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Draft Initial Report on the

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Inter-Registrar Transfers Policy - Part A

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Policy Development Process

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STATUS OF THIS DOCUMENT

12 This is the Initial Report on IRTP Part A PDP, prepared by ICANN staff for submission to the GNSO

13 Council on [TBC]. A Final Report will be prepared by ICANN staff following public comment.

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SUMMARY

21 This report is submitted to the GNSO Council and posted for public comment as a required step in

22 this GNSO Policy Development Process on Inter-Registrar Transfers Policy.

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1. Executive Summary

1.1 Background

- 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.

- The IRTP Part A Policy Development Process (PDP) is the first in a series of five PDPs that address areas for improvements in the existing transfer policy.

- The IRTP Part A PDP concerns three "new" issues: (1) the potential exchange of registrant email information between registrars, (2) the potential for including new forms of electronic authentication to verify transfer requests and avoid "spoofing," and (3) to consider whether the IRTP should include provisions for "partial bulk transfers" between registrars.

- A Working Group was formed on 5 August 2008.

1.2 Deliberations of the Working Group

- The Working Group worked in the three different issues in parallel to the preparation of constituency statements and the public comment period on this topic.

- In relation to Issue I - Is there a way for registrars to make Registrant E-mail Address data available to one another? Currently there is no way of automating approval from the Registrant, as the Registrant Email Address is not a required field in the registrar Whois. This slows down and/or complicates the process for registrants, especially since the Registrant can overrule the Admin Contact – the Working Group discussed the following topics; the Extensible Provisioning Protocol (EPP), Internet Registry Information Service (IRIS), Registrant vs. Admin contact approval, Thin vs. Thick registries, Whois and the AuthInfo code.

- In relation to Issue II – Whether there is need for other options for electronic authentication (e.g. security token in the Form of Authorization (FOA)) due to security concerns on use of email addresses (potential for hacking or spoofing) – the Working Group discussed the incidence of hijacking and the possibility of additional security measures.
- In relation to Issue III – Whether the policy should incorporate provisions for handling partial bulk transfers between registrars – that is, transfers involving a number of names but not the entire group of names held by the losing registrar – the Working Group discussed whether partial bulk transfers concern transfers between registrars or also include transfers between registrants and registrars, what would constitute a partial bulk transfer and how the existing policy for a bulk transfer could potentially be used for a partial bulk transfer,
- It should be noted that all the three issues are still under active consideration by the Working Group.

1.3 Initial Constituency Statements & Initial Public Comment Period

- The public comment period ran from 5 September 2008 to 29 September 2008. Apart from the Constituency statements, two other comments were received. However, these two comments were deemed off-topic.
- Constituencies were requested to use the Constituency Statement Template the Working Group developed to provide their feedback. Input was received from the Intellectual Property Interests Constituency, gTLD Registry Constituency, Registrars Constituency and the Business and Commercial Users' Constituency. Constituency statements received are reflected per issue in chapter 6 of this report, and are set forth in their entirety in Annex B

1.4 Conclusions and Next Steps

- The Working Group aims to complete this section of the report in the second phase of the PDP, following a second public comment period and the submission of the final constituency statements.

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2. Objective and Next Steps

102   This Initial Report on the Inter-Registrar Transfer Policy (IRTP) Part A PDP is

103   prepared as required by the GNSO Policy Development Process as stated in the

104   ICANN Bylaws, Annex A (see http://www.icann.org/general/bylaws.htm#AnnexA).

105   The Initial Report will be posted for public comment for 20 days. The comments

106   received will be analyzed and used for redrafting of the Initial Report into a Final

107   Report to be considered by the GNSO Council for further action.

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109

110

3.   Background

3.1   Process background

- Consistent with ICANN's obligation to promote and encourage robust competition in the domain name space, 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.

- As part of that review, the GNSO Council formed a Transfers Working Group (TWG) to examine and recommend possible areas for improvements in the existing transfer policy. The TWG identified a broad list of over 20 potential areas for clarification and improvement (see http://www.icann.org/en/gnso/transfers-tf/report-12feb03.htm).

- The Council tasked a short term planning group to evaluate and prioritize the policy issues identified by the Transfers Working Group. In March 2008, the group delivered a report to the Council that suggested combining the consideration of related issues into five new PDPs (see http://gnso.icann.org/drafts/transfer-wg-recommendations-pdp-groupings-19mar08.pdf).

- On 8 May 2008, the Council adopted the structuring of five additional inter-registrar transfers PDPs as suggested by the planning group (in addition to a recently concluded Transfer PDP 1 on four reasons for denying a transfer). It was decided that the five new PDPs would be addressed in a largely consecutive manner, with the possibility of overlap as resources would permit.

- The Council requested an Issues Report from Staff on the first of the new PDP issue sets (Set A – New IRTP Issues) that was delivered to the Council on 23 May 2008 (see http://gnso.icann.org/issues/transfers/transfer-issues-report-set-a-23may08.pdf).

- The three "new" issues in Set A address (1) the potential exchange of registrant email information between registrars, (2) the potential for including new forms of

140   electronic authentication to verify transfer requests and avoid "spoofing," and (3) to
141   consider whether the IRTP should include provisions for "partial bulk transfers"
142   between registrars.

143   ▪ The GNSO Council resolved on 25 June 2008 to launch a PDP ("PDP June-08") on
144   these three issues and adopted a charter for a Working Group on 17 July 2008.

145

146   **3.2   Issue Background (excerpt from Issues Report)**

147

148   **Issue I – Potential exchange of registrant e-mail information**

149   ▪ Issue I - Whether there could be a way for registrars to make Registrant Email
150   Address data available to one another. Currently there is no way of automating
151   approval from the Registrant, as the Registrant Email Address is not a required field
152   in the registrar Whois. This slows down and/or complicates the process for
153   registrants, especially since the Registrant can overrule the Admin Contact.

154   ▪ Section 1.1 of the Transfer Policy identifies the Registrant and the Administrative
155   Contact as parties who can authorize a transfer, and notes that the Registrant's
156   authority supersedes that of the Administrative Contact. Accordingly, an
157   authorization from the Registrant provides a reliable ground for executing a transfer,
158   while an authorization from the Administrative Contact can be contested by the
159   Registrant, in spite of being recognized as a valid ground for a transfer. A convenient
160   means to acquire Registrant authorization could thus enable a reduction of the
161   number of contested transfers.

162   ▪ During its deliberations, the Transfers Working Group noted that the issue is related
163   to the Whois provisions, since the email address of the Administrative Contact is a
164   required field in Whois, in contrast to the Registrant email address. However, in the
165   context of a PDP focused on the Transfer Policy, any proposed policy change
166   affecting Whois policy (for example requiring registrant email information in the
167   Whois) would be outside the scope of the PDP[1]. The issue to address is thus limited
168   to other means of keeping, maintaining and exchanging registrant email information

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[1] These two sentences draw a conclusion that has not been made by the GNSO Council or the Working Group, but are carried over from an earlier Staff Issues Report. See Section 5 regarding Whois below.

