

## Post-Expiration Domain Name Recovery – Survey Results

In order to assess the views of the WG members and determine where there might be agreement or consensus on a possible approach forward, a survey was conducted amongst the WG membership. Based on the initial results, a drafting team (a subset of the WG) was convened to refine the survey, including a selection of possible remedies. This section describes the refined survey, the options considered, and the poll results.

Where useful, a capsule summary of the initial survey responses are included.

Following each question, there is a link to the applicable PDP Charter question in square brackets.

## Overarching Issue

1. **Should the RAE have the ability to recover his/her domain name registration following expiration for a certain amount of time? [Charter Question 1]**

**Issue:** Although many registrars do provide the RAE the opportunity to recover the expired domain name registration following expiration, there is no obligation to do so. This question asks whether the RAE should have this ability with every registrar, at least for a certain amount of time.

Currently a registrar is allowed to delete an expired domain prior to the expiration of the 45 day auto-renew grace period. Any policy requirement to offer renewal post-expiration must address this situation.

**1st Response:** There was unanimous consensus that the RAE should have the ability to recover his/her domain name registration following expiration for at least a certain amount of time.

**Options:** Select one:

a) Change the Expired Domain Deletion Policy (EDDP) so that it incorporates the ability for every RAE to recover his/her domain name following expiration for at least a certain amount of time.

b) Adopt a best practice recommendation that encourages registrars to provide the opportunity for every RAE to recover his/her domain name following expiration for at least a certain amount of time.

c) Status quo – do not recommend any changes

**2. What should this minimum timeframe be during which the RAE has the ability to recover the domain name registration? [Charter Question 1]**

Issue: Currently the timeframe during which the RAE can recover his/her domain name registration varies widely. Linked to the previous question, this question aims to assess what the minimum timeframe across all registrars should be during which the RAE has the ability to recover his/her domain name registration following expiration. In a survey of the 9 largest registrars, 1 currently provides 30 days, 3 provide 35 days, 4 provide 40 or more days, and 1 has a business model where all domains automatically renew unless explicitly deleted by the registrant.

Options: Select one:

a) Change the Expired Domain Deletion Policy (EDDP) so that it incorporates the minimum timeframe during which the RAE has the ability to recover the domain name registration for: **A better option might be to allow respondent to enter a number in these two options.**

20-24 days

25-29 days

30-34 days

35-39 days

40-45 days

b) Adopt a best practice recommendation that encourages registrars to provide the opportunity for every RAE to recover his/her domain name following expiration for at least:

20-24 days

25-29 days

30-34 days

35-39 days

40-45 days

c) Maintain status quo – do not recommend any changes

## Period Prior to Expiration

3. The current provisions in the RAA only make reference of a second notice – “3.7.5 At the conclusion of the registration period, failure by or on behalf of the Registered Name Holder to consent that the registration be renewed within the time specified in a second notice or reminder shall, in the absence of extenuating circumstances, result in cancellation of the registration by the end of the auto-renew grace period (although Registrar may choose to cancel the name earlier).” Is this provision sufficiently clear? [Charter Question 3]

Issue: As noted in the question, the relevant RAA provision only makes reference to a second notice, which by implication seems to mean that there has to be a first notice which is not specifically mentioned. There is no directive as to when the notices should be sent, other than the implication that they be sent at some time prior to expiration. However, many registrars do provide multiple notices before and after expiration. (Note, later questions addresses the issue of timing of notices and post-expiration notices).

1<sup>st</sup> Response: There was strong support (67%) for the view that this provision is not sufficiently clear. A majority (60%) agreed that a minimum of two notices is sufficient (in one case with the proviso that the timing was adequate).

Options: Select one:

a) Revise the language in provision 3.7.5 or elsewhere in the RAA to clarify this provision and explicitly say that at least two notices are required to be sent prior to expiration.

b) Revise the language in provision 3.7.5 or elsewhere in the RAA to clarify this provision and explicitly say that at least X notices are required to be sent prior to expiration where X is:

3

4

5

c) Maintain status quo - keep the language of the RAA as is with no explicit mention of a requirement to send pre-expiration notices.

**4. Should further details be provided on when these notices are sent? If yes, what further details would facilitate transparency and information, while at the same time not restricting registrars from taking additional measures to alert registrants? [Charter Question 3]**

Issue: Provision 3.7.5. does not provide any details as to when pre-expiration notices are sent. Should further details be provided with a view to provide predictability for registrants? Of issue is to ensure that the notices are not so far in advance of expiration that they do not seem relevant, but not so close to expiration to make taking remedial action impractical or impossible.

