

ICANN Start, Episode 7: PEDNR

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Scott: Ever wonder where domain names go when they die? And if yours expires, what are the odds that you can get it back? I'm Scott Pinzon. Join me for these and related topics on this episode of *ICANN Start*.

[Music Intro]

Announcer: Welcome to *ICANN Start*. This is the show about one issue, five questions:

- What is it?
- Why does it matter?
- Who does it affect?
- Who's going to fix it?
- What can I do about it?

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Scott: Our guest today is Marika Konings, Policy Director, and she's here to tell us about strange initials that we pronounce "peddnur." So for starters, Marika, what is PEDNR?

Marika: PEDNR actually stands for Post-Expiration Domain Name Recovery. It's a Policy Development Process working group that's currently under way, that's looking at issues that relate to what just happens before, during, and after expiration of a domain name.

Scott: All right. So, to set this up a little bit, when you, as a registrant, take out a domain name, you don't get to keep it forever, do you?

Marika: That's correct. There's a certain amount of time for which you register your domain name. So at the end of that period it will expire, unless you renew it in time, which of course is the desired approach. And, I think, one of the recommendations of this group as well, is that it's important that registrants take care and are aware of when their domain name registration is about to expire, so they can take timely action in order to ensure that it doesn't expire and might end up in the big pool of domain names and then it's picked up by someone else.

Scott: That begins to foreshadow my next question: Why does this issue matter?

Marika: Well this is actually an issue brought to the Generic Names Supporting Organization by the At-Large Advisory Committee. They felt that there were certain issues that weren't clear in relation to what happens after expiration, that registrants didn't understand; that they might not have sufficient opportunity to actually recover a domain name following expiration... Because we all know, it might sometimes happen that you forget. You forget to renew your subscription, or you forget to pay a bill. And it's about that kind of practice that the At-Large Advisory Committee felt that more clarity needed to be developed, and I think one of their objectives was to instill more transparency and predictability in the post-expiration process, for the benefit of registrants.

So this group is actually looking at a number of questions that relate to, do registrants get sufficient notice of expiration? Is information clear and transparent enough in registration agreements once it comes to renewal or expiration-related policy? Should there be extra measures to indicate to a registrant that their domain name registration has expired, so that they're actually aware, and not just think that their name is still valid for a couple of months, and, you know, don't think of renewing it? Those are the kinds of questions that this group is looking at.

Scott: So when we consider "who does this issue affect?" we're basically talking, anyone who registers a domain name, or wants to.

Marika: Correct. When you sign up for a domain name, and you register your domain name, you don't automatically think about, oh, what will happen once it expires. Because when you purchase the registration, I believe the intention is you want to keep that name, and use it, and make the most of it.

But it's important to know at the start as well, what happens if your domain name should expire – especially if it might be an undesired expiration where you just forgot to renew it. So you're aware of what might happen and what the ways are; what the potential costs might be of getting your registration back.

Scott: So if you'll pardon my saying so, it's hard to see how this is a very controversial issue. I mean, what kinds of questions have arisen that the group needs to answer?

Marika: One of the big questions is, the group carried out a registrar survey, to get further information on renewal and expiration practices that currently exist among the different registrars. And I think one of the outcomes of that survey was that there are *many* different practices. There's not really one kind of approach, or – you know, in most instances, registrants have an opportunity to recover their domain name following expiration, but the time frame might differ; or the costs might differ; or you might be able to

recover your domain name once it has gone to an auction following expiration, and in other cases it might not.

So the big question there is, like, does it matter? Some argue that it should be very transparent and predictable. Others argue that it should be left up to the market, and there should be variation, which is important. Part of the debate in the Working Group has revolved around this question, like, Should certain elements be mandated? So, should they be part of the policy? Or, should they be recommended as best practices? So, it's highly recommendable that certain elements are implemented, but it's not mandatory, so it leaves flexibility to registrars to adopt their own practices, to their business models. So that's the discussion that the working group is having around these issues.

What you'll see as well in the Initial Report that was recently published-- In order to try to understand a bit where the different Working Group members stood on the different issues at hand, the Working Group did a survey. And you'll see very clearly there on a number of those questions, the group is quite split on whether something should be mandatory; i.e., be a policy; or, should it be a best practice, a recommendation for registrars to implement. So that's why the Working Group is now actually turning to the ICANN community to get further input on that, and hopefully, based on that feedback, come to some kind of a consensus on how they would like these issues to be dealt with, and the kind of recommendations they would like to make to the GNSO Council in the second phase.

