted you about domain names that you later determined were tasted?

As at: Tue 25 Sep 2007 03:59 GMT
Number of voters: 43
Ranked by votes

Rank	Opinion	Votes	%
1	No	23	43.59
2	Yes	20	46.51

27. How many consumers?

As at: Tue 25 Sep 2007 03:59 GMT

GNSO Outcomes Report on Domain Tasting v1.6

Authors: Mike Rodenbaugh, mxrodenbaugh@yahoo.com, Olof Nordling, olof.nordling@icann.org, Patrick Jones, Patrick.jones@icann.org,

Number of voters: 20

Ranked by votes

Rank	Opinion	Votes	%
1	1-9	10	50.00
2	25-49	4	20.00
3	75+	3	15.00
4	10-24	2	10.00
5	50-74	1	5.00

28. Have you received notification of administrative deficiencies in UDRP complaints that you filed because the registrant changed after you filed the complaint?

As at: Tue 25 Sep 2007 03:59 GMT

Number of voters: 73

Ranked by votes

Rank	Opinion	Votes	%
1	No	51	69.86
2	Yes	22	30.14

30. In how many proceedings have you received notification of such administrative deficiencies?

As at: Tue 25 Sep 2007 03:59 GMT

Number of voters: 22

Ranked by votes

Rank	Opinion	Votes	%
1	1-9	20	90.91
2	10-24	2	9.09
3	25-49	0	0.00
3	50-74	0	0.00
3	75+	0	0.00

31. How many domains were implicated in these proceedings?

As at: Tue 25 Sep 2007 03:59 GMT

Number of voters: 22

Ranked by votes

Rank	Opinion	Votes	%
1	1-24	18	81.82

GNSO Outcomes Report on Domain Tasting v1.6

Authors: Mike Rodenbaugh, mxrodenbaugh@yahoo.com, Olof Nordling, olof.nordling@icann.org, Patrick Jones, Patrick.jones@icann.org,

2	25-49	3		13.64
3	50-99	1		4.55
4	100-499	0		0.00
4	500+	0	0	0.00

32. How many registrants were implicated in these proceedings?

As at: Tue 25 Sep 2007 03:59 GMT

Number of voters: 22

Ranked by votes

Rank	Opinion	Votes		%
1	1-24	20		90.91
2	50-99	2		9.09
3	25-49	0		0.00
3	100-499	0		0.00
3	500+	0	0	0.00

33. What is the average length of time that you spend on preparing and filing a UDRP complaint?

As at: Tue 25 Sep 2007 03:59 GMT

Number of voters: 81

Ranked by votes

Rank	Opinion	Votes		%
1	I've not filed any UDRP complaints	28		34.57
2	2-3 days	21		25.93
3	4-5 days	15		18.52
4	One day	7		8.64
5	6-9 days	5		6.17
5	10+ days	5		6.17

34. What is the average length of time that you spend on preparing and filing a complaint under your national law to initiate a judicial proceeding involving cybersquatting?

As at: Tue 25 Sep 2007 03:59 GMT

Number of voters: 82

Ranked by votes

Rank	Opinion	Votes		%
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1	I've not filed any complaint under my national law	31	37.80
2	10+ days	15	18.29
3	2-3 days	14	17.07
4	4-5 days	12	14.63
5	6-9 days	8	9.76
5	One day	2	2.44

35. Please provide any additional information about your experience with domain tasting and its impact on your business or that of your client(s).

No results, 40 inline comments

36. Please provide any other comments about this RFI.

No results, 27 inline comments

Intellectual Property Constituency (“IPC”) Supplemental Request for Information on Domain Tasting

In view of the increase in domain tasting (definitions below), the GNSO Council recently considered an [Issues Report on Domain Tasting](#) and resolved to form an ad hoc group for further fact-finding on the effects of this practice. The ad hoc group prepared questions to assist in gathering facts and opinions, while inviting both qualitative and quantitative input. The ad hoc group's questions are available [here](#) (as an [online survey here](#)).

The ad hoc group decided that its questions should be general in scope, and that each constituency could pose its own additional questions if it so desired. The IPC has prepared these questions to gather facts and opinions about domain tasting from its members, trademark owners, and their representatives. The results will be provided in aggregate form to the ad hoc group as additional qualitative and quantitative input. Although the results will be provided in aggregate form, identifying information such as name, organization, telephone number, and email address has been requested to enable IPC representatives to verify a random sampling of responses. Accordingly, while the IPC encourages and welcomes broad participation, please participate in this request for information only if you are willing to provide the requested identifying information and to discuss your responses if contacted.

The IPC is conducting this supplemental RFI to provide additional information to the ad hoc group. It was designed and written in full by IPC members. The IPC would, however, like to thank ICANN staff for its assistance in making the RFI available as an online survey.

Definitions

Domain Tasting: Domain tasting is a monetization practice employed by registrants to use the Add Grace period to register domain names in order to test their profitability. During this period, registrants conduct a cost-benefit analysis to determine if the tested domain names return enough traffic to offset the annual registration fee paid to the registry over the course of the registration period (e.g., currently 6.00 USD for a .NAME domain name) and the annual transaction fee paid to ICANN (currently 0.20 USD). A domain name is considered to be tasted only if it is registered and then deleted within the five-day Add Grace Period. A domain name is not considered to be tasted if the registration lasts for more than five days. Domain tasting and cybersquatting are not the same practice.