169   between the relevant Registrars. This invokes procedural, administrative and security
170   aspects.
171
172   **Issue II – Options for Electronic Authentication**
173 ▪ Issue II - Whether there is need for other options for electronic authentication (e.g.,
174   security token in FOA) due to security concerns on use of email addresses (potential
175   for hacking or spoofing).
176 ▪ The original Transfers Task Force mentioned this issue as follows in its Final Report:
177   *19. In the event that the Gaining Registrar must rely on a physical process to obtain*
178   *this authorization, a paper copy of the Standardized Form of Authorization will suffice*
179   *insofar as it has been signed by the Registrant or Administrative Contact and is*
180   *accompanied by a physical copy of the Losing Registrar's Whois output for the*
181   *domain name in question.*
182   *a – b [...references to physical documents, of no relevance here.]*
183   *c. The Task Force notes support for the concept that in the event of an electronic*
184   *authorization process, recommended forms of identity would include;*
185   *• electronic signature in conformance with national legislation, for instance, the*
186   *United States e-Sign Act*
187   *• Email address matching Registrant or Administrative Contact email address found*
188   *in authoritative Whois database.*
189   In relation to the first bullet point above, it can be noted that the current extent of
190   Registrars' use of digital signature means for transfers is unknown. Such information
191   could be useful to collect as background for deliberations in a future PDP covering
192   this issue.
193 ▪ The Transfers WG noted the issue in its report as follows:
194   *According to the policy, the Gaining Registrar is required to obtain the FOA from the*
195   *Registrant or Administrative Contact before initiating a transfer request. The*
196   *Registrar of Record also has the option to send an FOA to confirm the transfer*
197   *request. Policy issues relating to the FOA include:*
198   *1. Whether there is need for other options for electronic authentication (e.g., security*
199   *token in FOA) due to security concerns on use of email addresses (potential for*
200   *hacking or spoofing).*

201 ▪ Regarding the risk of spoofing mentioned by the Transfers WG, useful background

202 information is provided in the SSAC report on domain name hijacking, available at

203 http://www.icann.org/announcements/hijacking-report-12jul05.pdf. Recommendation

204 10 of this report states: "ICANN should consider whether to strengthen the identity

205 verification requirements in electronic correspondence to be commensurate with the

206 verification used when the correspondence is by mail or in person."

207 ▪ The SSAC report was produced in 2005 and it should be noted that, since then,

208 Extensible Provisioning Protocol (EPP) has been deployed by all gTLD registries that

209 have implemented the Transfer Policy. Since EPP requires an authorization

210 ("AuthInfo") code, EPP deployment may have had an impact from a security

211 standpoint and recent data in this respect could be useful as background for a future

212 PDP covering this issue.

213 ▪ It can also be noted that some ccTLDs do use electronic authentication methods for

214 transfers, for example through digital signatures for authentication of e-mail requests.

215 The .UK registry operator Nominet uses PGP as described at

216 http://www.nic.uk/registrars/systems/auto/pgp/. Another example is the .SE registry

217 operator, IIS, featuring a certificate-based web interface ("Domänhanteraren" – in

218 English "The Domain Handler") for the registrant, where the registrant can effectuate

219 changes of domain information, including change of Registrar, see

220 https://domanhanteraren.iis.se/start/welcome. There may be other such examples of

221 interest as references for this issue.

222
223 **Issue III - Provisions for partial bulk transfers between Registrars**

224 ▪ Issue III - Whether the policy should incorporate provisions for handling "partial bulk

225 transfers" between registrars – that is, transfers involving a number of names but not

226 the entire group of names held by the losing registrar.

227 ▪ This aspect was not touched upon by the Transfers Task Force, but identified as a

228 potential issue (under "Other") by the Transfers WG in its report.

229 ▪ Part B of the Transfer Policy governs bulk transfers, meaning transfer of all domains

230 sponsored by one Registrar to another Registrar, for example as a consequence of

231 one Registrar acquiring another. According to the policy, bulk transfers can only take

232   place under certain specific conditions, for further information see part B at

233   http://www.icann.org/transfers/policy-12jul04.htm.

234   ▪ While different from bulk transfers in the "complete" sense, i.e. transfer of a

235   Registrar's complete domain portfolio to another Registrar, the need for "partial" bulk

236   transfers can arise due to, for example, company takeovers, where the acquiring

237   company wishes to transfer some or all of the acquired company's domains to its

238   own Registrar of Record. There is no prescribed way of doing so in the Inter

239   Registrar Transfer Policy other than domain by domain, although Registrars are free

240   to accept, for example, fax lists with numerous domains to transfer, while still having

241   to follow the authentication/verification practices of the policy. The extent of such

242   "voluntary provisions to facilitate partial bulk transfers" in practice is unknown.

243   ▪ NeuLevel,Inc., the registry operator of .BIZ, has proposed the launch of a partial bulk

244   transfer service, which has been approved by ICANN through the Registry Services

245   Technical Evaluation Panel (RSTEP) procedure. This service proposal was

246   prompted by two Registrars' request for a partial bulk transfer between them. For

247   further information, see http://www.icann.org/registries/rsep/NeuLevel_request.pdf.

248   ▪ For information, there are provisions in place for partial bulk transfers in some

249   ccTLDs. The .UK registry, Nominet, has a procedure for "mass transfers", described

250   at http://www.nic.uk/registrants/maintain/transfer/mass/ and also for PGP-signed

251   "bulk" operations at the registrar level, described at

252   http://www.nic.uk/registrars/systems/auto/bulk/ (see especially Example 9 therein, of

253   relevance for partial bulk transfers). There may be other such examples of interest as

254   references for this issue.

255

4.   Approach taken by the Working Group

255

256

257   The IRTP Part A Working Group started its deliberations on 5 August 2008 where it was

258   decided to continue the work primarily through weekly conference calls and e-mail

259   exchanges. The Working Group agreed to start working on the three different issues in

260   parallel to the preparation of constituency statements and the public comment period on this

261   topic. In order to facilitate the work of the constituencies, a template was developed for

262   responses (see Annex A).

263

264   **4.1   Members of the IRTP Part A Working Group**

265

266   The members of the Working group are:

267

Name	Constituency / other	Affiliation
Paul Diaz (Chair of the Working Group)	Registrar	Network Solutions
James M. Bladel	Registrar	GoDaddy
Mike Rodenbaugh (Council liaison)	Business	Rodenbaugh Law
Barbara Steele	Registry	Verisign
Kevin R. Erdman	IPC	Baker & Daniels LLP
Sebastien Bachollet	ALAC	ISOC France
Mike O'Connor	Business	O'Connor Company
Marc Trachtenberg	IPC	Winston & Strawn LLP
Margie Milam	Registrar	Markmonitor
Mark Klein	Registrar	Sedo
Michael Collins	Business	Internet Commerce

		Association
Steven Vine	Registrar	Register.com
Adam Eisner	Registrar	Tucows
Avri Doria (GNSO Chair)	NCUC	Luleå Univ of Tech
Chuck Gomes (GNSO Vice Chair)	Registry	Verisign

268

269   The statements of interest of the Working Group members can be found at

270   http://gnso.icann.org/issues/transfers/soi-irtp-a-pdp-oct08.shtml

271

272

5. Deliberations of the Working Group

273

274 This chapter provides an overview of the deliberations of the Working Group conducted both
275 by conference call as well as e-mail threads. The points below are just considerations to be
276 seen as background information and do not necessarily constitute any suggestions or
277 recommendations by the Working Group.

