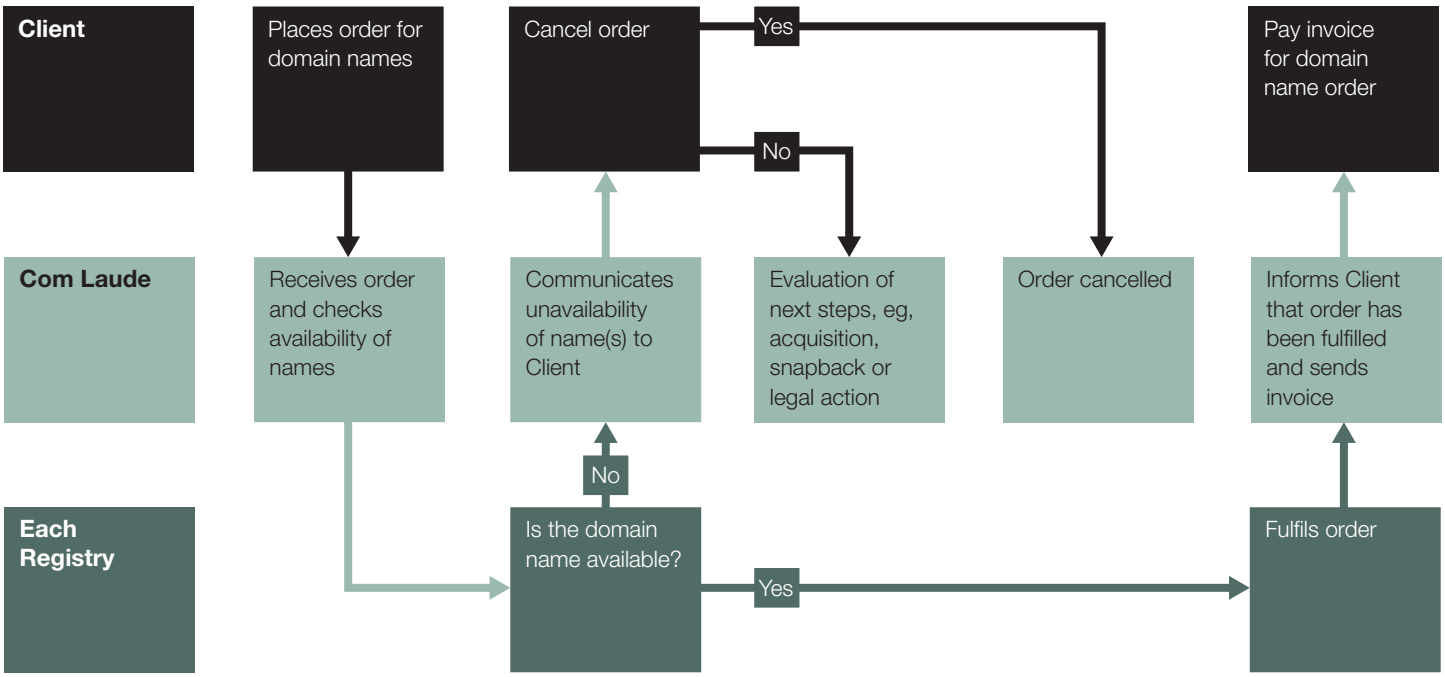
Com Laude

Domain Management

Best Practice

Domain name registration
process flow



Developing a Stategy

We believe that the first step in an intelligent domain strategy is to look at your trademark registration strategy. What has been registered and where? Is there a pattern of registration in the trademark system that can be duplicated in the domain name system? For example, is there a list of "Crown Jewel" trademarks and priority jurisdictions?