Add Grace Period (AGP): Add Grace Period refers to a specified number of calendar days following a Registry operation in which a domain action may be reversed and a credit may be issued to a registrar. AGP is typically the five day period following the initial registration of a domain name. AGP appears as a contractual term in some, but not all gTLD registry agreements. AGP allows, among other things, for the correction of typos and other errors by

registrants. Once a domain name is deleted by the registry at this stage, it is immediately available for registration by any registrant through any registrar. When a domain name is registered through an ICANN accredited registrar, that registrar may cancel the domain name at any time during the first five calendar days of the registration and receive a full credit for the registration fee from the registry and also avoid the ICANN transaction fee.

1. Please identify yourself (check all that apply)

This section is designed to help quantify what groups that a responding party represents with their submission. Please check all that apply to you or the organization you are filing on behalf of. If you represent an intellectual property rights owner (in-house or outside counsel, for example), please answer questions 4-18 from that perspective.

- | | | | |
|--------------------------|---|--------------------------|-----------------------------|
| <input type="checkbox"/> | Intellectual Property Owner | <input type="checkbox"/> | Rights Owner Representative |
| <input type="checkbox"/> | Government | <input type="checkbox"/> | Registrar |
| <input type="checkbox"/> | Registry | <input type="checkbox"/> | Registrant |
| <input type="checkbox"/> | Non Commercial User (not for profit organization) | <input type="checkbox"/> | Individual Internet User |
| <input type="checkbox"/> | Other (please identify) | | |

2. Please identify your principal line of business

This question is designed to help quantify the business sectors in which responding parties operate. Please check the sector that most accurately describes your organization or the organization you are filing on behalf of.

- | | | | |
|--------------------------|-------------------------|--------------------------|---------------------|
| <input type="checkbox"/> | Financial Services | <input type="checkbox"/> | Pharmaceuticals |
| <input type="checkbox"/> | Technology/Software | <input type="checkbox"/> | Food/Beverage |
| <input type="checkbox"/> | Consumer Products | <input type="checkbox"/> | Entertainment Media |
| <input type="checkbox"/> | Communications | <input type="checkbox"/> | Travel/Leisure |
| <input type="checkbox"/> | Registrar/Registry | <input type="checkbox"/> | Law Firm |
| <input type="checkbox"/> | Other (please identify) | | |

3. Are you a member of the IPC?

This question is designed to quantify the number of responding parties who are members of the Intellectual Property Constituency (IPC). Please indicate if you or the party you are filing on behalf of is a member of the IPC. IPC member organizations are listed here.

Yes No

4. Has your brand(s) or mark(s) been the subject of tasted domain names?

This question is designed to quantify the number of responding parties whose brand(s)/mark(s) have been the subject of tasted domains. As is explained in the definitions to this RFI, domain tasting refers to a monetization practice employed by registrants to use the add-grace period to register domain names in order to test their profitability. During this period, registrants conduct a cost-benefit analysis to determine if the tested domain names return enough traffic to offset the annual registration fee paid to the registry over the course of the registration period (e.g., currently 6.00 USD for a .NAME domain name) and the annual transaction fee paid to ICANN (currently 0.20 USD). A domain name is considered to be tasted only if it is registered and then deleted within the five-day Add Grace Period. A domain name is not considered to be tasted if the registration lasts for more than five days. Domain tasting and cybersquatting are not the same practice. Please indicate if your brand(s)/mark(s) or those

of the organization on which behalf you are filing have been subject to this practice. If you answered “no” or “I don’t know”, please skip to question 33.

Yes No I don’t know

5. How many tasted domain names that incorporate or use your brand(s)/mark(s) have come to your attention?

This question is designed to quantify the number of tasted domain names that correspond to the responding parties’ brand(s)/mark(s).

1-24 25-49 50-99 100-499 500+

6. How have such names come to your attention?

This question is designed to identify how brand/mark owners are made aware of instances of domain tasting. Please indicate how these instances have come to you or your organization’s attention.

7. Over the past year, has the number of tasted domain names that incorporate or use your brand(s)/mark(s):

This question is designed to identify whether brand owners are experiencing an upward trend, downward trend, or no change in the number of instances of domain tasting over the past year. Please indicate if you or your organization has noticed such a trend. If you answered "decreased" or "remained constant", please skip to question 9.

Decreased Increased Remained constant

8. You indicated the number has increased. Do believe that the number has remained constant, but you are simply more aware of tasting?

This question is designed to identify whether a reported perceived increase by a responding party is, in fact, an increase in the instances of domain tasting, or instead a perceived increase based on the increased flow of information regarding the practice of domain tasting over the past year. Please indicate if you believe the perceived increase is also an actual increase.

Yes (remained constant) No (tasting has increased in real terms)

9. Has the existence and number of tasted domains required you to increase the resources allocated to addressing domain tasting problems and/or to change your enforcement strategies? Please check all that apply.

This question is designed to identify the ways in which the practice of domain tasting has impacted brand/mark owners’ strategies and budgets for combating intellectual property infringement, if at all. Please describe the ways in which domain tasting has impacted your IP enforcement strategies and budgets.

Yes, increased time devoted to domain tasting problems and enforcement
 Yes, increased budget to address domain tasting problems and enforcement
 Yes, hired additional staff to address domain tasting problems and enforcement
 No

10. Has the number of tasted domain names changed your enforcement strategies?

Yes No

11. Have you sent objection/demand/cease and desist letters regarding tasted domain names that incorporate or use your brands/marks?

This question is to quantify the number of responding parties who have employed cease and desist letters as a tool to combat instances of domain tasting.

Yes No

12. How many objection/demand/cease and desist letters have you sent?

Please indicate whether you or your organization has used this tool, and if so, how many times.

