

Locking of a Domain Name Subject to UDRP Proceedings WG Approach

Administrative Items

- Confirm WG Leadership
 - ✓ Michele Neylon (Chair) and Alan Greenberg (Vice-Chair) have been selected by the WG
 - ✓ GNSO Council confirmation of leadership to be requested (by Council liaison)
- Schedule Meeting at ICANN Meeting in Prague
 - ✓ Meeting has been requested for Thursday 28 June from 9.00 - 10.30
 - ! Confirm who from WG will attend the ICANN meeting in Prague
 - Probably this meeting will be used as a WG session / update to community as public input will be requested at a later date (following outreach to registrars and UDRP Providers)

Outreach

- Request Public Input on the Issue
 - 1 Request input from Registrars and UDRP Providers to help inform deliberations
 - WG supports requesting registrars and UDRP providers for input first to help inform input requested as part of public comment forum
 - ! WG to review template and questions suggested by Matt
 - Questions to registrars should ask for current practices as well as ask for input on charter questions
 - Questions to registrars should ask if they are providing privacy services and what is their practice when UDRP complaint is filed for a registration with privacy service.
 - 2 Call for public comments (following input received from registrars / UDRP providers)
 - The public comment forum will open once input has been received from registrars and UDRP providers so that input received from those to parties can help inform the questions for the public comment forum
 - Public Session in Prague
 - Consider whether public session in Prague is beneficial as WG agreed that as a first step input should be obtained from registrars and UDRP Providers. Alternatively, session in Prague could be used as WG meeting.
 - Look at Best Practices paper to determine whether elements relating to locking are relevant for WG discussion and possibly request public input
- Request for Stakeholder Group / Constituency Statements
- Seek opinion of other ICANN ACs/SOs
- Information gathering: review URS locking requirements, Best Practices Paper

Charter Questions & Other Issues to be considered

- Working definition of Status Quo - what does it mean?
 - 'Status Quo' is term used in the UDRP, not 'lock'. UDRP revolves about how is going to keep the registration. Lock question is related to fear of cyberflight. In that regard, different from URS as there is no change of ownership in the URS.
- 1. 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.
 - Outline might be beneficial for complainants.
- 2. 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.
 - Include as a question to the RrSG
- 3. Whether the time frame by which a registrar must lock a domain after a UDRP has been filed should be standardized.
 - Possible sub-topic: should that be refined to include reference to 'has been filed' and 'a request being received'.
 - Timeframe suggested in BP paper was 48 hours, from receipt of provider verification request. But other options could be considered too.
- 4a. Whether what constitutes a "locked" domain name should be defined.
 - How does lock definition relate to privacy / proxy registrations (also linked to item 4b). Some registrars cancel proxy / privacy service upon receipt of complaint and verify the actual registrant. Registrars should be given certain timeframe to cancel privacy / proxy, e.g. 48 hours.
 - Justification for lifting privacy? RAA 3.7.7.3 governs legal disputes arising with a domain that is held in trust or on behalf of another party. Obligation to disclose in case of legal dispute. Identification of serial bad actors. Provided that a bonafide privacy service is involved. (study by ICANN Compliance Dep re. practices of Whois privacy services might provide further information)
 - Whether DNS would be affected by the lock.
- 4b. Whether, once a domain name is 'locked' pursuant to a UDRP proceeding, the registrant information for that domain name may be changed or modified.
 - If answer is no, should there be exceptions to updating certain information such as billing info?
 - Consider whether the definition should expressly allow for an exception for a privacy related changes.
 - In the event there would be a process for registrant info change, what if any notification obligations should apply to the changing registrar in the case of UDRP proceedings (e.g. when a change has occurred, change to the filing might need to be made)
 - Limiting the timeframe in which any disclosure of information could occur?
- 5. Whether additional safeguards should be created for the protection of registrants in cases where the domain name is locked subject to UDRP Proceedings.
 - If a registrar has to lock the domain upon filing and before the provider review the complaint for administrative compliance, then a 'hold harmless' from complainant to the benefit of registrar shall be given.
- Should similar rules apply to the URS?
 - Currently not part of the scope of the WG, but should there be support, WG could request GNSO Council to add / modify charter.

Initial Report

- Compilation of Stakeholder Group and Constituency Statements
- Compilation of any statements received from any ICANN Supporting Organization or Advisory Committee
- Recommendations for policies, guidelines, best practices or other proposals to address the issue
- Statement of level of consensus for the recommendations presented in the Initial Report
- Information regarding the members of the PDP Team, such as the attendance records, Statements of Interest, etc.
- A statement on the WG discussion concerning impact of the proposed recommendations, which could consider areas such as economic, competition, operations, privacy and other rights, scalability and feasibility