

1 March 2019

RE: Letter of 4 February 2019 from Tucows, Inc.

Reg Levy  
Director, Compliance  
Tucows, Inc.

Dear Ms. Levy:

Thank you for your correspondence of 4 February 2019 regarding Tucows' implementation of the Change of Registrant (COR) process defined in the Transfer policy.<sup>1</sup>

ICANN org provided Tucows with an explanation regarding the Transfer Policy's COR provisions during the processing of the compliance ticket referenced in your letter, including most recently during a 26 November 2018 call with Tucows and in written correspondence with Tucows on 12 December 2018 and 27 January 2019. That explanation is restated below and is the basis for ICANN org's request for Tucows to take steps to come into compliance with the Transfer Policy requirements.

A COR is defined only as a material change to the Prior Registrant name, organization or email address, or the Administrative Contact email address, if there is no Prior Registrant email address.<sup>2</sup> It does not include changes to the information of a customer of privacy or proxy services, where the customer is not the registrant (e.g., proxy service) or the customer information that is changed is not the registrant name, organization or email address (e.g., privacy service).<sup>3</sup>

Additionally, although registrars must impose a 60-day inter-registrar transfer lock following a COR where the registrant did not opt out of the lock prior to the COR request<sup>4</sup>, the Transfer Policy prohibits the denial of an inter-registrar transfer request following a change of customer information which is not a COR.<sup>5</sup>

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<sup>1</sup> The letter has been posted to the ICANN Correspondence page (<https://www.icann.org/resources/pages/correspondence>) with direct link at <https://www.icann.org/en/system/files/correspondence/levy-to-serad-04feb19-en.pdf>.

<sup>2</sup> See Section II.A.1.1 of the Transfer Policy at <https://www.icann.org/resources/pages/transfer-policy-2016-06-01-en>.

<sup>3</sup> See Sections 1.2 and 1.3 of the [Specification on Privacy and Proxy Registrations \(P/P Specification\)](#) of the 2013 Registrar Accreditation Agreement (RAA) at <https://www.icann.org/resources/pages/approved-with-specs-2013-09-17-en#privacy-proxy> for definitions of "privacy service" and "proxy service". ICANN confirms that compliance enforcement is deferred for changes to registrant name, organization or email address as a result of enabling or disabling privacy or proxy services. See <https://www.icann.org/resources/board-material/resolutions-2017-02-03-en#1.h>.

<sup>4</sup> See Section II.C.2 of the Transfer Policy.

<sup>5</sup> See Section I.A.3.9.4 of the Transfer Policy.

The Temporary Specification for gTLD Registration Data (Temporary Specification) does not change the COR definitions, impose additional triggers for a COR lock or change the Transfer Policy's list of prohibited reasons for denying inter-registrar transfers requests.

Although reducing domain name hijacking and unauthorized transfers is a purpose of the Transfer Policy, so is allowing registrants to be able to transfer registrations between registrars where the transfer is not prohibited by the policy.<sup>6</sup>

ICANN org's understanding is that Tucows is seeking a solution from ICANN org for complying with both the Transfer Policy and the Temporary Specification. The policy and specification do not conflict, and registrars are required to comply with both the COR requirements of the Transfer Policy and the Temporary Specification. Also, as previously explained by ICANN Contractual Compliance, ICANN org does not dictate how a registrar operates its business, provided that the provision of Registrar Services for all registered names sponsored by the registrar is performed in compliance with ICANN agreements and policies.

Based on the information previously provided and explained above, ICANN org reiterates its request that Tucows provide a plan in response to the referenced compliance ticket that will demonstrate compliance with the Transfer Policy requirements.

Sincerely,



Jamie Hedlund  
Senior Vice President, Contractual Compliance and Consumer Safeguards  
Managing Director, Washington, DC Office

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<sup>6</sup> See the opening paragraph of the Transfer Policy.