Domain name registration strategy should mirror trademark registration strategy as closely as possible. This means considering registration in country code (ccTLD) registries:

- In key geographic locations where a company currently has offices, distributors, licensees or customers
- In potential geographic locations of interest for commercial expansion
- In jurisdictions where infringers are active because the local domain registry does not offer dispute resolution, the price of registration is low, loose formalities allow anyone to register anything and there is a culture of cybersquatting. Currently one could characterise China and Russia as two jurisdictions where preventative registration makes sense
- In any ccTLD where registration is free such as .tk (Tokelau) which is operated by Dutch entrepreneurs under license from this Pacific island's government

The subsequent pattern of registration needs to be enhanced by ensuring that you have covered the unrestricted generic Top Level Domains which are available to anyone, anywhere in the world:

- All important legacy gTLD registries (.com, .net and for some, .org)
- Relevant new gTLD registries. For example if you are in the real estate business you should look at cities and geographies where you trade plus .apartments, .haus, .house, .property, .properties, .realtor, .realty, .reit, .rent, .rentals etc.
- IDNs: whether in the gTLDs or the ccTLDs, it is important to consider registration in scripts other than Ascii such as Arabic, Chinese, Cyrillic, etc. if this is how you communicate with customers or staff. Care needs to be taken that the requested domain is in accordance with company trademark policy. Don't request a transliteration if you want a translation. Do use your local legal experts to check your applications and your registrations (don't trust retail registrars who have been known to use Google Translate to suggest a string, sometimes with disastrous consequences)

There can be some benefits in registering mis-spellings if such domains are redirected and drive traffic but generally these should be avoided, as should compound words. In considering which mis-spellings to register, ask those with responsibility for Search Engine Optimisation to provide a list of commonly "typed in" terms that customers enter into browsers.

If a mark features two or more words, then to maintain customer confidence you should consider registering a domain in key jurisdictions both with and without a hyphen.

A Secure Database

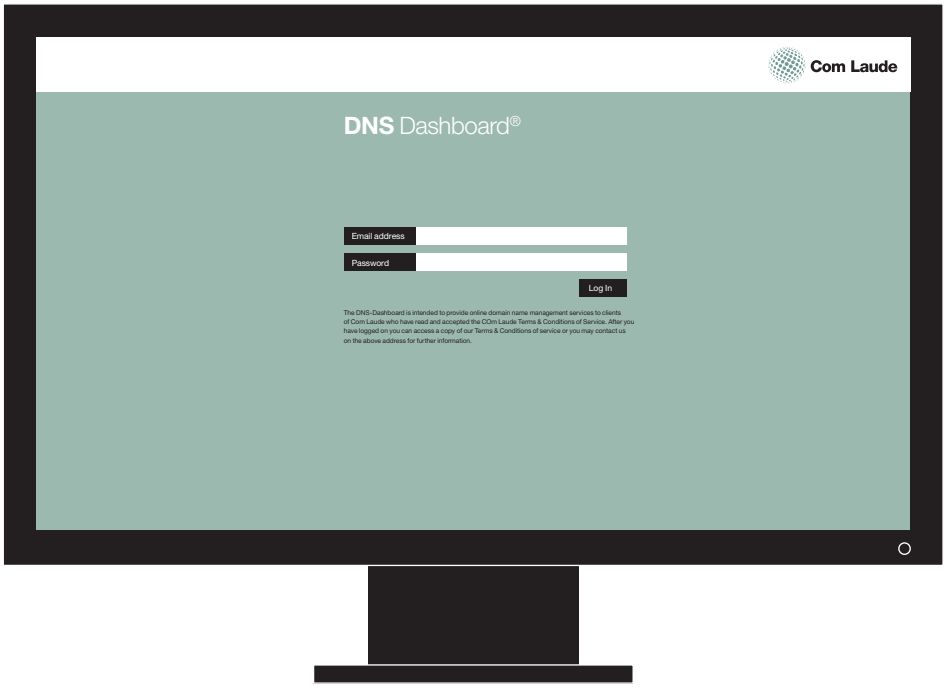
All domains should be held in a secure database under the control of the in-house expert, preferably alongside trademark information. This database should have fields covering as a minimum:

- The registered string
- The jurisdiction
- The date of registration
- The date of expiration
- The requestor: who ordered the domain name
- The registrar responsible for the domain (some corporations use more than one registrar)

Depending on the configuration of the system, it is also useful to hold in such a database:

- A historical copy of the whois for the domain
- A link to the live whois for the domain
- A link to any website carried by the domains

Our Portal -
DNS Dashboard



At Com Laude, we can connect our DNS-Dashboard® domain management console to most in-house trademark management systems by API. This saves you considerable resource especially if it is possible to run reports from the in-house trademark system.

