**Title of Effort:** PDP – PDP - Post Expiration Domain Name Recovery Policy Development Process

**Start & End Dates:**  DEC 2008 – OCT 2011

**Link to Effort:** <http://gnso.icann.org/en/group-activities/inactive/2013/pednr>

**Key Contributors:**  Chair (Alan Greenberg); Staff ( Marika Konings)

| **#** | **Question** | **Response** |
| --- | --- | --- |
| **1** | Was this effort a PDP or non-PDP? | PDP – initiated 24 June 2009 |
| **1.1** | if a PDP, were Consensus Policy recommendations made and approved by the GNSO and ICANN Board? | Yes, Consensus Policy recommendations were made |
| **2** | What was the issue/problem identified in the Final Issue Report and Charter and did any of the initial staff recommendations based on data (analysis)? (yes/no + description) | Issue Report (5 Dec 2008) <http://gnso.icann.org/issues/post-expiration-recovery/report-05dec08.pdf>   * ALAC requested effort passed at the 14 Oct 2008 meeting. The request alleged that current measures aimed at recovering an expired domain name ‘have proven to be ineffective’ and asserts that ‘the loss of a domain name can cause significant financial hardship to the registrant, and that harm can increase with the time required to recover the name. A number of issues with the EDDP were identified by the ALAC, but none included quantitative rather qualitative findings. * Analysis of the RAA and EDDP was performed by ICANN staff and confirmed there was no requirement for RGP as well as confirming other limitations with the expiration phase of the domain lifecycle. * A review of the domain name lifecycle was provided in the Issue Report with both a graphic and thorough explanation of each phase within the lifecycle |
| **3** | Was data readily available or specifically collected for this effort? (i.e. was data identified, collected and analyzed during the WG deliberations) |  |
| **3.1** | Yes, If collected, how was it collected, how long did it take and how much did it cost (if any, considering the type of cost (direct bill vs. significant time/effort))? | * “[ICANN] Compliance looked into the statistics for complaints from the community concerning the transfer of domain names that have expired.” (Final Report, p.19)   + Breakdown of complaints on p.20 of Final Report.   + No indication of cost and time involved. * Audits of registrar activities done by Compliance, presumably by researching registrar sites. (Final Report, pp.21-22)See 3.1.1 |
| **3.1.1** | What were the primary sources of the data? (ICANN, Contracted Party, external)   * Did any data providers impose restrictions on use of data? | * ICANN Compliance * Surveys done within WG * Public Comment Periods were used to solicit additional information on the Issue Report and the WG’s Initial Report, and Proposed Final Report.   Stakeholder Group and constituency statements were also collected, with most submissions being qualitative. Many comments did ask the WG to collect quantitative data.  Two surveys were deployed to Registrars & Community Members (412) responses to solicit additional information about expiration of domain names  The WG did engage ICANN Contractual Compliance. At the time, data regarding expiration complaints was not available as they were self-submissions buried within “Transfer Problems” (1642, they 31Jul2009). A text search was performed and of the 1642, 644 complaints contained expired or redemption. However, the terms “redemption (73)” and “domain renewal (355)” were defined categories.  ICANN Compliance also conducted a Deletion and Consensus Policy Audit in in 2009. They did find that a majority of Registrars did provide notice of Deletion and Removal policy to their registrants. Fees being posted on Registrar sites was also audited. A lesser result of compliance was discovered and as a result an Advisory was posted to clarify this requirement. |
| **3.2** | No, what is the general conclusion as to why no data was used? (i.e. it was not needed, did not exist, lack of access, restrictions that prevented its use, confidential) | n/a |
| **4** | Working Group Output (work products/template) Inventory: |  |
| **4.1** | Did the Final Issue Report mention or request the WG to collect data? What kinds of data were included, if any? | * “No quantitative evidence establishing the prevalence of unintentional domain name loss was presented, despite requests for this research by some members of the WG” (p 6, Final Report). * A survey of the WG was conducted See link and content in #2 |
| **4.2** | Did the Charter establish a task for the WG to collect data, and if so, what types? | Not explicitly and most of the pointed questions are more qualitatively focused rather than quantitatively, i.e., are existing policies adequate? Charter (24 Jun 2009) <https://community.icann.org/display/gnsopednr/3.+WG+Charter>  Yes, but only In a qualitative manner.  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. |
| **4.3** | Did the Final Report refer to data collected? Were recommendations supported by data? | * Initial Report: “A review of the registration agreements of the top 10 domain registrars covering over 66% of domain names, shows that seven registration agreements contain such provisions, one registration agreement does not have a provision in place but in the FAQ it is mentioned that the domain name is parked following expiration and two registration agreements do not contain such a provision” (Issue Report, p. 10). * Presentation (conjecture?) from Rob Hall’s 2007 presentation (Issue report, p.11) * “the renewal rate for .com and .net averaged 74 percent for the first quarter of 2008. Renewal rates have historically been in the mid-70 percent range over the last few years” (Initial Report, p. 12) * “It is estimated that anywhere between 20,000 and 65,000 domain names are deleted every day” (Issue Report, p13) * 2002 paper from ICANN on RGP cited (Issue Report, p 21)The recommendations created were supported by the data available at that time. |
