

## **New Registry Service Proposal Modifications to the Existing Add Grace Period**

### **Proposed Service**

*Name of the Proposed Service:* Modifications to the existing Add Grace Period (AGP).

*Technical Description of the Proposed Service:* Currently there are no limitations on the number of deletions that a registrar can process during the five-day AGP. The proposed service would limit the number of AGP deletions where a registrar could receive a full registration fee credit. This limit would be determined each month, with a maximum of 50 per month or 10% of that registrar's net new monthly domain name registrations, whichever is greater. There would be no change to the current registry interface. A registrar would be permitted to delete as many names as it wished during the five-day AGP, receiving credit throughout the month. However, at the end of the NeuStar's normal monthly billing cycle the Registrar's account would be debited for the full value of the domain name registrations that exceeded the month's set threshold.

### **Consultation**

*Please describe with specificity your consultations with the community, experts and or others. What were the quantity, nature and content of the consultations?*

- a. *If the registry is a sponsored TLD, what were the nature and content of these consultations with the sponsored TLD community?*

Not Applicable

- b. *Were consultations with gTLD registrars or the registrar constituency appropriate? Which registrars were consulted? What were the nature and content of the consultation?*

During the initial formulation of this registry service proposal, NeuStar engaged in a collaborative dialog with key representatives within both the registry and registrar constituency. Following this initial dialog, a draft proposal was written and circulated to the group for discussion.

- c. *Were consultations with other constituency groups appropriate? Which groups were consulted? What were the nature and content of these consultations?*

During the formulation of this registry service proposal, NeuStar engaged in a collaborative dialog with representative individuals from within the business, intellectual property, ISP, and non-commercial constituencies. These individuals

constructively participated with registry and registrar representatives in crafting a common set of principles that formed the basis of NeuStar's submission.

***d. Were consultations with end users appropriate? Which groups were consulted? What were the nature and content of these consultations?***

As stated above, commercial and non-commercial end users of domain name registrations services were consulted. Additionally, NeuStar saw the value of engaging in a collaborative dialog with individual users and undertook outreach to a representative from the ALAC. This individual constructively participated with registry and registrar representatives in crafting a common set of principles that formed the basis of NeuStar's submission.

***e. Who would endorse the introduction of this service? What were the nature and content of these consultations?***

During the consultative process a number of options were considered to address the excessive deletes problem, including but not limited to, the imposition of an excessive deletes fee, removal of the five-day Add Grace Period (AGP), and removal of the AGP with a non-exhaustive list of objectively measured exceptions. The group was unable to reach a consensus position on these alternatives based upon a number of valid operational business concerns raised by both registrars and registries. Registrars noted that an absolute removal of the AGP would limit their ability to combat credit card fraud and thus would entail significant exposure to financial risk. Registries noted a number of implementation issues with implementing the removal of the AGP except in certain specified situations in that such a method is subject to gaming, scalability issues, etc. Notwithstanding the strong advocacy from the business and intellectual property community in favor of a complete removal of the AGP, a compromise consensus position was reached which the participants believe will address the excessive delete problem.

In summary, there has been a large cross section of interests including business, intellectual property, registry, registrar, and end-users that have participated in the drafting of this proposal. While NeuStar cannot attest to those parties that formally "endorse" this submission, NeuStar believes that the work engaged by this informal "birds of a feather" working group initiated back during the ICANN regional meeting in San Juan Puerto Rico has been very constructive and instrumental in formulating this proposed service.

***f. Who would object the introduction of this service? What were (or would be) the nature and content of these consultations?***

Those registrars and third parties that currently engage (or plan to engage) in business practices that seek to exploit the AGP beyond its original intent for financial gain would likely object to this proposal. Their viewpoints have been made well-known in connection with PIR's original "excessive delete fee" as well as the various public fora that ICANN has undertaken in several of its last regional meetings. Because this proposed registry service seeks to minimize/close the loop hole in the AGP that certain parties have been exploiting for their own personal and commercial gain, it is highly improbable that any further consultation would yield constructive results.

Opponents to this service will likely argue that NeuStar is seeking to recognize a financial windfall by charging the full value of an annual domain name registration for a term of service that only lasted a couple of days. This argument fails on multiple levels. First, as demonstrated by the modest five cent (\$0.05) registry fee imposed by PIR in connection with excessive deletes within the .ORG registry, the current abuse of the AGP exists solely because there are no financial consequences to its exercise. The imposition of any service that has a recognizable financial consequence will result in an end to the current form of abuse, thus resulting in no additional revenue to NeuStar due to un-refunded registration fees.

