

Deletes Implementation Report

~~15~~27 May 2003

This document provides:

- An assessment of whether a recommendation is implementable
- Information on issues that will need to be considered during implementation
- Suggested text to clarify or improve the existing recommendations

Organization of the Analysis

The analysis is mostly contained in two tables. In Table 1 contains an assessment of whether the Deletes Task Force recommendations that relate to Registrars or Registries are implementable, the relative cost of implementation, and the level of support from registrars.

Table 2 contains information on issues associated with the recommendations that will need to be considered during implementation, and also where appropriate additional or alternative text to strengthen or clarify the existing recommendation.

Table Abbreviations

Table Headings

#	The number of the recommendation
Cost	What is the cost impact if the recommendation is implemented? (high/medium/low/?)
Enf	Is the recommendation enforceable if it is implemented? (yes/no/?)
Feas	Can the recommendation reasonably be implemented from a process point of view? (yes/no/?)
Supp	What is the anticipated level of support for the recommendation from registrars? (high/medium/low/?)
Tech	Can the recommendation be reasonably implemented from a technical point of view? (yes/no/?)

Legend

N/A Not applicable

TABLE 1						
#	Deletes Task Force Recommendation	Cost	Enf	Feas	Tech	Supp
3.1.1	Domain names must be deleted if a paid renewal has not been received by the registrar from the registrant or someone acting on the registrant's behalf by the end of the Auto-renew Grace Period (generally forty-five days after the domain's initial expiration). As a mechanism for enforcing this requirement, registries may elect to delete names for which an explicit renew command has not been received prior to the expiration of the grace period.	Low	Yes	No, needs to take into account extenuating circumstances, and that a registrant may not need to pay directly for the renewal.	Yes	N/A
3.1.2	Domain name must be deleted within 45 days of the expiration of the registration agreement between the registrar and the registrant, unless the agreement is renewed.	Low	Yes	No, needs to take into account extenuating circumstances, and that a registrant may not need to pay directly for the renewal.	Yes	N/A

3.1.3	These requirements retroactively apply to all existing domain name registrations beginning 180 days after the adoption of the policy.	Low	Yes	Yes	Yes	High
3.1.4	Registrars must provide a summary of their deletion policy, as well as an indication of any auto-renewal policy that they may have, at the time of registration. This policy should include the expected time at which a non-renewed domain name would be deleted relative to the domain's expiration date, or a date range not to exceed ten days in length.	Low	Yes	Yes	Yes	High
3.1.5	Registrars must provide their deletion and auto-renewal policies in a conspicuous place on their websites.	Low	Yes	No, some registrars may not operate a website.	Yes	N/A
3.1.6	Registrars should provide, both at the time of registration and in a conspicuous place on their website, the fee charged for the recovery of a domain name during the Redemption Grace Period.	Low	Yes	No, wording should allow for registrars without a website, and allow registrars not to charge a fee,	Yes	N/A

3.2.1	In the event that a domain the subject of a UDRP dispute is likely to expire during the course of the dispute, the dispute resolution provider will notify both the complainant and respondent of the impending expiration either at the time the dispute is filed, or no later than 30 days prior to the expiration of the domain. In order to facilitate this process, registrars will provide the expiration date of the domain at the time it confirms the registration of the domain to the UDRP provider.	Low	Yes	Yes	Yes	High Med
3.2.2	In such an event, the complainant will have the option to pay for a one year renewal at the sponsoring registrar's current prevailing rate for renewals.	High	Yes	Unnecessarily complex and therefore expensive.	Yes	N/A

3.2.3	In the event that the complainant paid the renewal fee prior to the domain name's expiration, the original registrant will have up to thirty days after the end of the relevant registry's auto-renew grace period in which to pay for the renewal of the domain name. If neither complainant nor the original registrant pay for the renewal of domain name, it will be subject to deletion no later than the end of the auto-renew grace period.	High	Yes	Excessively complex	Yes	N/A
3.2.4	In the event that both the registrant and the complainant pay for the renewal, the name will be renewed on behalf of the original registrant in accordance with the registrar's usual policy, and any renewal fee paid by the complainant will be refunded	High	Yes	Excessively complex	Yes	N/A