278

279 **Issue I - Is there a way for registrars to make Registrant E-mail Address data available**
280 **to one another? Currently there is no way of automating approval from the Registrant,**
281 **as the Registrant Email Address is not a required field in the registrar Whois. This**
282 **slows down and/or complicates the process for registrants, especially since the**
283 **Registrant can overrule the Admin Contact.**

284

285 **Extensible Provisioning Protocol (EPP)**
286 ▪ One idea discussed in the context of issue I was to extend or modify the Poll Message
287   facility of the Extensible Provisioning Protocol (EPP) for this function (see Annex C for
288   further details on EPP). EPP is currently used as an authenticated and secure channel
289   of communication between the Registry and Registrar, which can also be used in the
290   context of transfers (see figure 1).
291 ▪ The Poll Message system has the advantage of being both an authenticated and secure
292   channel of communication between the Registry and Registrar, but it is currently mostly
293   unidirectional (Registrar does not create messages for Registry) and there is no means
294   for registrars to communicate with each other. The Working Group considered whether
295   EPP could be extended to allow registrars to create Poll Messages for each other, for
296   those situations which require the sharing of registrant information. Issues such as
297   security, costs of implementation and feasibility would need to be addressed in order to
298   determine whether this is a suitable option, but overall the Working Group considers this
299   a possible avenue to be further explored.
300

301   **Figure 1.**

Transfer in an EPP Registry
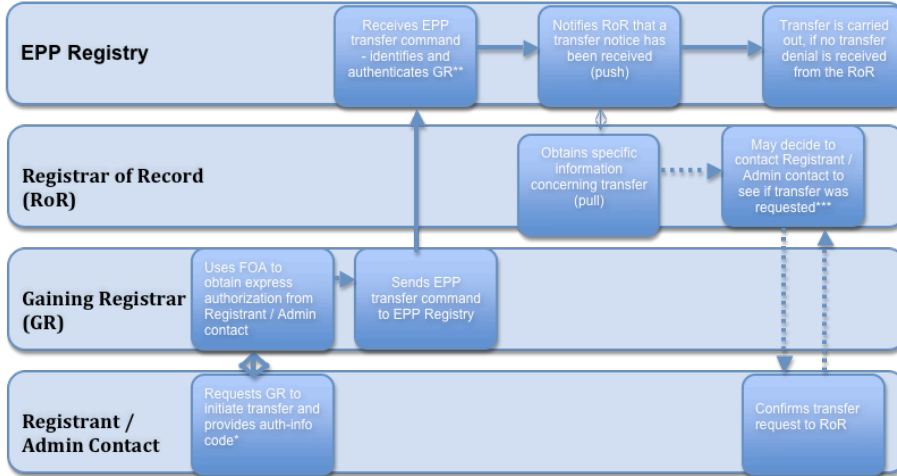
302   **Notes**

303   * Registrars must provide the Registered Name Holder with the unique "AuthInfo" code within five (5) calendar days of the
304   Registered Name Holder's initial request if the Registrar does not provide facilities for the Registered Name Holder to
305   generate and manage their own unique "AuthInfo" code.

306   ** EPP requires mutual authentication of clients/registrars and servers before a TLS connection can be made between the
307   two parties. Digital certificates, digital signatures, and PKI services are used to authenticate both parties. Certificates must
308   be signed by a CA that is recognized by the server operator. [RFC 4934, section 8]. Additionally, all EPP clients/registrars
309   are required to identify and authenticate themselves using a server-assigned user ID and a shared secret (a password)
310   that is sent to the server using a login command. The server must confirm the identity and shared secret before the client
311   is given access to other protocol services. [RFC 4930, section 2.9.1.1] Some EPP commands, such as the domain
312   transfer command, require additional authentication information that must be provided and confirmed before the
313   requested action is completed. The default authentication information service uses a shared secret that is known to the
314   registry, the registrar, and the registrant. Registrants are required to provide this secret to a second registrar when
315   requesting the second registrar to initiate a domain transfer on the registrant's behalf. The authentication information data
316   structure is extensible so that additional authentication mechanisms can be defined and implemented in the future. [RFC
317   4931, sections 3.2.1 and 3.2.4].

318   *** The Registrar of Record has 5 calendar days to respond to transfer notice from Registry
319

320 ▪ It should be noted that the RFC3730 - Extensible Provisioning Protocol (EPP) did not

321   foresee the potential use of poll messages in this way which may mean that a

322   modification of the RFC would be required in order to consider this as an option. Such a

323   modification could take a substantial amount of time. In addition, the implementation of a

324   modified EPP would bring with it certain costs. Both elements would need to be

325   considered prior to making a recommendation.

326 ▪ In relation to the security of EPP, it was noted that no security incidences with EPP have

327   been reported to date (or at least not to the knowledge of the Working Group members).

328

329 **Internet Registry Information Service (IRIS)**

330 ▪ The Internet Registry Information Service (IRIS) has been developed by the IETF Cross

331   Registry Internet Service Protocol (CRISP) working group with the objective to replace

332   Whois. IRIS offers the opportunity to set some enforceable standards around who has

333   access to specific registrant data fields and a way to control such access.

334 ▪ Not taking into account or providing any opinion on whether IRIS should or should not be

335   considered as a replacement for Whois, the Working Group discussed whether it would

336   be an option to consider IRIS as a secure means of communication between registrars.

337   In this circumstance, the only data that would be provided and shared between registrars

338   would be registrant e-mail data. The Authinfo code could be used as a means of

339   authentication to access IRIS.

340 ▪ As with EPP, the costs and time of implementation would need to be assessed in order

341   to determine whether this would be a viable option.

342

343 **Registrant vs. Admin contact approval**

344 ▪ While a registrant has the ultimate authority regarding an inter-registrar transfer, the

345   admin contact can initiate and approve a transfer without a registrant's involvement.

346   Most registrars, maybe all, will notify the registrant that a transfer has been initiated and

347   that the registrant can cancel it and that the transfer will go through if the registrant does

348   nothing. So, if a registrant finds that the admin contact has transferred a domain away

349   without registrant approval this can lead to a transfer dispute.

350 ▪ Any policy that allows one person to authorize a transfer and another person to dispute

351   the transfer after it is completed is a potential source of conflict.

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352   ▪   Taking this into account, one could consider requiring registrant approval before a
353   transfer occurs which would normally avoid most disputes.
354   ▪   Another option would be to give the admin contact the ultimate transfer authority.
355   However, this might result in additional security / hijacking risks as the admin contact
356   details are part of the public Whois.
357   ▪   Similarly, the registrant could be given the sole transfer authority. However, this brings
358   us back to the issue at hand, how to make the registrant e-mail address available to the
359   gaining registrar in order to confirm a transfer request.
360   ▪   Those registrars participating in the Working Group confirmed that normally the Gaining
361   Registrar sends the confirmation of a transfer to the admin contact since that is the
362   contact that they have on file. It could be considered to make it a requirement, instead of
363   optional, that the Registrar of Record confirms the transfer with the Registrant (instead of
364   the admin contact). This would add another approval into the process but it would
365   resolve the problem of Registrant e-mail not being publically available and it would
366   resolve the problem of domain transfers being authorized by the admin contact without
367   the Registrant's consent.
368
369 **Thin vs. Thick Registries**
370   ▪   A "Thin" Registry is one for which the Registry database contains only domain name
371   service (DNS) information:
372   -   Domain name
373   -   Name server names
374   -   Name server address
375   -   The name of the Registrar
376   -   Basic transaction data
377   ▪   It does not contain any Registrant or contact information. Registrant or contact
378   information is maintained by the Registrar. Examples of Thin registries are .com, .net
379   and .jobs (see table 1 for a complete overview).
380   ▪   A "Thick" Registry is one for which the Registry database contains:
381   -   Registrant and contact information
382   -   Domain name
383   -   Name server names

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384   -   Name server address

385   -   The name of the Registrar

386   -   Basic transaction data

387   ▪   All authoritative information is kept within the Registry.

