

I C A N N 4 7



Locking of a Domain Name subject to UDRP Proceedings

Final Report



NO.47 - 14-18 JULY 2013



Final Report



- Submitted on 5 July 2013
- Two substantive changes in response to public comments received
- 17 full consensus Recommendations intended to clarify and standardize the process for locking of a domain name subject to UDRP Proceedings

Recommendations

- #1 Definition of 'lock' – preventing any changes of registrar and registrant, without impairing resolution or preventing renewal
- #2 & #9 - Removing obligation for complainant to notify the respondent at the time of filing, but add automatic extension of 4 days to response time upon request by respondent
- #4 – Registrar not allowed to contact registrant until “lock” has been applied
- #5 - Requiring registrar to apply lock within 2 business days following request for verification

Recommendations

- #6 – Best practice recommendation for registrars and UDRP Providers to provide means to identify opening hours / days (i.e. business days)
- #7 – Requirement for registrar to confirm “lock” & verify information in response to verification request from UDRP Provider
- #8 – If compliant, UDRP Provider shall notify parties of commencement no later than 3 business days (change from calendar days)
- #10 – If complaint remains non-compliant, registrar shall within one business day of receipt of withdrawal notice remove the “lock”

Recommendations

- #11 – UDRP Provider notifies registrant that any updates to contact information also need to be communicated by the registrant to the UDRP Provider
- #12 – Notification also includes information that any changes as the result of lifting of privacy / proxy services after the “lock” has been applied, need to be reviewed by the UDRP Panel directly. (to be further reviewed as part of the privacy / proxy accreditation program)
- #13 – Registrar must communicate within 3 business days to all parties the date for implementation of the decision – implement immediately after 10 business days if complainant has prevailed, after 15 business days if respondent prevails

Recommendations

- #14 – In case of suspension (to agree on settlement), UDRP Provider informs the Registrar of suspension, including expected duration. If settlement is reached, “lock” needs to be removed within 2 business days.
- #15 – Defined process for settlement, which includes the UDRP Provider confirming to the registrar the settlement reached.
- #16 – Development of educational and information materials to assist in implementation of recommendations
- #17 Creation of an Implementation Review Team to assist ICANN staff in the development of the implementation plan

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Questions?



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Annex - Background



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Why is it important?



- PDP limited to the subject of locking of a domain name subject to UDRP Proceedings
- Currently no requirement to lock names in period between filing and commencement of proceedings
- No definition of ‘status quo’ which has resulted in different interpretations

Recent Developments



- Initial Report published for community input prior to Beijing
- 5 submissions received – mostly in support, but some important issues raised (loss of informal response time, how to address suspension / settlement)
- WG addressed comments received and finalized report in time for submission to GNSO Council in Durban

Further Information



- Final Report -
<http://gnso.icann.org/en/issues/locking/domain-name-final-05jul13-en.pdf>
- Initial Report –
<http://gnso.icann.org/en/issues/locking/domain-name-initial-15mar13-en.pdf>
- Public comment forum –
<http://www.icann.org/en/news/public-comment/locking-domain-name-15mar13-en.htm>
- WG workspace –
<https://community.icann.org/x/xq3bAQ>