auDA PUBLISHED POLICY

Policy Title: CLARIFICATION OF AUTO-RENEWAL SERVICES UNDER THE CODE OF PRACTICE
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1. BACKGROUND

1.1   This document clarifies auDA's position regarding auto-renewal services, as covered under paragraphs 4.2 and 4.5 of the .au Domain Name Suppliers' Code of Practice (2004-04).

1.2   The Code of Practice applies to auDA accredited registrars and their appointed resellers. Paragraphs 4.2 and 4.5 of the Code of Practice read as follows:

4.2 Subject to paragraph 4.4, Domain Name Suppliers must only:

a) register a Domain Name at the request of a Customer; and

b) renew a Domain Name:

(i)   at the request of, or with the approval of, a Registrant; and
(ii)   after obtaining confirmation from the Registrant that they continue to satisfy the Domain Name Eligibility and Allocation Policy Rules for Open Second Level Domains in respect of the Domain Name.
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4.5 Domain Name Suppliers must only renew an expired Domain Name at the request of a Registrant. The Registry will automatically delete Domain Names that have not been renewed, 14 days after the expiry date.

2. TERMINOLOGY

2.1   This policy uses the following term:

a) "auto-renewal service" means a service that enables a registrant to have their domain name automatically renewed by the registrar of record prior to the expiry date; and

b) "explicit agreement" means an agreement submitted to the registrar by the registrant by letter, facsimile, email or online form.

3. auDA'S POSITION ON AUTO-RENEWAL SERVICES

3.1   auDA has issued this document to clarify that registrars are permitted to offer an auto-renewal service under the Code of Practice, provided that they meet the conditions outlined in section 4 below. The conditions are intended to satisfy the registrar's obligations under the Code of Practice, that they may only renew a domain name:

a) at the request, or with the approval, of the registrant; and

b) after obtaining confirmation from the registrant that they continue to meet the policy rules.

3.2   auDA's position is that these conditions must be satisfied at the time that a registrant renews their domain name, and that a registrar is not entitled to rely solely on authorisations or warranties obtained from the registrant at the time they registered their domain name.

4. IMPLEMENTATION BY REGISTRAR OF AUTO-RENEWAL SERVICE

4.1   The registrar must gain the explicit agreement of the registrant before implementing an auto-renewal service for the registrant's domain name(s). The registrar must not include auto-renewal in its terms and conditions without allowing the registrant to opt-out of the service, either at the time of domain name registration or at the time the auto-renewal service is introduced.

4.2   Where a registrant has opted-in to an auto-renewal service, the registrar must send an email notification to the registrant at least 30 days prior to the date that the domain name is due to be auto-renewed, which includes the following:

     a)   the date that the registrant's domain name is due to be auto-renewed, and information about how to opt-out of the service prior to that date;

     b)   an extract of the current WHOIS information for the domain name, or a link to the WHOIS information for the domain name, with a request that the registrant check the WHOIS information for accuracy;

     c)   information about how the registrant can update the WHOIS information for the domain name if required; and

     d)   a statement that by allowing the domain name to be automatically renewed, the registrant warrants that the WHOIS information is correct and they continue to satisfy the Domain Name Eligibility and Allocation Policy Rules for Open Second Level Domains.

4.3   The registrar is not required to obtain a positive response from the registrant before proceeding to auto-renew the domain name. However, where the registrant has expressed their desire to opt-out of the service prior to the auto-renewal date, the registrar must make reasonable commercial endeavours to ensure that they do not auto-renew the domain name.

4.4   When advertising an auto-renewal service offering, and at any point where a registrant is able to opt-in to the service, the registrar must comply with the advertising principles and guidelines outlined in sections 7 and 8 of the Code of Practice.

4.5   Where a registrar becomes aware that a registrant is no longer eligible to hold their domain name for any reason, they must ensure that the registrant's domain name is not auto-renewed even if the registrant has opted-in to the service.