

IRTP Part B WG – 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
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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):

<p>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.</p>	<p>79% (11)</p>
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The ETRP will be mandatory for all gTLD Registries and Registrars that are subject to IRTP.	86% (12)
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)
The ETRP must be initiated within 60 days of the completion of a transfer under the IRTP.	71% (10)
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)
Elements of the ETRP Authorization should include:	36% (5)
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 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 Indemnification of the PTRa and Registry Operator by the pre-transfer Registrant;	57% (8)
o These materials, along with any supporting documentation, will be bundled into an "ETRP packet"	79% (11)
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 Reinstating in the Registry database the PTRa as the Registrar of Record.	93% (13)
o Notifying the PTRa that the transfer was reversed via ETRP;	100% (14)





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)
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)
The ETRP is intended to correct fraudulent or erroneous transfers, not to address or resolve disputes arising over domain control or use.	100% (14)
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)
There should be a mechanism to dispute an ETRP	86% (12)
Other, please specify	21% (3)
14 total responses	


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.

Charter Question B - 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

12. Do you agree that the lack of registrant email information in 'thin' WHOIS TLDs contributes to the problem of inconsistent registrant details?


Yes		9	64%
No		1	7%
No strong view either way		3	21%
Other, please specify		1	7%
Total		14	100%

12. Other

#Response

1 The lack of readily accessible registrant email information contributes to the problem. Even in a thick Whois, the registrant email address may not be readily available. Further, if registrars fail to pass updates to the registrant details to the registry, the problem of inconsistent registrant details would still exist, even if the registry Whois is thick.

13. Do you agree that the WG should recommend an Issues Report on the impact of requiring all gTLDs to adopt the 'thick' WHOIS model?

I agree		7	50%
I don't agree		0	0%
No strong view either way		7	50%
Other		0	0%
Total		14	100%

15.

The WG notes that the IRTP is widely used to effect a change of "control" over a given registration, as opposed to simply moving the registration to a new sponsoring registrar with all contacts unchanged. While the IRTP lists both the registrant and the admin contact as authorized "transfer contacts" to change registrars, the change of control function is not defined. Therefore, the WG recommends that only the registrant can effect a change of control, while both the registrant and admin contact remain eligible to authorize a transfer that does not modify any contact information. This could be achieved by either (a) restricting the admin contact's ability to modify any contact information associated with the domain name, or (b) ensuring that any transfer reversal or change of control features are explicitly limited for use by the registrant only. Do you agree with the recommendation that a new, change of control process is needed to transact registrations between registrants?

I agree		7	50%
I don't agree		1	7%
No strong view either way		6	43%
Other		0	0%
Total		14	100%

16. If you responded 'I don't agree' to the previous question, please suggest an alternative recommendation for consideration.

Response

1	I have not seen numbers supporting that allowing the AdminC to authorize domain transfers is the cause of a lot of domain hijackings. A lot of legitimate transfer requests are done through AdminC email addresses.
2	I agree that there should be a change of control process. If it is decided that this should become part of the IRTP, then it would be appropriate to change the name of this policy to be broader since the IRTP was put in place to govern only transfers between registrars.

17.

Do you agree with the recommendation that changing the Transfer Authority of the administrative contact in the existing IRTP is sufficient to address this problem?

Yes		5	36%
No		3	21%
No strong view either way		5	36%
Other, please specify		1	7%
Total		14	100%

17. Do you agree with the recommendation that changing the Transfer Authority of the administrative contact in the existing IRTP is sufficient to address this problem?




Response

1 I don't think this is needed

Charter Question C - 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

18.

Recommendation 4 - The WG does recognize that the current language of denial reason #6 is not clear and leaves room for interpretation especially in relation to the term 'voluntarily' and recommends therefore that this language is expanded and clarified to tailor it more to explicitly address registrar-specific (i.e. non-EPP) locks in order to make it clear that the registrant must give some sort of informed opt-in express consent to having such a lock applied, and the registrant must be able to have the lock removed upon reasonable notice and authentication. This denial reason could potentially be split into two reasons of registrant objection for denial -- (1) express objection to a particular transfer, and (2) a general indefinite request to deny all transfer requests. The WG recommends that ICANN staff is asked to develop an implementation plan for community consideration including proposed changes to the IRTP to reflect this recommendation.





I agree		10	71%
I don't agree		3	21%
No strong view either way		0	0%
I could agree if the following change would be made		1	7%
Total		14	100%

19. If you responded 'I don't agree' to the previous question, please suggest an alternative recommendation for consideration.