Scott: So just to make sure everyone is following along: If they decide that it's policy that they'll recommend, registrars are obligated to obey it. But if they decide it's a best practice, then a registrar could choose not to follow that practice. Is that correct?

Marika: That's correct. Y'know, as I said, there are many different elements when you look at the whole process from just before expiration and at the time of expiration and after expiration. So a possible outcome might be as well that the Working Group might recommend that some elements need to be mandated, where others might have more flexibility. Or that certain *parts* of a process might be mandated, but flexibility is left to the implementation. So, there are different routes that this group could explore.

And maybe just to highlight as well, that in this area, there is an existing consensus policy in place, which is called the Expired Domain Deletion Policy, or the EDDP, which proscribes some elements in relation to deletion and expiration of domain names. So that's one of the parts this Working Group is looking at, as well, to see if that specific policy needs to be adapted or modified or more details need to be provided.

To give you an example, this policy talks about a second notice being sent prior to expiration, but it doesn't provide any details on *when* those notices should be sent. So in theory, the notices could be sent one and two seconds before expiration. So the group is debating, Should there be a time frame? Should it say, "At least one month," or "at least two months prior to expiration," or should more details be provided [as to] *how* these notices are sent? So those are kind of the questions the group is looking at.

Scott: Now I'm seeing what you mean by, the practices are not necessarily standardized. I've owned domain names over the years, and awhile back it seemed like I got notified 15 times that that thing was gonna expire. And my latest one, they just sent me a note that says, "By the way, we're going to renew you; we just thought you'd like to know."

Marika: Yeah, and that's correct. Some participants in the Working Group have pointed out that many, if not most, registrars send many notices. It's in their interest that a domain name registration gets renewed and that their customer is happy. And some have even said, like, some customers complain that "We get too many notices!" and they want less notices. Others complain that they don't get enough notices.

For those that are receiving the notices, the situation is fine; they are aware. But part of the problem that the Working Group has discovered as well, that in many instances, notices might not be delivered because of inaccurate WHOIS information. So registrants are required to provide their email address when they register a domain name, but they might have filled in an incorrect address, or they might have filled in an address that they have changed in the meantime. So for a number of reasons, registrants might not get these reminders. And then you run into a situation where the domain name expires, without the registrant being aware; and only realizing when their web site suddenly doesn't resolve anymore, or when their domain name registration has been sold to a potential third party. So those are the instances where that might be an issue.

Add to that as well, we don't have any reliable data on how often that happens. We have anecdotal information, or stories that talk about these kinds of instances. And of course, I think everyone has seen some of the high-profile cases that have been published. But one of the things the group has struggled with as well, like, y'know, what is the harm caused? And where is the evidence of the scenario that warrants policy changes, or mandating certain practices?

Scott: I see. And of course, so far we've talked mostly from the perspective of "I own a domain name and it expired." But you touched on the subject of, there might be someone else who wants that domain name; they've been

waiting for it; it expired; and now there's controversy between who has it, and who wants it.

Marika: Right. To be fair, one of the requirements of the EDDP is that registrars prescribe what their renewal and expiration-related policies are. At the time of registration, a registrant should be able to view all the information that spells out what a registrar is allowed to do following an expiration -- so if they can sell it to a third party, or auction it off, all that information is publicly available. But often I guess that comes as a surprise when it actually happens. And you're not even aware that your domain name registration has expired.

Many registrars do provide an opportunity for recovery, but again, that's not an obligation. Y'know, one of the questions that the group is asking itself as well: should there be a guaranteed ability for a registrant to recover their domain name -- at least, for a certain amount of time following an expiration?

Scott: I thought that something like that was already in effect... the Added Grace Period, or AGP? Does that not give a domain registrant a certain amount of time to recover an expired name?

Marika: You're thinking, I think, about the RGP, which is the Redemption Grace Period.

Scott: Yes. Thank you.

Marika: And that grace period kicks in after the auto-renew grace period finishes, which is a 45-day period during which the registrar can delete the domain name following expiration. After which it would move into the Redemption Grace Period, the RGP, during which a registrant can recover their domain name for a certain fee.

There are two caveats with that. In the current practice, a domain name might never enter RGP if it's sold, or auctioned, or renewed by a third party before its actually being deleted. So in that scenario, it doesn't reach the Redemption Grace Period. So there's no possibility for the registrant to recover it in that specific time period. A second issue is that the RGP -- although *most* registries offer it, it is not a consensus policy. There is no obligation to offer an RGP yet.