3.2.5	<p>In the event that only the complainant pays for the renewal of the domain name, prior to the expiration of the auto-renew grace period the registrar will:</p> <ul style="list-style-type: none"> - place the name on REGISTRAR HOLD and REGISTRAR LOCK, with the result that the name will no longer resolve in the DNS - modify the WHOIS entry for the domain name to indicate that the name is the subject of a UDRP dispute, and to remove all specific registration information the for the WHOIS record - if the complaint is terminated prior to a panel decision being rendered, but after the domain name reaches this state, the domain name will be deleted. 	High	Yes	Excessively complex	Yes	N/A
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3.2.6	Where only the complainant paid the renewal fee for a domain name the subject of a UDRP action and the complainant's UDRP case fails, if the relevant registry's normal renewal grace period has expired, the domain name will be deleted.	High	Yes	Excessively complex	Yes	N/A
3.2.7	In all other cases, the registrar shall comply with the outcome of the UDRP dispute in accordance with regular policies.	High	Yes	Excessively complex	Yes	N/A
3.3.1	The Redemption Grace Period will apply to names deleted due to a complaint on WHOIS accuracy. However, prior to allowing the redemption in such a case, the registrar must update the registration with verified WHOIS data and provide a statement indicating that the data has been verified in conjunction with the request for the name's redemption. The same rules that apply to verification of WHOIS data for regular domain names following a complaint will apply to deleted names.	High		Should be considered as part of the review of the WHOIS Policy, after the WHOIS task force recommendations have been implemented..		N/A

Table 2 Detailed implementation analysis		
#	Current recommendation with suggested enhancements	Comments and issues

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#	Current recommendation with suggested enhancements	Comments and issues
3.1.1	<p>Current recommendation:</p> <p>Domain names must be deleted if a paid renewal has not been received by the registrar from the registrant or someone acting on the registrant's behalf by the end of the Auto-renew Grace Period (generally forty-five days after the domain's initial expiration). As a mechanism for enforcing this requirement, registries may elect to delete names for which an explicit renew command has not been received prior to the expiration of the grace period.</p> <p>Suggested replacement text:</p> <p>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, <i>in the absence of extenuating circumstances</i>, result in cancellation of the registration by the end of the auto-renew grace period (although registrars may choose to cancel the name earlier). As a mechanism for enforcing this requirement, registries may elect to delete names for which an explicit renew command has not been received prior to the expiration of the grace period.</p> <p>Extenuating circumstances are defined as:</p> <ul style="list-style-type: none"> - UDRP action - valid court order - failure of a registrars renewal process (which does not include failure of a registrant to respond) - the domain name is used by a nameserver that provides DNS service to third parties (additional time may be required to migrate the records managed by the nameserver) - the registrant is subject to bankruptcy proceedings - payment dispute (where a registrant claims to have paid for a renewal, or a discrepancy in the amount paid) - billing dispute (where a registrant disputes the amount on a bill) - domain name subject to litigation in a court of competent jurisdiction - other circumstance as approved specifically by ICANN <p>Where a registrar chooses, under extenuating circumstances, to renew a domain name without the explicit consent of the registrant, the registrar must maintain a record of the extenuating circumstances associated with renewing that specific domain name for inspection by ICANN consistent with clauses 3.4.2 and 3.4.3 of the registrar accreditation agreement.</p>	<p>In its current form, the recommendation requires the registrar to delete names absolutely, not allowing exceptions for various extenuating circumstances under which deleting registrations by that deadline could harm innocent registrants or result in a loss of DNS nameservice for other domains.</p> <p>To take into account various registrar business models, it is also not appropriate to require that a registrar receive payment for a renewal service</p> <p>Note Clause 3.7.5 of the current registrars accreditation agreement states "Registrar shall register Registered Names to Registered Name Holders only for fixed periods. At the conclusion of the registration period, failure by or on behalf of the Registered Name Holder to pay a renewal fee within the time specified in a second notice or reminder shall, in the absence of extenuating circumstances, result in cancellation of the registration. In the event that ICANN adopts a specification or policy concerning procedures for handling expiration of registrations, Registrar shall abide by that specification or policy."</p> <p>The problem with adding extenuating circumstances is establishing a basis for enforcement. Appropriate extenuating circumstances should be explicitly listed, and a mechanism provided to allow enforcement. One such mechanism would be to require registrars to maintain records of extenuating circumstances available for inspection by ICANN. It is assumed that if ICANN was receiving many complaints taking into account the size of the registrar – that they would investigate. It would be appropriate over time for ICANN to publish a threshold of valid complaints that they could use to carry out a detailed audit of registrar records.</p> <p>Examples of payment disputes: (i) incorrectly crediting payments received from registrants, (ii) failing to credit any account, (iii) registrant mailing checks to incorrect address, (iv) registrar receive paperwork in different languages, (v) receiving unauthorized payment -- not from a US bank or not in US dollars, e.g., and (vi) receiving payments which are later denied by the financial institution.</p> <p>Some registrars delete a name before the end of the auto-renew grace period (but after the expiry of the domain name licence). Some registrars may choose to cancel a name immediately following the auto-renew process (ie immediately after the original expiration date). The new policy should acknowledge this flexibility.</p>