1-24 25-49 50-99 100-299 300+

13. How many domain names were implicated?

Please also indicate how many total domain names were implicated by all of the cease and desist letters sent by you or the organization on whose behalf you sent them.

1-24 25-49 50-99 100-499 500+

14. Have you initiated UDRP proceedings regarding tasted domain names that incorporate or use your brand(s)/mark(s)?

This question is to quantify the number of responding parties who have employed Uniform Domain Name Dispute Resolution Policy (UDRP) proceedings as a tool to combat instances of domain tasting. If you answered "no," please skip to question 19.

Yes No

15. How many UDRP proceedings have you or your organization initiated to combat domain tasting?

Please indicate how many times you or your organization has used the UDRP tool.

1-9 10-24 25-49 50-74 75+

16. How many domain names were implicated in these UDRP proceedings?

Please indicate how many total domain names were implicated by the UDRP proceedings intended to combat domain name tasting that were filed by you or the organization on whose behalf you filed them.

1-24 25-49 50-99 100-299 300+

17. In how many of these proceedings has a Panel issued a decision?

10-24 25-49 50-74 75+

18. In how many of these UDRP proceedings in which a decision has been rendered did the Panel grant you the relief you sought?

Please indicate in how many proceedings you were granted the relief you sought, i.e. either transfer or cancellation of the domain name(s).

1-9 10-24 25-49 50-74 75+

19. If you have not initiated UDRP proceedings regarding tasted domain names that incorporate or use your brand(s)/mark(s), why not?

Select all that apply.

Domain name deleted during AGP Too costly given the number of domain names

Other (Please explain below)

20. Have you initiated judicial proceedings regarding tasted domain names that incorporate or use your brand(s)/mark(s)?

This question is to quantify the number of responding parties who have employed judicial proceedings as a tool to combat instances of domain tasting. Please indicate whether you or your organization has used this tool. If you answered "no," please skip to question 25.

Yes No

21. How many judicial proceedings have you initiated?

Please indicate how many times you or your organization has used this tool.

1-9 10-24 25-49 50-74 75+

22. How many domain names were implicated in the judicial proceedings?

Please indicate how many total domain names were implicated by all of the judicial proceedings filed by you or the organization on whose behalf you filed them.

1-24 25-49 50-99 100-299 300+

23. In how many of these proceedings has the court issued a decision?

1-9 10-24 25-49 50-74 75+

24. In how many of these proceedings in which a court rendered a decision did the court grant you the relief you sought?

Please indicate in how many proceedings you were granted the relief you sought.

1-9 10-24 25-49 50-74 75+

**Comments to questions in IPC Supplemental RFI on Domain Tasting
(submitted via on-line form)**

1. Please identify yourself (check all that apply)

	Date	Comment
1	15 Sep 07	Intellectual Property & Internet Law Attorney
2	15 Sep 07	law student
3	07 Sep 07	Private practice intellectual property attorney.

2. Please identify your principal line of business:

	Date	Comment
1	20 Sep 07	Intellectual property firm
2	20 Sep 07	consumer products, entertainment media, technology, communications.
3	18 Sep 07	law school
4	15 Sep 07	Energy
5	14 Sep 07	Service provider--watching services
6	14 Sep 07	manufacturer of commercial door hardware and security products
7	14 Sep 07	Trade Association
8	12 Sep 07	Audit, Consultancy, Intellectual Property, Project Development.
9	06 Sep 07	Internet retailer

Poll: 6. How have such names come to your attention?

	Date	Comment
1	25 Sep 07	Through monitoring practices that monitor domain name infringements.
2	24 Sep 07	By attempting to purchase the domains in question.
3	24 Sep 07	Informed by my clients
4	20 Sep 07	We have a domain name watching service for our client brand owners.
5	20 Sep 07	Watch Services that we have to pay for due to high volume domain tasting and cyber squatting
6	20 Sep 07	Typically our business units conduct a search for domain names for our brands and as a result become aware of domain name issues. They will then forward these sites to our attention.
7	20 Sep 07	We conducted a domain name search for infringing domains. Furthermore people in our business notified us.
8	19 Sep 07	Primarily, through correspondence with third parties
9	19 Sep 07	Through domain watching services or from the client directly
10	19 Sep 07	Reverse whois searching.
11	19 Sep 07	through domain watch service and monitoring
12	19 Sep 07	through domain watching service and monitoring
13	19 Sep 07	Watch notices and trial-and-error. Watch notices: I subscribe to a service that notifies me whenever a domain name is registered that contains a mark of the clients for whom I subscribe. When we check the Whois data, we often learn that the registrant is different or that the creation date has changed. Trial-and-error: When clients request that we register domain names for them that contain their brands, we frequently find the names to be recently registered. When we check again in 1 or 2 days, the names are often available.
14	17 Sep 07	Typically, customers making typos
15	17 Sep 07	Trademark watch notices; notification from clients; individual WHOIS searching.
16	15 Sep 07	through policing