388   ▪   Registrant Email is collected and maintained by all registrars, and submitted to all

389   "Thick" Registries. A check of gTLD WHOIS data shows that Registrant Email is also

390   displayed for all Thick Registries.

391   ▪   "Thin" registries do not maintain any registrant information.

392   ▪   It should be noted that "Thick" registries are not obliged to include the registrant e-mail

393   address in Whois data, so requiring all "Thin" registries to become "Thick" registries

394   would not change anything for the particular issue at hand, unless the inclusion of the

395   registrant e-mail address would be mandated.

396   ▪   If the registrant email address would be required for inclusion in Whois data, it should

397   not even matter whether it is the registry or the registrar that is required to maintain

398   whois data.

399

400   Table 1

gTLD	Thin	Thick	Special
.ARPA		✔	
.AERO		✔	
.ASIA		✔	
.BIZ		✔	
.CAT		✔	
.COM	✔		
.COOP		✔	
.EDU		✔	
.GOV			✔ Private Registry
.INFO		✔	
.JOBS	✔		
.MIL			✔

			Private Registry
.MOBI		✔	
.MUSEUM		✔	
.NAME	✔	✔[2]	
.NET	✔		
.ORG		✔	
.PRO		✔	
.TEL		✔	
.TRAVEL		✔	

Whois

401

402 ▪ The WG agreed that even tough Whois should not be the main topic of the discussion as

403 it is not specifically in the remit of this Working Group to make any recommendations for

404 Whois modification, it would not be off-limit to include in the discussion if deemed

405 appropriate for providing an insight into issue I.

406 ▪ Registrant email addresses are not a required WHOIS field. Registrars can publish it if

407 they choose. Requiring that this address be made publicly available would solve the

408 issue at hand, but at the same time it might raise privacy and security concerns - and is

409 possibly / probably beyond the mandate of this WG.

410 ▪ Members of the RyC who provided feedback also indicated that ICANN Registry

411 Agreements require that the registrant e-mail address field be displayed in the WHOIS of

412 most gTLDs and sTLDs and most of those registries make submission and display of

413 registrant e-mail address mandatory. It should be noted that this only applies to 'thick'

414 registries.

415

416 **AuthInfo Code**

417 ▪ The Working Group also discussed whether the AuthInfo code, which is currently being

418 used to authenticate a transfer in EPP based registries, could be used as a means to

419 authenticate the transfer instead of the registrant or admin contact e-mail address.

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[2] 'Thick' Whois information available, but only after payment

420   ▪   It was noted that this would not solve the issue at hand as the registrant could still
421   challenge a transfer, even if the AuthInfo code would be provided by the admin contact,
422   unless the submission of a valid AuthInfo code would be the only requirement to initiate
423   a transfer. However, this was not deemed a secure and viable solution compared to the
424   current system.
425
426   **Issue II - Whether there is need for other options for electronic authentication (e.g.,**
427   **security token in the Form of Authorization (FOA)) due to security concerns on use of**
428   **email addresses (potential for hacking or spoofing).**
429
430   ▪   One of the issues raised by the Working Group was the actual incidence of hacking or
431   spoofing. One member of the Group shared that its Domain Services team has the
432   equivalent of 1-2 full-time employees dedicated to work on this specific issue. Since
433   January 2008, this team has received over 1000 claims of domain name "hijacking," and
434   has taken action to restore the original registrant in 533 of these cases, and upheld the
435   transfer in another 504. On average, the investigation of each claim takes 5-10 business
436   days. Some of these incidents are internal (e.g. Change of Registrant) transfers, not
437   transfers from other registrars. It should be noted that AuthInfo keys are only involved in
438   the latter case. The "vast majority" of disputed transfers involved compromised email
439   accounts. Typically, these are free accounts (Gmail, Yahoo, Hotmail, etc.). These figures
440   demonstrate that the prevention and remediation of domain name "hijacking" is a
441   significant operational burden for registrars.
442   ▪   The Working Group also noted that apart from these figures, the loss of even a single
443   domain name through "hijacking" can be personally and financially disruptive to a
444   registrant, and involve a conceivable liability potential for the involved registrar / may
445   result in significant potential liability for the involved registrar / could result in significant
446   potential liability for the involved registrar / conceivably might result in a claim for
447   damages against the involved registrar.
448   ▪   Additional security measures could be considered, but it should be noted that this would
449   result in additional costs. Furthermore, it is argued that any recommendation to this end
450   should not result in mandating certain technologies over others.

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451 ▪ Some members of the Working Group considered that offering additional security
452   measures should be left as a service that a registrar can choose to provide as part of its
453   offering.
454

455 **Issue III - Whether the policy should incorporate provisions for handling partial bulk**
456 **transfers between registrars - that is, transfers involving a number of names but not**
457 **the entire group of names held by the losing registrar.**
458

459 ▪ Some members of the Working Group argue that this issue relates to potential partial
460   bulk transfers between registrars, and not registrant initiated partial bulk transfers which
461   are in practice already possible and offered as a service by a number of registrars.
462 ▪ Several members of the Working Group noted that if there would be support for
463   incorporating provisions for handling partial bulk transfers, it is imperative to ensure that
464   these provisions do not blur the boundaries between Policy requirements and Product
465   development.
466 ▪ In order to consider this issue in its full depth, it will be important to define what would
467   constitute a partial bulk transfer. What would be a minimum, would these transfers be
468   treated as renewals, is there a fee involved? Also, this definition process would need to
469   take into consideration that partial bulk transfers should not be abused by those trying to
470   avoid the charge that currently applies for bulk transfers over 50,000 domain names.
471 ▪ There is a policy in place that defines how a bulk transfer process works (see ICANN
472   Policy on Transfer of Registrations between Registrars, 12 July 2004, Section B. ICANN-
473   Approved Transfers). When a registry executes a bulk transfer under the existing policy,
474   the registries receive approval from ICANN to use the 'bulk transfer tool' to transfer all
475   domains under the management of one ICANN accredited registrar to another
476   designated ICANN accredited registrar. The registry then contacts both the gaining
477   registrar and the losing registrar to coordinate a time to complete the transfer. A script is
478   run that, in essence, only changes the registrar of record for the domain names - the
479   expiration date is not changed nor is a registration fee assessed.
480 ▪ It was suggested that a similar process could be considered for a 'voluntary partial bulk
481   transfer' request with the exception that the request would not be received from ICANN,
482   but instead, from one of the registrars. Therefore, the registries would receive the

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483   request to initiate a voluntary partial bulk transfer from a registrar and, provided all
484   requirements are met, the registry would execute the command to move the designated
485   domain names from the losing registrar to the gaining registrar (without further
486   intervention by the registrars and without moving the expiration dates of the domain
487   names forward or assessing the standard registration fee to the gaining registrar). The
488   details surrounding the minimum requirements for submission of requests would need to
489   be addressed. Much work would need to be done by the WG to define the
490   requirements, fee structure, etc. The requirements should be limited to those relating to
491   registry and registrar responsibilities. How various registrars decide to develop products
492   (and establish their fee structure that they would charge for the service to their
493   registrants), as well as market the product to their registrants, should be left up to the
494   individual registrars.

495   ▪ It was noted that from a security perspective, provisions for a partial bulk transfer might
496   not be desirable as this would also allow miscreants to transfer a large number of
497   domain names at once.

