ICANN San Francisco Meeting
PEDNR Draft Final Report
TRANSCRIPTION
Monday 14 March 2011 at 16:30 local

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Alan Greenberg: ...but we will record that you're here.

The background of this PDP is to essentially investigate - or the request was to investigate whether registrants are able to claim domain - reclaim or renew domain names after an expiration. The issue was originally brought up by the At Large Advisory Committee. It was - an issues report was created by ICANN staff and it went to the GNSO, and the GNSO approved unanimously to initiate a PDP in June 2009.

The charter that was created by the GNSO identified five specific questions related to renewal practices and policies, and the working group was charged with coming up with either best practices or policy to address these issues as appropriate.

We published our initial report in May 2010. At that stage, we felt it was important to go public and tell - talk about what we were doing - we were having at that point. So a lot of problems identifying exactly how to address the issues, and even identify to what extent the issues were needed to be addressed. So that report did not have any recommendations. Accordingly, we are now publishing a further report with specific recommendation in it.

We received a number of public comments, and we also initiated a public survey at that time which gave us some interesting input which we used to help formulate the recommendations. The final report has 14

recommendations in it as it stands now, and there's a public comment period open until April 7.

The summary of our recommendations is our three main directions. The working group believes that with these recommendations, registrants have additional guarantees which are out there today. We will improve registrant education and comprehension. The working group identified very early on that a lot of domain names are lost or potentially lost, and are - a lot are not renewed on time simply because of lack of understanding on the part of the registrant.

And moreover, the recommendations are all in line with current practices of most registrars, and should have minimal impact on most registrars and the other effected stakeholders - you know, resellers for instance, and registries. So although we believe the changes are important, they are not likely to cause great tremors within the industry.

And the first group of recommendations essentially talk about how the world will be different, or potentially different to a registrar's - to a registrant - having trouble here. The first recommendation defines the registered name holder at expiration. This is important because the current RAA never really talks about who is allowed to renew after expiration.

It is assumed during the life of the domain, whoever owns it has the right. However, registration agreements very often allow the registrar to change the WHOIS information, which is normally presumed to be the home - you know, the place you look to see who has the rights to renew. And, that's not necessarily the case after. So, we're formally defining the term that we then use in the following recommendations.

For Recommendation 2, there shall be a minimum of eight days after expiration when the registrant - or the registered name holder can renew. And during these eight days, the domain will no longer function as it did originally.

Specifically, not functioning should get the attention of a registrant even if the emails that have been sent out, perhaps repeatedly in many cases, have not been successful.

The recommendation does not say anything about how many days the registrar can offer, but it shall be no less than eight.

Recommendation 13 says if the registrar after expiration redirects the a Web page to another page, which many do right now, that page has to explicitly say this is an expired domain and provide instructions orally or something for the registered name holder to being the renewal process if they choose.

And Recommendation Number 3 makes clear the implied reason for Number 1. That is, changes to WHOIS must not affect the ability to renew.

In the next set of recommendations are - have to do with making sure the registrant has the information they need to reasonably renew. The first one says that any fees that will be charged after expiration must be disposed ahead of time.

The - Number 9 says that the registration agreement and the Web site must tell you how they plan to deliver notifications to you. It's all well and fine to say the registrant should pay attention to notifications. But in some cases, it's not clear just how those notifications will reach them. And because of email problems, spam, and other things, it's very - it may be potentially difficult if they don't know what address the notifications should be sent to, where they're being sent from and a whole bunch of other things like that.

And Recommendation 10 says there shall be at least two notices prior to expiration. That's not a technical change from the current RAA, but the current RAA says this in a rather obtuse way, and we're simply saying that this must be stated clearly so there's no misunderstanding on the point of view of registrars, and there has been implications in the past.

Twelve is a new one that says there must be at least one expiration notice after - one notice after expiration. And again as mentioned earlier, this isn't a change in practice for most registrars. Most already do this.

Eleven says notifications of expiration must include methods that do not require explicit action on behalf of the registrar - registrant. The specific target of this is some registrars say the notifications will be sent via the domain management system on the registrar's Web site, which requires active - proactive logging onto that site before get the notifications. And the registrants that we're talking about in many cases are not ones who check their domain registrations day by day. They may only own one and don't even know there's a Web site to look at.

Recommendations 4 and 5 say that the redemption grace period, which is a service offered by registries, must b offered by all unsponsored registries. Right now, almost all unsponsored registries do offer it, but there's no requirement in the new Applicant Guidebook that any future registries do it, and it's expected that if it's not there and not anywhere else, most of them will simply not do it. They'll have enough other things on their plate.

And 5 says that if a registry offers the RGP, then a registrar must offer that service also. And without that condition, it's possible that a domain could be deleted by the registrar being held by the registry for redemption, but the registrant cannot redeem it because the registrar doesn't offer the service.

Number 8 says ICANN will develop a number of educational materials to try to educate registrants on what they must do for the care and feeding of their domain.

Seven says that ICANN registrars must link to this information when and if it's created.

And the last one, 14, is not a policy recommendation, but a best practice. It was deemed to be something that was moderately important, but it wasn't clear that every registrar could really implement it easily due to technical reasons, and so we're doing it as a best practice. And this specifically says if you're sending email after expiration, and that email is being destined at the domain in question - so if it's (blah.org), and the mail was being to (easeblah.org), if the registrar has already disabled (blah.org), that email won't get through. And registrars who send mail after expiration should be cognizant of this and try to use some other method of reaching the applicant, not an email which is known to be - know that it will get lost.