#	Response
1	IRTP B WG should draft the enabling language. How can we support the proposal based on text we haven't seen or debated? Seems like the WG is dodging responsibility.
2	It is normal to have a change of registrant at the same time with a change of registrar for any domain sold in the secondary market. Comparing the anecdotal numbers of hijackings to the number of successful sales transactions does not seem to justify a registrar lock in case of a registrant update in conjunction with a inter-registrar transfer.
3	Do not agree that there should be a distinction between (1) and (2). How would a "particular" transfer be identified? Would it be distinguishable from hijack attempts? It is reasonable to speculate that some business models may have domain name registrations tied to a "bundle" of products (e.g. hosting), and that the name cannot be transferred away until some commitment or obligation is complete. The analog here would be carrier-subsidized cell phones, which charge penalties for early termination.

Charter Question D - 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)

20. Recommendation 5 - The WG recommends that if a review of the UDRP is conducted in the near future, the issue of requiring the locking of a domain name subject to UDRP proceedings is taken into consideration

I agree		9	64%
I don't agree		1	7%
No strong view either way		3	21%
I could agree if the following change would be made		1	7%
Total		14	100%

20. I could agree if the following change would be made

#	Response
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1	Agree, this is already a recommendation of the RAP-Implementation Team.
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21. If you responded 'I don't agree' to the previous question, please suggest an alternative recommendation for consideration.

#	Response
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1	i do not see a debatable issue about locking domains that are subject to udrp. the rules seem clear to me, and i am not aware of instances indicating they are unclear (as opposed to instances of willful non-compliance with the policy by some registrars)
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22. Recommendation 6 - The WG recommends standardizing and clarifying WHOIS status messages regarding Registrar Lock status. The goal of these changes is to clarify why the Lock has been applied and how it can be changed. The WG recommends that ICANN staff is asked to develop an implementation plan for community consideration which ensures that a technically feasible approach is developed to implement this recommendation.




I agree		11	79%
I don't agree		1	7%
No strong view either way		2	14%
I could agree if the following change would be made		0	0%
Total		14	100%

23. If you responded 'I don't agree' to the previous question, please suggest an alternative recommendation for consideration.

#	Response
1	Like #19, IRTF B WG should develop the plan. Otherwise we're just kicking the issue to a future WG to debate.
2	There are numerous existing lock status available in WHOIS. Many of which are not widely understood. More locks = more confusion. A better approach might be education & outreach to define and communicate what the existing lock status messages mean now.

Charter Question E - 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.

24. Recommendation 7 - The WG recommends deleting denial reason #7 as a valid reason for denial under section 3 of the IRTF as it is technically not possible to initiate a transfer for a domain name that is locked, and hence cannot be denied, making this denial reason obsolete. Instead denial reason #7 should be replaced by adding a new provision in a different section of the IRTF on when and how domains may be locked or unlocked. The WG recommends that ICANN staff is asked to develop an implementation plan for community consideration including proposed changes to the IRTF to reflect this recommendation.





I agree		11	79%
I don't agree		1	7%
No strong view either way		2	14%
I could agree if the following change would be made		0	0%
Total		14	100%

25. If you responded 'I don't agree' to the previous question, please suggest an alternative recommendation for consideration.




#	Response
1	Why can't this WG determine where/what text to insert in place of Denial Reason #7?
2	Do not see this as a pressing problem, and all draft alternative language seems to make the issue more confusing...

Logistical Issues

26. I'm available and planning to participate in the following upcoming meetings (please select as appropriate):

Tuesday 14 December		9	69%
Tuesday 21 December		10	77%
Tuesday 28 December		7	54%
Tuesday 4 December		10	77%

27. I would support extending the meeting from 4 January by

30 minutes (to 90 minutes in total)		6	46%
60 minutes (to 120 minutes in total)		6	46%
No extension supported (keep the meeting to 60 minutes)		3	23%

28. Any other comments / suggestions / proposals for recommendations you would like to make?

#	Response
1	Question 26 -- I answered as though it were Jan 4 instead of Dec 4
2	There are many other IRTP issues awaiting policy work (3 more PDPs were authorized). Punting any work from this WG to a future one is irresponsible.
3	We have discussed these issues at long length (esp. ETRP) and gathered significant community feedback. Now is the time to gauge consensus levels and prepare our recommendations. Glad to see we are doing this for publication by San Francisco.
4	I generally will not make time for WG meetings, but will continue to monitor the email list and participate as I deem appropriate.