It helps to justify a global portfolio of registrations if every domain name is pointed to a web page with live content. This ensures that each domain pays its way, acting as a signpost to information that reflects well on the owner. Brand owners who continue to use retail registrars such as Go Daddy to manage their domains may find that domains which they do not point are automatically re-directed to a page selling the services of the registrar.

Utilising a standard set of domain servers helps you to control your domains. Your own technical experts can assist you with delegations and ensure security protocols are maintained to the standards you want.

Attention needs to be paid to creating harmonised whois records. Whois records are published on the internet and help third parties to look up who it is that owns a domain name. Therefore uniform contact information that accurately reflects your ownership and identifies role contacts who can answer questions on a domain are desirable. Where possible the registered owner of a domain should be the same as the owner of the corresponding trademark. If this entity is John Doe (Europe) Holdings Limited do not settle for an abbreviation such as John Doe Ltd. This may be challenged by the registry if you try to transfer the domain.

Generally the Administrative and Technical contacts should be generic role contacts such as domain-admin@domain.com whilst the Billing Contact should be Com Laude, as the registrar who pays your renewal invoice at the registry on your behalf. There is a risk if you identify an individual in any one of these positions that a renewal reminder might be missed for example if your in-house person identified changes jobs.

In jurisdictions where the formalities of the registry require a company to use a local presence, all domains featuring the local presence in the record of registration should be standardised. It is good practice for the ultimate owner of such a domain to have a Beneficial Ownership agreement with the local representative defining the extent of the authority of the local agent.

Frequently registries with local presence requirements will also ask for information to support the application proving a connection to the jurisdiction. This could be a company formation, a local tax number or a trademark certificate. Prudent brand owners record which domain names are dependent on trademarks in case of disposals.

The process for requesting a new domain name registration must be clear in any corporation. Requestors from a business should have an understanding of who to ask for a new domain registration, who will pay for it - meaning does the money come from their budget or IP/Legal or another pot - and they should be able to prioritise the registration and give clear instructions on where the domain should point.

