



Post-Expiration Domain Name Recovery The Issues Report Overview and Recommendations

Wednesday 24 June 2009

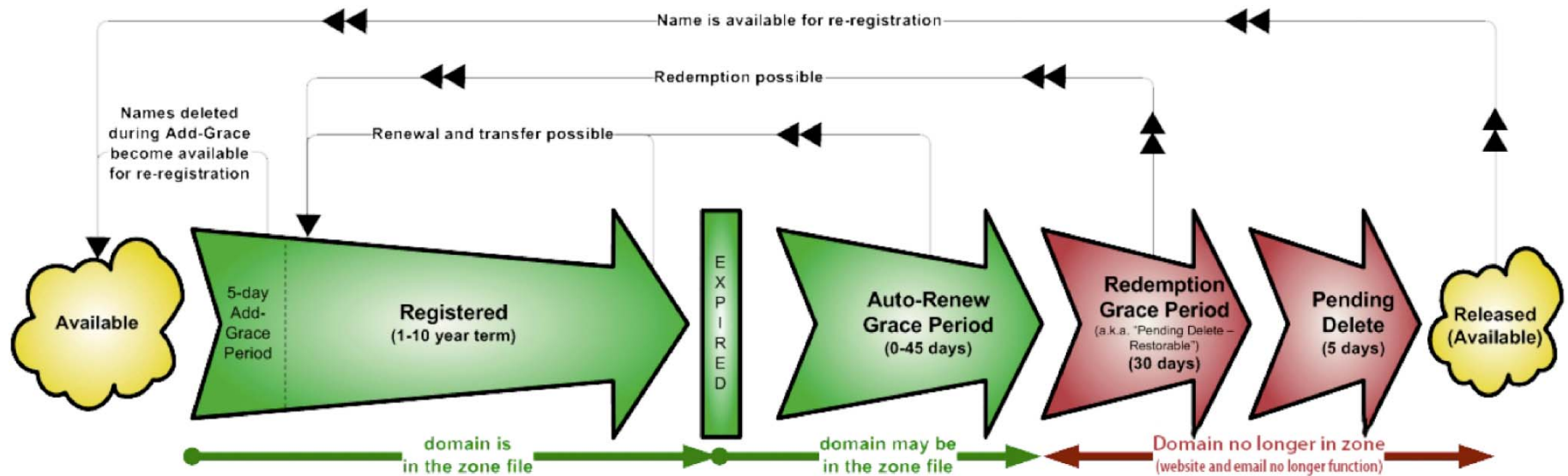
Marika Konings

Policy Director, ICANN

Background

- Request made by At-Large Advisory Committee (ALAC)
- ALAC alleges that current measures ‘have proven to be ineffective’, ‘loss of domain name can cause significant financial hardship’ and previous attempts to instill predictability for post-expiration domain name recovery are ‘not successful’.

Domain Name Life Cycle



Prior to Expiration

- RAA states that a registrar ‘shall provide notice to each new registrant [...] of their deletion and auto-renewal policy’
- RAA specifies that registrar should clearly display on its web site deletion and auto-renewal policy as well as any fee charged for the recovery during RGP
- RAA requires registrar to send at least two notices or reminders

Auto-Renew Grace Period

- If domain name is not renewed before expiration, the registration will be automatically renewed by the registry the first day after expiration
- Maximum length of Auto-Renew Grace Period is 45 days, but registrar can opt to delete before
- During Auto-Renew Grace Period a domain name might resolve normally, stop resolving or resolve to a registrar-designated IP address which hosts a parking, under construction or temporary page

Auto-Renew Grace Period

- Majority of registration agreements seem to have a provision in place in which the registrant agrees to allow the registrar to redirect the domain name to IP address designated by the registrar, which hosts parking, under construction or other temporary page
- Registrar may elect to offer an auto-renewal policy, but is under no obligation to do so
- If a domain name is deleted, it enters into the Redemption Grace Period (RGP)

Auto-Renew Grace Period

- However, some domain names never reach RGP because they are sold, auctioned or transferred to another party
- Many registration agreements provide for the right of renewal by the registrar and transfer of ownership to the registrar through a subsidiary or affiliate or third party in case the registrant does not renew the domain name
- ‘If the domain name has any value over \$6, they’re no longer entering the RGP’ (Rob Hall, 2007, ICANN meeting Lisbon)