	Date	Comment
17	14 Sep 07	our trademark and domain name watch service
18	14 Sep 07	We use several watch services for our clients that give us immediate notice of new domain name registrations. This is how we locate them most of the time. Occasionally someone stumbles across one while doing other related work on that brand.
19	14 Sep 07	through our registrar and our outside legal counsel, while trying to retrieve domain names from pirates and such.
20	14 Sep 07	Through our registrar and our outside legal counsel trying to retrieve domain names from pirates and such.
21	14 Sep 07	through a third party provider
22	14 Sep 07	Watch Reports
23	14 Sep 07	Through domain name registration watch service provided by a third-party vendor.
24	14 Sep 07	domain watch reports
25	14 Sep 07	Through our watch service.
26	14 Sep 07	Monitoring
27	14 Sep 07	Client has advised me of the matters
28	14 Sep 07	Clients whose brands are incorporated into tasted domain names
29	13 Sep 07	Through third-party searching services and consumer/brand queries.
30	13 Sep 07	trying to register them
31	12 Sep 07	We receive a daily listing of newly registered domain names every day. We review those sites and then confirm their existence 2 weeks later. Tasting is evidenced by existing sites which are then taken down within the 2 week window.
32	12 Sep 07	Don't know (as counsel, I heard from client)
33	12 Sep 07	watch services
34	10 Sep 07	Online service and word of mouth
35	07 Sep 07	The trademark owner asked for comments on how to proceed against a registrant of a domain name including its trademark. The registrant of the respective domain name changed every few days and the content connected to the domain name referred to other links of competitors of the trademark owner.
36	06 Sep 07	None have come to our attention; for some reason I cannot go back to change an earlier entry I made in this poll.
37	06 Sep 07	Our brand name was tasted ONE time by a company in panama, but gratefully we showed competence and used friendly contact initially to identify that the name was our brand name, and the issue was quickly and easily corrected by them transferring the name to our management.

Poll: 10. Has the number of tasted domain names changed your enforcement strategies?

	Date	Comment
1	20 Sep 07	While we have not yet changed our enforcement strategies because of domain name tasting, we recognize the growing problem and importance of domain name tasting and are willing to change enforcement strategies if necessary.
2	19 Sep 07	Expenditures on monitoring and cease-and-desist letters have increased significantly. Because it's virtually impossible to learn of a tasted name and prepare and file a UDRP or ACPA complaint all within 5 days, we have stopped trying to rely on those enforcement tools. I believe that the inability to take these types of enforcement action damages my clients' marks (and, by association, their businesses), but see no other option.
3	17 Sep 07	One example - rather than take immediate action, we often have to wait five days and check again to see if the named registrant is the same.
4	14 Sep 07	We represent many famous brands such as CHIPPENDALES, CAESARS, FLAMINGO, NEW YORK NEW YORK, CIT GROUP, and Schering-Plough the owner of many famous marks. When we monitor watch reports if the owner information is not available we need to check back in five days increasing the cost to the client of our watching services. Sometimes when the tasted domain is being used for infringement our clients want a solution which

		significantly adds to the cost of enforcement.
5	14 Sep 07	WE HAVE HAD TO ALTER ENFORCEMENT STRATEGIES BASED ON THE VOLUME OF CYBER-SQUATTED NAMES, WHICH IN TURN IS ALMOST CERTAINLY AFFECTED BY THE ABILITY OF DOMAINERS TO TASTE THE NAMES BEFORE RETAINING THEM
6	14 Sep 07	Made it more difficult to retrieve infringing domain names
7	12 Sep 07	more likely to monitor a domain that file a UDRP for recovery

Poll: 19. If you have not initiated UDRP proceedings regarding tasted domain names that incorporate or use your brand(s)/mark(s), why not?

	Date	Comment
1	20 Sep 07	If the subject domain names were not deleted, the next recommended action would be a UDRP.
2	20 Sep 07	We frequently conduct thorough investigations prior to imitating UDRP proceedings, which require extensive time and research. Due to the AGP, we are unable to initiate these types of in-depth investigations.
3	20 Sep 07	We frequently conduct thorough investigations prior to imitating UDRP proceedings, which require extensive time and research. Due to the AGP, we are unable to initiate these types of in-depth investigations. (duplicate of number 3)
4	20 Sep 07	We are thinking about a strategy to conquer these large amounts of infringing registrations. Most likely we will start enforcing.
5	19 Sep 07	Lack of significant confusion
6	19 Sep 07	Infringing party stopped using upon receipt of cease and desist letter
7	19 Sep 07	One client's brand is the subject of so many tasted domain names that it could truly devote its entire annual trademark enforcement budget to tasted domain names. That's not realistic. Moreover, because of competing client demands, I am never in a position to spend the entire day(s) necessary to research, write and file a UDRP complaint within the five-day period.
8	15 Sep 07	NO SUCH INSTANCE CAME TO NOTICE
9	15 Sep 07	THERE WAS NO SUCH OCCASION AROSE
10	14 Sep 07	By the time you file the complaint if the domain name has been released it is a waste of time and money.
11	14 Sep 07	Because in most instances the name is deleted before we can take action or it is way too expensive to chase the numerous entities that keep registering the domain name and deleting it.
12	14 Sep 07	We don't provide this service to our clients, but they do it directly
13	14 Sep 07	Our watch service filters out tasted names and we apply our enforcement strategies to the remaining ones
14	14 Sep 07	We cannot correlate tasted names with names involved in UDRP proceedings. It is difficult to determine when a misappropriated DN began as a tasted name. For this reason we have not answered the questions above related to such a correlation even though we do regularly file UDRP actions.
15	14 Sep 07	Question not applicable
16	12 Sep 07	No tasting found.

Poll: 25. If you have not initiated judicial proceedings regarding tasted domain names that incorporate or use your brand(s)/mark(s), why not?

	Date	Comment
1	24 Sep 07	Very little damages available from Courts
2	20 Sep 07	The amount of time and research necessary for our company to even consider judicial proceedings is extensive. Again, due to the AGP we do not consider judicial proceedings as a viable option due to the time requirements required.

