

Post-Expiration Domain Name Recovery – Survey Results

| 186 May 2010 Draft

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.

Among the options are suggestions for registrar “best practices”. These could simply be published for the benefit of registrars, or they could be formulated into a voluntary set of standards that registrars could follow (and publicize that they follow them).

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:—In the first version of this survey, the WG reached~~ 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.

Any policy change should consider the current ability of a registrar to delete the name during the 45 day EDDP period and the ability of a RAE to explicitly request the deletion of a name.

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. Should the delay start at expiration or when the domain stops working (assuming we agree on that point)?

~~20-24 days~~

~~25-29 days~~

~~30-34 days~~

~~35-39 days~~

~~40-45 days~~

Less than 29 days

30 to 39 days

40 days or more

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~~

Less than 29 days

30 to 39 days

40 days or more

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).

Any policy change should consider giving a registrant the ability to EXPLICITLY opt out of notices, and to conditions (such as deletion of the name) that remove the need for notices.

~~1st Response: —~~In the first version of this survey, the WG expressed~~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~~ one month (\pm one week) prior to expiration and one message must be sent between ~~10 and 3 days~~ one week (\pm three days) prior to expiration.

b) ~~Other details—Specify~~ The RAA should specify the timing of required messages, and the timing should be: [_____]

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 communications**, 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. Although there is often a presumption that the (or a) prime method of notification will be e-mail, there is no explicit statement of this, or any other communications method. 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;

Use a specific method of communications. [Specify]

State clearly in the registration agreement and (for web-based registrations/renewals) on the web site exactly what communications method(s) will be used.

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 (that is, if "domain.tld" has expired, at least one of the contact addresses must not be user@domain.tld.-

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~~

None of the above

b) Recommends that a best practice be documented sed 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. Such notifications should occur at the time of domain registration, and domain renewal.

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.

c) None of the above.

Same list

c) Recommend that no additional measures are needed.

Post-Expiration

Preamble:

The first survey included the question: *Should additional measures be implemented to indicate that once a domain name registration ~~enters the Auto-Renew Grace Period, it has expired~~ passes its expiration date, it is clear that it has expired?* [Charter Question 4]. ~~[Need to remove reference to ARGP]~~

There was strong support (60%) for implementing additional measures to reduce the possibility that a RAE is unaware of the expiration.

Although many registrars do use additional measures to indicate a domain name registration enters the Auto-Renew Grace Period, such as a notice on the web-site, there are no required measures or best practices on what should happen once a domain name registration enters the Auto-Renew Grace Period.

The following questions explore such additional measures.

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).

~~1st Response:~~ In the first version of this survey, there ~~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.

~~1st Response: —~~In the first version of this survey, thereThere was a general consensus that stopping the functioning of a web site was the best way to get the RAE’s attention.

Any policy change should consider exemptions for situations where the registrar is in active bi-directional contact with the RAE and resolution of the issue is being discussed.

Options:

Select one:

a) Recommend that URLs using the expired domain (and all subdomains) must not be allowed to resolve (directly or indirectly) to the original IP after expiration within several days (to be better defined) after expiration-. (Any such policy must consider defining “several days” more explicitly.)

b) Recommend that it be a best practice that URLs using the expired domain (and all subdomains) 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.

~~1st Response:—~~In the first version of this survey, 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. (Any such policy must consider defining “several days” more explicitly.)

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. (Any such policy must consider defining "several days" more explicitly.)

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.

12. Should a RAE have the ability to request an Inter-Registrar Transfer after expiration. Q-15
Transfer during ARGP (pending on answers from Compliance?)

Issue: Current policy allows Inter-Registrar transfers after expiration but before deletion. A losing registrar cannot refuse such a transfer except in the limited circumstances specifically enumerated by the Transfer Policy (such as non-payment for the PREVIOUS year or UDRP action). See <http://www.icann.org/en/announcements/advisory-03apr08.htm> for further details.)

However, situations can exist where the RAE can not make the request for such transfer. Specifically: the RAE can not obtain the Auth Code required to request the transfer from the Gaining Registrar; the Domain is “locked” by the Registrar of Record disallowing transfer and the RAE has no access to request that it be unlocked; or the whois data has been changed by the Registrar of Record (often allowed by registration agreements) so that the RAE cannot prove that they are the current registrant to the Gaining Registrar or Registry.

Options: Select one.

- a) Recommend that a registrar must facilitate the outgoing transfer of a domain post-expiration.
- b) Recommend a best practice that a registrar should facilitate the outgoing transfer of a domain post-expiration.
- c) Maintain the status quo.

Contractual Conditions

12.13. Are you of the opinion that registrants understand and are able to find renewal and expiration related information easily? How can such understanding be improved? [Charter Question 2]

Issue: Currently there are no rules or guidelines on how / what information needs to be included in registration agreements in relation to renewal and expiration related provisions.

Although the EDDP requires renewal and expiration related information to be clearly displayed on a registrar web site (if any), there is no definition of what 'clearly' means. In addition, some have argued that provisions in registration agreements are not clear and easily understandable.

Registrars on the PDP WG have stated that ~~[provide words giving the difficulty of having clear language and meeting legal constraints]~~ it is close to impossible to word registration agreements so that they will be very clear and understandable, and still have them be provide the legal safeguards that they and their lawyers feel is necessary.