Additionally, it should be noted that the net result of this proposed registry service is to treat domain names deleted above the threshold limits in the same manner as a domain name deleted six (6) days after registration. Under current industry practice, if a registrar deletes a domain on the sixth day following registration, that registrar is charged the full price by both the registry and ICANN.

## **Timeline**

NeuStar proposes the following time line for approval in connection with this registry service.

[Day 1] - Posting of Funnel Request;

[Day 1 thru Day 15] – Review and initial approval by ICANN Staff that the proposed registry service raises no security, stability or competition concerns;

[Day 16 thru Day 46] – Public comment period in connection with proposed changes to the contractual changes.

[Day 47] – Preparation by ICANN staff of necessary Board documentation for approval by the ICANN Board.

Following approval by the ICANN Board NeuStar would implement the service as soon as technically feasible.

The proposed timeline is simple and straightforward with the objective of implementing this new service to address the excessive delete problem that has been a growing concern within ICANN and the greater Internet community. This implementation plan also will provide the GNSO with additional data points in connection with its consideration for a broader policy development process in connection with excessive deletes for all gTLD registries.

## **Business Description**

### **Describe how the Proposed Service will be offered:**

Currently there are no limitations on the number of deletions that a registrar can process during the five-day AGP. The proposed service would limit the number of AGP deletions that a registrar could execute and receive a full registration fee credit. This limit would be determined each month, with a maximum of 50 per month or 10% of that registrar's net new monthly domain name registrations, whichever is greater. There would be no change to the current registry interface. A registrar would be permitted to delete as many names as it wished during the five-day AGP, receiving credit throughout the month. However, at the end of the month NeuStar would debit the Registrar's account for the full value of the domain name registrations that exceeded the month's set threshold.

Notwithstanding these limitations to the AGP, NeuStar also acknowledges that there have been times when registrars have reasonably relied upon the AGP in extraordinary circumstances (e.g. malfunctioning software scripts, compromised systems, etc.). Therefore, NeuStar proposes an exception to this excessive deletes fee in extraordinary circumstances. With this exception, a registrar would not be charged for certain deletes in excess of the monthly limit. However, to prevent potential gaming by registrars, the registrar must represent and document in writing how these extraordinary circumstances were not known, or could not have been reasonably known, and how these extraordinary circumstances were outside of its control. The exercise of the exception mechanism will be at the sole discretion of NeuStar, however "extraordinary circumstances" which reoccur regularly will be deemed to not be extraordinary.

The following examples illustrate how the proposed service would be implemented. It is important to note that renewals of existing domain name registrations are NOT factored into the 10% threshold calculation, just new registrations. This limitation is designed to circumvent potential gaming by registrars with a large number of existing domain names under management.

#### **Example #1**

Registrar A registers 1,000,000 new domain name registrations during the month and then later deletes 999,200 domain name registrations during the add grace period in that month. The net number of new registrations for the month would be 800. Therefore the registrar would be entitled to eighty (80) free deletes (10% of 800). Because the registrar

had deleted 999,200 new domain names and did not provide any documentation regarding extraordinary circumstances, the registry would debit the registrar’s account for the full registration amount for 999,120 domains. This figure is based upon the net number of deletes (999,200) minus the number of free deletes (80) permitted by the registry. In this case, the number of free deletes is calculated by taking 10% of the number of net new registrations (80). Because eighty is greater than the standard fifty default, the 10% value (80) is used in calculating how much the registry debits the registrars account.

<b>Line</b>	<b>Element</b>	<b>Quantity</b>	<b>Source</b>
<b>1</b>	<b>New domain registrations</b>	<b>1,000,000</b>	<b>From registry</b>
<b>2</b>	<b>AGP deletions:</b>	<b>999,200</b>	<b>From registry</b>
<b>3</b>	<b>Net new adds:</b>	<b>800</b>	<b>Line 1 – Line 2</b>
<b>4</b>	<b>Allowed free deletes (greater of 50 or 10% of net new adds):</b>	<b>80</b>	<b>Greater of 50 or 10% of Line 3</b>
<b>5</b>	<b>Excessive deletes</b>	<b>999,120</b>	<b>Line 2 – Line 4</b>
<b>6</b>	<b>Exceptions</b>	<b>0</b>	<b>From registry / registrar</b>
<b>7</b>	<b>Net Excessive deletes</b>	<b>999,120</b>	<b>Line 5 – Line 6</b>
<b>8</b>	<b>Charged deletes:</b>	<b>999,120</b>	<b>If Line 7 if &gt; 0</b>

Example 2:

Registrar B registers 250,000 new domain name registrations during the month and then later deletes 2,000 domain name registrations during the add grace period in that month. The net number of new registrations for the month would be 248,000. Therefore the registrar would be entitled to twenty-four thousand eight hundred (24,800) free deletes (10% of 248,000), since this number is greater than the monthly default of fifty. Because the number of permitted free deletes (24,800) exceeds the number of actual deletes (2,000), the registry would not debit any additional funds from the registrar’s account.

