Saving Registrants under Failed Registrar

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Contracts

• Between Registry and Registrant
  – Domain name registration rule (open to public)
    • Such as … domain names are subject to JP-DRP
    • Registrant info is sent to JPRS and displayed on whois
  – Each Registrar is tasked to explain the registration rule thoroughly to Registrants
  – Registrant agrees to it before registration
  – Registrar interfaces Registry on behalf of Registrants upon and during registration

• Between Registry and Registrar
  – Registry-Registrar agreement (Business contract)
  – Roles and responsibilities

• Between Registrar and Registrant
  – Service agreement (varies from Registrar to Registrar)
Characteristics of .JP

• Registry has information of Registrants (thick Registry)
  – Easier to protect the Registrants in case of Registrar failure (than thin Registries)
  – Point is whether Registrants' information in the Registry is correct

• Agreement is in place between the Registry and Registrant
  – Registry can communicate with the Registrant without intervening Registrar in certain cases
  – Agreement (= registration rule) says Registry or a Registrar designated by Registry will handle the domain names under a Registrar whose Registry-Registrar agreement has terminated

• Registry conducts daily data escrow
  – Registrants information resides in 3 places
    • Registrar (information as its own customer)
    • Registry
    • Data escrow repository
JP Registrars

• Requirements to become a JP Registrar
  – Incorporated in Japan
  – Qualification review
    • Good financial status
      (250,000JPY(2300USD) contract fee + 500,000JPY (4,500USD) deposit)
    • Minimum technical capability
    • Minimum customer service capability

• Registrar-license
  – Renewed annually (unless either party notifies its intention to terminate)
  – Maintained regardless of the volume of domain names handled
  – Not transferred by acquisition (without Registry's consent)
  – One-time fee for obtaining Registrar-license (= no renewal fee)

• Their main businesses
  – ISP
  – Web hosting provider
  – Domain name registration …. very few
  – IT subsidiary company of a big corporate group

• ~610 Registrars (for ~1,500,000 domain names)
Basic concept of "protection of Registrants"

• Domain names and Registrants should be protected
  – like consumer protection

• Registrars are always responsible to take care of Registrants and their domain names

• Registry steps in to the Registrar-Registrant relationship in order to protect Registrants and their domain names when in need
When Registrar ceases Registrar business…

Case1: Individual Domain Name Transfer
Procedure

Step1: Transfer domain names managed by the registrar to Registry

Step2: Request Registrant to transfer their domain names to other Registrars
- request is made not only once but multiple times

Step3: Delete the domain names that weren’t transferred.

<table>
<thead>
<tr>
<th>Day</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>Day0</td>
<td>Cancel Registrar-license</td>
</tr>
<tr>
<td>after day1</td>
<td>Notify and request Registrant (by e-mail and letter)</td>
</tr>
<tr>
<td>after 6 month</td>
<td>Send reminder mail to the Registrant</td>
</tr>
<tr>
<td>after 9 month</td>
<td>Send reminder mail to the Registrant</td>
</tr>
<tr>
<td>after 10 month</td>
<td>Send reminder to Registrant (by e-mail and letter)</td>
</tr>
<tr>
<td>after 11 month</td>
<td>Remove DNS name server from delegated zone</td>
</tr>
<tr>
<td>after 12 month</td>
<td>Delete the domain names that weren’t transferred</td>
</tr>
</tbody>
</table>
When Registrar ceases Registrar business…

Case 2:
Bulk Transfer to Other Registrar
Example of Registrar Failure

- History of cancellation of the Registrar-license of Registrar X

~Fall 2005  payment was often delayed by few days
Aug 2005  payment was delayed by 3 months
Dec 2005  JPRS visited X to request payment
Jan 2006  X declared a plan for the payment
Feb 2006  X declared a differed plan for the payment
Mar 2006  X declared a differed plan for the payment
Mar 2006  JPRS sent a letter declaring Registrar-license restriction
May 2006  JPRS restricted Registrar-license of X
May 2006  JPRS visited X for auditing
Jun 2006  X agreed with JPRS about the payment and possible Registrar-license cancellation in case of payment failure
Jul 2006  above agreement was filed as notarial document
Aug 2006  declaration of Registrar-license cancellation (due to the final failure of payment) was handed to X
Example of Registrar failure - continued -

• How domain name were transferred to another Registrar
  – 5,700 domain names under X were temporarily managed by JPRS after Registrar-license of X was cancelled
  – JPRS looked for a Registrar to take over the domain names under the X
  – A Registrar Y who would take over the domain names was found (if not successfully found, JPDirect would have become the Registrar)
  – Agreement between JPRS and Y was made
  – Agreement between the X and Y was made
  – X sent mails to its Registrants to inform "Y will succeed the Registrar-license for the domain names under X"
  – Y sent mails to the Registrants under X to inform
    • Y will be a new Registrar for the domain names by default
    • Registrants are given one week to choose another Registrar than Y
  – Almost all the domain names were transferred to Y