

Zoomerang Survey Results

Locking of a Domain Name Subject to UDRP Proceedings Survey - Registrars

Response Status: Completes

Jul 11, 2012 2:21 AM PST

Introduction

1. Name

40 Responses

2. Affiliation

36 Responses

3. Email address (optional – please note that this information will be kept confidential and will only be used should the WG have any follow up questions in relation to the responses provided)

34 Responses

4. Approximately how many UDRP disputes did you handle in the last year?

0 - 10	24	59%
11-50	5	12%
51 - 100	7	17%
more than 100	3	7%
Other, please specify	2	5%
Total	41	100%

Other:

Respondent

#

Response

1 Less than 10 as a registrar; many more in dealing with our clients and other registrars who have files and won UDRP complaints.

2 396 in 2011

5. When do you typically lock domain names pursuant to UDRP proceedings?

Upon receipt of a UDRP complaint from the complainant (i.e. where the complainant copies the registrar on an e-mail serving the complaint on the registrant and UDRP dispute resolution service provider) (please proceed to the next question)	19	46%
Upon receipt of a provider's request for verification from the UDRP dispute resolution service provider (please proceed to the next question)	20	49%
I do not lock a domain name during UDRP proceedings (please proceed to question 13)	1	2%
Other, please specify	1	2%
Total	40	100%

Respondent #

Response

1 never had an UDRP cas

6. Please describe what kind of lock you use to restrict changes on a domain name subject to a UDRP proceeding

EPP Lock	27	69%
Other mechanism	12	31%
Total	39	100%
11 Responses		

Other Mechansim:

Respondent #	Response
1	EPP-Lock plus internal dispute lock.
2	domain is moved into a hold account.
3	EPP Lock + transfer to internal holding account + renew domain as needed + remove privacy protection
4	We use a lock specific to the customer portal which locks the domain from any changes to the contact or DNS data while still allowing the name to resolve.
5	We use our own locks (modify and delete)
6	Option in our own software so all support personnel knows there is an issue. EPP lock is for transfers, not for UDRP.
7	Manuel lock at the registry level.
8	registrar lock
9	registrar lock with an adminstrative freeze to prevent changes
10	Registrar lock
11	Prohibits registrant to access to domain account to perform any modification.
12	Move domain to special account "udrp-dispute"

7. Please describe what kind of changes are prevented by the lock or mechanism you apply as described in the previous question (multiple answers may apply)

Cancellation	30	71%
Transfer to other registrar	40	95%
Transfer to another account at the same registrar	31	74%
Change of registrant	37	88%
Expiration	17	41%
Modification of any WHOIS data	31	74%
Modification of any WHOIS data except for where a bona fide “privacy” or “proxy” service is the listed registrant, and that service substitutes the information that it already has on file for the “actual” registrant	22	52%
Other, please specify	2	5%

Respondent #	Response
1	DNS
2	WIPO

8. If you typically apply a different kind of lock at different stages of the UDRP Proceeding prior to completion, please describe when these different locks are applied and what the difference between them is.

Respondent #	Response
1	Suspended UDRP -> Remove Locks
2	We do not apply a different kind of lock at different stages of the UDRP Proceeding.
3	Only one lock
4	n/a
5	no
6	complaint domains comes from WIPO
7	n/a
8	N/A

9. What is the typical amount of time it takes for you to impose the domain name lock, from receipt of notice from the complainant or receipt of a provider's request for verification from the UDRP dispute resolution service provider (following your response to question 3)?

less than 12 hours on a business day	20	50%
between 12 and 24 hours on a business day	11	28%
between 24 hours and 2 business days	7	18%
between 2 and 5 business days	0	0%
more than 5 business days	0	0%
Other, please specify	2	5%
Total	40	100%

Other:

Respondent

#	Response
1	never had an UDRP case
2	on business days as soon as possible after we confirm the notice

10. If the UDRP proceeding is decided in favor of the complainant, after expiration of the 10 day "wait period" after a decision, do you typically move the domain name into an account accessible only to the complainant?