Options: Select one:

a) Recommend ICANN to put in place rules that mandate some level of clarity and predictability in registration agreements and related materials. [Cheryl, can you provide some better words for this based on Australian experience?]

b) Suggest that registrars develop a best practice related to clarity and predictability of registration agreements and related materials.

~~b~~c) Maintain status quo – leave it at the discretion of registrars to ensure that such information is clear and conspicuous.

13.14. Should the fee to be charged for renewal of a domain name after expiration be explicitly stated? [Charter Question ???]

Issue: The EDDP required that the fee charged for recovery during the Recovery Grace Period be clearly displayed on the registrar web site (if there is one), but made no such requirement of the fee for post-expiration renewal prior to the RGP.

Options: Select one:

- a) Modify the Expired Domain Deletion Policy (EDDP) so that the cost for recovery after expiration is available to the registrant at the time of registration or previous renewal.
- b) Suggest that registrars develop a best practice related display of the fee for post-expiration renewal.
- c) Maintain status quo – leave it at the discretion of registrars to ensure that such fees are published.

15. Should information on where to find the cost for recovery after expiration be in the registration agreement? [Charter Question 1]

Issue: There is currently no requirement for where / how information on the cost for recovery after expiration can be found. Some registrars include this information in their registration agreement, others post it on their web-site. This question asks whether there should be a predictable location where registrants are able to find this information or the location of this information? The current RAA does specify "3.7.5.6 If Registrar operates a website for domain registration or renewal, it should state, both at the time of registration and in a clear place on its website, any fee charged for the recovery of a domain name during the Redemption Grace Period."

Options: Select all that apply:

- a) Modify the Expired Domain Deletion Policy (EDDP) so that information on where to find the cost for recovery after expiration is included in the registration agreement.
- b) Modify the EDDP to include that If Registrar operates a website for domain name registration or renewal, details of Registrar's cost for recovery after expiration must be clearly displayed on the website.
- c) Modify the Whois Data Reminder Policy (WDRP) to include information on renewal and expiration policies, including the cost for recovery after expiration
- d) None of the above.

Redemption Grace Period

14.16. Should the Redemption Grace Period be adopted as a consensus policy for gTLD Registries?

[Charter Question 1]

Issue: The concept of a Redemption Grace Period (RGP) was created in 2002 to address a perceived problem if businesses and consumers are losing the rights to their domain names through registration deletions caused by mistake, inadvertence, or fraud (<http://www.icann.org/en/registrars/redemption-proposal-14feb02.htm>). Although all non-sponsored gTLDs apart from .pro and .name offer the RGP as a voluntary Registry Service, there is no obligation to offer the RGP. None of the sponsored gTLDs offer the RGP. As part of the new gTLD process, new gTLDs will emerge that will have no obligation to offer the Redemption Grace Period, and based on the experience with the sponsored gTLDs, it is unclear if many will volunteer to offer the service.

VeriSign reports that there were an average of about 4800 RGP restores per month for .com and .net combined in 2009, and PIR reports that there about 350 per month for .org. [Need to verify .org number – based on a random sampling of months]

Anecdotally, many of the people involved in the original RGP discussions expected that it would be adopted as a Consensus Policy, but it never happened.

Options: Select one:

a) Recommend the adoption of the RGP as a consensus policy for gTLD registries , possibly with an exception allowed for some gTLDs if their policies do not allow for the deletion of a name without the explicit approval of the RAE ~~[need to consult with the RyC]~~.

b) Maintain status quo – leave RGP as an option gTLD registries may offer.

15.17. Should registrars be required to offer the Redemption Grace Policy for registries that offer it? [Charter Question 1]

Issue: Although most registrars offer the Redemption Grace Policy (RGP) for registries that offer it, there is no obligation to do so. For registrars which do not allow any recovery following expiration (either due to policy or due to immediate delete), the RGP is the only possible method of recovery. Only the registrar of record for a domain can request its recovery under the RGP.

Options: Select one:

- a) Require registrars to offer the Redemption Grace Policy by adopting it as a consensus policy.
- b) Maintain status quo – registrars can choose to offer the RGP for registries that offer it.

16.18. Should a transfer of a domain name during the RGP be allowed? [Charter Question 5]

Issue: Currently a transfer of a domain name registration during the RGP is not allowed. At the time the current transfer policies were developed, a transfer during RGP was contemplated but no decision was taken.

If a domain is deleted for a registry that supports the RGP, but the registrar of record does not offer the RGP, the domain cannot be recovered.

Options: Select one:

a) Recommend that a transfer of a domain name registration during RGP should be allowed.

b) Recommend that a transfer of a domain name registration during RGP be allowed only if the registrar of record does not offer the RGP. [Do we need to address the case where a registrar does not post the RGP fee as required. This is a compliance issue, but that does not help the RAE who finds out that the fee is \$1000.]

bc) Recommend that a transfer of a domain name registration during RGP should be allowed if a registrar does not offer any other means of recovery post-expiration, for a period no less than the 30 day RGP duration.-

ed) Maintain status quo - A transfer of a domain name registration during RGP should not be allowed