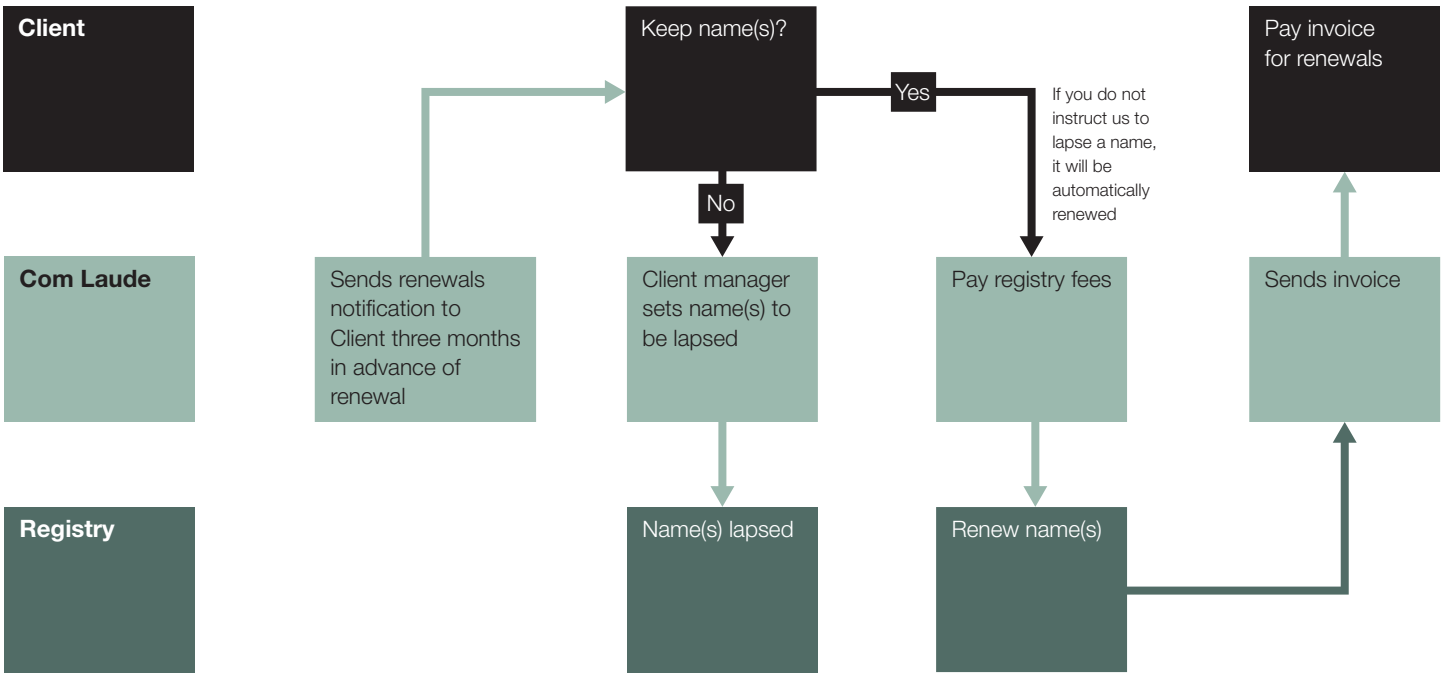
Larger corporations frequently capture their domain name policy in a written document.

Renewal and Lapsing strategies

Commerce-critical and Crown Jewel domains should be registered for up to 10 years. Other domains should be registered for single year periods, unless there is a price discount from the registrar for multiple years.

Generally, renewal reminders and invoices will be sent by a registry operator to the registrar, not to the registrant. In Com Laude we will remind a registrant of a forthcoming renewal to a schedule to suit the client, frequently somewhere between 90 and 30 days in advance of a renewal date, setting out the date of renewal, the official registry fees any related fees such as to maintain a local presence as well as the registrar's service charge. All critical domains should be placed on auto-renew, meaning that we have the authority to renew the on

Domain name renewal
process flow



domain name in advance unless we are told to lapse.

Allowing a domain name portfolio to roll over, year by year, without a review leads to an increase in low value or time limited domains. MayDay2018.com is not very useful in May 2019.

From time to time and no later than once every three years, we encourage the in-house domain champion to sit with us and review all domain names they own. The possibility of lapsing unused domains or domains that are no longer needed should be discussed.

During this process, the possibility of adding Registry Locks should be considered. Locking helps prevent unauthorised or accidental modifications and transfers because the registry will only implement an instruction after following a two or three factor authorisation process, usually featuring an "out of band" (meaning non-internet enabled) step such as phoning a specified representative at the registrar who must give a password. Registry Locks are not available from all registries but where available, should be considered for all critical domains, balancing the need for security against the need to respond quickly in the event of an emergency change being required.

