# Comments of the Registries Stakeholder Group

## Issue: *Initial Report on the*
## *Post-Expiration Domain Name Recovery*
## *Policy Development Process*

Date: 15 August 2010

Issue Document URL: http://gnso.icann.org/issues/pednr/pednr-initial-report-31may10-en.pdf

The Registries Stakeholder Group of the GNSO (RySG) is pleased to provide these comments on the Initial Report on the Post-Expiration Domain Name Recovery Policy Development Process (PEDNR). The comments that follow represent a consensus position of the RySG as further detailed at the end of the document.

We would like to thank the members of the PEDNR working group for their extensive efforts to fulfill that which they were tasked with.  It is understood that many hours of meetings and effort went into gathering relevant data through PEDNR created surveys and that many participants contributed relevant industry experience with real world use cases.

The RySG would like to comment on the following areas of consideration:

**Consistency and Transparency of domain expiration processes to end consumers (registrants).**
*There are clear differences between the requirements of registries and registrars for behavior surrounding the domain expiration process.*

A number of the PEDNR created survey questions and subsequent discussion focused on the transparency and dissemination by registrars on the expiration process and subsequent ability of their customers to retrieve domains that have expired.  It is also noted that the PEDNR working group, while trying to better understand expiration use cases across registrars, attempted to gather information from group members and the Registrars Stakeholder Group members as to variations in how different registrars process expired domains.  While the report details some of these findings, an important learning was there is indeed variation between how registrars handle the expiration of domain names, and there is little in the way of clear requirements for consistent behavior amongst different registrars during domain expiration. In comparison, RySG members note that the behavior and expectations of Registries are generally well defined through the Auto-renew and Redemption Grace Periods.  We use the term "generally" because both Grace Periods are artifacts of processes that predate the Consensus Policy process and currently Registries

compliance with these Grace Periods is either a matter of contract with ICANN directly and/or voluntary behavior.

What this means is that for Registrants to understand the expiration process surrounding a domain they have attained from a given Registrar, they must also understand the behavior of that particular Registrar's domain expiration process. Currently the Registrant is entirely dependent on the dissemination of that behavior by their chosen Registrar. Assuming the status quo remains, (Registrars handling the domain expiration process uniquely), the RySG believes the general idea of Registrars displaying explicit information around their domain expiration processes is helpful for registrants.

**Effectiveness of the Redemption Grace Period and the question of transfers during RGP.**

*The Redemption Grace Period (RGP) is only effective if applied consistently.*

Since its inception in 2003, RGP has been adopted by most registries and/or is a requirement in their ICANN contract. In concept and in intended application, RGP was intended to ensure a "last chance" effort for Registrants to reacquire their domain in the event they unintentionally allowed the domain to expire. A series of behaviors were developed around the RGP process to ensure its effectiveness for that intended goal, however, a number of assumptions were also made when developing that process. For instance, it was assumed that the originating Registrant of the domain would be the current Registrant of record upon a domain being deleted and entering the Redemption Grace Period. It was also assumed that the effective use case for the Autorenew Grace Period was to garner additional time for Registrars to attempt to have originating Registrants renew their domains. As can be seen from data gathered by the PEDNR team, both these assumptions no longer hold true as the domain marketplace has matured and evolved. When these assumptions no longer hold true, the intended goal of RGP cannot be guaranteed by the behavior of Registries alone.

A question was raised by PEDNR of whether or not the Redemption Grace Period should be subjected to the Consensus Policy Development Process, thereby involving both Registries and Registrars in examining the use of RGP and its potential adoption by all parties. The RySG notes that in order for RGP to fulfill its original intentions, assuming these are still valid, RGP needs to be applied consistently by all parties involved in the delivery of the domain expiration process, not solely the Registries. In support of making RGP effective, the RySG is willing to explore RGP as a consensus policy.

***On Transfers during RGP restoration:***

In regards to transfers during RGP, it's important to again note there is currently no guarantee that the Registrant of record during the RGP process is indeed the initiating (original) Registrant of the domain registration. Since the actual expiration of the domain can occur weeks before the initiation of the RGP process, Registrant information can change prior to the initiation of RGP. With the fact the Registrant of record can change during the Autorenew Grace period, allowing transfers during RGP raises significant questions such as: who has the right to redeem the registration during RGP (current registrant on record or originating registrant or some interim holder of the registrant record), who has the right to initiate the transfer, how can a registry identify the initiating/original Registrant if they are not the current registrant on record and which Registrant (the one on record or initiating) would a transfer be reversed to following the restoration of a name in RGP if the transfer was successfully contended? Due to the many complexities and associated confusions for Registrants surrounding the process of transfers during RGP, and subsequent opportunity for misdirection during such a transfer case, the RySG believes that the RGP and Transfer activities should remain as is, ***separated and serial in execution.***

**Whois requirements for thick registries regarding Autorenew grace periods.**

*Currently, there is no requirement for thick registries to specifically identify domains in the Autorenew grace period in Whois output.*

The PEDNR report suggests that thick Whois output could consistently show when domains are in the Autorenew grace period. The purpose of this requirement would be to remove any confusion when Registrars are trying to indicate to their Registrants their domain has expired and payment is overdue. Registrars have reported in the past that when the Registrant checks the Registry thick Whois, which can display the domain as already simply "renewed" and not specifically as "Auto renewed and in grace period", they believe the domain does not require payment. Some registries already address this use case in their Whois, but in general the RySG would support this type of clarification in Whois output.

