

AGP Limits Policy - Implementing GNSO Recommendations

Staff Implementation Report

1 June 2010

Introduction

This report is the third ICANN Staff (the “Staff”) update to the GNSO Council on the implementation of its recommendations for the [Add Grace Period \(AGP\) Limits Policy](#). ICANN is committed to analyzing and reporting on the effects of the Policy to the GNSO at six-month intervals for two years after its implementation. The [first implementation report](#) was issued on 10 June 2009, and the [second report](#) on 14 December 2009. The purpose of these reports is “to allow the GNSO to determine when, if ever, these recommendations and any ensuing policy require additional clarification or attention based on the results of the reports prepared by ICANN Staff.”¹

Background

The AGP Limits Policy, an ICANN Consensus Policy, is the result of a GNSO Policy Development Process regarding Domain Tasting. The GNSO motion and its recommendations were adopted by the ICANN Board on [26 June 2008](#), and ICANN announced this new Policy and its implementation on [17 December 2008](#).

In its first report to the GNSO, Staff reported that all TLD operators that are required to comply with the Policy had done so. In its second report, Staff reported that all TLD operators that have processed exemption requests since the initial report are in compliance with the requirement to maintain and provide exemption request documentation.

Monitoring Progress

This report presents data Staff committed to providing to the GNSO Council that could be used by them to assess the effectiveness of the Policy and to inform any future discussions or work it might conduct in response to outcomes of the implementation.

¹ This information is from the 25 April 2008 [GNSO Council Report to the Board](#).

TLD Net New Registrations and AGP Deletes

The information in Exhibit 1 to this report presents the number of net new registrations, AGP deletes, and percentage of names deleted on an aggregate basis for all Registrars, for the period 1 September 2009 through 28 February 2010, from each Operator. Prior to implementation of the Policy, AGP deletes across all TLDs were on the order of millions of names per month. Since the Policy went into effect in April 2009, the number of AGP deletes across all TLDs has held steady at around 60k names per month – approximately 0.3% of what it once was.²

History of Exemption Requests

Since the Policy went into effect in April 2009, there have been 23 exemption requests (14 in this period) reported for nearly 33,000 domains across the 15 gTLDs that offer an AGP in their TLD. The information in Exhibit 2 to this report presents the data points listed below for the requests that have been received and processed for the period 1 September 2009 through 28 February 2010. The relevant data points reported include:

- TLD
- Registrar name and IANA ID #
- Reason for request
- Number of names affected
- Disposition by the Operator (approved/denied) and their rationale

ICANN's Experience Implementing the Policy

The implementation of the Policy has been effective at curtailing domain tasting. As reported in ICANN's 12 August 2009 [announcement](#), domain tasting has been reduced by 99.7% since the introduction of the Policy.

An element of the implementation review is to assess how the Policy has affected TLD operators and ICANN-accredited registrars. As presented in the second report, there had been some registrar complaints for exemption requests that were denied when fraud was the basis for the request. Also contained in the second report was an inquiry from a TLD operator who sought clarification about the appropriate interpretation of “extraordinary circumstances” and “reoccur regularly” referenced in the Policy.

At the time of this report, ICANN is not aware of any new registrar complaints regarding the implementation of the Policy and has not received any additional requests from TLD operators about interpreting it.

² Information from more recent reporting periods is not available due to the confidentiality restrictions applied to registry reports supplied to ICANN (i.e., Registrar specific information could not be provided to the GNSO until 90 days after the latest applicable reporting period).

Staff Summary and Analysis of the Policy Implementation

The success of the Policy is evidenced by the near elimination of domain tasting based on the dramatic reduction in excessive AGP deletes. As described above and from the second report, there have been isolated registrar complaints about the implementation of the Policy.

At the GNSO Council calls on 21 April 2010 and 20 May, 2010, Staff provided an AGP implementation update and posed the following questions to the Council given the results and community reaction to date:

- Should the Council consider modifying the AGP Limits Policy to no longer require semi-annual updates?
- Should the Council consider modifying the AGP Limits Policy by defining the terms “extraordinary circumstances” or “reoccur regularly”? For example:
 - o Should instances of consumer fraud automatically be a legitimate use of AGP deletes?
 - o If a registrar proactively takes down (i.e., deletes) domains that are known to propagate a fraudulent activity such as phishing, should the registrar bear the cost if the deletions cause the registrar to exceed the threshold defined in the Policy?

