

Report of Public Comments

Title:	Proposed Implementation of GNSO PDP Recommendations on Inter-Registrar Transfer Policy (IRTP) Part C		
Publication Date:	10 June 2015		
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Section I: General Overview and Next Steps			
<p>The Inter-Registrar Transfer Policy (IRTP) aims to provide a straightforward procedure for domain name holders to transfer their names from one ICANN-accredited registrar to another, should they wish to do so. The policy also provides standardized requirements for registrar handling of such transfer requests from domain name holders. The policy is an existing community consensus policy that was implemented in late 2004 and is now being reviewed by the GNSO.</p> <p>The IRTP Part C Policy Development Process (PDP) is the third in a series of five PDPs that address areas for improvements in the existing transfer policy.</p> <p>The GNSO Council resolved at its meeting on 22 September 2012 to launch a PDP to address the following three issues:</p> <ol style="list-style-type: none">1. "Change of Control" function, including an investigation of how this function is currently achieved, if there are any applicable models in the country-code name space that can be used as a best practice for the gTLD space, and any associated security concerns. It should also include a review of locking procedures, as described in Reasons for Denial #8 and #9, with an aim to balance legitimate transfer activity and security.2. Whether provisions on time-limiting Form Of Authorization (FOA)s should be implemented to avoid fraudulent transfers out. For example, if a Gaining Registrar sends and receives an FOA back from a transfer contact, but the name is locked, the registrar may hold the FOA pending adjustment to the domain name status, during which time the registrant or other registration information may have changed.3. Whether the process could be streamlined by a requirement that registries use IANA IDs for registrars rather than proprietary IDs. <p>The IRTP Part C Working Group published its Initial Report on 4 June 2012 in conjunction with the opening of a public comment forum (see section 6 for further details) followed by its Final Report on 9 October 2012. The ICANN Board adopted the recommendations of the IRTP Part C Working Group on 20 December 2012. The Implementation Review Team in conjunction with ICANN staff worked together to develop a draft of the Transfer Policy. Community input was sought on the updated Transfer Policy.</p>			

The Implementation Review Team, with the support of ICANN staff, will review the comments and, where appropriate, will incorporate suggested modifications.

Section II: Contributors

At the time this report was prepared, a total of 11 community submissions had been posted to the Forum. The contributors, both individuals and organizations/groups, are listed below in chronological order by posting date with initials noted. To the extent that quotations are used in the foregoing narrative (Section III), such citations will reference the contributor's initials.

Organizations and Groups:

Name	Submitted by	Initials
NameJet	Jonathan Tenebaum	NJ
Registrar Stakeholder Group	Michele Neylon	RrSG
Registry Stakeholder Group	Paul Diaz	RySG
Web.com	Bob Wiegand	WEB
Donuts	Mason Cole	DON
eNom.com and Name.com	Jeff Eckhaus	ENM
Endurance International	Darcy Southwell	EI
Google	Supreet Chinnan	GGL
Intellectual Property Constituency	Greg Shatan	IPC
Business Constituency	Steve DelBianco	BC

Individuals:

Name	Affiliation (if provided)	Initials
James Gannon	Cyber Invasion Ltd	JG

Section III: Summary of Comments

General Disclaimer: This section is intended to broadly and comprehensively summarize the comments submitted to this Forum, but not to address every specific position stated by each contributor. Staff recommends that readers interested in specific aspects of any of the summarized comments, or the full context of others, refer directly to the specific contributions at the link referenced above (View Comments Submitted).

The majority of comments submitted deal with Recommendation 1, or the proposed Change of Registrant process, found in Part II of the Transfer Policy.

A few commenters disagreed with the definition of "Change of Registrant," which is found in Part II, Section 1.1(b). ENM believes the definition is too broad and would likely cause an undue burden on registrars and lead to customer service issues. EMN suggests leaving the definition of Change of Registrant up to the registrar. BC believes that a change of email address should not be considered a Change of Registrant, and BC disagrees that any change to a registrant's address should be considered a material change.