| **5** | What types of data may have been useful that was not considered by the WG? If, possible make reference to data that was likely available at the time and did not appear to be used and also make a distinction of data available only today that could have been useful during the past effort. | * ALAC does not frame the issue with any data * This line from the Issue Report is troubling in that it already recognizes that there is a need for further data but postpones any analysis to a future PDP rather than the one herein proposed, “ICANN staff recommends that any subsequent policy development effort engaged in by the Council pursue the availability of further information from ICANN compliance staff to understand better how those provisions that are currently part of the RAA such as the obligation to provide details of the deletion and auto-renewal policy” (p.4, Issue Report) |
| **6** | What type of problems/difficulties faced during the collection of data, if collected? Any suggestion/proposals to resolve the issues to collect data next easily | * Complaints that are received by ICANN compliance are categorized by the complainant and also potentially re-categorized by ICANN staff, however, in dynamic situations there may be numerous actors that could be the “reason” for the complaint (Final Report, p.19)   + ICANN staff could contemplate ways to cross-reference or dynamically categorize complaints. * “no evidence was provided that demonstrates that there are registrars that do not provide registrants with an opportunity to recover their domain name registration following expiration. Some argued that ‘opportunity’ does not equate ‘adequate opportunity’” (Final Report p.24)   + Indicates that a proper foundation could come with definitions and that a PDP should not be based off of conjecture but founded upon evidence. * At the time of the WG, compliance data was limited and access to Contracted Party data regarding expiration issues was not available. |
| **7** | Final outcomes of WG effort: | Recommendation to Compliance to track and report on the stats of complaints PEDNR Recommendations, after being approved by the GNSO Council and adopted by the ICANN Board were implemented by ICANN staff as a new Consensus Policy: Expired Registration Recovery Policy  <https://new.icann.org/resources/pages/errp-2013-02-28-en>  The final report and the recommendations within did NOT include and success metrics proposals to measure the effectiveness of the policy once implemented. However, recent consultations with ICANN Contractual Compliance have revealed successes with implementation of the policy. More detailed metrics are being developed, but qualitative feedback suggests that the results of policy provide more clarity to Registrants about names expirations due to multiple notifications, a clearer audit trail when collaborating with Registrars on expiration issues that reach ICANN, as well as, better Registrant understanding of the expiration process as seen by fewer issues reported in regards to expiration.  RESOLVED, the GNSO Council recommends to the ICANN Board of Directors:  (A):  1. Define ¡°Registered Name Holder at Expiration¡± (RNHaE) as the entity or individual that was eligible to renew the domain name registration immediately prior to expiration. If the domain name registration was modified pursuant to a term of the Registration Agreement authorizing the modification of registration data for the purposes of facilitating renewal but not at the explicit request of the registrant, the RNHaE is the entity or individual identified as the registrant immediately prior to that modification. (PEDNR Recommendation #1)  2. For at least 8 consecutive days, at some point following expiration, the original DNS resolution path specified by the RNHaE, at the time of expiration, must be interrupted1 by the registrar, to the extent that the registry permits such interruptions 1, and the domain must be renewable by the RNHaE until the end of that period. This 8-day period may occur at any of the suggested measures (Final Report, p.time following expiration. At any time during the 8 day period, the Registered Name Holder at Expiration may renew the domain with the Registrar and the Registrar, within a commercially reasonable delay, will restore the domain name to resolve to its original DNS resolution path prior to expiration. Notwithstanding, the Registrar may delete the domain at any time during the Autorenew grace period. (PEDNR Recommendation #2)  1 DNS interruption is defined as total Internet service interruption except for an informational web page (only one IP on which only port 80 is active).  3. If at any time after expiration when the Registered Name is still renewable by the RNHaE, the Registrar changes the DNS resolution path to effect a different landing  website than the one used by the RNHaE prior to expiration, the page shown must explicitly say that the domain has expired and give instructions on how to recover the domain. Wording in the policy must make clear that ¡°instructions¡± may be as simple as directing the RNHaE to a specific web site. (PEDNR Recommendation #3)  4. The RNHaE cannot be prevented from renewing a domain name registration as a result of WHOIS changes made by the Registrar that were not at the RNHaE.s request. (PEDNR Recommendation #4)  5. The registration agreement must include or point to any fee(s) charged for the postexpiration renewal of a domain name. If the Registrar operates a website for registration or renewal, it should state, both at the time of registration and in a clear place on its website, any fee(s) charged for the post-expiration renewal of a domain name or the recovery of a domain name during the Redemption Grace Period. (PEDNR Recommendation #5)  6. The registration agreement and Registrar web site (if one is used) must clearly indicate what methods will be used to deliver pre- and post-expiration notifications, or must point to the location where such information can be found. What destination address/number will be used must