498   ▪ Having taken into account the above considerations, the Working Group started
499   deliberations on the possible scenarios in which a partial bulk transfer might be
500   appropriate and found the following:

501   o Scenario I – Partial Bulk Transfer following ICANN accreditation of a reseller
502   A reseller becomes an ICANN accredited registrar and may decide to become the
503   registrar or record for those domain names for which it has been accredited.

504   o Scenario II – Partial Bulk Transfer between registrars
505   A registrar may decide to move a certain number of domain names to another
506   registrar, e.g. linked to one gTLD because there is agreement to no longer sell
507   domain names in the gTLD in question.

508   o Scenario III – Partial Bulk Transfer in case of a (partial) merger or acquisition
509   between registrars
510   As a result of a partial merger or acquisition between registrars, a number, but not
511   all, domain names are transferred to the new registrar.

512   o Scenario IV – Partial Bulk Transfer initiated by a registrant
513   A registrant decides to his/her domain name portfolio to a new registrar, but not all,
514   e.g. as a consequence of a merger or acquisition.

515   o   Scenario V – Partial Bulk Transfer following de-accreditation of a registrar

516   A registrar voluntarily abandons its accreditation, and instead becomes a reseller of

517   an accredited registrar transferring all domain names to that registrar.

518   ▪ The existing bulk transfer provision reads as follow:

519   *"B. ICANN-Approved Transfers*

520   *Transfer of the sponsorship of all the registrations sponsored by one Registrar as the*

521   *result of (i) acquisition of that Registrar or its assets by another Registrar, or (ii) lack of*

522   *accreditation of that Registrar or lack of its authorization with the Registry Operator, may*

523   *be made according to the following procedure:*

524   *(a) The gaining Registrar must be accredited by ICANN for the Registry TLD and must*

525   *have in effect a Registry-Registrar Agreement with Registry Operator for the Registry*

526   *TLD.*

527   *(b) ICANN must certify in writing to Registry Operator that the transfer would promote*

528   *the community interest, such as the interest in stability that may be threatened by the*

529   *actual or imminent business failure of a Registrar.*

530   *Upon satisfaction of these two conditions, Registry Operator will make the necessary*

531   *one-time changes in the Registry database for no charge, for transfers involving 50,000*

532   *name registrations or fewer. If the transfer involves registrations of more than 50,000*

533   *names, Registry Operator will charge the gaining Registrar a one-time flat fee of US$*

534   *50,000."*

535   The Working Group verified with ICANN Legal Counsel whether 'all the registrations

536   sponsored by one Registrar' can be interpreted as all registrations in one gTLD and 'lack

537   of its authorization' includes both voluntary and forced de-authorization (awaiting formal

538   confirmation). Taking this into account, the Working Group found, after in-depth

539   discussion, that existing bulk transfer provisions and/or market solutions currently cover

540   all scenarios.

541   ▪ As a result, the Working Group does not see a need to incorporate provisions for

542   handling partial bulk transfers between registrars at this stage.

543

543

6. Initial Constituency Statements & Public Comment Period

546

547 This section features issues and aspects of the IRTP Part A PDP reflected in the statements
548 from the GNSO constituencies and comments received during the public comment period.

549

6.1 Initial Public Comment Period

551

552 The public comment period ran from 5 September 2008 to 29 September 2008. Three
553 comments were received of which only one (from the IPC constituency) responded to the
554 questions outlined in the announcement. The other two responses (from Malc McGookin
555 and Jeffrey A. Williams) were off-topic; they expressed concerns relating to the loss of a
556 particular domain name, the redemption grace period and warehousing. In addition, two
557 other comments, the constituency statements of the Registrar and Registry constituency,
558 were received after the deadline of the public comment period. The public comments on this
559 forum are archived at http://forum.icann.org/lists/new-irtp-issues/. A summary of the
560 constituency statements can be found in the next section.

561

6.2 Initial Constituency Statements

563

564 The Constituency Statement Template was sent to all the constituencies. Feedback was
565 received from the Intellectual Property Interests Constituency, gTLD Registry Constituency,
566 Registrar Constituency and the Business and Commercial Users' Constituency. These
567 entities are abbreviated in the text as follows (in the order of submission of the constituency
568 statements):

569

570 IPC - Intellectual Property Interests Constituency
571 RyC - gTLD Registry Constituency
572 RrC – Registrar Constituency

573   BC – Business and Commercial Users' Constituency

574

575   **6.3   Constituency Views**

576

577   The three comments responding to the questions outlined in the announcement were

578   submitted by the Intellectual Property Constituency (IPC), the Registry Constituency (RyC)

579   the Registrar Constituency (RC) and the Business and Commercial Users' Constituency

580   (BC) . Annex A of this report contains the full text of the constituency statements that have

581   been submitted. These should be read in their entirety. The following section attempts to

582   summarize key constituency views on the issues raised in the context of IRTP Part A PDP.

583   This section also summarizes further work recommended by the various constituencies,

584   possible actions recommended to address the three issues part of the IRTP Part A PDP,

585   and the impact of potential measures on the GNSO constituencies.

586

587   **Issue I - Is there a way for registrars to make Registrant E-mail Address data available**

588   **to one another? Currently there is no way of automating approval from the Registrant,**

589   **as the Registrant Email Address is not a required field in the registrar Whois. This**

590   **slows down and/or complicates the process for registrants, especially since the**

591   **Registrant can overrule the Admin Contact.**

592

593   The IPC believes that the lack of an e-mail address for the registrant does not necessarily

594   delay the transfer of a domain name. However, it does emphasise that if registrant e-mail

595   address data is to be made available to other registrars, it should happen in the context of

596   an overall technical modernization of the Whois protocol.

597

598   The RyC notes that the question might need to be restated to clarify the scope as registrant

599   contact information such as the e-mail address is mandated in the case of thick registries;

600   the registry operator is required to display the registrant e-mail address in the registry's

601   WHOIS. In the case of thin registries, the RyC considers it too costly and time consuming to

602   require thin registries to add contact information. The RyC advocates that any change to

603   the policy should be limited to addressing the issue of obtaining authoritative information

604   relating to the administrative contact e-mail address. In this context, a tiered access

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605 approach to proving WHOIS information could be considered for implementation by
606 registrars.
607
608 The RC highlights that no viable secure implementation is available which would allow
609 registrars to make registrant e-mail address data available to one another. In addition, the
610 RC believes the issue is more appropriate for a market based solution than for prescriptive
611 measures.
612
613 The BC does believe a policy change is required as the current situation creates potential
614 confusion as 'the Admin Contact email address is purportedly authoritative, yet can be
615 overruled by a Registrant'. The BC suggests that a potential solution could be to make the
616 Admin Contact email address authoritative for a transfer and in addition employ
617 authentication technologies to authenticate transfer requests and acknowlegments.
618
619 **Issue II - Whether there is need for other options for electronic authentication (e.g.,**
620 **security token in the Form of Authorization (FOA)) due to security concerns on use**
621 **of email addresses (potential for hacking or spoofing).**
622
623 The IPC believes that there is a need for further options for electronic authentication in order
624 to set a reasonable secure and basic standard to be used by every registrar, and that such
625 options should be independent of any other services offered by the registrar. However,
626 such a system should improve security without making the transfer process too
627 cumbersome. Possible solutions could include the requirement for the registrant to submit
628 with its request to unlock the name the IANA ID of the Gaining Registrar or the use of digital
629 certificates. The IPC believes that an analysis of various ccTLD registry policies such as the
630 Swedish registry (.se), the Swiss registry (.ch) and CoCCA (.cx, .mu, .na, etc), would benefit
631 the policy development process. The IPC does recognize that unexpected and increased
632 costs for registrants or at the registry level could be an issue.
633
634 The RyC supports the principle that market forces should handle this issue; registrars are
635 best placed to measure demand and decide whether they would like to differentiate
636 themselves from their competitors by making additional security measures available for their