In summary, the Policy continues to achieve its desired outcome and has significantly reduced abuse of the AGP. Should the GNSO and the community wish to conduct additional work, ICANN staff is ready and available to support them.

Future ICANN Reporting Expectations

The next report is scheduled to be provided to the GNSO in advance of the ICANN meeting in Latin America in December 2010 and will cover the period 1 March 2010 through 31 August 2010.

Exhibit 1

Net New Registrations, AGP Deletes and % Names Deleted per TLD
(September 2009 – February 2010)

TLD	March - Prior to Policy			September			October		
	Net New Reg.	AGP Deletes	% Deleted	Net New Reg.	AGP Deletes	% Deleted	Net New Reg.	AGP Deletes	% Deleted
.AERO	n/a (1)	n/a (1)	n/a (1)	124	1	0.8%	116	0	0.0%
.ASIA	2916	148	5.1%	2882	51	1.8%	2960	59	2.0%
.BIZ	47322	1382	2.9%	44213	1058	2.4%	46069	953	2.1%
.CAT	841	177	21.0%	709	2	0.3%	982	6	0.6%
.COM	2368840	2721859	114.9%	2043854	60584	3.0%	2164497	43131	2.0%
.COOP	75	0	0.0%	76	0	0.0%	107	0	0.0%
.INFO	209303	25734	12.3%	273819	7336	2.7%	299068	6324	2.1%
.JOBS	145	205	141.4%	74	0	0.0%	145	0	0.0%
.MOBI	31919	916	2.9%	28502	569	2.0%	110640	557	0.5%
.MUSEUM	n/a (2)	n/a (2)	n/a (2)	n/a (2)	n/a (2)	n/a (2)	n/a (2)	n/a (2)	n/a (2)
.NAME	3601	298	8.3%	2445	118	4.8%	2682	135	5.0%
.NET	342541	110899	32.4%	308138	7086	2.3%	331186	7025	2.1%
.ORG	197516	35573	18.0%	178651	2986	1.7%	199808	2729	1.4%
.PRO	1912	7	0.4%	1678	7	0.4%	2297	0	0.0%
.TEL	129509	952	0.7%	7790	43	0.6%	7578	65	0.9%
.TRAVEL	293	9	3.1%	429	4	0.9%	219	2	0.9%
Totals	3336733	2898159	87%	2893384	79845	2.76%	3168354	60986	1.9%

- (1) .AERO did not provide monthly reports until May 2009
(2) .MUSEUM does not offer an AGP

TLD	November			December		
	Net New Reg.	AGP Deletes	% Deleted	Net New Reg.	AGP Deletes	% Deleted
.AERO	103	0	0.0%	69	0	0.0%
.ASIA	2678	44	1.6%	2537	45	1.8%
.BIZ	40860	970	2.4%	41467	991	2.4%
.CAT	1080	3	0.3%	827	3	0.4%
.COM	2287230	56619	2.5%	1918437	33925	1.8%
.COOP	101	0	0.0%	75	0	0.0%
.INFO	252567	3953	1.6%	269243	4062	1.5%
.JOBS	172	0	0.0%	105	136	129.5%
.MOBI	24447	677	2.8%	26928	1157	4.3%
.MUSEUM	n/a (2)	n/a (2)	n/a (2)	n/a (2)	n/a (2)	n/a (2)
.NAME	5727	235	4.1%	2584	206	8.0%
.NET	322198	5301	1.6%	296714	4904	1.7%
.ORG	180860	2678	1.5%	171677	2702	1.6%
.PRO	1587	0	0.0%	1869	0	0.0%
.TEL	3770	48	1.3%	8107	108	1.3%
.TRAVEL	285	1	0.4%	294	5	1.7%
Totals	3123665	70529	2.3%	2740933	48244	1.8%

Notes

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- (2) .MUSEUM does not offer an AGP

