

IRTP Part B WG – ETRP Survey Results

1. & 2. Name & Affiliation

#	Response
1	Mike O'Connor, CBUC
2	Paul Diaz, RrSG
3	Simonetta Batteiger, Sedo.com LLC
4	James Bladel, Registrar / GNSO
5	Baudouin Schombe, Centre Africain d'échange Culturel/Academie des TIC
6	Berry Cobb, Infinity Portals LLC
7	Bob Mountain, NameMedia - Registrar and Aftermarket Marketplace
8	Kevin Erdman, IPC
9	Mike Rodenbaugh, Rodenbaugh Law -- member of BC and IPC
10	Michele Neylon, Blacknight (registrar)
11	Matt Serlin, MarkMonitor
12	Oli Hope, Mesh Digital Limited - DDomainmonster.com
13	Barbara Steele, Self
14	Chris Chaplow, BC

Charter Question A - Whether a process for urgent return/resolution of a domain name should be developed

3. Do you believe there exists a need for an urgent return/undo process to augment existing policies (e.g. TDRP)?




Yes		10	71%
No		1	7%
No strong view either way		2	14%
Other, please specify		1	7%
Total		14	100%

3. Other

#	Response
1	I recognize that there may be some value in implementing an urgent return/undo process. However, publishing best practices for securing names and introducing products to registrants

that help to secure names are other options that could reduce or prevent the occurrence from happening seems a better solution.

4. Recommendation 1: The WG recognizes the need for a process for the urgent return / resolution of a domain name registration and recommends the creation of an 'Expedited Transfer Reverse Policy' (ETRP).

I agree		8	57%
I don't agree		2	14%
No strong view either way		0	0%
I could agree if the following change would be made		4	29%
Total		14	100%

4. I could agree if the following change would be made:

#	Response
1	shorter timeline for filing complaint, option for the other side to state their case, independent third party to administer the process, can't be the previous registrar as that party is not impartial
2	Numerous changes required for the ETRP to be acceptable.
3	it needs to work better for all types of registrant
4	The role of the registries in the process should be minimal, ie. only updating the registrar of record to the PTRa. The PTRa should be required to initiate an investigation into the events that led up to the need for the urgent return of the domain. The impacted registrars should be required to cooperate in resolving the issue within a specific period of time.

5. If you selected 'I don't agree' to the previous question, please provide an alternative recommendation for consideration.

#	Response
1	Based on recent input, it appears that an ETRP may not be needed, but if it is needed the ETRP needs to be modified. I have no opinion on what to change yet.
2	I do not believe the problem is significant and merits radical action.

6. This ETRP should be build on the following principles (please select those that you agree with) – organized based on level of support

The PTRa must obtain an ETRP authorization from the Registrant to initiate the ETRP. An ETRP Authorization from any of the other contacts noted in the associated WHOIS records, including the Administrative Contact, is not eligible for ETRP.	100%	14
o An authorization from the pre-transfer Registrant, affirming or declaring that the transfer was unauthorized, and that they desire to restore the registration to its pre-transfer state, and that the PTRa is initiating the ETRP on their behalf;	100%	14
o Notifying the PTRa that the transfer was reversed via ETRP;	100%	14
The ETRP is intended to correct fraudulent or erroneous transfers, not to address or resolve disputes arising over domain control or use.	100%	14
Registrants claiming to be victims of a hijack must work through their original sponsoring Registrar (the “PTRa”), as they possess all necessary pre-transfer information.	93%	13
o Documentation that the PTRa has verified the identity of the pre-transfer registrant in a manner conforming to local law and practices;	93%	13
o Reinstating in the Registry database the PTRa as the Registrar of Record.	93%	13
The ETRP will be mandatory for all gTLD Registries and Registrars that are subject to IRTP.	86%	12
o Refunding the original transfer transaction fee charged to the gaining Registrar, if any;	86%	12
o Assessing any ETRP processing fee, not to exceed the then current TDRP processing fee, to the PTRa;	86%	12
There should be a mechanism to dispute an ETRP	86%	12
The ETRP is an escalation process that can be invoked by the former registrar of record if the situation cannot be resolved amicably, with registrar co-operation still being the preferred avenue for resolving disputes.	79%	11
o These materials, along with any supporting documentation, will be bundled into an “ETRP packet”	79%	11
Upon notice from the PTRa, the gaining Registrar will, within their best reasonable efforts not to exceed 48 hours, notify the post-transfer registrant of the ETRP transfer reversal.	79%	11
The ETRP must be initiated within 60 days of the completion of a transfer under the IRTP.	71%	10