637   customers. The RyC has identified a number of registrars that provide such additional

638   security methods to their customers such as Markmonitor, GoDaddy and Moniker. However,

639   if a need would be identified for other options of electronic authentication, the RyC

640   recommends that the EPP AuthInfo code be explored in further detail as this mechanism

641   already provides an automated way to authenticate transfer requests and could take the

642   place of both the Registrant and Admin contact e-mail addresses. The RyC notes that for

643   the use of AuthInfo codes to be effective, compliance with the requirement that AuthInfo

644   codes be unique by domain name must be enforced via the ICANN Registrar Compliance

645   Program and not the registry operator.

646

647   The RC also recommends that this issue be resolved based on market demand rather than

648   prescriptive measures and cautions against unintended consequences of technology

649   mandates.

650

651   The BC does believe there is a need for other options for electronic authentication such as

652   PGP or other authentication methods. In addition, it calls upon SSAC, GNSO and other

653   ICANN bodies to continue working to investigate and mitigate the risk of domain name

654   hijacking.

655

656   **Issue III - Whether the policy should incorporate provisions for handling partial bulk**

657   **transfers between registrars - that is, transfers involving a number of names but not**

658   **the entire group of names held by the losing registrar.**

659

660   The IPC believes that the transfer policy should incorporate provisions for handling partial

661   bulk transfers. It considers it particularly helpful in the context of corporate asset sales and

662   acquisitions in the context of a registrant or in case of the termination or non-renewal of a

663   registrar's accreditation agreement.

664

665   The RyC supports the incorporation of provisions to handle partial bulk transfers as long as

666   this would not require reengineering the existing bulk transfer functionality or new

667   development. Specific details of the product offerings by registries and registrars should be

668   left to the market.

669

670 The RC also believes that a partial bulk transfer option would be a useful tool for registrars,

671 as long as it is properly defined. It does note that many details still need to be refined such

672 as 'how many domain names constitute a bulk transfer' before a policy can be considered in

673 this area. It emphasizes that such a policy should be limited to partial bulk transfers between

674 registrars; partial bulk transfers for registrants should be left to market-driven innovation and

675 competition.

676

677 The BC supports that there should be such a provision to allow large domain portfolio

678 owners to transfer large chunks of domain names between registrars; provisions to facilitate

679 partial bulk transfers should not be limited to registrars only.

680

681

681

7. Conclusions and Next Steps

683 The Working Group aims to complete this section of the report in the second phase of the

684 PDP, following a second public comment period and the submission of the final constituency

685 statements.

686

687

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Annex A – Template for Constituency Statements

Constituency Input Template Inter-Registrar Transfer Policy Set A

The GNSO Council has formed a Working Group of interested stakeholders and

Constituency representatives, to collaborate broadly with knowledgeable individuals and

organizations, in order to develop potential policy options to address three new issues

associated with the Inter-Registrar Transfer Policy.

Part of the working group's effort will incorporate ideas and suggestions gathered from

Constituencies through this Constituency Statement.

Inserting your Constituency's response in this form will make it much easier for the Working

Group to summarize the Constituency responses. This information is helpful to the

community in understanding the points of view of various stakeholders.

For further background information on this issue, please review the GNSO Issues Report on

Inter-Registrar Transfer Policy Set A - New IRTP Issues

Process:

• Please identify the members of your constituency who participated in developing the

perspective(s) set forth below.

• Please describe the process by which your constituency arrived at the perspective(s) set

forth below.

Issue I – Is there a way for registrars to make Registrant E-mail Address data

available to one another? Currently there is no way of automating approval from the

Registrant, as the Registrant Email Address is not a required field in the registrar

Whois. This slows down and/or complicates the process for registrants, especially

since the Registrant can overrule the Admin Contact.

-   If you believe policy change is needed, what options could be explored for registrars

718   to make Registrant E-mail address data available? For each option, please identify
719   how this would benefit automating approval, and, if any, what potential problems
720   might be associated with this option.
721   - Please identify examples or best practices of email address use to facilitate and/or
722   automate approval from a Registrant for a transfer.
723   - Although it is not the purpose of this Policy Development Process (PDP) to
724   recommend changes to WHOIS policy, it conceivably could be an option to require
725   registrant email addresses in WHOIS. The Working Group is interested in your views
726   on that potential option, without regard to the broader WHOIS issues of availability
727   and accuracy of WHOIS data. The Working Group is more particularly interested in
728   your views about any other options not involving WHOIS.
729

730 **Issue II – Whether there is need for other options for electronic authentication (e.g.,**
731 **security token in the Form of Authorization (FOA)) due to security concerns on use of**
732 **email addresses (potential for hacking or spoofing).**
733

734   - What security concerns can you identify related to current ways of authenticating
735   registrants. Note, the Security and Stability Advisory Committee (SSAC) has
736   identified a risk of email spoofing for purposes of domain name hijacking, see link.
737   We are interested in your views on this and any other concerns.
738   - Do you think there is a need for other options for electronic authentication? Please
739   state the reasons for your answer.
740   - Do you know of any Registrars using additional means for electronic authorization
741   (e.g. security token, digital signatures, etc.)? If so, what are they and who offers
742   them?
743   - If a need would be identified for other options of electronic authentication, what other
744   options could be explored?
745   - Of those other options to be explored, please identify the potential benefits but also
746   any potential problems.
747   - Do you have or know of any data in relation to the impact of the Extensible
748   Provisioning Protocol (EPP) deployment on security in relation to authentication? If
749   so, please describe the source and type of data.

750   -   Do you know of any further examples, apart from those mentioned in the issues
751   report (.uk registry and .se registry), of electronic authentication methods? If so, what
752   are they and who offers them?
753
754   **Issue III – Whether the policy should incorporate provisions for handling "partial bulk**
755   **transfers" between registrars – that is, transfers involving a number of names but not**
756   **the entire group of names held by the losing registrar**.
757   Marika Konings 10/21/08 4:18 PM
758   -   Should the policy incorporate provisions for handling "partial bulk transfers" between   **Formatted:** Bullets and Numbering
759   registrars? Please state the reasons and use-cases for your answer.
760   -   Are you aware of any voluntary provisions to facilitate partial bulk transfers? If so,
761   could you please provide further details on those provisions (apart from those
762   already identified in the issues paper – NeuLevel (.biz), Nominet (.uk)).
763

Annex B - Constituency Statements

764 IPC Comments On Inter-Registrar Transfer Policy (IRTP) Issues

765 Part A 'New IRTP Issues'

766 September 26, 2008

767

768 Issue I - Is there a way for registrars to make Registrant E-mail Address data available to

769 one another? Currently there is no way of automating approval from the Registrant, as the

770 Registrant Email Address is not a required field in the registrar Whois. This slows down

771 and/or complicates the process for registrants, especially since the Registrant can overrule

772 the Admin Contact.