<b>Line</b>	<b>Element</b>	<b>Quantity</b>	<b>Source</b>
<b>1</b>	<b>New domain registrations</b>	<b>250,000</b>	<b>From registry</b>
<b>2</b>	<b>AGP deletions:</b>	<b>2,000</b>	<b>From registry</b>
<b>3</b>	<b>Net new adds:</b>	<b>248,000</b>	<b>Line 1 – Line 2</b>
<b>4</b>	<b>Allowed free deletes (greater of 50 or 10% of net new adds):</b>	<b>24,800</b>	<b>Greater of 50 or 10% of Line 3</b>
<b>5</b>	<b>Excessive deletes</b>	<b>-22,800</b>	<b>Line 2 – Line 4</b>
<b>6</b>	<b>Exceptions</b>	<b>0</b>	<b>From registry / registrar</b>
<b>7</b>	<b>Net Excessive deletes</b>	<b>- 22,800</b>	<b>Line 5 – Line 6</b>
<b>8</b>	<b>Charged deletes:</b>	<b>0</b>	<b>If Line 7 if &gt; 0</b>

Example #3:

Registrar C registers 300 new domain name registrations during the month and then later deletes 40 domain name registrations during the add grace period in that month. The net number of new registrations for the month would be 260. Although 10% of the net number of new registrations is twenty-six (26), the registrar would be entitled to fifty (50) free deletions. This is because the monthly default value of fifty (50) is greater than the 10% calculation. Because the number of permitted free deletes exceeds the number of actual deletes, the registry would not debit any additional funds from the registrar's account.

Line	Element	Quantity	Source
1	New domain registrations	300	From registry
2	AGP deletions:	40	From registry
3	Net new adds:	260	Line 1 – Line 2
4	Allowed free deletes (greater of 50 or 10% of net new adds):	50	Greater of 50 or 10% of Line 3
5	Excessive deletes	- 10	Line 2 – Line 4
6	Exceptions	0	From registry / registrar
7	Net Excessive deletes	- 10	Line 5 – Line 6
8	Charged deletes:	0	If Line 7 if > 0

Example #4:

Registrar D registers 700,000 new domain name registrations during the month and then later deletes 500,000 domain name registrations during the add grace period in that month. The registrar, however, is able to document in writing how a malfunctioning software script resulted in 150,000 domain names being erroneously added, and then deleted after the malfunction had been identified. The net number of new registrations for the month would be 200,000. Therefore the registrar would be entitled to twenty thousand free deletes (10% of 200,000). Additionally, the registrar will be permitted another 150,000 free deletes by documenting in writing how these deletes were related to extraordinary circumstances that were not known, or could not have been reasonably known, and how these extraordinary circumstances were outside the control of the registrar. Therefore, the total number of permitted free deletes for the month would be one hundred and seventy thousand (170,000). The registry would then debit the registrars account the full registration fee for three hundred and thirty thousand (330,000) domain names.

Line	Element	Quantity	Source
1	New domain registrations	700,000	From registry
2	AGP deletions:	500,000	From registry
3	Net new adds:	200,000	Line 1 – Line 2
4	Allowed free deletes	20,000	Greater of 50 or 10% of Line 3

	(greater of 50 or 10% of net new adds):		3
5	Excessive deletes	480,000	Line 2 – Line 4
6	Exceptions	150,000	From registry / registrar
7	Net Excessive deletes	330,000	Line 5 – Line 6
8	Charged deletes:	330,000	If Line 7 if > 0

**Describe quality assurance plan or testing of Proposed Service:**

NeuStar will undertake normal QA testing in a non-live environment to ensure that billing and registration functions are not negatively impacted prior to making this service available to all registrars in the live environment. Given that the charges will be reconciled as part of NeuStar’s normal monthly billing cycle, there is no possibility of negative impact to the activities of the registrar in the live environment.

