

Motion on the Adoption of the PEDNR Final Report and Recommendations

Whereas on 7 May 2009, the GNSO Council launched a Policy Development Process (PDP) on Post-Expiration Domain Name Recovery (PEDNR) addressing the following five charter questions:

1. Whether adequate opportunity exists for registrants to redeem their expired domain names;
2. Whether expiration-related provisions in typical registration agreements are clear and conspicuous enough;
3. Whether adequate notice exists to alert registrants of upcoming expirations;
4. Whether additional measures need to be implemented to indicate that once a domain name enters the Auto-Renew Grace Period, it has expired (e.g., hold status, a notice on the site with a link to information on how to renew, or other options to be determined);
5. Whether to allow the transfer of a domain name during the RGP.

Whereas this PDP has followed the prescribed PDP steps as stated in the ICANN Bylaws, resulting in a Final Report delivered on 14 June 2011;

Whereas the PEDNR WG has reached full consensus on the recommendations in relation to each of the five issues outlined above;

Whereas the PEDNR WG considers all the recommendations listed below as inter-dependent and has recommended that the GNSO Council should consider these recommendations as such;

Whereas the GNSO Council has reviewed and discussed these recommendations.

RESOLVED, the GNSO Council recommends to the ICANN Board of Directors:

(A):

1. Define "Registered Name Holder at Expiration" (RNHaE) as the entity or individual that was eligible to renew the domain name registration immediately prior to

expiration. If the domain name registration was modified pursuant to a term of the Registration Agreement authorizing the modification of registration data for the purposes of facilitating renewal but not at the explicit request of the registrant, the RNHaE is the entity or individual identified as the registrant immediately prior to that modification. (PEDNR Recommendation #1)

2. For at least 8 consecutive days, at some point following expiration, the original DNS resolution path specified by the RNHaE, at the time of expiration, must be interrupted¹ by the registrar, to the extent that the registry permits such interruptions, and the domain must be renewable by the RNHaE until the end of that period. This 8-day period may occur at any time following expiration. At any time during the 8 day period, the Registered Name Holder at Expiration may renew the domain with the Registrar and the Registrar, within a commercially reasonable delay, will restore the domain name to resolve to its original DNS resolution path prior to expiration. Notwithstanding, the Registrar may delete the domain at any time during the Auto-renew grace period. (PEDNR Recommendation #2)
3. If at any time after expiration when the Registered Name is still renewable by the RNHaE, the Registrar changes the DNS resolution path to effect a different landing website than the one used by the RNHaE prior to expiration, the page shown must explicitly say that the domain has expired and give instructions on how to recover the domain. Wording in the policy must make clear that “instructions” may be as simple as directing the RNHaE to a specific web site. (PEDNR Recommendation #3)
4. The RNHaE cannot be prevented from renewing a domain name registration as a result of WHOIS changes made by the Registrar that were not at the RNHaE’s request. (PEDNR Recommendation #4)
5. The registration agreement must include or point to any fee(s) charged for the post-expiration renewal of a domain name. If the Registrar operates a website for registration or renewal, it should state, both at the time of registration and in a clear place on its website, any fee(s) charged for the post-expiration renewal of a domain name or the recovery of a domain name during the Redemption Grace Period. (PEDNR Recommendation #5)

¹ DNS interruption is defined as total Internet service interruption except for an informational web page (only one IP on which only port 80 is active).