773

774 COMMENTS

775

776 The lack of an e-mail address for the Registrant generally does not delay the transfer of

777 domain registrations, for the simple reason that, to our knowledge, when the Admin Contact

778 e-mail is functioning, no registrar even attempts to obtain approval by any other means. In

779 most cases, furthermore, the Registrant or an authorized employee's e-mail address is listed

780 as the Admin Contact, so the Registrant in fact consents to the transfer. Nevertheless, the

781 value judgment implicit in the Issue - that it would be preferable to be certain that the entity

782 listed as the Registrant consents to the transfer - is sound. In cases where the Registrant

783 and the Admin Contact are not the same, it seems plausible that confusion could result over

784 whether the Registrant actually consented to a transfer, or whether a Registrant's purported

785 authorization (or rejection) of a transfer from an e-mail address not listed in the Whois was

786 authentic.

787

788 However, if Registrant E-mail Address data is to be made available to other registrars, it

789 should happen in the context of Whois. One purpose of the Port 43 protocol was to provide

790 information necessary for inter-registrar transfers, so developing a separate protocol to

791 provide certain pieces of information necessary to that process would be superfluous. If

792   Registrant E-mail Address data is to be made available, it should be done as part of an

793   overall technical modernization of the Whois protocol.

794

795   The need for inter-registrar communication of registrant information speaks to the legitimate

796   need for Port 43-like access to Whois data (in addition to the public's need and the need of

797   intellectual property owners for open access to Whois data, such as can be obtained

798   through web interfaces). Other parties with needs for Port 43-like automated access include

799   information providers, such as those who provide research services for non-marketing

800   purposes such as trademark availability clearance and searching, audits of domain

801   portfolios for corporate mergers and acquisitions, and investigations of intellectual property

802   infringement and fraud. The need for Registrant E-mail Address data in Whois is just one of

803   many reasons why ICANN should address, rather than avoid the need to modernize the

804   Whois protocol.

805

806   Issue II - Whether there is need for other options for electronic authentication (e.g., security

807   token in the Form of Authorization (FOA)) due to security concerns on use of email

808   addresses (potential for hacking or spoofing).

809

810   COMMENTS

811

812   Yes, we believe that there is a need for further options for electronic authentication in order

813   to set a reasonable secure and basic standard to be used by every registrar, and that such

814   options should be independent of any other services offered by the registrar. It is important

815   that ICANN sets out the requirements for this basic standard in its IRTP. The challenge is to

816   find a way to improve security without making the transfer system too cumbersome.

817

818   The weakness in almost every current system for electronic authentication is that too much

819   depends on information and confirmation via e-mail (of the registrant's and/or the Admin

820   Contact). Even with partial off-line authentications (e.g. in the form of a signed fax from the

821   Registrant) in combination with an e-mail confirmation, it is necessary to rely on the

822   presumption that the registrant's e-mail address is correct because any additional

823   documentation requiring signature is sent via that e-mail address.

824 Email-based authentication does not appear to be sufficient to secure the identity of the
825 registrant.

826

827 A current risk point is that there is a period after a registrant has unlocked a domain name
828 during which malicious transfer requests might accidentally be accepted. One possible
829 solution could be to require the registrant to submit with its request to unlock the name the
830 IANA ID of the registrar to which the name is intended to be transferred. Transfer requests
831 coming from any other registrar would then be automatically rejected.   Another solution is
832 the use of digital certificates.

833

834 However, we appreciate that certain registrants and certain areas of business - the financial
835 sector, for example - may require an even higher standard and level of security. We see
836 these classes of registrants and business sectors are best served by additional services that
837 are created and offered by the registrars without involvement of ICANN.

838

839 The IPC believes an analysis of various ccTLD registry policies would benefit the policy
840 development process. Examples include the Swedish registry system which uses an
841 application called Domain Manager ('DomÃnhanteraren'), and features a certificate-based
842 web interface to effectuate transfers. In the Swiss Registry (SWITCH), authentications are
843 performed either via e-mail or by signed fax only. CoCCA (a grouping of small ccTLD
844 registries) uses a password generated by electronic token for allowing access to the
845 registrar account, but does not authenticate a registrant's right to a transfer.

846

847 The benefits of improved electronic authentication are safer communications and transfers.
848 Potential problems could be unexpected and increased costs for Registrants - either by
849 demands for certain software or by increased costs at the Registry level (which will
850 ultimately raise the price for domain name administration), as well as a more time-
851 consuming process whenever a certification of the Registrant's ID is needed.

852

853 Issue III - Whether the policy should incorporate provisions for handling 'partial bulk
854 transfers' between registrars - that is, transfers involving a number of names but not the
855 entire group of names held by the losing registrar.

856

857   COMMENTS

858

859   Yes, the policy should incorporate provisions for handling partial bulk transfers. Any

860   mechanism to facilitate the smooth transfer of a registrant's domain names is welcomed.

861   Partial bulk transfers would be particularly helpful in connection with corporate asset sales

862   and acquisitions. For example, a registrant may be selling only one of its business lines to a

863   third party or an acquiring company may wish to have only some of the acquired company's

864   domain names transferred to its own registrar. Furthermore, in the cases of termination or

865   non-renewal of a registrar's Registrar Accreditation Agreement, a partial bulk transfer policy

866   would enable the de-accredited registrar to transfer domains in bulk to numerous 'gaining'

867   registrars, further protecting the rights of registrants.

868

869   Submitted by,

870

871   Claudio DiGangi, on behalf of IPC

872

872   **GNSO gTLD Registry Constituency Statement**

873   **Issue: Inter-Registrar Transfer Policy Set A Request for Constituency Statements**

874   Date: 2 October 2008

875   Issues Report URL: http://gnso.icann.org/issues/transfers/transfer-issues-report-set-a-

876   23may08.pdf

877   General RyC Information

878

879   ▪   Total # of eligible RyC Members[3]: 15

880   ▪   Total # of RyC Members: 15

881   ▪   Total # of Active RyC Members[4]: 15

882   ▪   Minimum requirement for supermajority of Active Members: 10

883   ▪   Minimum requirement for majority of Active Members: 8

884   ▪   # of Members that participated in this process: 12

885   ▪   Names of Members that participated in this process:

886   1. Afilias (.info)

887   2. DotAsia Organisation (.asia)

888   3. DotCooperation (.coop)

889   4. Employ Media (.jobs)

890   5. Fundació puntCAT (.cat)

891   6. mTLD Top Level Domain (.mobi)

892   7. Museum Domain Management Association – MuseDoma (.museum)

893   8. NeuStar (.biz)

894   9. Public Interest Registry - PIR (.org)

895   10. RegistryPro (.pro)

896   11. The Travel Partnership Corporation – TTPC (.travel)

897   12. VeriSign (.com & .net)

---

[3] 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 RyC Articles of Operations can be found at http://www.gtldregistries.org/about_us/articles .
[4] Per the RyC 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.

898

899   ▪   Names & email addresses for points of contact

900   o Chair: David Maher, dmaher@pir.org

901   o Vice Chair: Jeff Neuman, Jeff.Neuman@Neustar.us

902   o Secretariat: Cherie Stubbs, Cherstubbs@aol.com

903   o RyC representative for this statement: Barbara Steele, bsteele@verisign.com

904   Regarding the issue noted above, the following positions represent the views of the ICANN

905   GNSO gTLD Registry Constituency (RyC) as indicated. Unless stated otherwise, the RyC

906   positions were arrived at through a combination of RyC email list discussion and RyC

907   meetings (including teleconference meetings).