Yes	25	62%
No	7	18%
Other, please specify	8	20%
Total	40	100%

Respondent #	Response
1	complainant must create or specify an account first
2	never had an UDRP case
3	Yes, unless the complaint specifies "cancellation" as the sought remedy.
4	Transfer out request from the complainant
5	We request the complainant to verify identity and to provide information for a new account. The domain is then moved into that account.
6	Most of the times the domain name is transferred out.
7	The domain name is moved into an account accessible only to the complainant only after the complainant has created the account.

11. If the UDRP proceeding is decided in favor of the complainant, after expiration of the 10 day "wait period" after a decision, when is the lock typically removed?

Within 1 day after the expiration of the 'wait period'	18	45%
Between 1 and 2 days after the expiration of the 'wait period'	9	23%
Between 3 and 5 days after the expiration of the 'wait period'	2	5%
More than 5 days after the expiration of the 'wait period'	2	5%
Other, please specify	9	21%
Total	40	100%

Respondent #	Response
1	Between 1 and 2 business days after the expiration of the 'wait period'
2	after wait period, when complainant provides new account
3	never had an UDRP case
4	Once the domain is in the new account.
5	When the defendant who won the UDRP ask for a transfer
6	The lock is not removed until the domain name is moved into the account of the complainant.
7	we wait for the complainant to tell us where to transfer the domain
8	on business days as soon as possible after the expiration of the 'wait period'
9	Until we receive notice from the complainant, what he wants to do with the domain.

12. If the UDRP proceeding is decided in favor of the registrant, when do you typically unlock the domain name after the 15 day "wait period"?

Within 1 business day	21	51%
Between 1 and 2 business days	15	37%
Between 3 and 5 business days after the expiration of the 'wait period'	1	2%
More than 5 business days	1	2%
Other, please specify	3	7%
Total	41	100%

Respondent

#	Response
1	never had an UDRP case
2	We have not had any case when the UDRP proceeding was decided in favor of the registrant.
3	on business days as soon as possible after the 15 day "wait period"

13. Does your website conspicuously list an e-mail address that UDRP complainants should use to send you a copy of UDRP complaints?

Yes	20	50%
No	20	48%
Other, please specify	1	2%
Total	41	100%

Respondent #	Response
1	No, we dont accept *formal* notifications of ANYTHING by email - registered post only

14. Are there any other issues or information the WG should take into account as part of its deliberations?

Respondent #	Response
1	While a lot of the above responses are based upon typical scenarios, there are significant numbers of cases where these times cannot be maintained as the required responses from the complainant to proceed are not forthcoming.
2	1. need to clearly define what functions should be "locked" by the registrar. 2. need to clearly define roles of registrar and complainant (if successful) to assume control of a domain after decision
3	The UDRP boards have a requirement of a 2 day turn around time for their verification of users. This sometimes is sent on a Friday afternoon or Saturday and our registrar is not able to respond until the following business day. They need to set the expectation that a response is required within 2 business days and not just 2 days.
4	During the LOCK period and before the final UDRP decision has been reached, the registrant should be given the option to modify the domain's name servers if needed.
5	The registry already locks the domain on a UDRP, so (largely) anything a registrar does is moot.
6	I would love to see statistics from the UDRP providers in how many cases the lack of locking is actually an issue. I've seem more issues with the size of document attachments and thus emails that were ot delivered to the registrar.
7	No.
8	no
9	more writing in clear English as to when action is required on the email recipients part
10	no
11	no
12	N/A
13	common implementation of registry's LOCK for UDRP

WG Charter Questions

15. Whether the creation of an outline of a proposed procedure, which a complainant must follow in order for a registrar to place a domain name on registrar lock, would be desirable.