also be specified, if applicable. (PEDNR Recommendation #6)  7. Registrar must notify Registered Name Holder of impending expiration no less than two times. One such notice must be sent one month or 30 days prior to expiration (¡¾4 days) and one must be sent one week prior to expiration (¡¾3 days). If more that two alert notifications are sent, the timing of two of them must be comparable to the timings specified. (PEDNR Recommendation #7)  8. Unless the Registered Name is renewed or deleted by the Registrar, at least one notification to the RNHaE, which includes renewal instructions, must be sent after expiration. (PEDNR Recommendation #8)  9. Notifications of impending expiration must include method(s) that do not require explicit registrant action other than standard e-mail receipt in order to receive such notifications. (Recommendation #9)  10. With the exception of sponsored2 gTLDs, all gTLD Registries shall offer the Redemption Grace Period (RGP). For currently existing unsponsored gTLDs that do not currently offer the RGP, a transition period shall be allowed. All new gTLDs must offer the RGP. As part of the implementation, ICANN Staff should consider the Technical Steering Group's Implementation Proposal (see http://www.icann.org/en/ meetings/bucharest/redemption-topic.htm) (PEDNR Recommendation #13).)  2 An unsponsored TLD operates under policies established by the global Internet community directly through the ICANN process, while a sponsored TLD is a specialized TLD that has a sponsor representing the narrower community that is most affected by the TLD. It should be noted that this distinction is no longer used in the new gTLD program.  11. If a Registrar offers registrations in a gTLD that supports the RGP, the Registrar must allow the Registered Name Holder at Expiration to redeem the Registered Name after it has entered RGP. (PEDNR Recommendation #14)  12. A transfer of a domain name during the RGP should not be allowed. (PEDNR Recommendation #15)  13. In the event that ICANN gives reasonable notice to Registrars that ICANN has published web content as described in PEDNR Recommendation #16:  Registrars, who have a web presence, must provide a link to the ICANN content on any website it may operate for domain name registration or renewal clearly displayed to its Registered Name Holders at least as clearly as its links to policies or notifications required to be displayed under ICANN Consensus Policies.  Registrars may also host similar material adapted to their specific practices and processes.  Registrar must point to the ICANN material in a communication sent to the registrant immediately following initial registration as well as in the mandated annual WHOIS reminder. (PEDNR Recommendation #17)  Note: Some of these recommendations may need special consideration in the context of existing provisions in the Uniform Dispute Resolution Policy (UDRP), the proposed Uniform Rapid Suspension System (URS) or exceptions due to fraud, breach of registration agreement or other substantive reasons and the GNSO Council, therefore, recommends that such considerations are taken into account as part of the implementation of these recommendations, once adopted.  (B)  The GNSO Council recommends the following best practices for promotion by ICANN and the Registrar Stakeholder Group:  - If post-expiration notifications are normally sent to a point of contact using the domain in question, and delivery is known to have been interrupted by postexpiration actions, post-expiration notifications should be sent to some other contact point associated with the registrant if one exists. (PEDNR Recommendation #10)  - The notification method explanation (see recommendation #9) should include the registrar.s email address from which notification messages are sent and a suggestion that registrants save this email address as a .safe sender. to avoid notification emails being blocked by spam filter software. (PEDNR Recommendation #11)  - Registrars should advise registrants to provide a secondary email point of contact that is not associated with the domain name itself so that in case of expiration reminders can be delivered to this secondary email point of contact. (PEDNR Recommendation #12)  (C)  The GNSO Council recommends that ICANN, in consultation with Registrars, ALAC and other interested parties, will develop educational materials about how to properly steward a domain name and how to prevent unintended loss. Such material may include registrant responsibilities and the gTLD domain life-cycle and guidelines for keeping domain name records current. (PEDNR Recommendation #16).  (D)  ICANN Compliance is requested to provide updates to the GNSO Council on a regular basis in relation to the implementation and effectiveness of the proposed  recommendations, either in the form of a report that details amongst others the number of complaints received in relation to renewal and/or post-expiration related matters or in the form of audits that assess if the policy has been implemented as intended. (PEDNR Recommendation #18)  (E)  The GNSO Council shall convene a PEDNR Implementation Review Team to assist ICANN Staff in developing the implementation details for the new policy should it be approved by the ICANN Board. The Implementation Review Team will be tasked with evaluating the proposed implementation of the policy recommendations as approved by the Board and is expected to work with ICANN Staff to ensure that the resultant implementation meets the letter and intent of the approved policy. If the PEDNR Implementation Review Team identifies any potential modifications to the policy or new PEDNR policy recommendations, the PEDNR Implementation Review Team shall refer these to the GNSO Council for its consideration and follow-up, as appropriate. Following adoption by the ICANN Board of the recommendations, the GNSO Secretariat is authorized to issue a call for volunteers for a PEDNR Implementation Review Team to the members of the PEDNR Working Group. |