**Please list any relevant RFCs or White Papers on the proposed service and explain how those papers are relevant.**

Although there have been no specific RFCs or White Papers on this proposed service there has been an extensive discussion of the impact that excessive deletes have had on the broader Internet community, including but not limited to the following:

- GNSO Issues Report on Domain Tasting,  
<http://www.gnso.icann.org/issues/domain-tasting/gnso-domain-tasting-report-14jun07.pdf>
- PIR’s Funnel Request for an Excessive Delete Fee;  
[http://www.icann.org/registries/rsep/PIR\\_request.pdf](http://www.icann.org/registries/rsep/PIR_request.pdf)
- Getting the Drop on Domain-Name Abuse, Bob Parsons, Business Week, June 5, 2006;  
[http://www.businessweek.com/technology/content/jun2006/tc20060605\\_633379.htm](http://www.businessweek.com/technology/content/jun2006/tc20060605_633379.htm)
- Domain Name Front Running, SSAC advisory;  
<http://www.icann.org/committees/security/sac022.pdf>

**Contractual Provisions**

*List the relevant contractual provisions impacted by the Proposed Service:*

NeuStar's Registry Agreement already contains a "placeholder" contractual provision for this service as previously referenced in Section 3.1.1 of Appendix 7 (Functional Specifications). Therefore there is no impact on this provision, aside from NeuStar electing to implement the service and charge a specific fee that will be properly noted in Exhibit A.

Section 3.1.(c)(iv) of NeuStar's Registry Agreement states in relevant part that "within 20 days following the end of each calendar month, Registry Operator shall prepare and deliver to ICANN a report providing such data and in the format specified in Appendix 4." NeuStar is requesting that this time period be extended five (5) days for a total of twenty-five (25) days. This additional time will allow for these new reports to be run and registrar accounts to be reconciled. This additional time is particularly beneficial in light of the evolving registry marketplace where most gTLD registry operators rely upon a small handful of registry infrastructure providers to generate these reports.

***What effect, if any, will the Proposed Service have on the reporting of data to ICANN?***

There is no substantive change to the reporting data submitted to ICANN, just an additional five (5) days for NeuStar to submit these reports to ICANN.

***What effect, if any, will the Proposed Service have on Whois?***

None

**Contract Amendments**

***Please describe or provide the necessary contractual amendments for the proposed service:***

NeuStar currently has a placeholder provision in Section 3.1.1 of Appendix 7, that will need to be modified accordingly:

[old text]

*Delete.* If a domain is deleted within the *Add Grace Period*, the sponsoring Registrar at the time of the deletion is credited for the amount of the registration; provided, however, that Registry Operator shall have the right to charge Registrars a fee as set forth in its Registry-Registrar Agreement for deletes during the *Add Grace Period*. The domain is deleted from the Registry database and is immediately available for registration by any Registrar. See Section 3.2 for a description of overlapping grace period exceptions.

[new text]

*Delete.* If a domain is deleted within the *Add Grace Period*, the sponsoring Registrar at the time of the deletion is credited for the amount of the registration. However, the Registrar's account will be reconciled at the end of the month for the number of deletions



during the AGP that exceed the maximum of (i) 10% of its new/renewal registrations or (ii) fifty (50) domain names, whichever is greater. The fee imposed on those deletions exceeding the previously stated monthly maximum level will be the amount of the original registration, absent extraordinary circumstances.

For any registrar requesting an exemption from this excessive domain name deletion fee, the registrar must confirm in writing to the Registry Operator how these extraordinary circumstances were not known, or could not have been reasonably known, and how these extraordinary circumstances were outside of its control.

Section 3.1.(c)(iv) of NeuStar's Registry Agreement states in relevant part that "within 20 days following the end of each calendar month, Registry Operator shall prepare and deliver to ICANN a report providing such data and in the format specified in Appendix 4." NeuStar proposes enlarging the twenty (20) day reporting window an additional five (5) days for a total of twenty-five (25) days.

### **Benefits of Service**

#### *Describe the benefits of the Proposed Service:*

NeuStar believes that the proposed service offers the following benefits:

- Provide registrants the ability to register a domain name, without having to compete with third parties that engage in highly automated processes that make a potentially large portfolio of names unavailable for general registration;
- Minimize the number of customer inquiries to the majority of ICANN-accredited registrars regarding the unavailability of domain names; and
- Minimize the potential negative impact on intellectual property rights holders that have been targeted in connection with some abuses regarding the current AGP.

### **Competition**

#### *Do you believe your proposed new Registry Service would have any positive or negative effects on competition? If so, please explain:*

NeuStar believes that the proposed service offers the following positive benefits:

- provide registrants the ability to register a domain name, without having to compete with third parties that engage in highly automated process that make a potentially large portfolio of names unavailable for general registration; and
- minimize the number of customer inquiries to the majority of ICANN accredited registrars regarding the unavailability of domain names.