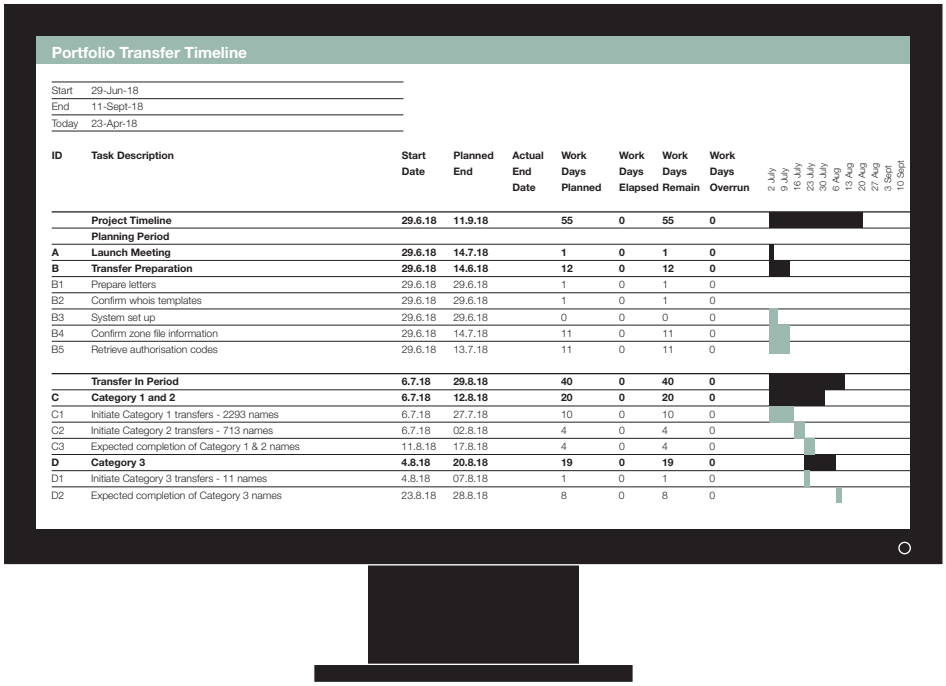
No domain name should be deleted or disposed of without the prior approval of the in-house domain champion. It is good practice to remove any resource settings from a domain name well in advance of lapsing, so that it ceases to point to any website/carry any content. This means that the domain investors who monitor domains that are "dropping" (being made available for re-registration by registries) will not be attracted by a volume of legacy traffic which they can exploit by grabbing the domain and directing it to a Pay Per Click page.

Maintenance & Management Strategies including transfers

Many IP experts with a responsibility for domain names find the volume of domains they are responsible for overwhelming. It is easier to pay for a portfolio that increases year on year than to "Right Size" it. It is simpler to pay for 25 domains of little value than to lapse one domain that the business remembers it has a use for six months down the line. It is preferable to lock out infringers through defensive registration than to tackle domain name abuse. It is easy to defer decision making to a trusted registrar - and as few of them are likely to encourage you to cut your portfolio - then to try and negotiate a reduction in their charges to compensate for a swelling portfolio. After all, trademarks are more important than domains, being enshrined in international law, so it is natural to focus upon their maintenance and enforcement. Domains are very much in second place except in a small number of companies, mostly born of the internet, who recognise that domain names are critical to success in this new information age where each and every customer, contact or stakeholder in the developed and developing world has an internet-enabled device about their person all of the time.

There is one relatively simple step that all IP experts can take to combat this natural reluctance to focus on domain names: prioritising domains into four (or more) levels by their importance and value. This categorisation process helps to keep the focus on critical domains and aids efficient decision making with the result that resources are maximised. Indeed we can set up standard procedures to lapse the most unimportant domains. This prioritization process including where the lines are drawn between categories should be undertaken carefully, with due regard to the value placed on marks in the trademarks portfolio. It might feature, for example:

Level One domains: these are domains that match Crown Jewel trademarks or support commerce-critical or core corporate websites. Generally up to 5% of a portfolio can be categorised as Level One or the prioritisation is incorrect. There would be a direct customer or business impact in the event of a failure or a successful malicious attack on a Level One domain. All Level One domains should carry locks at the Registry and Registrar level. They should be registered for multiple years, on auto-renew. The primary .com registration, the home-country ccTLD registration, the domains that support the company intranet and email will be in this category. Any change to a Level One name should require the sign-off of the in-house domain name champion, a senior trademark expert plus an IT or web specialist. As your registrar, we