1st Response: A small majority (53%) agreed that further details should be provided.

Options: Select one:

a) At a minimum, one message must be sent between 56 and 28 days prior to expiration and one message must be sent between 10 and 3 days prior to expiration.

b) Other details - Specify

b) Maintain status quo – no changes required to the RAA.

**5. Should further details be provided on how these notices are sent? If yes, what further details would facilitate transparency and information, while at the same time not restricting registrars from taking additional measures to alert registrants? [Charter Question 3]**

Issue: Provision 3.7.5. does not provide any details as to how pre-expiration notices are sent. Should further details be provided with a view to provide predictability for registrants? Of issue is to attempt to ensure that notices are received by the registrant, but not to restrict registrars and not to overly control what might otherwise be business model differentiators.

Options: Select all that apply in options a, b or c:

a) Recommends that the RAA be amended to require that registrars;

Define the billing contact as the entity which, along with the registrant, should receive these notices

Registrar accounts can notify of impending expirations in their control website

Should only accept Whois data that includes at least one contact used for expiration notifications with an address other than the domain in question.

should be required to issue a warning for any contact addresses that use the domain in question (both at initial registration and when Whois data is changed)

must advise Registrant to include at least one fax number

Offer SMS notification

Offer Twitter notification

Use at least two mechanisms for contact (i.e. both email and phone, or email and letter)

should allow alternate email addresses and telephone numbers for specific contacts in Whois

[..] include a 'hosting contact' as another contact apart from technical and administrative contacts for a domain name during registration

b) Recommends that a best practice be documents encouraging that registrars;

Same list as above.

c) Recommends that a best practice be documents encouraging that registrars;

[ ] Same list as above.



**6. Should additional measures be implemented to ensure that registrants are aware that if their contact information is not up to date, they most likely will not receive notices / reminders? If 'yes', what kind of measures should be explored? [Charter Question 3]**

Issue: If registrants contact information is not up to date or otherwise not functional, pre- and post-expiration notices will not be received. It is the responsibility of a registrant to ensure that their contact information is up to date with the registrar so that notices and reminders are being received.

Options: Select all that apply

a) Recommend the implementation of additional measures to ensure that registrants are aware that if their contact information is not up to date, they most likely will not receive notices / reminders.

For web-based access, require positive acknowledgement from registrant that inaccurate or insufficient contact information could lead to loss of domain at expiration time.

For web-based access, Registrar must link to ICANN tutorial of importance of accurate contact information.

b) Recommend a best practice encouraging registrars to implement additional measures to ensure that registrants are aware that if their contact information is not up to date, they most likely will not receive notices / reminders.

Same list

c) Recommend that no additional measures are needed.

## Post-Expiration

### **7. Should Whois status messages related to expiration be clarified / changed to avoid confusion over when a domain name registration expires / has been renewed by the registry? [Charter Question 3]**

**Issue:** The current display of Whois information is confusing as upon auto-renewal by the registry, the expiration date displayed will be one year from the actual expiration date, while the registrant actually has not paid for the renewal (yet). Upon viewing this information, the registrant might think that the domain name registration has been renewed. The confusion arises because there are two “expiration” relationships: that between the registry and registrar, and that between the registrar and registrant. Note: it is understood that this may require changes to the Registrar:Registry EPP (Extensible Provisioning Protocol).

**1<sup>st</sup> Response:** There was rough consensus (73%) that Whois status messages related to expiration should be clarified.

**Options:** Select one:

- a) Recommend that Whois status messages related to expiration be clarified to avoid confusion over when a domain name registration expires.
- b) Status quo – do not recommend any changes

**8. Are notices post-expiration required? [Charter Question 3]**

Issue: Although many registrars do send notices post-expiration, there is no requirement to do so. There was some question in the mind of some WG members whether a registrar has any responsibilities to take such actions after expiration as the contract with the registrant has expired. In addition, some pointed out the technical challenges of communication post-expiration if all applicable e-mail contacts use the domain that has expired.

Options: Select one:

a) In cases where there is an opportunity for the RAE to renew a domain post-expiration, require post-expiration notice(s). Such notice must include details of how the name can be recovered including the applicable time-constraints.

At least 1 post-expiration reminder

At least 2 post-expiration reminders

b) Recommend the sending of post-expiration notices as a best practice.

c) Status quo – do not recommend any changes.