TLD	January			February		
	Net New Reg.	AGP Deletes	% Deleted	Net New Reg.	AGP Deletes	% Deleted
.AERO	93	0	0.0%	91	0	0.0%
.ASIA	2447	60	2.5%	2033	35	1.7%
.BIZ	44608	1062	2.4%	46231	1038	2.2%
.CAT	872	1	0.1%	942	0	0.0%
.COM	2256890	41943	1.9%	2146326	43190	2.0%
.COOP	52	0	0.0%	94	0	0.0%
.INFO	313138	9483	3.0%	290279	4207	1.4%
.JOBS	132	0	0.0%	25214	27	0.1%
.MOBI	27742	981	3.5%	24162	527	2.2%
.MUSEUM	n/a (2)	n/a (2)	n/a (2)	n/a (2)	n/a (2)	n/a (2)
.NAME	2767	149	5.4%	2671	90	3.4%
.NET	337567	5334	1.6%	319825	4381	1.4%
.ORG	201939	3057	1.5%	197735	2728	1.4%
.PRO	1808	0	0.0%	1708	1	0.1%
.TEL	8107	108	1.3%	7979	27	0.3%
.TRAVEL	330	1	0.3%	258	4	1.6%
Totals	3198492	62179	1.9%	3065548	56255	1.8%

Notes

- (1) .AERO did not provide monthly reports until May 2009
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Exhibit 2

History of Exemption Requests
(September 2009 – February 2010)

TLD	Month	Registrar	Basis of Request	Number of Names Requested	Operator Response /Rationale
.COM	Sept.	007Names, Inc. (IANA #91)	Fraud	7	Declined: Operator does not recognize fraud as an extraordinary event.
.COM	Sept.	Mesh Digital Limited (IANA #1390)	Fraud	826	Declined: Operator does not recognize fraud as an extraordinary event.
.COM	Oct.	Webair Internet Development, Inc. (IANA #1326)	Registrant misuse of the billing system after finding a loophole	126, less 50 permitted, approved for 76	Approved: Extraordinary event was related to a systems flaw that was exploited by a customer.
.NET	Oct.	Webair Internet Development, Inc. (IANA #1326)	Registrant misuse of the billing system after finding a loophole	27	Registrar did not exceed AGP allowance – no action required by operator.
.COM	Oct.	Directi Internet Solutions Pvt. Ltd. D/B/A PublicDomainRegistry.com (IANA #303)	Reseller exploited a software bug in the API	12609, 3806 over threshold, approved for 3806	Approved: Extraordinary event was related to a reseller exploiting a software bug in the registrar's system.
.COM	Oct.	PSI-USA, Inc. Dba Domain Robot (IANA # 151)	Fraud	1725	Declined: Operator does not recognize fraud as an extraordinary event.
.COM	Oct.	Dotster Inc. (IANA# 72)	Phishing	5637, 4658 over threshold, approved for 4658	Approved: Registrar substantiated claim with documented information.

.COM	Oct.	DSTR Acquisition PA I LLC dba DomainBank.com (IANA# 31)	Phishing	800, 739 over threshold, approved for 739	Approved: Registrar substantiated claim with documented information.
.COM	Nov.	Alantron BLTD. (IANA #898)	Phishing	200, 103 over threshold, approved for 2	Partially Approved: Registrar provided documentation for 2 of the requested names.
.COM	Nov.	Domain The Net Technologies Ltd. (IANA #10007)	Fraudulent registrations caused by phishing	109, 60 over threshold, approved for 49	Partially Approved: Registrar provided documentation for 49 of the requested names.
.COM	Jan.	IP Mirror Pte Ltd. dba IP MIRROR (IANA #890)	Rights violations and phishing	96, 96 over threshold, approved for 20	Partially Approved: Registrar provided documentation for 20 of the requested names.
.NET	Jan.	IP Mirror Pte Ltd. dba IP MIRROR (IANA #890)	Rights violations and phishing	68, 68 over threshold, approved for 21	Partially Approved: Registrar provided documentation for 21 of the requested names.
.COM	Feb.	NAMEBAY (IANA #88)	Fraudulent Registrations	91	Declined: Operator does not recognize fraud as an extraordinary event.
.NET	Feb.	NAMEBAY (IANA #88)	Fraudulent Registrations	1137	Declined: Operator does not recognize fraud as an extraordinary event.