

GNSO gTLD Registries Stakeholder Group Statement - DRAFT

Issue: Inter-Registrar Transfer Policy Set B Request for Constituency Statements

Date: 16 October 2009

Issues Report URL: <http://gns0.icann.org/issues/transfers/irtp-report-b-15may09.pdf>

General RySG Information

- Total # of eligible RySG Members¹: 14
- Total # of RySG Members: 14
- Total # of Active RySG Members²: 14
- Minimum requirement for supermajority of Active Members: 10
- Minimum requirement for majority of Active Members: 8
- # of Members that participated in this process: 14
 - Afiliás (.info)
 - DotAsia Organisation (.asia)
 - Dot Cooperation LLC (.coop)
 - Employ Media (.jobs)
 - Fundació puntCAT (.cat)
 - mTLD Top Level Domain (.mobi)
 - Museum Domain Management Association – MuseDoma (.museum)
 - NeuStar (.biz)
 - Public Interest Registry – PIR (.org)
 - RegistryPro (.pro)
 - Societe Internationale de Telecommunication Aeronautiques – SITA (.aero)
 - Telníc, Limited (.tel)
 - Trailliance Corporation – TTPC (.travel)
 - VeriSign (.com, .net and .name)

¹ All top-level domain sponsors or registry operators that have agreements with ICANN to provide Registry Services in support of one or more gTLDs are eligible for membership upon the “effective date” set forth in the operator’s or sponsor’s agreement (Article III, Membership, ¶ 1). The RySG Articles of Operations can be found at http://www.gtldregistries.org/about_us/articles.

² Per the RySG Articles of Operations, Article III, Membership, ¶ 4: Members shall be classified as “Active” or “Inactive”. A member shall be classified as “Active” unless it is classified as “Inactive” pursuant to the provisions of this paragraph. Members become Inactive by failing to participate in a Constituency meeting or voting process for a total of three consecutive meetings or voting processes or both, or by failing to participate in meetings or voting processes, or both, for six weeks, whichever is shorter. An Inactive member shall have all rights and duties of membership other than being counted as present or absent in the determination of a quorum. An Inactive member may resume Active status at any time by participating in a Constituency meeting or by voting.

- Names and e-mail addresses for points of contact:
 - Chair: David Maher, dmaher@pir.org
 - Vice Chair: Jeff Neuman, Jeff.neuman@Neustar.us
 - Secretariat: Cherie Stubbs, CherStubbs@aol.com
 - RySG Representatives for this statement: Barbara Steele, bstele@verisign.com and Eric Brown, Eric.Brown@Neustar.biz

Regarding the issue noted above, the following positions represent the views of the ICANN GNSO gTLD Registries Stakeholder Group (RySG) as indicated. Unless stated otherwise, the RySG positions were arrived at through a combination of RySG e-mail list discussions and RySG meetings (including teleconference meetings).

A. Issue 1

Whether a process for urgent return/resolution of a domain name should be developed, as discussed within the Security and Stability Advisory Committee (SSAC) hijacking report (<http://www.icann.org/announcements/hijacking-report-12jul05.pdf>); see also (<http://www.icann.org/correspondence/cole-to-tonkin-14mar05.htm>).

It is the opinion of the members of the Registries Stakeholder Group that the Inter Registrar Transfer Policy (IRTP) and associated Transfer Dispute Resolution Policy (TDRP) were not intended to address the urgent return / resolution of a domain name that has been hijacked. While there is no argument that such a process would be helpful, it is recommended that it be addressed separately from the IRTP and TDRP. The need for quick resolution of issues of this type is best served when they are addressed at the registrar level since the registrars involved maintain the relationship with the parties and have direct access to the specific circumstances surrounding the event. Often times, the registrant information is modified immediately prior to an inter registrar transfer. When this is the case, the transfer appears to be valid under the IRTP.

