



**Post Expiration
Domain Name
Recovery
(PEDNR)
Working Group
- Final Report**

Status: Final
Version: 2.0
22 APR 2011

**Commercial & Business Users
Constituency Position Statement**

GNSO//CSG//BC

Position Statement:

The Commercial Users & Business Constituency (BC) would like to thank the GNSO for initiating a PDP for evaluating the post expiration of generic domain names (PEDNR). We also applaud the efforts of the working group, their voluntary contributions as peer stakeholders, and their teamwork to develop the Final Report and its recommendations for changes to existing policy. We also extend our gratitude to ICANN staff for supporting this GNSO PDP effort and guiding the WG towards conclusion.

Much of the BC position from the interim report remains intact, as outlined in the BC position statement submitted August 2010. However, we welcome the opportunity to provide refinement to the BC position based on the recommendations submitted by the WG's Final Report. The PEDNR final report can be found at: <http://gns0.icann.org/issues/pednr/pednr-proposed-final-report-21feb11-en.pdf>

The Business Constituency participated actively in the Working Group and supports the recommendations that have been proposed. We have long advocated that all registrants, both businesses and individuals, require openness, transparency, and predictability in connection to the expiration of domain names. We also recognize that consumer education around domain name expiration is never a task accomplished but more an ever evolving and ongoing requirement to enhance service predictability.

The following chart details the BC position per each of the PEDNR WG's recommendations. "Column A, PEDNR Recommendation" contains the fifteen (15) recommendations and "Column C, BC Comment," contains a point of view or general comment with respect to the recommendation. This same cell also includes a specific BC Position statement relative to that recommendation and it is *denoted in italics*. Lastly, "Column B, BC Rating" contains a quick status indicator that reflects the level of acceptance noted in the chart below.

Agree & Comment	
Agree & Offer Suggestion	
Disagree & Offer Suggestion	

PEDNR Recommendation	BC Rating	BC Comment
Charter Question 1: Whether adequate opportunity exists for registrants to redeem their expired domain names?		
<p>Recommendation #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, the RNHaE is the entity or individual identified as the registrant immediately prior to that modification.</p> <p>Rationale: This definition is required due to the potential confusion over who is eligible to renew if WHOIS is changed after expiration, a possibility allowed for in many registration agreements.</p>		<p>Comment: The BC agrees with the requirement and distinction of this role in the domain name life-cycle, noting that efforts to more formally define roles and responsibilities should take place for the entire lifecycle including formal definition and formal acronym assignment that the entire community can embrace and uniformly adopt and use.</p> <p>BC Position: <i>The BC supports the creation of this term and definition subject to refinement in implementation of the policy changes and legal reviews.</i></p>
<p>Recommendation #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 interrupted 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 cause the domain name to resolve to its original DNS resolution path.</p> <p>Notwithstanding, the Registrar may delete the domain at any time during the Auto-renew grace period.</p> <p>Rationale: This ensures that for at least an 8-day period following expiration, the domain will cease to operate as it did prior to expiration. The WG believes that this failure to function may be one of the most effective methods of getting a registrant’s attention. Although 8 days is set as a minimum, there is nothing to prevent a Registrar from providing a longer period such as most registrars do today.</p>		<p>Comment: The concept applied here in essence is creating a new grace period; however, recognize the 8 day window defined is in effect sanctioned under the Auto-Renew Grace Period. While the 8 day window recommendation begins to provide the RNHaE a consistent experience with respect to domain expirations, the BC recognizes the overwhelming support for a period closer to 30 days as reflected in the results of the PEDNR Interim Report survey results of the community.</p> <p>BC Position: <i>The BC supports recommendation #2, with the exception that the 8-day period should be extended to 30 days.</i></p>