NeuStar does not believe that there are any negative effects on competition within the broader domain name marketplace, although it does acknowledge that some ICANN

accredited registrars or their clients that have exploited the current AGP for their own personal gain will face higher costs in connection with their current business practices.

Notwithstanding these impacts to this subset of ICANN-accredited registrars, NeuStar believes that the benefits of this proposal clearly outweigh any potential drawbacks, and that overall competition within the broader domain name marketplace will be promoted.

***How would you define the markets in which your proposed Registry Service would compete?***

NeuStar service does not compete in any “market”. NeuStar is merely offering this service in response to broad Internet stakeholders concerning the problem of excessive deletes.

***What companies/entities provide services or products that are similar in substance or effect to your proposed Registry Service?***

This proposal was originally developed using the PIR excessive delete fee as a model, however, in order to minimize any potential gaming the proposal evolved into the service outlined in this request.

***In view of your status as a registry operator, would the introduction of your proposed Registry Service potentially impair the ability of other companies/entities that provide similar products or services to compete?***

No. However, as previously noted there is a subset of ICANN-accredited registrars that will probably face higher costs in connection with the continued execution of their existing business practices that seek to exploit the current AGP. This list of potential registrars should be readily available to ICANN based upon statistics prepared in connection with Tim Cole’s presentation during the ICANN San Juan public forum meeting.

***Do you propose to work with a vendor or contractor to provide the proposed Registry Service? If so, what is the name of the vendor/contractor, and describe the nature of the services the vendor/contractor would provide.***

No

***Have you communicated with any of the entities whose products or services might be affected by the introduction of your proposed Registry Service? If so, please describe the communications.***

Notwithstanding a constructive dialog with leading representatives within registrar community during the crafting of this submission, NeuStar will provide a copy of this submission to all of its accredited registrars. This courtesy was extended so that any

potential concerns that may not have been brought to the attention of NeuStar could be submitted through the appropriate ICANN public forum.

***Do you have any documents that address the possible effects on competition of your proposed Registry Service? If so, please submit them with your application. (ICANN will keep the documents confidential).***

## **Security and Stability**

***Does the proposed service alter the storage and input of Registry Data?***

NeuStar anticipates no change in the storage and/or input of Registry Data.

***Please explain how the proposed service will affect the throughput, response time, consistency or coherence of responses to Internet servers or end systems:***

NeuStar anticipates no adverse impact on the throughput, response time, consistency of coherence of responses to Internet servers or end systems.

***Have technical concerns been raised about the proposed service, and if so, how do you intend to address those concerns?***

NeuStar is not aware of any technical concerns regarding the proposed service.

## **Other Issues**

***Are there any Intellectual Property considerations raised by the Proposed Service?***

No. Although based upon consultation with representatives of the business and intellectual property community. The proposed registry service should help to close a loophole in the AGP that has been exploited by some third parties to the detriment of trademark and brand holders.

***Does the proposed service contain intellectual property exclusive to your gTLD registry?***

No

***List Disclaimers provided to potential customers regarding the Proposed Service:***

Not Applicable

***Any other relevant information to include with this request:***

This funnel request was the product of an informal “birds of a feather” working group that was first convened at the ICANN regional meeting in San Juan, Puerto Rico. The original members of this working group included: Michael Palage and Tim Ruiz who served as co-chairs, and the following participants J.Scott Evans (IP Constituency); Alan Greenberg (ALAC); Hal Lubsen (Afilias/Registry); David Maher (PIR/Registry); Margie Milam (Registrar Constituency); Kari Moeller (Business Community); Jeff Neuman (NeuStar/Registry Constituency); Kristina Rosette (IP Constituency); Mike Rodenbaugh (Business Constituency); David Steele (IP attorney).

While various drafts of this proposal were circulated among the group and discussed via email and teleconferences, it was the decision of Afilias and Neustar to move forward with this final version without the formal endorsement of each of the working group members in the interest of expediency.

NeuStar currently anticipates that Afilias will be submitting a proposal that is substantially similar to this proposal for .info. As the ICANN funnel request process does not currently provide for a joint submission by multiple registries, Afilias and NeuStar are each submitting this request individually. However, should there be any substantive questions that ICANN might have in connection with this proposal, it ask that ICANN share these concerns with both registries jointly.

The request is also based upon the fact that Afilias and NeuStar employ slightly different accounting practices in connection with their respective registry software, and it is important that any policy language account for these nuances to prevent either registry from incurring any substantial costs in voluntarily remedying this problem.