

IRTP Part B – Public Comments Review Tool
Updated 5 May 2011

#	Comment	Who / Where	WG Response	Recommended Action
General Comments				
1.	Are the recommendations listed in order of priority? If not, would the WG be able to list the recommendations in order of priority which would help the GNSO Council prioritize any possible follow up activities.	SFO meeting	The WG agreed to prioritize those recommendations that require follow-up work by the GNSO Council or Community. The WG noted that it would not make sense to prioritize those recommendations that move directly into implementation.	Prioritize those recommendations that require follow-up work by the GNSO Council or Community
Charter Question A / Recommendation #1				
2.	General support for the concept and intent of requiring an Emergency Action Channel	RrSG, RySG, INTA, BC, GD	Noted	
3.	A longer response time (up to 72 hours) may be necessary to accommodate smaller registrars that are not staffed 24X7.	RySG	Noted, but following further discussion the WG is of the opinion that a maximum of 4 hours response time should not pose an unreasonable burden on registrars. The WG is of the view that anything beyond 24 hours might prove detrimental to the losing registrant.	
4.	To what extent should registries be involved in an EAC as in sponsored registries the registrant may be known and the registry able to assist.	RySG	The WG considers this outside of the scope of the EAC as the only objective of the EAC is to establish contact between registrars in an emergency	

#	Comment	Who / Where	WG Response	Recommended Action
			situation. It is in no shape or form intended to prescribe what information needs to be provided, what measures need to be taken by either party involved, assess the value of the claim or serve as a dispute resolution mechanism.	
5.	Support for the development of a policy to accompany the EAC, which takes into account criteria including immediacy of harm to the registrant, magnitude of the harm to third parties, and escalating impact, if the transfer is not reversed.	INTA	The WG considers this outside of the scope of the EAC as the only objective of the EAC is to establish contact between registrars in an emergency situation. It is in no shape or form intended to prescribe what information needs to be provided, what measures need to be taken by either party involved, assess the value of the claim or serve as a dispute resolution mechanism.	Include information as part of the EAC regarding other mechanisms a registrant or registrar may explore to address an emergency situation (e.g. court action).
6.	Many important elements remain to be worked out. These should be developed consistent with true emergency situations and not cause substantial potential disruption to the secondary domain marketplace.	ICA	Noted	Action item: Mikey to check with Phil whether EAC proposal addresses his concerns.
7.	The IRTP Part B WG remains responsible for the design and implementation of the EAC.	RrSG	Noted, although certain implementation details will need to be worked out by or in	

#	Comment	Who / Where	WG Response	Recommended Action
			co-operation with ICANN Staff.	
8.	How can you ensure sufficient detail in describing the EAC without at the same time providing a manual to the 'bad guys' on how to avoid getting caught or abusing the system?	SFO meeting	The proposed EAC is developed in such a way that as little information as possible is provided to the 'bad guys'. Also, by limiting the scope and use of the EAC to contracted parties and ICANN, it will be harder to abuse.	
9.	Could existing tools (e.g. RADAR) or practices be used to model the EAC?	SFO meeting	This is what the WG envisions.	
10.	Has the WG gathered any data on how prevalent hijacking and/or unauthorized clawing back of names, e.g. as a result of seller remorse, is?	SFO meeting	The WG considers this beyond its scope, but notes that information related to hijacking is often considered proprietary information.	
11.	It would be helpful in the remaining comments to add any facts around non-commercial uses and users in relation to domain name hijacking.	SFO meeting	The WG noted that when considering hijacking, it has not distinguished between reasons, impact or causes of hijacking but has considered all hijackings as 'being equal'.	
<i>Within what timeframe should a response be received after an issue has been raised through the Emergency Action Channel (for example, 24 hours – 3 days has been the range discussed by the WG)?</i>				
12.	The RySG responses range from 24 hours (more than half of the registries), 48 hours (one registry) to 72 hours (one registry).	RySG	The WG has agreed to limit the response time to 24 hours maximum.	
13.	Response time of 24 hour maximum.	INTA, GD	Noted and agreed.	
14.	A short a period as practical with ALAC noting that	ALAC, BC	The WG has agreed to limit the	