B. Issue 2

Whether additional provisions on undoing inappropriate transfers are needed, especially with regard to disputes between a Registrant and Admin Contact (AC). The policy is clear that the Registrant can overrule the AC, but how this is implemented is currently at the discretion of the registrar.

The Registries Stakeholder Group recommends that registrars implement a consistent policy regarding the proof required to undo a domain name transfer, particularly in cases where the Admin contact initiated and approved the transfer but the Registrant did not. Based on transfer dispute cases that have been submitted by registrars, the Registries Stakeholder Group members suggest that the losing registrar provide a notarized affidavit signed by the registrant of the

domain name and accompanied by proof of identify in the form of a government issued photo identification such as a passport or driver's license. A template could be provided as a guide to ensure that all pertinent information is included.

C. Issue 3

Whether special provisions are needed for a change of registrant when it occurs near the time of a change of registrar. The policy does not currently deal with change of registrant, which often figures in hijacking cases.

Because the Inter Registrar Transfer Policy addresses only transfers between registrars, not registrants, this issue would be better addressed apart from this policy. However, some registrars have elected to include within their transfer policy, a restriction that domains may not be transferred for 60 days after a change to domain name registration information has occurred. The members of the Registries Stakeholder Group would be comfortable in supporting a modification to the list of specific reasons that a registrar may deny a transfer to include this as a valid reason for denial provided that registrars who have implemented such a condition include a provision within their registration agreement with registrants detailing this restriction and provided that the registrar employs a policy or mechanism by which a registrant may provide specific proof of rights to the domain in order to by-pass the 60 day restriction requirement. Further, it is important that a clear and concise definition of what constitutes a change of registrant be developed.

D. Issue 4

Whether standards or best practices should be implemented regarding use of a Registrar Lock status (e.g. when it may/may not, should/should not be applied).

It is the opinion of the Registries Stakeholder Group that how and when a Registrar Lock status may/should or may/should not be used should be left up to the individual registrars. The policy already stipulates that "the Registrar provides a readily accessible and reasonable means for the Registered Name Holder to remove the lock status".

E. Issue 5

Whether, and if so, how best to clarify denial reason #7: A domain name was already in 'lock status' provided that the Registrar provides a readily accessible and reasonable means for the Registered Name Holder to remove the lock status.

When used appropriately, the "lock status" is a valuable tool to prevent unauthorized transfers of or changes to a domain name. EPP provides several statuses that may be used individually or in combination to allow registrars to "lock" a domain and prevent certain actions. These statuses include

clientTransferProhibited, clientUpdateProhibited, clientRenewProhibited, and clientHold. It is recommended that to provide a consistent user experience, registrars use the EPP statuses to “lock” domains.

To the extent that a registrar elects to automatically “lock” a domain name upon registration or to offer a value added security related service to its registrants, they should be required to include the terms and conditions of its practice of locking domain names within its registration agreement with registrants. The Registries Stakeholder Group suggests that denial reason 7 be modified as follows: “Prior to receipt of the transfer request, the domain name was locked pursuant to the Registrar’s published security policy or at the direction of the Registered Name Holder provided that the Registrar includes in its registration agreement the terms and conditions upon which it locks domains and further that the Registrar provides a readily accessible and reasonable means for the Registered Name Holder to remove the lock status. If the Registrar does not provide a means to allow a Registered Name Holder to remove the lock status themselves, then Registrar must facilitate removing the lock within 5 calendar days of receiving a request from the Registered Name Holder.”

Summary of the Registries Stakeholder Group Support of the Comments Included in this Document

E.1 Level of Support of Active Members: Majority

E.2 # of Members in Favor: 9

E.3 # of Members Opposed: 0

E.4 # of Members that Abstained: 0

E.5 # of Members that did not vote: 5

Minority Position: Not Applicable

General impact on the RySG: Minimal

Financial impact on the RySG: Minimal

Analysis of the period of time that would likely be necessary to implement the policy: Minimal