PEDNR Recommendation	BC Rating	BC Comment
<p>Recommendation #3: 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. [Final wording will need to exempt cases where renewal will not be disallowed due to fraud, breach of registration agreement or other substantive reasons.]</p> <p>Rationale: Currently a post-expiration change to WHOIS may, depending on the specifics of a Registrar's system, prohibit the RNHaE from renewing the Registered Name.</p>		<p>Comment: None.</p> <p>BC Position: <i>The BC supports this recommendation.</i></p>
<p>Recommendation #4: All unsponsored 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.</p> <p>Rationale: Although most current unsponsored gTLDs Registries currently offer the RGP service, there is no such obligation, nor is it required in the new gTLD Applicant Guidebook.</p>		<p>Comment: The BC has long supported consensus policy for the RGP as far back as April 2002 and consistently in positions about PEDNR in 11/2009 & 08/2010.</p> <p>BC Position: <i>The BC supports this recommendation.</i></p>
<p>Recommendation #5: 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.</p> <p>Rationale: This ensures that the registrant will be able to redeem a domain name if it is deleted and if the Registry offers the RGP service.</p>		<p>Comment: The BC has long supported consensus policy for the RGP as far back as April 2002 and consistently in positions about PEDNR in 11/2009 & 08/2010.</p> <p>BC Position: <i>The BC supports this recommendation.</i></p>

PEDNR Recommendation	BC Rating	BC Comment
<p>Charter Question 2: Whether expiration-related provisions in typical registration agreements are clear and conspicuous enough?</p>		
<p>Recommendation #6: 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.</p> <p>Rationale: The registrant must be able to forecast what renewal will cost if it is not renewed prior to expiration. This is not an attempt at setting the price but rather that the price must be disclosed to the registrant ahead of time. The pricing disclosed would be the then-current prices and does not preclude a later price change as part of normal business price adjustments.</p>		<p>Comment: In general, the BC supports consistency and ease of understanding in Registration Agreements where feasible. Specifically, we feel it is important that the RNHaE be well informed of the consequence if a domain expires unintentionally and the additional costs to recover the domain at the various stages of expiration.</p> <p>BC Position: <i>The BC supports this recommendation.</i></p>
<p>Recommendation #7: In the event that ICANN gives reasonable notice to Registrar that ICANN has published web content providing educational materials with respect to registrant responsibilities and the gTLD domain life-cycle, and such content is developed in consultation with Registrars, Registrars, who have a web presence, shall provide a link to the webpage 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.</p> <p>Rationale: Insufficient registrant understanding and education was identified as a significant problem and any attempt to address it will lower the number of problems experienced by registrants.</p>		<p>Comment: The BC strongly advocates educational materials for Registrants to enhance understanding and set expectation.</p> <p>BC Position: <i>The BC supports this recommendation.</i></p>

PEDNR Recommendation	BC Rating	BC Comment
<p>Recommendation #8: ICANN, with the support of Registrars, ALAC and other interested parties, is to develop educational materials about how to properly steward a domain name and how to prevent unintended loss. Once developed, Registrars are expected to link to or host that information on its web site, and send to the registrant in a communication immediately following initial registration as well as in the mandated annual WHOIS reminder. Such information should include a set of instructions for keeping domain name records current and for lessening the chance of mistakenly allowing the name to expire. [Need to refine wording: expression “include a set of instruction“ to include pointing to appropriate location where instructions can be found; pointing to ICANN registrant education site.]</p> <p>Rationale: Insufficient registrant understanding and education was identified as a significant problem and any attempt to address it will lower the number of problems experienced by registrants.</p>		<p>Comment: The BC strongly advocates educational materials for Registrants to enhance understanding and set expectation.</p> <p>BC Position: <i>The BC supports this recommendation.</i></p>
<p>Charter Question 3: Whether adequate notice exists to alert registrants of upcoming expirations? (See also recommendation #2)</p>		
<p>Recommendation #9: 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.</p> <p>Rationale: Registrants should be told ahead of time how the Registrar will communicate with them.</p>		<p>Comment: The BC agrees that if the Registrant is better informed of what to expect at expiration, how they are communicated to, and reinforcement with end user education, recovery issues related to unintentionally expired domain names will be reduced.</p> <p>BC Position: <i>The BC supports this recommendation.</i></p>