**9. How should an HTTP (port 80) request using the expired domain name resolve? [Charter Question 4]**

**Do we need to or want to look at HTTPS – Port 443 – What happens now???**

**How do registrars currently tend to handle [HTTP://blah.domain.tld](http://blah.domain.tld)? Does this depend on whether it was in use prior to expiration?**

Issue: Currently there is no guidance or requirement as to what happens when a web query is sent to a URL within an expired domain. The options may include

- It appears to work just as it did prior to expiration (it may directly to the original site, or may be transparently re-directed by the registrar.
- DNS does not have an IP address for the domain
- There is an address, but it does not respond
- A page provided by the registrar (or associated party) comes up. This page may or may not be monetized, and it may or may not include a message indicating that it is an expired domain. If an expired domain is indicated, it may or may not include instructions on how the RAE can recover the domain, or the time constraints involved.

Some registrars start with one option and then change to another after a specific period of time. Many large registrars use one of the methods to disable web site functionality at some point during the post-expiration process.

Some people advocate having the domain continue to work as a courtesy to the RAE, allowing them to continue having the functionality of the name despite its expiration. Others argue that some form of “not working” is the optimal way to attract the attention of the RAE.

1<sup>st</sup> Response: There was a general consensus that stopping the functioning of a web site was the best way to get the RAE’s attention.

Options: Select one:

a) Recommend that URLs using the expired domain must not be allowed to resolve (directly or indirectly) to the original IP after expiration within several days (to be better defined) after expiration

b) Recommend that it be a best practice that URLs using the expired domain should not be allowed to resolve (directly or indirectly) to the original IP after expiration within several days (to be better defined) after expiration

c) Maintain status quo - domains are allowed to resolve (directly or indirectly) to the original IP after expiration

**10. How should e-mail directed at an address within the expired domain behave after expiration [Charter Question 4]**

Issue: Currently there is no requirement or standard practice on what should happen with e-mail addressed to an e-mail address in an expired domain. Some argue that if e-mail is delivered as usual, the registrant might not be aware that the domain name registration has expired particularly for domains that are used exclusively for e-mail. Others argue that e-mail is a critical resource and should not be disabled if at all possible.

There is also an issue of privacy, if personal e-mail may be intercepted by those other than the intended recipient. Ultimately, if the domain is acquired by someone else, it would be technically possible for such e-mail to be intercepted.

Lastly, there is an RFC which specifies that mail should just disappear, but rather be bounced, but that could lead to the possibility of spam-related problems.

Current registrar practice varies by registrar and may also depend on whether a registrar-controlled DNS is used by the RAE.

1<sup>st</sup> Response: The initial responses were quite diverse, because the original question provided possible answers that were very attractive, but may not be technically feasible (such as redirecting all mail to an RAE-specified address).

Options: Select one:

a) Require that within several days of expiration (to be better defined), e-mail destined for an address within the expired domain be either ignored (times out, be received and discarded) or bounced.

b) Recommend that as a best practice e, e-mail destined for an address within the expired domain be either ignored (times out, be received and discarded) or bounced.

c) Maintain status quo – leave it at the discretion of the registrar to decide what happens with e-mail addressed to an e-mail address in an expired domain.

**11. What should happen with non-web, non-e-mail services post expiration (i.e. should ICANN specify what happens to ALL IP ports, or just those specific to web and e-mail services)? [Charter Question 4]**

Issue: Web access and e-mail are just two specific services using the Internet infrastructure. A domain name can be used for any service (including machine-to-machine protocols with no human intervention). Currently there are no requirements or recommendations as to what should happen to these services post expiration. Therefore, they could either continue to work, or could stop, depending on how the registrar alters the registration after expiration. Just as with the web and e-mail, some argue that ceasing to function is the optimal way to catch the RAE's attention after expiration.

Options: Select one:

- a) Recommend that all services must cease functioning as they did pre-expiration within several days (to be better defined) of expiration.
- b) Recommend a best practice that all services should cease functioning as they did pre-expiration within several days (to be better defined) of expiration.
- c) Maintain status quo – no need for any specification.

**Q 15 Transfer during ARGP (pending on answers from Compliance)**



## Contractual Conditions

**Q 18** Are expiration conditions clear/conspicuous?

**Q 19** Should ICANN make rules about above?

**Q 4** Pointer to cost of recovery

## Redemption Grace Period

**Q 13 Consensus policy for registries?**

**Q 9 Consensus policy for Registrars?**

**Q 8 Transfer during RGP**