You bring up a very good point, because it's another issue the Working Group is looking at. Should the Redemption Grace Period be a consensus policy; i.e., should it be mandatory to be offered by all registries, and hence all registrars?

Scott: So it sounds like the heart of the matter is the conflict between a registrant wanting to hang onto a name that they may have put some value into, and the registrar's need to re-monetize that name if they can.

Marika: ...I guess that's part of the issue. I mean in fairness, I think if you look over the large pool of all domain names that expired, there are presumably many that registrants don't want anymore. And in most registration agreements, there are clauses that allow the registrar to either monetize or sell or auction the registration after expiration. So it's something as well that a registrant has to be aware. And you know, most registrars have pointed out in the discussions that of course you might have some high-profile names or names in high demand, but their main interest is in keeping the client relationship with the registrant that is interested in keeping the domain name and renewing it on a timely basis.

But yes, there is this seeming conflict of interest there, that is one of the questions that has popped up from time to time in the Working Group discussions.

Scott: Okay. So at this point in the podcast we usually ask, "Who's supposed to fix this problem?" But we know that answer: the GNSO Council has appointed the Post-Expiration Domain Name Recovery Working Group to look at this. So maybe the way I'll angle this question is: They just put out an Initial Report; it's 65 pages or so. What is in this report? And what will happen because of it, and where does the issue go from there?

Marika: The group just put out its initial report, which is a required step in the policy development process. And then in the report, the group outlines part of its deliberations. There is information in there on the registrar survey they conducted, which provides an overview of the renewal and expiration practices of the Top 10 gTLD registrars. It contains information from the ICANN Compliance Team on complaints received in this area, as well as information on a number of audits the Compliance Team conducted in relation to the Expired Domain Deletion Policy.

I think the most important element of the report is the Working Group's survey. In order to try to assess the positions of the Working Group and where people sit, and the potential options that could be further explored in relation to the different charter questions, the Working Group conducted a survey among its membership.

As you can see there, on some of these questions there is a very clear indication to which approach or which potential recommendation or solution the Working Group is leaning. But there are also questions where you can see a wide range of opinions or this clear split about which I spoke

before, between should a certain practice be mandated; so, should it be policy – or should it be, you know, a recommendation; a best practice.

I think what the group is looking for now is to get specific input from the ICANN community on these questions. Public comment period on this Initial Report will be open in the beginning of July [2010] to try to get further information and further indication of where community support would sit, so that the Working Group can take that into account in the second phase of their discussions, where they will take all that information back and make that part of the deliberations in which they hopefully can come to consensus on these different issues, and come forward with concrete recommendations for the GNSO Council to consider.

Scott: So, if someone is listening to this, and they're very interested in what happens to expired domain names... this issue is very much in flux and people really can weigh in on it, can't they?

Marika: Yes! Absolutely. And I think that's what the Working Group is hoping for, because as I said... on certain questions, there's a real split in the Working Group and I think they're really hoping to hear from the community to either get further information, or evidence on which approach the Working Group should further pursue.

And to that end, I would like to encourage everyone to monitor the ICANN Public Comment Forum (which you can access from the ICANN home page, at icann.org) to see when the public comment opens, and hopefully provide the input. As I said, we're expecting this forum to open in the beginning of July, so... please keep an eye out for that, and provide your input.

Scott: From the home page at ICANN, there's a big button on the left that says Public Comment. And if you hit that, you'll see *everything* that's open for public comment. And as this episode gets posted, the Initial Report should be open for comment. And, if you want an easy way to find the Initial Report, we'll put a link to it right next to this episode. So wherever you downloaded this from – which should be the E-Learning Page, also available from the home page at ICANN.org – you can get right to the report, read it, and weigh in.

Thank you for that overview, Marika; that was more fascinating than I expected.

Marika: [laughing] Good! Thank you.

Scott: All right. Thank you for coming to us via Skype, from Brussels; thank you, Marika Konings.

Marika: Thank you, Scott

[Music under]

Scott: As we wrap up this episode, you might notice our cool new exit music. It was composed by Mike O'Connor, a member of the GNSO Business Constituency who is currently co-chairing the Vertical Integration Working Group. Mikey, if you're listening, thanks for graciously loaning your music to *ICANN Start*. If anyone else listening has music to contribute, we'd love to hear from you; our email address is start@icann.org. This is Scott Pinzon, and I'll look for you right here, next month. Thanks for listening.

[Music]

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