- 1 Yes. It would be helpful if the complainant would provide the alternative whois data along with the complaint to allow faster processing.
- 2 no. registrars should only react to notices from dispute providers, not complainants.
- 3 This would be a great idea as we often seek complainants with no IP/TM knowledge as it pertains to Domain names seeking guidance and arbitration by the Registrars. Registrars in general do not arbitrate over disputes that may arise from the registration of a domain name as I understand it. Clear delineation of the dispute process would alleviate some of the work/strain from the Registrars stand point.
- 4 yes
- 5 The current process is adequate.
- 6 no. It is sufficient to lock the domain as soon as the arbitration informs the registrar of the UDRP procedure.
- 7 No. Complainant should have nothing to do with a *registrar* lock, or any way to screw someones business by getting one imposed, outside of the normal/legal procedures associated with a UDRP - the registry already notifies the registrar of a UDRP in progress
- 8 Standardizing things tend to benefit the process
- 9 I don't think a registrar should lock a domain name based on directions from a complainant, a lock should only be placed if the complain has been verified by the UDRP provider.
- 10 Yes I think such an outline would be beneficial.
- 11 Yes, extremely beneficial.
- 12 We would prefer to respond to notice from the UDRP provider.
- 13 Yes
- 14 Yes
- 15 yes
- 16 Yes
- 17 Of course. But I think the best way is that the first notification of dispute should be made by ICANN by the contact which is already known to Registrar. In the notification the main contact of Complaint, Dispute provider should be included.
- 18 Yes, as it eliminates the need for registrar to interpret existing policies on how the process should actually be

- 19 An outline will be helpful, although it can give registrars an excuse not to lock a domain name if the registrant has not followed the exact procedure. So please do not make the procedure mandatory.
- 20 Yes, there should be a proposed procedure that complainant should follow in order
- 21 no
- 22 Yes I think it will be fundamental to have a reference procedure and documentation in order to apply it but moreover to inform some registrars of the need to follow it.
- 23 No, a complainant should have no ability to place a registrar lock on a domain name. Only a resolution provider should have that ability after a complaint has been filed. This makes the complainant put up the investment before getting the domain name locked.
- 24 a guild on procedure could be beneficial to new employees at a registrar
- 25 could be helpful, but unsure if it is necessary
- 26 if we get anu notification email from ICANN or WiPO than we follow all procedures
- 27 It would be desireable to create an outline of the process followed during a UDRP procedure to lock a domain name including the timeframe expected. Most registrars do not receive enough disputes to be all that familiar with the process. An outline would be valuable to most.
- 28 The complainant must present a formal complaint document accepted by the provider to the registrar.
- 29 desirable ONLY IF each registry will provide the same function(s) under common rules

16. Whether the creation of an outline of the steps of the process that a registrar can reasonably expect to take place during a UDRP dispute would be desirable.

- 1 May be helpful for newer registrars.
- 2 yes.
- 3 This would be great to have as well as, often employees within registrars transition and not all have notes on every aspect of the role the former agent held; this would be one less document that Registrars would need to create. - outlining what required involvement of the Registrar at each and every step of the dispute would be great
- 4 yes
- 5 It would be good if the steps can be more clear.
- 6 not necessary.
- 7 yes
- 8 Standardizing things tend to benefit the process
- 9 I think this is already addressed by current regulations.
- 10 Absolutely
- 11 Yes, definitely.
- 12 Yes.

- 13 Yes
- 14 Yes
- 15 yes
- 16 yes
- 17 I don't think so. General rule like UDRP is sufficient. The rule should be applicable samely to all the registrar.
- 18 yes
- 19 The steps will vary per registrar (some do things manually, some will have everything automated). However a general outline can be useful.

- 20 Yes, there should be an outline of the steps of the process for UDRP dispute
- 21 yes
- 22 Indeed !
- 23 No, it's not that complicated!
- 24 this would make things clearer on the state of the process
- 25 yes
- 26 yes
- 27 Again, most registrars are not all that familiar with UDRP disputes because of lack of volume. Outline the steps of a UDRP dispute and the best practices for each step would serve to educate registrar in this area and provide easily accessible guidelines.
- 28 Yes, it would be desirable
- 29 desirable ONLY IF each registry will provide the same function(s) under common rules