3	20 Sep 07	We are still thinking about a strategy
4	19 Sep 07	Simply not possible to learn of name, and prepare and file complaint in federal court within the 5-day period.
5	15 Sep 07	NO SUCH INSTANCE CAME TO NOTICE
6	14 Sep 07	Once it is deleted why spend the money on federal litigation? And would have to sue Registry because you don't know who the registrant is.
7	14 Sep 07	We are a service provider and don't provide this service. Our clients do it directly
8	14 Sep 07	We have been able to either wait out the AGP or use UDRP or use C&D letters.
9	14 Sep 07	Our watch service filters out domain name tasters
10	14 Sep 07	See answer to q. 19
11	14 Sep 07	Status changes not conducive to federal court litigation
12	12 Sep 07	No tasting found.

Poll: 27. How many consumers?

	Date	Comment
1	20 Sep 07	To see if we were interested in purchasing the domain names.
2	19 Sep 07	Wanted us to be aware
3	19 Sep 07	Unsure of the exact number, but consumers contact our client directly if they are frustrated that they cannot locate our client's site or if there has been any sense of fraud or deception from the infringing website
4	17 Sep 07	thought we should do something about it.
5	14 Sep 07	In one instance they were duped into making online deposit believing it was our client's legitimate site. In others they were upset because they could not access the information they wanted. In others they were upset because the site went to pornography. This happened in connection with domain names corresponding to our educational publisher's trademarks used for elementary school books.
6	13 Sep 07	concern over affiliation and query as to whether we were affiliated

Poll: 35. Please provide any additional information about your experience with domain tasting and its impact on your business or that of your client(s).

	Date	Comment
1	25 Sep 07	<p>It is difficult to gage how to respond to infringing domains due to tasting. One way would be to wait a week before acting and see if its still a problem, but that's a logistical nightmare.</p> <p>The other is to act immediately and risk wasting many dollars on domains that will be deleted in a few days.</p> <p>Furthermore, the ability to taste basically just creates an ideal environment for tasters to quickly hone in on the most valuable domains that exploit the goodwill of our brand, and steal customers from us, and gives infringers the opportunity to find and buy those domains before we do.</p> <p>It is the equivalent of walking into a store, such as Nordstrom, and there are two sets of doors. One door takes you to the real Nordstrom and the other takes you to a different department store, and the customer doesn't know when they've ended up in the non-Nordstrom store, and the "non-Nordstrom" department store spends no money on marketing.</p>
2	20 Sep 07	The detrimental effect of domain name tasting for trade mark owners far outweighs the original legitimate purpose of domain name tasting. Domain name tasting is being abused by "new age" cybersquatters. We have seen the registration of hundreds of domain names, which incorporate our clients well know brand names for the purpose of hosting monetized websites. The registrants of these domain names earn profit by attracting user to the site by virtue of our clients reputation in its brands. Before any action can be taken, the domain

Date	Comment	
3	20 Sep 07	name is deleted only to be immediately re-registered in the name of a different company. From experience, we know that many the registrant companies are either the same company (using different names) or related entities. Normal enforcement practices are too slow as a means for responding to these infringements of our clients rights. The constant changing of registrant names also makes filing timely and accurate UDRP Complaints impossible. For these reasons domain name tasting should be stopped.
4	20 Sep 07	I am very concerned about the inability to register domain names for business purposes due to domain tasting. This potentially increases unnecessary costs and wastes resources dealing with domain tasting.
5	20 Sep 07	We often send cease and desist letters to the "taster" only to find that the domain name had since been dropped and registered (tasted) by another party. Extremely frustrating. Domain tasting has significantly impacted my clients and their ability to protect their trademarks in the following ways, among others:
6	20 Sep 07	<p>--the practice results in inaccurate and/or incomplete watch reports; multiple domains captured on watch reports end up with no information, giving the false impression that the domains are no longer registered, when in fact the "registrant" may continue to register and drop over and over again.</p> <p>--registrants with no legitimate interest in a domain name (e.g., where the domain name consists of or includes the trademark of others) continue to profit from the domains, without having to pay or officially register and be bound by the UDRP; these registrants often register, drop, register, drop, register, drop, and so on, the same domain, making it very difficult for the trademark owner to register the domain or to stop the infringing use.</p> <p>--if domain tasting were stopped, there would be less infringement on the Internet</p> <p>--the real reason behind the refund period (inadvertent error in purchasing domain name) almost never occurs</p> <p>--the fact that so many domain names are being "tasted" each month makes the Internet unstable, as well as a platform for dishonesty and improper conduct</p>
7	20 Sep 07	I have had several clients ask about or request investigations of apparently tasted domains. The practice also generates additional watch notices and costs of policing definitely have increased as we try to identify whether it is even feasible to chase usually elusive registrants.
8	20 Sep 07	My clients have frequently been the victims of tasting but have been frustrated by an inability to identify tasters quickly enough to investigate ownership and usage details and then file a UDRP proceeding. Client frustration and costs have definitely increased because of tasting.
9	20 Sep 07	<p>We believe the best means to combat the practice of domain tasting would be to eliminate the AGP. It is our belief that the vast majority of registrants who participate in domain tasting, do so for the sole purpose of selling the domain names to profit off of IP owners who wish to protect their IP. As a result, the AGP policy allows these individuals to register millions of domain names without financial commitment. We therefore recommend eliminating the AGP and impose a minimum registration fee which would significantly impact the domain tasting individuals as well as cybersquatters.</p> <p>Dear madam/sir,</p> <p>We at [company name] have many trade marks that are being abused by tasters for pay per click sites. For example more than 5000 registrations with our trademarks [trademark] in it have been detected. This is polluting the internet and the exclusiveness of our trademarks. Now we have to spend a lot of time and money to enforce this problem. This is getting out of hand.</p> <p>With kind regards,</p> <p>[Respondent name]</p>
10	19 Sep 07	Due to the temporary nature of domain name tasting, I am unsure if my clients brands have been targeted by domain tasters.

