



Locking of a Domain Name Subject to UDRP Proceedings WG Approach

Outreach

- Request Public Input on the Issue
 - Specifically ask RrSG / RySG for input - consider specific questions
 - Ask for current practices & ask for input on charter questions
 - Ask registrars if they are providing privacy services and what is their practice when UDRP complaint is filed for a registration with privacy service.
 - Look at Best Practices paper to determine whether elements relating to locking are relevant for WG discussion and possibly request public input
 - Requesting input from third parties such as UDRP Providers, incl. internal tracking stats. What mechanism?
 - Call for public comments
- Request for Stakeholder Group / Constituency Statements
- Seek opinion of other ICANN ACs/SOs

Charter Questions

- Whether the creation of an outline of a proposed procedure, which a complainant must follow in order for a registrar to place a domain name on registrar lock would be desirable.
 - Outline might be beneficial for complainants.
- Whether the creation of an outline of the steps of the process that a registrar can reasonably expect to take place during a UDRP dispute would be desirable.
 - Include as a question to the RrSG
- Whether the time frame by which a registrar must lock a domain after a UDRP has been filed should be standardized.
 - Possible sub-topic: should that be refined to include reference to 'has been filed' and 'a request being received'.
 - Timeframe suggested in BP paper was 48 hours, from receipt of provider verification request. But other options could be considered too.
- Whether what constitutes a "locked" domain name should be defined.
 - How does lock definition relate to privacy / proxy registrations (also linked to item 4b). Some registrars cancel proxy / privacy service upon receipt of complaint and verify the actual registrant. Registrars should be given certain timeframe to cancel privacy / proxy, e.g. 48 hours.
 - Justification for lifting privacy? RAA 3.7.7.3 governs legal disputes arising with a domain that is held in trust or on behalf of another party. Obligation to disclose in case of legal dispute. Identification of serial bad actors. Provided that a bonafide privacy service is involved. (study by ICANN Compliance Department. practices of Whois privacy services might provide further information)
 - Whether DNS would be affected by the lock.
- Whether, once a domain name is "locked" pursuant to a UDRP proceeding, the registrant information for that domain name may be changed or modified.
 - If answer is no, should there be exceptions to updating certain information such as billing info?
 - Consider whether the definition should expressly allow for an exception for a privacy related changes.
 - In the event there would be a process for registrant info change, what if any notification obligations should apply to the changing registrar in the case of UDRP proceedings (e.g. when a change has occurred, change to the filing might need to be made)
 - Limiting the timeframe in which any disclosure of information could occur?
- Whether additional safeguards should be created for the protection of registrants in cases where the domain name is locked subject to UDRP Proceedings.
 - If a registrar has to lock the domain upon filing and before the provider review the complaint for administrative compliance, then a 'hold harmless' from complainant to the benefit of registrar shall be given.

Initial Report

- Compilation of Stakeholder Group and Constituency Statements
- Compilation of any statements received from any ICANN Supporting Organization or Advisory Committee
- Recommendations for policies, guidelines, best practices or other proposals to address the issue
- Statement of level of consensus for the recommendations presented in the Initial Report
- Information regarding the members of the PDP Team, such as the attendance records, Statements of Interest, etc.
- A statement on the WG discussion concerning impact of the proposed recommendations, which could consider areas such as economic, competition, operations, privacy and other rights, scalability and feasibility