Portfolio Transfer Timeline

Start	29-Jun-18
End	11-Sept-18
Today	23-Apr-18

ID	Task Description	Start Date	Planned End	Actual End Date	Work Days Planned	Work Days Elapsed	Work Days Remain	Work Days Overrun
	Project Timeline	**29.6.18**	**11.9.18**		**55**	**0**	**55**	**0**
	Planning Period							
A	**Launch Meeting**	**29.6.18**	**14.7.18**		**1**	**0**	**1**	**0**
B	**Transfer Preparation**	**29.6.18**	**14.6.18**		**12**	**0**	**12**	**0**
B1	Prepare letters	29.6.18	29.6.18		1	0	1	0
B2	Confirm whois templates	29.6.18	29.6.18		1	0	1	0
B3	System set up	29.6.18	29.6.18		0	0	0	0
B4	Confirm zone file information	29.6.18	14.7.18		11	0	11	0
B5	Retrieve authorisation codes	29.6.18	13.7.18		11	0	11	0
	Transfer In Period	**6.7.18**	**29.8.18**		**40**	**0**	**40**	**0**
C	**Category 1 and 2**	**6.7.18**	**12.8.18**		**20**	**0**	**20**	**0**
C1	Initiate Category 1 transfers - 2293 names	6.7.18	27.7.18		10	0	10	0
C2	Initiate Category 2 transfers - 713 names	6.7.18	02.8.18		4	0	4	0
C3	Expected completion of Category 1 & 2 names	11.8.18	17.8.18		4	0	4	0
D	**Category 3**	**4.8.18**	**20.8.18**		**19**	**0**	**19**	**0**
D1	Initiate Category 3 transfers - 11 names	4.8.18	07.8.18		1	0	1	0
D2	Expected completion of Category 3 names	23.8.18	28.8.18		8	0	8	0

2 July 9 July 16 July 23 July 30 July 6 Aug 13 Aug 20 Aug 27 Aug 3 Sept 10 Sept

must be informed of this process: we will then only make changes to Level One domains when we have received authorisation in writing and by phone call (or better still video call such as Skype) from you. When changes to Level One names are made, including opening and shutting Registry Locks, the process must be documented and at each stage of the process, at both the client and the registrar end, “Shoulder Surfing” should be required. This means that the actions of an individual are supervised and checked by a colleague standing next to them during the process. It ensures that locks are closed after changes are completed.

Level Two domains: these are domains that are important to communication but not critical, accounting for perhaps 10% of a portfolio. Level Two domains might support informational websites for country-specific businesses but nothing with e-commerce. Whilst no-one wants an interruption to any domain, if a Level Two domain is taken off-line, it would be bad news but the impact on the bottom line of the corporation or its global reputation should be low. Level Two names should also be considered for locks but locks should not be mandatory. Level Two domains should be placed on auto-renew. However, the process to change a Level Two domain can be simpler, requiring the sign-off of the domain champion and one other person.

Level Three domains: these are good-to-have registrations, mostly filed for defensive purposes or perhaps to support a short-term initiative a year ago that has now expired (so a Level Two domain becomes Level Three after its useful life has expired). Holding such domains is probably cheaper than trying to reclaim them from third parties, especially if they can be pointed to websites so they support navigation by consumers. Up to 80% of a portfolio might be classified as Level Three domains. They can be set on auto-renew but should not be renewed for more than one year at a time. They should be reviewed every three years with a view to culling them by 15% to account for an average annual growth of perhaps 5% in the size of the portfolio.

Level Four domains: these are low-value domains, perhaps part of a bundle reclaimed from infringers after a UDRP action, or registered initially for entities that have been dissolved or discontinued marketing initiatives. They might reflect the old name of a product or service or be mis-spellings that are rarely typed. They have no commercial value and should be set to lapse at the end of their life or at a key date in the year.

Crucially, the Level that a domain name is in should be entered into the in-house IP database of domain names and associated with the corresponding record for the trademark. Ideally, the reasons why any changes to Level One and Level Two domains are made should also be recorded here, with the details of the requestor. Such information is held by us in our on-line console but it is important that corporations have easy access to it in their own secure systems.