Date	Comment
	Domain name tasting creates instability in web navigation and adds to consumer confusion on the Internet.
	Since Domain Tasting makes it more difficult for consumers to find their intended web destinations, the abuse of the Add Grace period harms my clients ability to use the Internet as a global marketplace.
11 19 Sep 07	I find that the same persons "purchase" a domain name, send spam, and then can walk away from the name and use a new one for a few days to repeat the same spam, and continue ad infinitum. If no refund was available, this practice would halt very fast as it would be too expensive. The key is to not give a credit. Legitimate businesses don't need or expect a refund.
12 19 Sep 07	At this moment about 5000 domains with the [company name] trademark are registered by domain tasters. This group is getting larger and larger. Please make a rule to stop this practice.
13 19 Sep 07	Due to the short-lived nature of registrations for "tasted" domain names, I do not know whether domain names reflecting the famous [trademark] mark have been tasted.
14 19 Sep 07	If ICANN truly believes that the new gTLD process will result in tens (if not hundreds) of new TLDs, then the problem of tasting MUST BE DEALT WITH NOW!!! Many in the trademark community perceive ICANN to be indifferent, at best, to the problem of domain tasting. The public perception that ICANN is complicit is growing. ICANN should act now.
15 15 Sep 07	The practice for the grant of grace period of 5 days to the prospective registrant of the domain name has encouraged and is bound to encourage trading and trafficking in domain names. Our experience has shown that the prospective cyber-squatters block numerous domain names of generic words or well known trademarks / trade names to gain time to exploit the genuine user.
	We are of the view that the provision under ICANN policy for grace of 5 days should be dispensed with. This may not result in a complete solution to the problem but may have some effect on night - fly cyber squatters.
16 15 Sep 07	No experience
17 15 Sep 07	We have done some domain registration for our clients however there is no concept of domain tasting. But lucking my clients business increased and therefore we retained the domain names.
18 15 Sep 07	The overall process of tasting is often a concern to brand owners because it ties up the brand owner's mark and is not in the control of the brand owner. Further, the current system allows for the taster to relatively anonymous, which makes it difficult to contact the taster.
19 14 Sep 07	[domain name] obtaining cost considerable money
20 14 Sep 07	No experience yet
21 14 Sep 07	It is a pain in the ass that offers no benefit to consumers but only to those seeking click through income. Click through income is like patent trolls who are seeking to make money for doing nothing. Outlaw it!
22 14 Sep 07	We look at this as a never-ending process and one that we do not believe can be stopped.
23 14 Sep 07	In many cases, clients are totally frustrated with what they see as a shell game. Names are registered and deleted in huge blocks and before any action can be taken to remedy the situation the names are deleted and then re-registered by another party. While clients strongly suspect that the entities engaging in this practice may all be related in some manner, clients are unwilling to invest the enormous amounts of time and money it would take to investigate and prove these suspicions. In most cases, clients want to know why ICANN is allowing this abusive practice to continue.
24 14 Sep 07	The amount of energy devoted to this problem is growing every year. The only people that benefit are a handful of domain optimization companies. There is no reason to have a 5 day cancellation window. No registry outside of .com & .net offer this option
25 14 Sep 07	We are unable to say if there has been notification of administrative deficiencies because the original registrant released the name. We use outside counsel to manage this process so we cannot say how often this has happened, nor can we state accurately how many

	Date	Comment
		companies we have had issue with.
26	14 Sep 07	The tasting results in undue expense. Clients are inundated with watch notices that turn out to be only tastings--Very disruptive!!
27	14 Sep 07	I answered "I don't know" because I do not know if the following practice falls into the category of "domain tasting": we have had several occasions where a client is contacted by an entity purporting to be a registry (usually in China, but at least once in the UK) advising that a third party has applied to register a domain name matching the client's trademark or trade name. Upon investigation, we can confirm that the domain name has been registered, but as long as the client doesn't contact the "registry", the domain name invariably expires after a short period of time. This is a practice that has to be eliminated! If "domain tasting" is of such limited duration as is described in these materials, then it doesn't seem to me that there would be much damage from permitting it to continue -- however, if this practice permits "tasters" enough time to try to extort payment from trademark and trade name holders, then it needs to be regulated.
28	14 Sep 07	It has had a tremendous impact because there is scant relief available under the UDRP. Tasters can mount huge cybersquatting campaigns with little cost or consequence. The results is a system that puts a tremendous and disproportionate burden and cost on brand owners, who have to deal with countless abusive domain name registrations targeting their brands.
29	14 Sep 07	My organization's membership - businesses and law firms - have expressed concerns that their brands (or their client's brands) have been subjected to domain name tasting. Some members are directly aware that their own brands have been subjected to domain name tasting; this requires them to spend a large amount of resources: time, money and labor on policing and enforcing their rights against the practice of domain name tasters. Other members who do not have the technological means required to monitor for domain name tasting, believe that it is likely that their brands have been in fact targeted by domain name tasters and are very concerned regarding the practice.
30	14 Sep 07	At times more than 90% of the DNs reported by our monthly watch service were tasted names. This has increased the time required to investigate and determine action on potential DN misappropriation. Further, because of the timing involved in tasting, the practice has resulted in misappropriated DNs not appearing on our watch service reports at all because there was no recorded change to the status of the DN from one report to the next despite a change in tasting owners. This reduces the effectiveness of our enforcement efforts. Also, following up on our comments in q. 19, we were unable to answer the questions that call for correlation between names tasted and UDRP or ACPA actions for the reasons given. This should not be taken as an indication that domain tasting is not a serious concern or that we do not take enforcement action relative to names that initially were the result of tasting. This is a significant concern for our organization and has resulted in considerable increases in the time and money required to effectively police our brands on the Internet.
31	14 Sep 07	Being able to delete domains is an important part of our business. When we get fraudulent orders, we delete the domains within the 5 day grace period. Otherwise we would have to eat the loss. Often our customers enter a domain with a typo by mistake. They like that they can delete the domain and get their money back.
32	14 Sep 07	We believe the original purpose of the AGP has been lost and it is now being used to benefit a small number of domain tasters and Registrars in a way that does not benefit the Internet world as a whole. Preventing domain tasting would reduce customer confusion and increase availability of domain names. It also increases resources needed to monitor misuse of domain names by third parties.
33	14 Sep 07	For my clients, we frequently find registrants for similar domain names, permutations or typos of our registered trademarks, etc. Frequently, these are numerous and change over time. Because of financial constraints, clients frequently do not pursue transfer of the