The PTRa may, at their discretion, charge the Registrant a fee for these services. Any registrar that operates a website for domain registration or renewal must state, both at the time of registration and in a clear place on its website, any additional fee charged for the recovery of a domain name via ETRP. Upon receipt of a valid ETRP Packet, the Registry Operator for the Top Level Domain of the name in dispute ("Registry") will, within their best reasonable efforts not to exceed 48 hours, restore the domain name to its pre-transfer state. This will include:	71%	10
o Maintaining the domain name expiration as extended by one year (not to exceed the maximum registration term) when the original transfer was processed.	71%	10
o Indemnification of the PTRa and Registry Operator by the pre-transfer Registrant;	57%	8
Elements of the ETRP Authorization should include:	36%	5
Other, please specify	21%	3




Other: please specify

#	Response
1	
2	The timeline for requesting an ETRP should be relatively short (otherwise there does not seem to be a reason for urgent quick reversal), The complaint should not automatically reverse the domain to the previous registrar's control without giving the other side a chance to state their case
3	Instead of a mechanism to dispute an ETRP, it seems that it would be appropriate to require the PTRa to initiate an investigation into the circumstances leading up to the ETRP (as mentioned above).

7. In addition to the above selected principles, I would propose adding the following, or I have suggestions for further clarification / modification of the above selected principles.	
#	Response
1	I like the idea of a "DMZ" place to hold the name while a dispute is resolved.
2	The ETRP should only be an option for up to 60 after the transfer.
3	The timeline for requesting an ETRP should be relatively short (otherwise there does not seem to be a reason for urgent quick reversal), The complaint should not automatically reverse the domain to the previous registrar's control without giving the other side a chance to state their case There needs to be an independent third party deciding on the final ownership of a domain in case there is a dispute of the ETRP
4	We need to separate the concept of "Undo" from "Dispute Resolution." This may mean establishing a formal Change of Registrant Procedure, so that IRTP is not mis-used in this manner.
5	I would recommend stipulating penalties assessed to the pre-transfer registrant and/or the

PTRa if either is found to be abusing the ETRP.

8. Should someone else be tasked with the further development / implementation of ETRP?			
Yes, ICANN Staff should be tasked with the further development / implementation of ETRP		2	14%
Yes, a follow-up drafting team should be created to further develop / implement the ETRP		3	21%
No, the WG should be responsible for working out all the details of the ETRP		5	36%
No strong view either way		4	29%
Other		0	0%
Total		14	100%

9. If you responded 'yes' to the previous question, should ICANN Staff / the drafting team be limited to discussing ETRP in its current form as proposed by the WG, or open to considering other mechanisms / proposals for reversing transfers?			
It should be limited to discussing ETRP in its current form as proposed by the WG		1	12%
It should be open to considering other mechanisms / proposals for reversing transfers		5	62%
No strong view either way		2	25%
Other, please specify		0	0%
Total		8	100%

10. In addition to recommendation 1, an additional recommendation should be developed that addresses proactive measures to prevent hijacking.

I agree		9	64%
I don't agree		1	7%
No strong view either way		4	29%
Other, please specify		0	0%
Total		14	100%

11. If you responded 'I agree' to the previous question, please provide a proposed recommendation for consideration.

#	Response
1	list of best practices should be made available to registrars requirement to publish hijacking numbers may create an incentive to keep them low
2	Development of aftermarket practices that are not dependent upon inter-registrar transfer mechanisms to affect a change of control. For example, having accounts at multiple registrars and using their internal Change of Registrant procedures.
3	Potentially identify best practices but risk is that hijackers use this against us.
4	Development of a secure Registrant identifier so that Registrant's may have a verifiable digital object to prove identity rather than relying on a legal identifier.
5	See recent SSAC report on this topic.
6	n/a
7	See response to question 3.