In addition the RySG suggests the following: 1) because this issue applies to both thick and thin gTLDs, the WG may want to consider not restricting its focus in this regard to only thick registries; 2) a technical point to keep in mind is that 'Auto renewed and in grace period' is not an EPP status so if it is reported in Whois output it should not be shown as a status; 3) if this is recommended, it may be worthwhile to consider recommending that the same be done for other similar periods; 4) if it is recommended that registries do this, it should also be recommended that registrars do so as well.

**Incorrectly implied consistency on Registry Behavior:**

*The PEDNR report appears to make assumptions that Autorenew practices are the same across Registries.*

On several occasions it is stated or implied in the report that domain registrations are automatically renewed by the registry the first day after the expiration date. While this is true for some registries, there are other practices in place such as auto-renewal in the end of the Auto-Renew Grace Period, and there are also known differences between Registries regarding when Auto-Renews are actually charged for. Hence, statements in the Report that imply auto-renewal and an associated billing charge, on the first day after expiration as the only possible practice, are inaccurate.

**In Conclusion:**

The RySG must note it finds the PEDNR report unusual in that it does not provide formal recommendation, next steps, or even an examination for completeness of the WG's original GNSO directives. As such, this report does not provide a clear statement of consensus amongst its group members on recommended actions, or what the remaining scope of work for the PEDNR WG is. The RySG strongly suggests that these missing elements be completed as the first priority of the working group, and that these findings be included in a reissued report or an addendum and also posted for public comment.

**RySG Level of Support**

1. **Level of Support of Active Members**: Majority
   1.1. # of Members in Favor: 8
   1.2. # of Members Opposed: 0
   1.3. # of Members that Abstained: 0
   1.4. # of Members that did not vote: 5
2. **Minority Position**(s): N/A

**General RySG Information**

- ▪ Total # of eligible RySG Members[1]: 14

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[1] All top-level domain sponsors or registry operators that have agreements with ICANN to provide Registry Services in support of one or more gTLDs are eligible for membership upon the "effective date" set forth in the operator's or

- Total # of RySG Members:  13
- Total # of Active RySG Members[2]:  13
- Minimum requirement for supermajority of Active Members:  9
- Minimum requirement for majority of Active Members:  7
- # of Members that participated in this process:  13
- Names of Members that participated in this process:

1. Afilias (.info & .mobi)
2. DotAsia Organisation (.asia)
3. DotCooperation (.coop)
4. Employ Media (.jobs)
5. Fundació puntCAT (.cat)
6. Museum Domain Management Association – MuseDoma (.museum)
7. NeuStar (.biz)
8. Public Interest Registry - PIR (.org)
9. RegistryPro (.pro)
10. Societe Internationale de Telecommunication Aeronautiques – SITA (.aero)
11. Telnic (.tel)
12. Tralliance Registry Management Company (TRMC) (.travel)
13. VeriSign (.com, .name, & .net)

- Names & email addresses for points of contact
  - Chair:  David Maher, dmaher@pir.org
  - Vice Chair:  Jeff Neuman, Jeff.Neuman@Neustar.us
  - Secretariat:  Cherie Stubbs, Cherstubbs@aol.com
  - RySG representative for this statement:  myoung@CA.AFILIAS.INFO

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sponsor's agreement (RySG Articles of Operation, Article III, Membership, ¶ 1).  The RySG Articles of Operation can be found at <http://gnso.icann.org/files/gnso/en/improvements/registries-sg-proposed-charter-30jul09-en.pdf>.  The Universal Postal Union recently concluded the .POST agreement with ICANN, but as of this writing the UPU has not applied for RySG membership.

[2] Per the RySG Articles of Operation, Article III, Membership, ¶ 6: Members shall be classified as "Active" or "Inactive". A member shall be classified as "Active" unless it is classified as "Inactive" pursuant to the provisions of this paragraph. Members become Inactive by failing to participate in a RySG meeting or voting process for a total of three consecutive meetings or voting processes or both. An Inactive member shall have all rights and duties of membership other than being counted as present or absent in the determination of a quorum. An Inactive member may resume Active status at any time by participating in a RySG meeting or by voting.