	Date	Comment
		domains, even though they probably are legally entitled to. Many of these domains are linked to general advertising pages, a hallmark of those employing domain tasting.
34	14 Sep 07	The practices are confusing to consumers and an additional burden on trademark owners
35	14 Sep 07	Shouldn't be allowed. It permits infringement while thwarting relief.
36	12 Sep 07	Our clients do suffer from domain tasting, though they do not generally pursue it due to resource allocation issues.
37	12 Sep 07	The main impact is the creation of a more lenient approach to intellectual property infringement - which is not a good thing in the big picture.
38	12 Sep 07	Domain tasting does not apply to the Egyptian Universities Network (The Egyptian Domain Name Registrar)
39	07 Sep 07	Trademark owners are frustrated by domain tasters, especially if several domain tasters prevent them from registering a domain for themselves. German clients prefer the situation as under the top-level-domain .de where there is no AGP.
40	06 Sep 07	We monitor a number of trademarks for hits in new domain name registrations. Allowing domain name tasting will significantly increase our workload, as we will need to provide multiple follow ups to each registration we encounter.

Poll: 36. Please provide any other comments about this RFI.

	Date	Comment
1	24 Sep 07	No comment
2	20 Sep 07	I would be happy to assist INTA in any further research or enquiries it may consider necessary on this topic or any topic related to this area.
3	20 Sep 07	The detrimental effect of domain name tasting for trade mark owners far outweighs the original legitimate purpose of domain name tasting. Domain name tasting is being abused by "new age" cybersquatters. I have seen the registration of hundreds of domain names, which incorporate our clients well know brand names for the purpose of hosting monetized websites. The registrants of these domain names earn profit by attracting user to the site by virtue of our clients reputation in its brands. Before any action can be taken, the domain name is deleted only to be immediately re-registered in the name of a different company. From experience, we know that many the registrant companies are either the same company (using different names) or related entities. Normal enforcement practices are too slow as a means for responding to these infringements of our clients rights. The constant changing of registrant names also makes filing timely and accurate UDRP Complaints impossible. For these reasons domain name tasting should be stopped.
4	20 Sep 07	I have tried to respond to Question 35 a couple of times and each time I submit a response, the form does not appear to accept the response.
5	20 Sep 07	Thanks
6	20 Sep 07	x
7	20 Sep 07	AGP was developed to assist registrants who had inadvertently registered the wrong domain name. However, it seems that AGP now is used to monetize domain name registrations and avoid registration fees. In addition to the costs incurred by IP rights holders in the way of investigation and enforcement, this practice would seem to put an added cost burden on non-participating registrars and registrants who likely bare the added administrative costs of these churned registrations that do not generate registration fees
8	20 Sep 07	The AGP was designed to assist registrants who make honest mistakes during the registration process. However, AGP seems to be used, primarily, as a means to monetize domain names and avoid registration fees. In addition to the increased policing costs experienced by IP rights holders, this activity would seem to put a disproportionate cost burden on non-tasting registrars and other registrants --who probably bear the administrative costs of these millions of churned registrations (duplicate of number 7)
9	20 Sep 07	No comments
10	20 Sep 07	No comments (duplicate of number9)
11	20 Sep 07	One additional comment we have is that domain tasting impacts smaller companies and