#	Comment	Who / Where	WG Response	Recommended Action
	this should be well under 24 hours and the BC recommending 6-12 hours.		response time to 24 hours maximum.	
<i>What qualifies as a response?</i>				
15.	Most members of the RySG feel that at a minimum, a positive confirmation of receipt and initial human contact is appropriate.	RySG	Noted, and covered in the EAC proposal.	
16.	A non-automated response would be preferable, but BC would defer to registrars and registries in determining what qualifies as a response (email, phone call, fax, etc.).	BC	Noted, and covered in the EAC proposal.	
17.	The different responses 'must be clearly delineated and mechanisms must be set in place to prevent abuse of the EAC in non-emergency situations'.	ICA	Noted, the EAC foresees that abuses are reported to ICANN Compliance for investigation although the WG does note that no definition of what consists of an 'emergency' is currently foreseen.	
<i>Is an auto-response sufficient?</i>				
18.	An auto-response is not sufficient.	ALAC, RySG	Noted and agreed.	
19.	The goal of the EAC should be to resolve the issue not to merely advise the receiving registrar that an issue exists.	RySG	The WG disagrees and is of the view that the objective of the EAC should be to start communication between registrars, nothing more.	
20.	An auto-response is not sufficient, but auto-responses may be used during the process to keep the parties informed of the progress of the complaint.	INTA	Noted.	
21.	ICANN Compliance should test this channel	GD	Noted and agreed (see EAC	

#	Comment	Who / Where	WG Response	Recommended Action
	periodically to ensure a non-automated response.		proposal).	
<i>Should there be any consequences when a response is not received within the required timeframe?</i>				
22.	There should be consequences when a response is not received.	ALAC, INTA, RySG	Noted and agreed.	
23.	Such consequences might follow defined escalation paths, including warnings and could even include termination of the accreditation by ICANN in case of multiple violations. In the first year of implementation, consequences should be more lenient.	RySG	The WG notes that further discussion is required in relation to these comments and will consider these in further detail on next week's call.	
24.	Consequences could range from requiring specific remedial actions by the registrar, composing monetary fines, to imposing liability on the registrar.	INTA		
25.	Consequences should include a provision for the registry unilaterally reversing the transfer and possible fines.	ALAC		
26.	ICANN Compliance should issue reports or warnings in case registrars do not provide non-automated responses.	GD		
27.	Effective sanctions must be established against a domain seller who initiates an illicit reversal action.	ICA	The WG notes that traders do not have access to the EAC, therefore this comment is moot.	
28.	Consider modifying the IRTP to mandate a transfer-undo in cases where the gaining registrar does not respond in a timely way to an emergency-action request regarding a suspected domain name hijacking.	BC	Noted and agreed (see EAC proposal).	
<i>Is there a limited time following a transfer during which the Emergency Action Channel can be used?</i>				

#	Comment	Who / Where	WG Response	Recommended Action
29.	The RySG recommends that this channel must be invoked within 7 days of the alleged incident. After this period, and for other non-urgent or non-emergency situations, the existing communication channels and Transfer Dispute Resolution Policy process could be used.	RySG	The WG notes that no timeframe has been included in the EAC proposal in order to avoid providing a roadmap for abusers to time their actions. Furthermore, the WG would like to emphasize that as long as there is a response from the gaining registrar, there is no risk of a transfer undo.	
30.	Action should be taken by the registrant within three days of discovering the transfer. If a time limit was set based on the transfer date, hijackers would likely take advantage of this by waiting to inflict harm until just after the time limit expired.	INTA		
31.	The time period in which a domain transfer reversal can be sought must be far shorter than six months post transfer.	ICA		
32.	Support for a reasonably long window, with the BC suggesting a range of 60-180 days.	ALAC, BC		
<i>Which issues may be raised through the Emergency Action Channel</i>				
33.	The criteria detailed in the SSAC report would be a good starting point.	RySG	The WG has decided to take a narrow approach with regard to for which issues may be raised through the EAC.	
34.	The EAC should only be used for true crisis situations under a clear and narrow definition of “emergency” that is based upon current and reliable metrics of actual, non-hypothetical instances of abuses, including those arising from fraud and deception.	ICA	Noted and agreed.	
35.	The nature of emergencies to be handled via such channel must be precisely defined.	RrSG	Noted and agreed. In its updated proposal, the WG has	

