

Report of Public Comments

Title:	Fake Renewal Notices Report		
Publication Date:	15 May 2012		
Prepared By:	Marika Konings		
Comment Period:		Important Information Links	
Open Date:	21 March 2012		
Close Date:	11 May 2012		
Time (UTC):	23:59 UTC		
Staff Contact:	Marika Konings	Email:	Policy-staff@icann.org
Section I: General Overview and Next Steps			
<p>Fake renewal notices are misleading correspondence sent to registrants from an individual or organization claiming to be or to represent the current registrar. These are sent for a variety of deceptive purposes. The desired action as a result of the deceptive notification is:</p> <ul style="list-style-type: none">• Pay an unnecessary fee (fraud)• Get a registrant to switch registrars unnecessarily ("slamming", or illegitimate market-based switching)• Reveal credentials or provide authorization codes to facilitate theft of the domain <p>The Registration Abuse Policies Working Group discussed this type of abuse in its Final Report [PDF, 1.73 MB] and recommended that 'the GNSO initiate a Policy Development Process by requesting an Issues Report to further investigate this abuse'. In order to help inform its deliberations on this recommendation, the GNSO Council requested that a small group of volunteers prepare a request for information concerning Fake Renewal Notices for the Registrar Stakeholder Group. The Fake Renewal Notices Drafting Team (DT) which was formed subsequently has submitted its report [PDF, 559 KB] to the GNSO Council in which it presents the results of the survey it conducted as well as offering the following options for possible next steps:</p> <ul style="list-style-type: none">• Add a section to the RAA that addresses Business Practices• Add the issue to the current or one of the upcoming Inter-Registrar Transfer Policy (IRTP) PDPs• Add this issue to the upcoming PDP on the RAA• Refer the issue to the At-Large Advisory Committee (ALAC) to encourage better education and awareness of this type of abuse amongst the end-user community• Raise this issue with the Federal Trade Commission (FTC) in the United States to see if the registrar is in compliance with relevant law• Initiate a Policy Development Process on Fake Renewal Notices• Do not proceed with any action at this time <p>As the report was developed by a small group of volunteers, the Fake Renewal Notices DT recommended that the GNSO Council put this report out for public comment in order to obtain community input on the findings and potential next steps. Following the presentation of the report, the GNSO Council decided to follow the DT's recommendation and put the report [PDF, 559 KB] out for community input. Now that the public comment forum has closed, the GNSO Council will consider next steps.</p>			

Section II: Contributors

At the time this report was prepared, a total of six (6) community submissions had been posted to the Forum. The contributors, both individuals and organizations/groups, are listed below in chronological order by posting date with initials noted. To the extent that quotations are used in the foregoing narrative (Section III), such citations will reference the contributor's initials.

Organizations and Groups:

Name	Submitted by	Initials
At-Large Advisory Committee	At-Large Staff	ALAC

Individuals:

Name	Affiliation (if provided)	Initials
Russ		RS
Domain Administrator		DA
Joshua Todd Cowper		JC
Eva Gaertner		EG
Gareth R. Shearman	Victoria Free-Net Association	GS

Section III: Summary of Comments

General Disclaimer: This section is intended to broadly and comprehensively summarize the comments submitted to this Forum, but not to address every specific position stated by each contributor. Staff recommends that readers interested in specific aspects of any of the summarized comments, or the full context of others, refer directly to the specific contributions at the link referenced above (View Comments Submitted).

RS notes that the report does not describe the difference between 'a fake renewal notice, an advertising offer, and phishing attempts' which in his view should be treated differently. EG notes that an area that was not covered in the report relates to notices 'from registrars stating that an entity is attempting to register domain names that are the same as your trademarks'. RS furthermore points out that certain entities, as a result of complaints made to the Federal Trade Committee (FTC), have actually changed from fake renewal notices to sending advertising offers.

DA points to a number of cases where the FTC and the Advertising Standards Authority (ASA) took enforcement action addressing fake renewal notices and notes that 'ICANN should leave the review of marketing/ advertising material to the authorities in each jurisdiction'.

Both RS and JC point out the link with Whois as the contact information to send these notices is obtained from publicly available Whois data. RS suggests that this issue is considered in conjunction with other Whois efforts that are ongoing.

ALAC and GS are of the view that immediate action should be taken to address the issue of fake renewal notices. ALAC notes that 'ICANN and the GNSO should take this token issue and use it to demonstrate that it can indeed enact change swiftly when it is warranted'. In relation to the potential next steps identified in the report, ALAC questions the feasibility of some of these and suggests an alternative approach. The ALAC suggests that a policy development process (PDP) is launched to accomplish what the drafting team outlined in its preferred approach, adding a section to the RAA that addresses business practices, as 'such a PDP would

require a very minimal amount of work' and could be achieved in the minimum time needed to complete a PDP, while if it would be part of a new RAA it could take up to five years to take effect.

Section IV: Analysis of Comments

General Disclaimer: This section is intended to provide an analysis and evaluation of the comments received along with explanations regarding the basis for any recommendations provided within the analysis.

The GNSO Council will be responsible for analyzing the comments received and deciding on next steps.