	Date	Comment
		businesses equally if not greater than large companies. Since detecting and responding to domain tasting requires additional time and resources, many large companies are able to dedicate resources to the problem. However, smaller companies are not able to and as a result are severely impacted by the problem.
12	20 Sep 07	Thank you.
13	20 Sep 07	Thank you for addressing the domain tasting issue.
14	20 Sep 07	Dear Madam/sir, Please keep us informed about you new plans to deal with the large amount of tasters that abuse trademarks. With kind regards, [respondent name] [respondent organization and contact information]
15	19 Sep 07	Thanks Done
16	19 Sep 07	No
17	19 Sep 07	Since domain tasters are, by their nature, difficult to identify and track, I have not determined the extent of which my clients brands have been targeted. Please keep this is mind when evaluating my responses to this RFI.
18	19 Sep 07	This issue has not been discussed before in a public venue in Guatemala
19	19 Sep 07	No.
20	19 Sep 07	Thank you for having this available.
21	19 Sep 07	Dear sir, madam, Our trademarks are being abused on a large scale by domain tasters. Most tasters use the tasted domains for pay per click sites. We loose a lot of traffic meant for our sites this way. Furthermore the group of infringing domains (5000 already on one of our trademarks) is getting so large it is almost impossible to enforce them all. We are willing to help the ICANN in thinking about solutions for this problem. With kind regards, [respondent name] [respondent title and contact information]
22	19 Sep 07	In my view, the add-grace period should be eliminated. There are other ways to protect a registrant from typographical errors in registering a domain name; for example, a registrant may be asked to type in the desired domain name more than once.
23	19 Sep 07	Thank you very much, Kieren and Nick. Your assistance has been greatly appreciated!
24	18 Sep 07	no additional comments
25	17 Sep 07	thanks for providing this opportunity
26	15 Sep 07	Thank You very much for making me a part of this wonderful survey.
27	15 Sep 07	NIL
28	15 Sep 07	none
29	15 Sep 07	None
30	14 Sep 07	None
31	14 Sep 07	If any of our votes were not tallied, please let us know. There were "invalid vote" pages during this process so I am concerned that some of my answers were not entered accurately.
32	14 Sep 07	If any of our votes were not tallied, please let us know. There were "invalid vote" pages during this process so I am concerned that some of my answers were not entered accurately. (duplicate of number 31)

	Date	Comment
33	14 Sep 07	[Company name] is opposed to the practice of domain name tasting. We have been effected by it and are eager to learn how this practice can be stopped.
34	14 Sep 07	No
35	14 Sep 07	None
36	14 Sep 07	no
37	14 Sep 07	Unfortunately we are not able to provide our comments for the reasons explained before.
38	14 Sep 07	.
39	14 Sep 07	Thank you for reviewing this important issue.
40	14 Sep 07	Thank you for pursuing this and we very much hope that the grace period will be abolished to otherwise addressed to prevent tasting.
41	14 Sep 07	Thank you for pursuing this and we very much hope that the grace period will be abolished to otherwise addressed to prevent tasting. (duplicate of number 40)
42	14 Sep 07	No other comments.
43	14 Sep 07	We do not want the add grace period removed completely. If it must be changed, we would support a modest restocking fee of about %1 of the domain registry fee.
44	14 Sep 07	no
45	14 Sep 07	THANK YOU FOR TAKING US INTO CONSIDERATION FOR THIS POLL
46	14 Sep 07	Thanks for taking the time to prepare this survey
47	14 Sep 07	Too long
48	14 Sep 07	See above
49	14 Sep 07	See above (duplicate of number 48)
50	14 Sep 07	Please get this practice discontinued from the registrar end.
51	13 Sep 07	I believe it is likely many people are not aware their brands are being tasted, and unfortunately they may not then complete many of the questions, or respond in a way that indicates domain name tasting is not a problem. Therefore, the results of this survey should be analyzed in this context.
52	12 Sep 07	Very helpful.
53	12 Sep 07	Somewhat confusing format.
54	12 Sep 07	Thank you.
55	12 Sep 07	As for the provided beneficial statistics for the domain tasting practices during the last couple of years. We kindly ask you to provide us with more statistics regarding this matter in order to comprehend the significance or the domain name tasting and if it is really beneficial or an exploitative practice.
56	11 Sep 07	No.
57	11 Sep 07	No thanks
58	10 Sep 07	Thank you
59	07 Sep 07	thanks for asking
60	06 Sep 07	None.
61	06 Sep 07	Although the theory of domain tasting is good, it is my experience and understanding that there are companies who abuse the purpose of the tasting. It is also rarely a company or an individual with a bona fide interest in the domain. In my experience those who take most advantage of domain tasting are those trying to engage in typo cybersquatting (e.g. disney vs. disney, etc.) There is no reason for ICANN to continue to permit those who would engage in such behavior do it for free. Most legitimate companies based their brands and names on the value of the name relative to the product - and not on the number of hits the domain name gets. For example, a pharmaceutical company would not base the name of its new product on domain traffic. Since domain tasting primarily benefits those who abuse gTLDs, there seems little point in maintaining this service.

Annex 6 – Request to VeriSign

The body of the mail request from the group chair to VeriSign:

“The DT ad hoc group has agreed to the following request to VeriSign, and respectfully requests this information by Sept 20, 2007. Please advise if you have any questions or concerns about this request

We ask for stats at least for the last one year period -- July 1, 2006 through June 30, 2007 (since VRSN earnings for this period have been announced) – and further historical data would be greatly appreciated as well:

- a) How many domains were registered and subsequently deleted within 5 days during each month, quarter and year? This should be broken out by each registrar and expressed as percentage of total registrations managed by each registrar at that time, please.
- b) What percentage of all adds are grace deleted -- in total and broken down by registrar – during each month, quarter and year?
- c) How many domains have been registered, deleted, and re-registered? Please provide a breakdown of these stats by number of times a domain was re-registered within one year. For example:
 - a. X number of domain names have not been re-registered during this one year period
 - b. Y number of domain names have been re-registered once during this time period
 - c. Z number of domain names have been re-registered twice during this time period
 - d. AA number of domain names have been re-registered between 3 and 5 times
 - e. BB number of domain names have been re-registered between 5 and 10 times
 - f. CC number of domain names have been re-registered between 10 and 20 times
 - g. DD number of domain name have been re-registered more than 20 times”