Redemption Grace Period

- Intended to prevent unintentional deletions
- Not established as a consensus policy, voluntary decision by registrar to offer restoration or not. Most registrars are believed to offer restoration.
- 30 day registry 'hold' period, designed to allow registrars the ability to restore names that were deleted accidentally or without intent of the registrant
- Domain name will not function/resolve

Redemption Grace Period

- Registrant can redeem its registration through the registrar
- The registrar can redeem the name in the registry by paying renewal fees plus a service charge
- It is not possible to transfer a domain name to another registrar in RGP

Pending Delete

- Domain name is placed in PENDINGDELETE status if it has not been restored during RGP
- A domain name cannot be recovered or transferred by anyone at this point
- Domain name is deleted from registry database after 5 days
- Following deletion, domain name becomes again available for registration

Analysis

- Auto-Renewal Grace Period and RGP do not address concerns raised by ALAC that some registrants may not have sufficient notice or opportunity to recover expired domain names
- RGP is not a consensus policy
- Many registrars do offer auto-renewal policy, but are under no obligation to do so
- The consequences of provisions that provide registrar the right to redirect or renew, auction or sell domain name following expiration might not be fully understood by registrants at the time of signing

Analysis

- No obligation to put domain name on HOLD during Auto-Renew Grace Period or include notice of expiration on domain name – registrant might not realise registration has expired

Recommendations

- ICANN staff recommended GNSO Council to initiate a PDP to review and consider changes addressing:
 - Whether adequate opportunity exists for registrants to redeem expired domain name
 - Whether expiration related provisions in registration agreements are clear enough
 - Whether adequate notice exists re. expirations
 - Whether additional measures need to be implemented to indicate a registration has expired
 - Whether, and if so, how to enable the transfer of a domain name in RGP

Recommendations

- Further information should be sought from ICANN compliance staff to better understand how RAA provisions on availability of information on deletion and auto-renewal policy are enforced
- Enhancements and better information providing could also be pursued outside of PDP process, e.g. through co-operation between GNSO and consumer protection organisations
- Further fact-finding and workshop might be helpful in preparing for and focusing the PDP

GNSO Council

- Discussed and reviewed the issues report
- Decided to initiate a Policy Development Process on 7 May 2009
- A drafting team was formed to develop a Charter for a PEDNR Working Group
- Charter was adopted at GNSO Council meeting this morning

PEDNR WG Charter

- The Working Group initially shall:
 1. Pursue the availability of further information from ICANN compliance staff to understand how current RAA provisions and consensus policies regarding deletion, auto-renewal, and recovery of domain names following expiration are enforced;
 2. Review and understand the current domain name life cycle;
 3. Review current registrar practices regarding domain name expiration, renewal, and post-expiration recovery.

PEDNR WG Charter

- The Working Group shall then consider the following questions:
 1. Whether adequate opportunity exists for registrants to redeem their expired domain names;
 2. Whether expiration-related provisions in typical registration agreements are clear and conspicuous enough;
 3. Whether adequate notice exists to alert registrants of upcoming expirations;
 4. Whether additional measures need to be implemented to indicate that once a domain name enters the Auto-Renew Grace Period, it has expired (e.g., hold status, a notice on the site with a link to information on how to renew, or other options to be determined);
 5. Whether to allow the transfer of a domain name during the RGP.

PEDNR WG Charter

- The Working Group is expected to organize an issue update / workshop at the Seoul meeting, in addition to an update to the GNSO Council
- The Working Group should consider recommendations for best practices as well as or instead of recommendations for Consensus Policy

How to get involved?

- Join as a Member of the PEDNR Working Group (contact the GNSO Secretariat - gnso.secretariat@gnso.icann.org)
- Monitor the PEDNR Wiki - <https://st.icann.org/post-expiration-dn-recovery-wg/>
- Participate in today's workshop

Further information:

- Post-Expiration Domain Name Recovery Issues Report – <http://gnso.icann.org/issues/post-expiration-recovery/report-05dec08.pdf>
- Translations available on <http://gnso.icann.org/policies/>





Questions?

Charter Questions

- Whether adequate opportunity exists for registrants to redeem their expired domain names
- Whether expiration-related provisions in typical registration agreements are clear and conspicuous enough;
- Whether adequate notice exists to alert registrants of upcoming expirations;
- Whether additional measures need to be implemented to indicate that once a domain name enters the Auto-Renew Grace Period, it has expired (e.g., hold status, a notice on the site with a link to information on how to renew, or other options to be determined).
- Whether to allow the transfer of a domain name during the RGP.