6. The registration agreement and Registrar web site (if one is used) must clearly indicate what methods will be used to deliver pre- and post-expiration notifications, or must point to the location where such information can be found. What destination address/number will be used must also be specified, if applicable. (PEDNR Recommendation #6)
7. Registrar must notify Registered Name Holder of impending expiration no less than two times. One such notice must be sent one month or 30 days prior to expiration (± 4 days) and one must be sent one week prior to expiration (± 3 days). If more than two alert notifications are sent, the timing of two of them must be comparable to the timings specified. (PEDNR Recommendation #7)
8. Unless the Registered Name is renewed or deleted by the Registrar, at least one notification to the RNHaE, which includes renewal instructions, must be sent after expiration. (PEDNR Recommendation #8)
9. Notifications of impending expiration must include method(s) that do not require explicit registrant action other than standard e-mail receipt in order to receive such notifications. (Recommendation #9)
10. With the exception of sponsored² gTLDs, all gTLD Registries shall offer the Redemption Grace Period (RGP). For currently existing unsponsored gTLDs that do not currently offer the RGP, a transition period shall be allowed. All new gTLDs must offer the RGP. As part of the implementation, ICANN Staff should consider the Technical Steering Group's Implementation Proposal (see <http://www.icann.org/en/meetings/bucharest/redemption-topic.htm>) (PEDNR Recommendation #13)
11. If a Registrar offers registrations in a gTLD that supports the RGP, the Registrar must allow the Registered Name Holder at Expiration to redeem the Registered Name after it has entered RGP. (PEDNR Recommendation #14)
12. A transfer of a domain name during the RGP should not be allowed. (PEDNR Recommendation #15)
13. In the event that ICANN gives reasonable notice to Registrars that ICANN has published web content as described in PEDNR Recommendation #16:

§ Registrars, who have a web presence, must provide a link to the ICANN content

² An unsponsored TLD operates under policies established by the global Internet community directly through the ICANN process, while a sponsored TLD is a specialized TLD that has a sponsor representing the narrower community that is most affected by the TLD. It should be noted that this distinction is no longer used in the new gTLD program.

on any website it may operate for domain name registration or renewal clearly displayed to its Registered Name Holders at least as clearly as its links to policies or notifications required to be displayed under ICANN Consensus Policies.

§ Registrars may also host similar material adapted to their specific practices and processes.

§ Registrar must point to the ICANN material in a communication sent to the registrant immediately following initial registration as well as in the mandated annual WHOIS reminder.

(PEDNR Recommendation #17)

Note: Some of these recommendations may need special consideration in the context of existing provisions in the Uniform Dispute Resolution Policy (UDRP), the proposed Uniform Rapid Suspension System (URS) or exceptions due to fraud, breach of registration agreement or other substantive reasons and the GNSO Council, therefore, recommends that such considerations are taken into account as part of the implementation of these recommendations, once adopted.

(B) The GNSO Council recommends the following best practices for promotion by ICANN and the Registrar Stakeholder Group:

- If post-expiration notifications are normally sent to a point of contact using the domain in question, and delivery is known to have been interrupted by post-expiration actions, post-expiration notifications should be sent to some other contact point associated with the registrant if one exists. (PEDNR Recommendation #10)
- The notification method explanation (see recommendation #9) should include the registrar's email address from which notification messages are sent and a suggestion that registrants save this email address as a 'safe sender' to avoid notification emails being blocked by spam filter software. (PEDNR Recommendation #11)
- Registrars should advise registrants to provide a secondary email point of contact that is not associated with the domain name itself so that in case of expiration reminders can be delivered to this secondary email point of contact. (PEDNR Recommendation #12)

(C) The GNSO Council recommends that ICANN, in consultation with Registrars, ALAC and other interested parties, will develop educational materials about how to properly steward a domain name and how to prevent unintended loss. Such material may include registrant responsibilities and the gTLD domain life-cycle and guidelines for keeping domain name records current. (PEDNR Recommendation #16).

(D) ICANN Compliance is requested to provide updates to the GNSO Council on a regular basis in relation to the implementation and effectiveness of the proposed recommendations, either in the form of a report that details amongst others the number of complaints received in relation to renewal and/or post-expiration related matters or in the form of audits that assess if the policy has been implemented as intended. (PEDNR Recommendation #18)

(E) The GNSO Council shall convene a PEDNR Implementation Review Team to assist ICANN Staff in developing the implementation details for the new policy should it be approved by the ICANN Board. The Implementation Review Team will be tasked with evaluating the proposed implementation of the policy recommendations as approved by the Board and is expected to work with ICANN Staff to ensure that the resultant implementation meets the letter and intent of the approved policy. If the PEDNR Implementation Review Team identifies any potential modifications to the policy or new PEDNR policy recommendations, the PEDNR Implementation Review Team shall refer these to the GNSO Council for its consideration and follow-up, as appropriate. Following adoption by the ICANN Board of the recommendations, the GNSO Secretariat is authorized to issue a call for volunteers for a PEDNR Implementation Review Team to the members of the PEDNR Working Group.