#	Comment	Who / Where	WG Response	Recommended Action
			attempted to define the nature for which the EAC may be used as precisely as possible.	
36.	The EAC might also be useful for issues outside the scope of this PDP, and although not in scope for consideration by this WG, should not be precluded.	BC, ALAC	The WG agrees that it might be useful for issues outside of the scope of this PDP, but also agrees that it is not for this WG to consider.	
<i>How/who should document the exchanges of information on the Emergency Action Channel?</i>				
37.	The BC defers to registries and registrars when it comes to documenting successful exchanges' as well as how those unsuccessful exchanges are documented and communicated to the registry.	BC	Noted. This issue has been covered in the updated proposal.	
<i>Who is entitled to make sue of the Emergency Action Channel?</i>				
38.	Opinions vary in the RySG; some registries are of the opinion that it should only be available to the registrant, others are of the view that it should be limited to an authorized list of registrar and registry contacts and approved contacts of recognized security and stability oriented groups. The RySG notes that more analysis / discussion is warranted.	RySG	Noted, in its updated proposal the WG clarifies that the EAC can also be used by contracted parties and someone who is affected needs to raise the issue with their respective registrar.	
39.	The EAC may be used by aggrieved registrants to raise the issues of hijacking or erroneous transfers.	INTA	The WG disagrees, and notes that under the current proposal the aggrieved registrant needs to raise the issue with his/her registrar to initiate an EAC.	
40.	Use be reserved for inter-registrar and ICANN-registrar communications, and only in situations	GD	GD noted that it supports the use of the EAC as described in	

#	Comment	Who / Where	WG Response	Recommended Action
	where a timely response is critical.		the current proposal.	
41.	The EAC can only be used by registrars and/or ICANN, and notes it only supports the EAC if communication is limited between those parties to serious and urgent domain name related emergencies.	RrSG	The WG notes that this is in line with the current proposal.	
42.	The BC does not envision that registrants would have access to the EAC.	BC	Noted and agreed.	
43.	In some hijacking cases, the hijacker hacked the registrant's account with the registrar and changes the WHOIS details to his/her own before the domain name gets transferred, which means that the hacker is the registrant at the time that the transfer takes place. Therefore the ECA should not be limited to the person or company that was listed as the registrant when the transfer took place.	ICANN Staff	The WG notes that as the EAC can only be initiated by the registrar, the registrar would be in a position to determine whether or who is the legitimate registrant.	
Charter Question A – Recommendation #2				
44.	Most of the registries agree with this recommendation	RySG	Noted	
45.	ALAC recognizes the importance of registrant education and notes that ALAC and At-Large may be considered one of the possible channels for the implementation of this recommendation.	ALAC	The WG agreed to follow up with the Chairs of the ALAC and BC to request concrete suggestions on how ALAC/BC could contribute to the implementation of this recommendation so it can be included as part of the report.	Follow up with the Chairs of the ALAC and BC to request further input
46.	Support for a proactive approach and BC offers its support for developing and promoting best practices in this area.	BC		
Charter Question B – Recommendation #3				