Our experience indicates that if a portfolio is divided between one or more registrars, especially retail registrars, the outcome is very far from good. This is because retail registrars generally require payment by credit card, provide inadequate reporting, operate customer service that features a ticketing system and very often do not offer registrations in Sunrise or Launch programs.

Transferring a Portfolio of Domains

If faced with the prospect of transferring in or away a portfolio of domains, there are a few rules to follow which can make the task much easier:

- The starting point is a Transfer Plan that features a report on every domain, the registered owner, the jurisdiction, whether it carries live settings, the level it is in (and therefore its value to the business) and of course the expiration date. Armed with this report, a staged process can be implemented which should feature weekly status updates and the possibility to “huddle” with your registrar and your in-house technical and business colleagues to resolve any issues.

The strengths of Com Laude

- Review all the domains to be moved and take the opportunity to cull any that are not necessary There is no point in moving registrations of limited value – but at an early stage check DNS queries and traffic and ask the responsible managers to identify any domains supporting live sites
- Get a report on renewals due in the next three months. Focus on gTLDs with a renewal date in the next month and ccTLDs in the next two months: if you want to keep these domains, get them renewed either by the losing registrar or by the gaining registrar if the losing registrar is co-operative in facilitating a quick transfer

Your formal transfer plan should be segmented to feature:
I. Automated registries: This includes almost all gTLDs (Legacy and New) and about 100 ccTLDS. These registries usually transfer domains from one registrar to another using "Auth-Codes", where the gaining registrar has an Auth-Code for each domain, provided by the losing registrar, enabling the transfer.
II. Semi-automated registries: These are registries where the transfer process requires Auth-Codes and some manual intervention, such as logging into an online account. The gaining registrar sometimes has to pull domains one at a time but it can be done in batches; sometimes the registry will assist.
III. Manual registries: These registries can be divided into two groups: those which require one of the registered contacts on the whois record as a representative of the domain owner to acknowledge the transfer of a domain by email; and those which require a hardcopy Letter of Authority on company letterhead which must match the name of the registered domain owner. Sometimes the letter must be notarised or in a local language. The support of a Local Agent may also be required to hold the domain for you under a beneficial ownership agreement.

The time spent preparing for a transfer project is proportional to its success: spend time with us, explain what your goals are and your deadlines. Allocate internal resources to work with us on preparation including:

- Log-ins, passwords, Auth-Codes: you must get all of these from the losing registrar - and be aware that sometimes the passwords and Auth-Codes expire after e.g. fourteen days
- A Letter of Authority from each registrant exactly as they appear on the whois record
- A copy of a company registration certificate and VAT number may be needed
- Briefing a contact in the losing registrar who will co-operate when email approval is required: if you make sure that you are up to date with all your invoices this will help
- The preparation of template paperwork required by manual registries
- Reviewing with your technical team and your registrar every domain name server that carries a domain that is to be transferred. If you operate your own DNS, it is important to alert your technical colleagues. The correct process is to configure the new name servers which will be hosting the domains with the zone files/technical settings from the old servers. Make sure that old name servers will be maintained until the transfer process is completed. Check that zone files on new servers are active before updating servers at the registry

© 2018 Com Laude

United Kingdom
28-30 Little Russell Street
London WC1A 2HN
United Kingdom
T: +44 (0) 20 7421 8250
E: info@comlaude.com

USA
1751 Pinnacle Drive, Suite 600
McLean, VA 22102
United States
T: +1 703 635 7514
E: usa@comlaude.com

1904 3rd Ave, Suite 332
Seattle, WA 98101
United States
T: +1 425 605 3531
E: usa@comlaude.com

Japan
Suite 319, 1-3-21 Shinkawa
Chuo-ku, Tokyo, 104-0033
Japan
T: +81 (0) 3 4578 9368
E: japan@comlaude.com

Spain
Edificio Epoca
Calle Barcas, 2, 2nd floor
46002 Valencia, Spain
T: +34 96 311 4251
E: spain@comlaude.com

www.comlaude.com

Com Laude