PEDNR Recommendation	BC Rating	BC Comment
<p>Recommendation #10: Subject to an Exception policy, 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. It is the intention to have an exception policy, allowing the Registrar to substitute alternative notification patterns, but this still needs to be defined.</p> <p>Rationale: The current requirement in the RAA to send at least two notifications is vaguely worded. There is also nothing to prohibit such notifications from being sent too early or too late to be effective. That notwithstanding, it is understood that for some Registrar business models, the prescribed timing may not be suitable, and an exception process will allow for this.</p>		<p>Comment: A standard here should help to establish much more predictability and set appropriate expectation within the expiration phase of the domain lifecycle.</p> <p>BC Position: <i>The BC supports this recommendation.</i></p>
<p>Recommendation #11: 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.</p> <p>Rationale: Notifications must not solely be done by methods, which require explicit Registrant action to receive, the most common being the requirement to log onto the Registrar domain management system to receive notifications.</p>		<p>Comment: None.</p> <p>BC Position: <i>The BC supports this recommendation.</i></p>
<p>Recommendation #12: Unless the Registered Name is deleted by the Registrar, at least one notification must be sent after expiration.</p>		<p>Comment: None.</p> <p>BC Position: <i>The BC supports this recommendation.</i></p>

PEDNR Recommendation	BC Rating	BC Comment
<p>Charter Question 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)?</p>		
<p>Recommendation #13: 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 must make clear that “instructions” may be as simple as directing the RNHaE to a specific web site.]</p> <p>Rationale: If a replacement web site is reached via the domain name after expiration, as is the case for most expired domains today (at some point after expiration), the replacement web page must make it clear that the domain has expired and tell the registrant what to do to renew.</p>		<p>Comment: The BC is a strong advocate for business continuity and supports the continuation of service, but we also recognize that some Registrants can only be notified of an expired domain by a service interruption.</p> <p>BC Position: <i>The BC supports this recommendation.</i></p>
<p>Recommendation #14: Best Practice: 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.</p> <p>Rationale: Today, message sent to the registrant after expiration typically go to the same address that is used prior to expiration. If that address uses the domain in question, and that domain is now intercepted by the Registrar (as is typically the case), the message will not be deliverable. The Working Group did not feel that it was practical to mandate how this should be fixed, but felt that it was important that Registrars consider the situation.</p>		<p>Comment: None.</p> <p>BC Position: <i>The BC supports this recommendation.</i></p>

PEDNR Recommendation	BC Rating	BC Comment
Charter Question 5: Whether to allow the transfer of a domain name during the RGP?		
<p>Recommendation #15: No recommendation.</p> <p>Rationale: The need is significantly reduced based on the recommendation to have the RGP mandatory for Registrars coupled with the complexity and possible adverse effects of allowing such transfers</p>		<p>Comment: Given the complexity and variability with the domain expiration process, transfers only complicate the process further. It is not clear that the WG uncovered concrete data about how a transfer would resolve the issue.</p> <p>BC Position: <i>The BC supports no action at this time</i></p>

Conclusion:

In summary, the BC takes the position that is broadly supportive of the working group.

Business Constituency Support:

Position Statement author: Berry Cobb

BC Members on PEDNR Working Group:

Name	Affiliation*	Meetings Attended
Berry Cobb	CBUC	39
Mike O'Conner	CBUC	38
Michael Palage	CBUC	13
Phil Corwin	CBUC	9
Mike Rodenbaugh	CBUC	

This document was posted to BC members for review and comment on 25-Mar-2011.

Pursuant to our section 7.2 of the BC Charter, this document is deemed approved since no substantively opposing comments were received as of 22-Apr-2011.