Table 2 Detailed implementation analysis

#	Current recommendation with suggested enhancements	Comments and issues
3.1.2	<p>Existing Recommendation:</p> <p>Domain name must be deleted within 45 days of the expiration of the registration agreement between the registrar and the registrant, unless the agreement is renewed.</p> <p>Suggested Replacement text:</p> <p><i>In the absence of extenuating circumstances, a domain name must be deleted within 45 days of either the registrar or the registrant terminating a registration agreement.</i></p>	<p>Providing a uniform time frame for when a domain name that has expired will be deleted is useful, but it also needs to accommodate extenuating circumstances such as described above.</p> <p>The intent of this recommendation is ensure a domain name is deleted within 45 days when either a registrar terminates the domain name licence agreement (perhaps for non-payment), or a registrant terminates the domain name licence agreement (perhaps as a result of legal action or because the registrant wants to make the name available for others to register). The suggested replacement text makes this clearer.</p>

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#	Current recommendation with suggested enhancements	Comments and issues
3.1.3	<p>Existing Recommendation:</p> <p>These requirements retroactively apply to all existing domain name registrations beginning 180 days after the adoption of the policy.</p> <p>Suggested Replacement text:</p> <p>These requirements retroactively apply to all existing domain name registrations beginning 180 days after the <i>implementation</i> of the policy.</p>	<p>This seems OK. It provides 6 months to fully implement the recommendation.</p> <p>There is a minor wording change as there may be a gap between when the Board accepts a new policy, and the ICANN staff and registrars have taken the necessary steps to implement the policy. It would be expected that ICANN would formally advise registrars of the changes to the agreements, and a date from which the policy takes effect.</p>

Table 2 Detailed implementation analysis

#	Current recommendation with suggested enhancements	Comments and issues
3.1.4	<p>Existing Recommendation:</p> <p>Registrars must provide a summary of their deletion policy, as well as an indication of any auto-renewal policy that they may have, at the time of registration. This policy should include the expected time at which a non-renewed domain name would be deleted relative to the domain's expiration date, or a date range not to exceed ten days in length.</p> <p>Suggested replacement text:</p> <p>Registrars shall provide notice <u>to each new registrant describing at the time of registration and at any time during the registration period, the</u> details of their <u>Registrars'</u> deletion and auto-renewal policy. This policy should include <u>including</u> the expected time at which a non-renewed domain name would be deleted relative to the domain's expiration date, or a date range not to exceed ten days in length.</p> <p>A registrar must, at a minimum, make the same effort to inform a registrant. If a registrar makes <u>of</u> any material changes to the its deletion policy during the period of the registration agreement <u>agreement, it must make at least the same effort to inform the registrant of the changes</u> as it would to inform a the registrant of other material changes to the registration agreement (as defined in clause 3.7.7 of the registrars accreditation agreement)."</p>	<p>There is a concern this recommendation only refers to the time of registration, even though the policies and prices may not come into effect until after the registration expires. It is not clear whether registrars would be able to modify their procedures or prices at any time after initial registration of a domain name.</p> <p>Thus the recommendation should allow for the registrar to make the information available at any time, and also require the registrar to advise the registrant of any material changes to the policy that occur during the registration period.</p>