#	Comment	Who / Where	WG Response	Recommended Action
47.	All but one registry agreed with this recommendation. The one registry that did not agree with this recommendation noted that ICANN staff and GNSO volunteers are overloaded at this time.	RySG, SFO meeting	Noted	
48.	Support for this recommendation / no objection	INTA, ICA	Noted	
49.	Unintended consequences of requiring this change, particularly with large incumbent registries should also be considered.	GD	Noted, and the WG pointed out that this concern has also been reflected in the current wording of the recommendation.	
50.	Support for this recommendation, but BC also suggest that an alternative approach that could be explored would be direct conversations with incumbent “thin” registries about a possible change to “thick” WHOIS.	BC, SFO meeting	The WG suggested following up on this issue with Barbara Steele, noting that direct conversations might by-pass the community process and review of possible unintended consequences.	
Charter Question B – Recommendation #4				
51.	All but one registry agreed with this recommendation’. The one registry that did not agree with this recommendation noted that ICANN staff and GNSO volunteers are overloaded at this time.	RySG	The WG notes that the second part of this comment is related to work prioritization, not the actual recommendation itself.	
52.	Support for this recommendation / no objection	INTA, BC, GD, ICA	Noted.	
Charter Question B – Recommendation #5				
53.	All but one registry agreed with this recommendation. The registry that did not agree pointed out that notification would be a good	RySG	Noted and agreed.	

#	Comment	Who / Where	WG Response	Recommended Action
	thing but only if the registrant is not held hostage by the losing registrar presenting misleading information.			
54.	Support for this recommendation as long as the transfer is not delayed or dependent upon any action on the part of the “losing” registrar.	GD	Noted and agreed.	
55.	Support for this recommendation.	BC	Noted.	
Charter Question C				
56.	The BC notes its support for requiring a lock after WHOIS information is updated when that update effects a change of registrant’, in addition to prohibiting a transfer of a domain name registration for 60-days following a transfer, which is currently an option under reason of denial #9 in the IRTP.	BC	The WG has discussed this issue further and is considering a recommendation that would make reason of denial #9 mandatory instead of optional.	
Charter Question C – Recommendation #6				
57.	Most registries agree with this recommendation, although one registry did point out that the term “reasonable” must be clearly defined as some registrants have been asked for rather onerous documentation requirements when a contact is no longer an employee/associated with a domain and a new contact is trying to prove that they are an authorized agent for the domain. In addition, a registry recommended that the clarification needs to accommodate court orders.	RySG	Noted, although the WG points out that other term such as ‘owner’ would also benefit from clarification.	
58.	Support for this recommendation, but request that an exception should be considered for registrations acquired as part of a successful UDRP	INTA	The WG is of the view that any exceptions should be dealt with in the context of the review of	

#	Comment	Who / Where	WG Response	Recommended Action
	since if a change of registrant occurs after a UDRP or equivalent action, it is very likely that the domain name is being transferred back to the rightful owner and no limitations should exist as to how long the rightful owner should be required to keep the domain at a particular registrar.		the UDRP. Alternatively, the WG suggests that the issue can be considered in one of the later IRTP PDPs if it is not addressed as part of the UDRP review.	
59.	Support for this recommendation	GD, BC	Noted.	
Charter Question D – Recommendation #7				
60.	Support for this recommendation / no objection	RySG, ICA	Noted.	
61.	Support for this recommendation, noting that it would also support elevating this recommendation from an optional “best practice” to a policy change that makes this kind of lock mandatory. Furthermore the BC would also support proceeding with this change as part of this PDP.	BC	Noted.	
Charter Question D – Recommendation #8				
62.	All but one member of the RySG support this recommendation. The one registry member that disagrees noted that it must be done in accordance with any existing ICANN/registry agreement requirements.	RySG	Noted.	
63.	Support for this recommendation.	BC	Noted.	
64.	Should the recommendation be broadened so that the WHOIS status referenced in the IRTP is consistent with the defined EPP status? For example, the IRTP refers to "Registrar Hold", which is not defined but “clientHold” is a well-defined EPP status.	ICANN Staff	Noted and agreed. The WG suggests that ICANN Staff is requested to indicate where they consider the policy is inconsistent with what is being displayed in WHOIS (where the	Update recommendation and/or add implementation comment so that this is considered as part of the implementation by ICANN Staff.

#	Comment	Who / Where	WG Response	Recommended Action
			policy is calling for status of X and there is no status X defined in WHOIS).	
Charter Question E – Recommendation #9				
65.	Support for this recommendation / no objection.	BC, RySG, ICA	Noted.	