17. Whether the time frame by which a registrar must lock a domain after a UDRP has been filed should be standardized.

- 1 Not necessary unless abuse is a problem.
- 2 the trigger is not when a UDRP has been filed but when the registrar has been notified.
- 3 It should be standardized. At this time, we find it leads to discrepancies and or demands from the complainants until we receive official notice from the UDRP board of a dispute.
- 4 yes
- 5 Given a reasonable time period is good.
- 6 no.
- 7 As long as it's not too onerous, yes.
- 8 Standardizing things tend to benefit the process
- 9 This might be something that should be done, but should follow prescribed timeframes that registrar has to follow for registrant requests.
- 10 Yes
- 11 Yes

- 12 Yes
- 13 No
- 14 yes
- 15 yes
- 16 Yes.
- 17 Yes, but it should give minimum and maximum terms
- 18 That depends if there are problems with the locks and the time frames. If there are no major issues, do not impose a standard.
- 19 Yes, it should be standardized
- 20 yes
- 21 Indeed !
- 22 Sure, if it's standardized at several days.
- 23 no
- 24 Yes, if that is a way to reduce registrar's intervention in the dispute.
- 25 no
- 26 yes
- 27 48h
- 28 The time frame should be standardized because it is our understanding that some domain names are never locked during a UDRP proceeding and end up changing registrars or registrants during the process.
- 29 Yes, within 1-2 business day from the date of notification from relevant party.
- 30 should be standardized only if registrars can use the functions which registry provided, according to the standard

18. Whether what constitutes a "locked" domain name should be defined.

- 1 Not necessary as UDRP is sufficient explanation.
- 2 yes
- 3 I don't believe the locking of a domain name need be defined to the lay person. It is not essential that people know why a particular domain name is locked as there are various reasons why a domain would be under lock either internally or externally.
- 4 Yes, a well defined restrictions in terms of what the registrant can or can not do with the UDRP domain will serve both registrars and registrants well.
- 5 no
- 6 Absolutely
- 7 Certain criteria should be defined
- 8 It's pretty much clear that generally a lock is meant to prevent changes, but it might be worth while to examine what existing registrars do and issue a guideline based on that.

- 9 I do think the locking of a domain should be defined (ie what it means to lock the domain) but that how that actually happens should be left to the individual registrar to determine as long as it achieves the same result.
- 10 Yes
- 11 Yes.
- 12 Yes
- 13 Yes
- 14 yes
- 15 yes
- 16 Of course, it will be better.
- 17 Yes
- 18 our proposal is to explain it clearly to a registrant, because some of them do not know what does it mean that her/his domain is "locked" and what is going to happen with services, e.g. e-mail, website, etc.
- 19 Again, this varies per registrar. I think it will be difficult to really find a common set.
- 20 Yes, it should be defined
- 21 yes
- 22 Yes even if I think that the registry lock function has the same effect for gTLDs but for ccTLD registries which apply UDRP it could be great to have a description even if sometimes the functions will not be the same from a registry to another.
- 23 It's not self-explanatory? Perhaps it should be called 'Administrative lock'.
- 24 yes
- 25 yes
- 26 yes
- 27 According to follow all ICANN's rule,customers's request ,WIPO's decision,register rules
- 28 no transfer , no change of owner or other update, not deleting
- 29 Yes, locking should be defined and standardized so all registrars handle the process in the same or similar.
- 30 Domain will remain status quo, not allowed for any modification or transfer.
- 31 should be defined (it would be fine that the "lock" is separate from existing EPP status)

19. Whether, once a domain name is 'locked' pursuant to a UDRP proceeding, the registrant information for that domain name may be changed or modified.

- 1 Depends on circumstances, for example if Registrant moves, updates may be necessary to maintain the whois accuracy

requirements.