Table 2 Detailed implementation analysis

#	Current recommendation with suggested enhancements	Comments and issues
3.1.5	<p>Current recommendation:</p> <p>Registrars must provide their deletion and auto-renewal policies in a conspicuous place on their websites.</p> <p>Suggested replacement text:</p> <p>If a registrar operates a website for domain name registration or renewal, a registrar must provide their deletion and auto-renewal policies on the website.</p>	<p>This recommendation requires that a registrar has a website. It would be appropriate to make this relate to a registrar “if” they operate a website.</p> <p>The term “conspicuous place” is removed as it is difficult to define as there is a large variation in the website designs of different registrars and resellers.</p>

Table 2 Detailed implementation analysis

#	Current recommendation with suggested enhancements	Comments and issues
3.1.6	<p>Current recommendation:</p> <p>Registrars should provide, both at the time of registration and in a conspicuous place on their website, the fee charged for the recovery of a domain name during the Redemption Grace Period.</p> <p>Suggested replacement text:</p> <p><i>If a Registrar operates a website for domain name registration or renewal, they<u>it</u> should provide<u>state</u>, both at the time of registration and on their<u>its</u> website, any fee charged for the recovery of a domain name during the Redemption Grace Period.</i></p>	<p>As above. Also this recommendation assumes that the registrar is charging a fee for recovering a domain name during the redemption grace period. More flexible wording would be appropriate.</p>

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#	Current recommendation with suggested enhancements	Comments and issues
3.2.1	<p>In the event that a domain the subject of a UDRP dispute is likely to expire during the course of the dispute, the dispute resolution provider will notify both the complainant and respondent of the impending expiration either at the time the dispute is filed, or no later than 30 days prior to the expiration of the domain. In order to facilitate this process, registrars will provide the expiration date of the domain at the time it confirms the registration of the domain to the UDRP provider.</p> <p>Suggested replacement text</p> <p>In the event that a domain which is the subject of a UDRP dispute is deleted, a complainant in the UDRP dispute will have the option to renew or restore the name under the same commercial terms as the registrant. If the complainant renews or restores the name, the name will be placed in Registrar HOLD and Registrar LOCK status, tThe WHOIS contact information for the registrant will be removed, and the WHOIS entry will indicate that the name is subject to dispute. If the complaint is terminated, or the UDRP dispute finds against the complainant, the name will be deleted within 45 days. The registrant retains the right under the existing redemption grace period provisions to recover the name at any time during the Redemption Grace Period, and retains the right to renew the name before it is deleted.</p>	<p>The recommendations seem to be overly complex and proscriptive. For example, some registrars simply renew a name as an extenuating circumstance while a dispute is under way. Once the dispute is resolved, the registrar may charge the resulting domain name holder for a renewal. If payment is not provided the registrar may choose to delete the name. The price of renewal of a name is generally far smaller than the cost of the dispute process.</p> <p>The recommendations could be expensive for a registrar to implement in terms of providing a specialized business process for an event that may not occur very often. It is often cheaper for a registrar to simply absorb the registry cost of renewal, than the costs of implementing a complex billing process incorporating refunds.</p> <p>To allow for the case when a registrar deletes the name due to non-renewal by the registrant, a mechanism could be provided in the Redemption Grace Period process (which is generally already manual) to recover the name and place it on HOLD. Note the current Redemption Grace Period policy currently states: "Registrars may only RESTORE Registered Names in order to correct unintentional deletions caused by registrant, registrar, or registry mistake (or as required by operation of the UDRP or other applicable dispute resolution policy in order to implement a court, arbitral tribunal or Administrative Panel decision)..."</p> <p>Note that information regarding the expiry and status of a domain name is available in the registrar and registry WHOIS.</p> <p>Note if a registrant chooses to exercise their rights under the Redemption Grace Period provisions to recover their name after a complainant has exercised their right to recover the name, or the domain name is renewed by the registrant after a complainant has renewed the name. the domain name will be restored to the status prior to the deletion (ie the WHOIS information will be restored, and the name will be placed back in the zonefile).</p>