Now, a number of these recommendations, if you look at the full report, have bracketed language. There's a number of exclusive questions that are being asked. We - there is some work that we simply didn't have time to do, and we would appreciate input so that in the final report we get it right.

As I said, the comment period is open until April 7. There is a lot of documentation on the Web that you can read. The previous reports and a lot of detailed interim documents that we have. We strongly suggest you look at them. And that's it.

I do have slides on each of the recommendations one by one if people have particular questions or I can simply go into some of them if you would like more details and don't have questions. But I'd like to open it up to questions at this point.

We can finish early an go back to the gTLD session.

Man: Anything but that.

Alan Greenberg: For those of you behind there, there are room at the table if you want to come up and speak. And, we have microphones.

Evan.

Evan Leibovitch: Alan, the only comment I have about this is that some of it - so much of this just seems so common sense. I mean, I appreciate the work that the working group has been doing on this, and really want to support it. Frankly, I have a hard time understanding what the arguments would be against these kind of recommendations.

Alan Greenberg: I'll let other people talk about the arguments against if they choose.

I think part of the answer when you say they're common sense is if you look at the RGP, if you talk to the people who are around and took part in the creation of the RGP 10, 11 years ago, they sort of assumed it would become commonplace and everyone would implement it, but it never got written. You know, no one ever went through the process of policy development to actually write it in as a consensus policy, so it never got done.

Some of those are we just never got around to it. Other things are commonplace for most of the registrars. When we started this, and if you go back even into the Request for Issues report, it was always clear that we were not trying to fix - change the whole industry practices. We were trying to get outliers and some of the small registrars who you know, some people view as preying on unknowing registrants, to get in line with the practices of the larger registrars and the practices that most of us are familiar with.

So as I said in my preamble, we're not expecting major changes in what the registrars certainly around the table are likely to have to do. But, it will require other registrars to change their practices perhaps. I don't know. Well not radically, but certainly to provide some guarantees.

So if they're commonplace and don't raise any eyebrows, we may have done a good job. Like all compromises I suspect - well, I know the users on the working group feel that we haven't done enough, and probably some

registrars feel we've done too much. That may be the only way to measure quality if everyone's unhappy.

Go ahead.

Vladimir Shadrunov: My name is Vladimir Shadrunov. I'm working for (Tony), the (unintelligible) registry. I have a question. So are they - I apologize in advance if this - the answer are somewhere in that report, and if I might have missed them. But anyway, you're report it says - it touches upon various grace periods which are currently provided by the registries. Though you're only talking about the RGP, the redemption grace period, in fact there are some implications of that.

For example, any registry that's currently offering the RGP has - as part of this RGP has some kind of exemption, which is that the RGP is not provided if the domain is deleted within the short timeframe after the registrations, which has no (unintelligible) grace period, right?

The next thing. For - in your Recommendation Number 2, you're saying that for at least eight consecutive days after the expiration, the DNS resolution must be interrupted. But this, in my opinion, implies that the registries must provide also the so-called renewed grace period, whereas the registrar will have some time after expiration to actually renew the domain name and without being billed.

So in my point of view, this - there is just not enough details discussing the specifics of the implementation of various grace periods. So is this vagueness - is this intentional? And do you think if we follow that path, then some additional policy development process must follow to define all the details?

Alan Greenberg: I'll answer the very last part of the question and then I'll turn it over to one of our work group members to answer the specifics.

No. Vagueness was not intentional. On the other hand, we were trying to limit the report to less than 400 pages. And therefore, we did not try to define everything. Although we've defined things, we have not tried to explain the whole process. We did go through a process at one point to try to graph out and flow chart out the current renewal process. We spent several weeks on it and had a flowchart that spanned several pages. We determined it to be incomprehensible and never pursued it.

The current process is somewhat complex, but (Michael), can you try to address the specifics?

(Michael): So to your first question about the (ad) grace period, certainly that takes precedent. It's an overruling grace period - over RGP as long as you're in (ad) grace, (ad) grace takes precedent. So that's the answer to that, and that's why we didn't explicitly state that because we felt it was obvious. But maybe we could put a clarification in there if it's not.

As for the eight days, I think if I'm reading this now on the screen and thinking - it says provide a minimum of eight days after expiration, and language would be a little bit more clear if it said after - at some point after expiration, because that eight days doesn't necessarily have to be from Day 1 to Day 8 after expiration. It could be Day 20 to Day 28.

So, that's just a clarification for you. So there is flexibility or a determination upon different people's business model's implementation to move that period where it makes sense within the existing expiration structures that we have today.

Vladimir Shadrunov: Thanks.

Alan Greenberg: I'll also add you made some comment about the registrar not being billed. There is currently a 45-day period, or an up to 45-day period under which the registrar and - depending on the registry, they may pay; they may not pay the

fee. If they paid the fees, they would get it back if they delete it before the end of the 45 days.

So, there's no net cost to them at that point; although, there is a cash flow potential. That's already an existing auto-renew grace period, which is a grace period between the registry and the registrar, and we're not altering that. That already exists.

Vladimir Shadrunov: I believe that's true of an individual registry, but that provide this auto-renew grace period or not to provide it. So, some - we may have a registry at some point in the future that chooses not to provide one.

Alan Greenberg: No. I believe the auto-renew grace period is part of the EDDP 2004 Consensus Policy, yes. And all of them have to provide it. There is a choice on whether they bill the registrar immediately and give it back if it's deleted, or they don't bill...

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