Many comments dealt with the proposed Change of Registrant process, particularly the Change of

Registrant Credential described in Part II, Section 1.1(c) and the transmission of the Change of Registrant credential in Section 3.2(a).

The RySG, DON, BC and GGL all submitted comments, stating that the Change of Registrant Credential as defined is too narrow, potentially unsecure and does not minimize the risk of domain name hijacking.

NJ, RrSG, RySG, ENM, BC, and GGL all submitted comments, contending that the transmission of the Change of Registrant Credential between the Prior Registrant, New Registrant and Registrar adds additional steps that the Working Group did not intend. These submissions also maintain that registrars should be given flexibility to obtain and record evidence of consent of the Change of Registrant.

There were also several comments about domain names that should be explicitly exempt from the Change of Registrant process. The RrSG, ENM, EI, JG, and GGL all provided examples of situations involving a Change of Registrant that should not require consent from the Prior Registrant, including change of registrants resulting from court orders, UDRP decisions or other relevant administrative proceedings, law enforcement actions, fraud, privacy/proxy lifting or abuse claims.

NJ, RrSG, WEB, EI and ENM submitted comments, contending that the Transfer Policy should be modified to explicitly state that the change of registrant is only available during the normal domain name registration cycle and should not apply post-expiry. GGL noted that important registrant protections, such as the redemption grace period, would be undercut if an entity could alter the registrant simply because the domain name has expired.

WEB and NJ noted that the Working Group clearly expressed that the registrant or a proxy/authorized representative could request a Change of Registrant; however, there is no mention of a proxy/authorized representative in the current draft of the Transfer Policy. WEB and NJ also noted that that pre-approval and/or approval by proxy by or on the part of the prior registrant was acceptable, provided such pre-approvals are secured using a generally accepted method of authentication.

DON, ENM and GGL are opposed to the 60-day lock described in Part II, Section 3.3, as written, for different reasons. DON believes that while registrars can allow registrants the option to opt-out of the lock, the registrant may or may not realize they have this option in time. Additionally, DON notes that the 60-day lock may result in the Prior Registrant incurring a renewal fee or automatic one-year renewal. ENM notes that the 60-day lock will result in customer confusion. GGL notes that the 60-day lock will impede the simultaneous change of registrar and registrant. GGL recommends that the Transfer Policy support a means of authorizing simultaneous change of registrant and registrar to avoid complications where all parties can agree to and authorize the combined transfer. IPC also noted that there is ambiguity regarding the simultaneous change of registrar and registrant. IPC notes that the implementation recommendations offer no suggestions for how a change of registrant and an inter-registrar transfer can “be made to appear” to take place simultaneously, and that this should be revisited to reduce registrant confusion and expedite legitimate transfers.

GGL also submitted comments on Recommendation 2, the time limiting of FOAs. GGL noted that it is unclear from the proposed language what a registrar should do if an FOA expires between the

transmission of the “transfer” command and the completion of the transfer process. To that end, GGL suggested adding language to the Part I, Section 2.2.4 of the Transfer Policy: if the FOA expires pursuant to one of the aforementioned circumstances described in 2.2.3(a) – 2.2.3(c), prior to submitting the “transfer” request to the registry, the gaining registrar must re-authorize the transfer request via a new FOA.

DON also submitted comments on section 6 of the IRTP, which included a comment that registries do not have proper access to information regarding the Transfer Emergency Action Contact (“TEAC”) and do not have information on how the registry is supposed to proceed if the registrar does not respond within four hours to a transfer emergency complaint. Lastly, DON noted that registries should be able to negotiate their own fees for bulk transfers under Part B of the IRTP.

Section IV: Analysis of Comments

General Disclaimer: This section is intended to provide an analysis and evaluation of the comments received along with explanations regarding the basis for any recommendations provided within the analysis.

The Implementation Review Team will be reviewing these comments and decide on a proposed course of action in the coming weeks.