- 2 yes. registrar should be able to remove proxy or registrar data to reflect actual customer.
- 3 I disagree with the Suspension and Stay proceedings of a UDRP dispute. If the two parties are willing now to transfer the domain name, why were they not willing to do so prior to a UDRP being initiated? I think that when a domain is locked for a UDRP, the UDRP should follow through to completion and a decision rendered by the dispute board as to the release of the domain name. Suspensions and Stays require Registrar involvement to ensure that the domain name is transferred to the appropriate account - information which we are not privy to unless we are provided that by the Complainant.
- 4 The domain's registrant information should not be allowed to change.
- 5 Changing any type of registrant information should not be allowed for during the UDRP proceeding, except getting the domain out of "privacy" registration.
- 6 I dont think a domain "in dispute" under UDRP should be updateable
- 7 I don't think that data should be changed until an issue is resolved.
- 8 It's pretty much clear that generally a lock is meant to prevent changes, but it might be worth while to examine what existing registrars do and issue a guideline based on that.
- 9 Yes...my personal feeling is that registrant information should not be changed or modified in any way.
- 10 No
- 11 No
- 12 No
- 13 actual registrant information should be made public without privacy/proxy service.
- 14 No
- 15 Hmm... I don't know ...it's a little difficult question.
- 16 No
- 17 As it is now, there should be no option to change or modify the registrant information.
- 18 The change of information should be prevented, since that will destroy data, which might be important for the proceedings.
- 19 Yes, the registrant information should be changed or modified
- 20 no
- 21 Why ? In order to update them ? Otherwise I'm not sure to understand the interest.

- 22 It should not.
- 23 yes as the registrar should take control of the domain
- 24 No, it shouldn't be. If the registrant information can be changed or modified, it would be very difficult to find the real resjpondant of the dispute proceeding. And it brings result of the registrar intervention in the dispute. The Registrar intervention should be reduced rather than now the registrars do.
- 25 no
- 26 no. the registrant information for that domain name may not be changed or modified.
- 27 up to situations
- 28 A registrant should only be allowed to change during a UDRP proceeding if the new registrant agrees, in writine, to be bound by the decision in the pending case.
- 29 No.
- 30 It depends on "registrar-based various" whois proxy and related services

20. Whether additional safeguards should be created for the protection of registrants in cases where the domain name is locked subject to a UDRP proceeding.

- 1 Can think of none
- 2 ensure registrants have been notified of the proceeding. registrant should be allowed to renew the domain.
- 3 What other protections would registrants need? The domain name is locked preventing any unwanted/unauthorized changes to the domain name without explicit instructions from a court. If the domain is using the Registrant's DNS, they are still free to manage their website and associated services as it pertains to the domain
- 4 Yes, the domain should be able to resolve during the period. That means if the registrant has changed hosting provider, the domain's name servers should be allowed to change.
- 5 no
- 6 Possibly
- 7 I do think that there should be a stronger penalty for the complainant should they be found guilty of attempted reverse domain name hijacking. There is an interesting scenario though where the registrant may have to process urgent changes on a locked domain name, i.e. nameservers in order to keep a website operational etc.
- 8 Hmmm...not sure I see what those safeguards would be other than the fact that I do not believe a registrant should lose the domain name due to expiration and I believe the domain name should continue to be active in the zone while the UDRP (and any appeals) runs its course.
- 9 Yes
- 10 Yes

- 11 Yes
- 12 yes please
- 13 yes
- 14 I don't think so.
- 15 No
- 16 It depend on what kind of safeguard could be created.
- 17 I do not know of additional safeguards. Most of the time the registrant is the client of the registrar, and the registrar will have the well-being of its client as highest priority.
- 18 It's better to set an additional safeguards if the condition allows
- 19 no
- 20 Why? All the registrant has to do is respond to the complaint.
- 21 domains should be moved into holding accounts at the registrar under the case is sorted
- 22 No, I don't think that is good idea for the dispute proceeding.
- 23 no
- 24 We are uncertain what safeguards are being referred to in this case. Placing a domain name on registrar lock does not prevent the name from resolving nor does it prevent changes to the content of the site. Therefore, no harm would be done in preventing the name from changes to the WHOIS and would prevent the registrant from engaging in cyber-flight.
- 25 Once the domain is locked, the right of the registrant towards the domain will remain status quo, until further decision is made by authorities, hence additional safeguard is necessary.
- 26 - Privacy and personal information protection - Use services such as web and email until the decision, unless seizure or court order