Table 2 Detailed implementation analysis

#	Current recommendation with suggested enhancements	Comments and issues
3.2.2	<p>In such an event, the complainant will have the option to pay for a one year renewal at the sponsoring registrar's current prevailing rate for renewals.</p> <p>Recommend delete.</p>	See comments for 3.2.1.
3.2.3	<p>In the event that the complainant paid the renewal fee prior to the domain name's expiration, the original registrant will have up to thirty days after the end of the relevant registry's auto-renew grace period in which to pay for the renewal of the domain name. If neither complainant nor the original registrant pay for the renewal of domain name, it will be subject to deletion no later than the end of the auto-renew grace period.</p> <p>Recommend delete.</p>	See comments for 3.2.1.
3.2.4	<p>In the event that both the registrant and the complainant pay for the renewal, the name will be renewed on behalf of the original registrant in accordance with the registrar's usually policy, and any renewal fee paid by the complainant will be refunded.</p> <p>Recommend delete.</p>	See comments for 3.2.1. Note there are costs for a registrar to provide a refund for a renewal that often exceed the renewal fee.

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#	Current recommendation with suggested enhancements	Comments and issues
3.2.5	<p>In the event that only the complainant pays for the renewal of the domain name, prior to the expiration of the auto-renew grace period the registrar will:</p> <ul style="list-style-type: none">- place the name on REGISTRAR HOLD and REGISTRAR LOCK, with the result that the name will no longer resolve in the DNS- modify the WHOIS entry for the domain name to indicate that the name is the subject of a UDRP dispute, and to remove all specific registration information the for the WHOIS record- if the complaint is terminated prior to a panel decision being rendered, but after the domain name reaches this state, the domain name will be deleted. <p>Recommend delete.</p>	See comments for 3.2.1.

Table 2 Detailed implementation analysis

#	Current recommendation with suggested enhancements	Comments and issues
3.2.6	<p>Where only the complainant paid the renewal fee for a domain name the subject of a UDRP action and the complainant's UDRP case fails., if the relevant registry's normal renewal grace period has expired, the domain name will be deleted.</p> <p>Recommend delete.</p>	See comments for 3.2.1.
3.2.7	<p>In all other cases, the registrar shall comply with the outcome of the UDRP dispute in accordance with its regular policies.</p> <p>Probably no longer required.</p>	OK, but probably unnecessary if delete recommendations 3.2.1 to 3.2.6

Table 2 Detailed implementation analysis

#	Current recommendation with suggested enhancements	Comments and issues
3.3.1	<p>The Redemption Grace Period will apply to names deleted due to a complaint on WHOIS accuracy. However, prior to allowing the redemption in such a case, the registrar must update the registration with verified WHOIS data and provide a statement indicating that the data has been verified in conjunction with the request for the name’s redemption. The same rules that apply to verification of WHOIS data for regular domain names following a complaint will apply to deleted names.</p> <p>Recommend hold this recommendation until after the recent WHOIS changes have been implemented and their effect reviewed.</p>	<p>This recommendation relates to the impact of the redemption grace period on domain names that are deleted following a complaint regarding WHOIS accuracy. The WHOIS task force has recently had a recommendation approved by the ICANN Board relating to the interaction between the redemption grace period and the deletion of the name for inaccurate WHOIS information.</p> <p>The WHOIS task force recommended: “When registrations are deleted on the basis of submission of false contact data or non-response to registrar inquiries, the redemption grace period – once implemented – should be applied. However, the redeemed domain name should be placed in registrar hold status until the registrant has provided updated WHOIS information to the registrar-of-record.”</p> <p>It is recommended that the community first gain experience with the new WHOIS accuracy recommendations, and consider further enhancement of these recommendations at the time of reviewing the impact of the changes on WHOIS accuracy.</p>