



Protection of Registrants When a Registrar Ceases Business Operation

13 February 2008



Agenda

- Overview of Registrar Termination
- Scenario 1: Terminated Registrar Finds Gaining Registrar for Bulk Transfer
- Scenario 2: ICANN Finds Gaining Registrar for Bulk Transfer
- Scenario 3: ICANN Cannot Find Gaining Registrar



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Overview of Registrar Termination

- Possible Methods of Termination
 - Voluntary (30 days notice)
 - Involuntary (breach)
 - Disappearance (registrar 'goes dark')
- After Termination
 - Restricted registry access
 - Bulk transfer from "losing registrar" to "gaining registrar"



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Scenario 1: Terminated Registrar Proposes Bulk Transfer

ICANN must ensure the bulk transfer is in the "community's interest."

- What factors should ICANN consider in evaluating "community interest"?
- What circumstances might change the evaluation?
- What are the possible consequences of declining to approve the bulk transfer?



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Scenario 2: ICANN Allocates Terminated Registrar's Names

What if the proposed gaining registrar is unacceptable or declines the transfer?

- How should names be allocated?
- Describe how ICANN's transparency and fairness mandates would be fulfilled.
- What additional factors should be considered?
- If allocation results in revenue, to whom?
- What alternative procedures did your group consider? Why were they less desirable?



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Scenario 3: No Willing Gaining Registrar Available

What if no registrars wish to receive the bulk transfer?

- What steps should ICANN take to protect registrants?
- What are potential adverse consequences of the proposed approach?
- How should the costs, if any, be covered?
- What alternatives did your group consider? Why were they less desirable?



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Thank You

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Summary of comments by small-group participants in the "What Happens When a Registrar Ceases Business Operation" workshop.

Scenario 2: ICANN allocates terminated registrar's names

What if the proposed gaining registrar is unacceptable or declines the transfer?

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- Describe how ICANN's transparency and fairness mandates would be fulfilled.
- What additional factors should be considered?
- If allocation results in revenue, to whom?
- What alternative procedures did your group consider? Why were they less desirable?

Group One Recommendations & Discussion Points:

- Create a separate entity registrar for temporary allocation, let registrants select preferred registrar to move to.
- Registrants should have as much latitude for decision-making as possible.
- Could have auction situation where auction is held to determine who gaining registrar would be.
- Could create RFP for prospective gaining registrars.
- As much proactivity as possible on part of registrars and ICANN is preferred.
- To minimize confusion of process, ICANN should have aggressive PR and communications campaign, giving people information & options.
- Question: Should "registrar of last resort" be run by registry?

Group Two Recommendations & Discussion Points:

- Create third-party temporary registrar for holding of names.
- ICANN should accept expressions of interest. This should come with criteria on who should qualify: size, location, price.
- Main criteria that transfer to new registrar be readily available.
- Could do random distribution of names across all qualified registrars.
- Portfolios should stay together: don't allocate by domain name but by registrant.
- Could do auction of domain names.
- Possibilities for revenue: distribution to those parties incurring the costs, paying off debts to ICANN or other creditors of losing registrar.
- Offering vouchers to registrants to assist them in transferring to registrar of choice.
- Pick one recipient registrar rather than distributing names across several.

Group Three Recommendations & Discussion Points:

- Could do allocation by portfolio, using contact information that is most accurate.
- Randomly generating these by computer probably not workable due to some bad contact info.
- Have 1 registrar as registrar as last resort – not operated by registry.

Scenario 3: No Willing Gaining Registrar Available

What if no registrars wish to receive the bulk transfer?

- What steps should ICANN take to protect registrants?
- What are potential adverse consequences of the proposed approach?
- How should the costs, if any, be covered?
- What alternatives did your group consider? Why were they less desirable?

Group One Recommendations & Discussion Points:

- Parking with virtual registrar.
- Registries should be asked to not delete names – situation may take weeks or months to work through.
- Thick registry could send auth codes to Admin Contact.
- ICANN could simply force distribution to all accredited registrars.
- Finding a registrar who supports all the same TLDs will be more difficult in a world with many more TLDs – there will be issues with registrars who have cc registrations as well, keeping portfolios together.
- May be able to divide names up by TLD.
- If there is a cc portfolio, ICANN may wish to talk to cc manager and get its list of registrars, they may wish to become accredited and take on the customers.

Group Two Recommendations & Discussion Points:

- Non ICANN-accredited registrar or reseller could become accredited and take over names – could give them incentive to become accredited.
- ICANN could have an RFP for a registrar to act on behalf of ICANN.
- ICANN could pay some of the costs so that no additional costs would be borne by community.
- Set shelf-life for holding registrar and then allow registrant a free transfer out to registrar of their choice – resulting in short-term project for registrar.

Group Three Recommendations & Discussion Points:

- Create shell holding registrar – managed by ICANN or other nonprofit organization.
- Incent registrars to participate in taking over names.
- Use assets of failing registrar to try and recover costs.