908

909   1. **Issue 1 - Is there a way for registrars to make Registrant E-mail Address data**

910   **available to one another? Currently there is no way of automating approval from**

911   **the Registrant, as the Registrant Email Address is not a required field in the**

912   **registrar Whois. This slows down and/or complicates the process for registrants,**

913   **especially since the Registrant can overrule the Admin Contact.**

914

915   2.1 If you believe policy change is needed, what options could be explored for registrars

916   to make Registrant E-mail address data available? For each option, please

917   identify how this would benefit automating approval, and, if any, what potential

918   problems might be associated with this option.

919

920   2.1. The members of the Registries Constituency recommend that Issue 1 be

921   edited to clarify the scope of the issue.

922

923   Specifically, it should be noted that registry WHOIS is authoritative which

924   would include, in the case of thick registries, the registrant contact information

925   such as e-mail address. Also, in the case of thick registries, the registry

926   agreements mandate that the registry operator display the registrant e-mail

927   address in the registry's WHOIS.

928

929   At least one thick registry which is subject to privacy laws has implemented a

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930   tiered access approach to publishing WHOIS information.

931

932   Any changes to the policy and/or practice should be limited to addressing the

933   issue of obtaining authoritative information relating to the administrative

934   contact e-mail address in those instances where it is not available via the

935   registry WHOIS. In the case of thin registries, the contact information for a

936   domain name in the registrar WHOIS (including the registrant e-mail address)

937   is authoritative. In this case, registrars could implement a tiered access

938   approach to providing WHOIS information that would permit the private

939   provision of Registrant e-mail address and thereby satisfying various privacy

940   law requirements.

941

942   2.1 Please identify examples or best practices of email address use to facilitate and/or

943   automate approval from a Registrant for a transfer.

944

945   2.1.   The members of the Registries Constituency agree that authentication of the

946   identity of the registrant, as stipulated by the IRTP, is the responsibility of the

947   Gaining Registrar. Therefore, aside from EPP AuthInfo authentication which

948   is systematically enforced when an EPP Registry processes a transfer

949   command, Registrars are best able to address this item.

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950

951   2.1 Although it is not the purpose of this Policy Development Process (PDP) to

952   recommend changes to WHOIS policy, it conceivably could be an option to

953   require registrant email addresses in WHOIS. The Working Group is interested in

954   your views on that potential option, without regard to the broader WHOIS issues

955   of availability and accuracy of WHOIS data. The Working Group is more

956   particularly interested in your views about any other options not involving

957   WHOIS.

958

959   2.1.   As previously indicated, thick registries are already publishing registrant e-

960   mail addresses in WHOIS. For thin registries to add contact information

961   would be a major change resulting in significant cost and time to deploy.

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962   Registrars are already dealing with this requirement and thus extending this
963   requirement to their local WHOIS operations for use with thin registries does
964   not seem to extend a further burden on registrars and their handling of
965   privacy issues than already exists.
966

967   1.4. **Level of Support of Active Members**: Supermajority
968

969   1.4.1. # of Members in Favor: 12
970

971   1.4.2. # of Members Opposed: 0
972

973   1.4.3. # of Members that Abstained: 0
974

975   1.4.4. # of Members that did not vote: 3
976

977   1.5. **Minority Position**: None
978

979   1.6. **General impact on the RyC**: Minimal
980

981   1.7. **Financial impact on the RyC**: Minimal
982

983   1.8. **Analysis of the period of time that would likely be necessary to implement the**
984   **policy**: Not applicable as those registries that currently have registrant contact
985   information are already publishing the e-mail address. For thin registries to add
986   contact information would be a major change resulting in significant cost and time to
987   deploy.
988

989   2. **Issue 2 - Whether there is need for other options for electronic authentication**
990   **(e.g., security token in the Form of Authorization (FOA)) due to security concerns**
991   **on use of email addresses (potential for hacking or spoofing)**.
992

993   2.1 What security concerns can you identify related to current ways of authenticating

registrants. Note, the Security and Stability Advisory Committee (SSAC) has identified a risk of email spoofing for purposes of domain name hijacking, see link. We are interested in your views on this and any other concerns.

2.1.1.   The members of the Registries Constituency recognize that use of the e-mail address has certain weaknesses, but the merits and costs of implementing other methods should be judged in their own right and not against any inadequacies and inefficiencies of email.

2.2.   Do you think there is a need for other options for electronic authentication? Please state the reasons for your answer.

2.2.1.   The members of the Registries Constituency support allowing market forces to operate freely in this area. Registrars can measure demand to determine if they want to implement additional security methods for authenticating transfer requests. Registrars should be permitted to differentiate themselves from their competitors by determining what offerings they make available to registrants, including the level of security they employ in protecting the contact information of the Registrants of domain names.

2.3.   Do you know of any Registrars using additional means for electronic authorization (e.g. security token, digital signatures, etc.)? If so, what are they and who offers them?

2.3.1.   The Registries Constituency believes that some registrars have implemented additional security methods to authenticate transfers of domain names. Specifically, Markmonitor, GoDaddy and Moniker have products available to provide additional security. More information relating to these products can be found at the following websites, respectively:
http://www.markmonitor.com/products/domain_management.php,

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1026   https://www.godaddy.com/gdshop/protect/landing.asp?isc_prg001&ci

1027   =9004 and http://www.domainmaxlock.com/. We also have

1028   confirmation that CSC will issue some customers Secure ID tokens

1029   (RSA) for additional validation.

1030

1031   2.4.   If a need would be identified for other options of electronic authentication,

1032   what other options could be explored?

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1034   2.4.1.   The EPP AuthInfo code provides an automated mechanism to

1035   authenticate transfer requests and could take the place of both the

1036   Registrant and Admin Contact e-mail addresses.

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1038   2.5.   Of those other options to be explored, please identify the potential benefits

1039   but also any potential problems.

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1041   2.5.1.   Use of the AuthInfo code to authenticate transfers is already in place

1042   and required by all EPP registries or the transfer command will fail.

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1043   There is no additional cost or development required to implement this

1044   method of authentication. The IRTP addresses the potential problems

1045   associated with obtaining the AuthInfo code for a domain name in

1046   Section 5.

1047

1048   However, for the use of AuthInfo codes to be effective, the members

1049   of the Registries Constituency agree that compliance with the

1050   requirement that AuthInfo codes be unique by domain name must be

1051   enforced via the ICANN Registrar Compliance Program. Enforcement

1052   of unique AuthInfo codes by domain name should not be done by the

1053   registry operator as such enforcement would create a negative

1054   response for conflicting AuthInfo codes thus creating a mechanism to

1055   test for in-use AuthInfo codes which could result in a security

1056   exposure.

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While the use of security tokens by the Registrant to authenticate a transfer would bring additional security to the transfer process, the members of the Registries Constituency agree that market forces should be allowed to work freely in this regard and demand should dictate whether a Registrar elects to employ this method since the expense and logistics of providing tokens to all Registrants may not make this a feasible option for all registrars and registrants.

1066
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2.6. Do you have or know of any data in relation to the impact of the Extensible Provisioning Protocol (EPP) deployment on security in relation to authentication? If so, please describe the source and type of data.

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2.6.1. No members of the Registries Constituency are aware of any security issues relating to the deployment of EPP or AuthInfo codes. All indications are that the RFC is stable and EPP and AuthInfo codes, when properly implemented, are secure.

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It should be noted that EPP requires mutual authentication of clients/registrars and servers before a Transport Layer Security (or TLS) connection can be made between the two parties. Digital certificates, digital signatures, and PKI services are used to authenticate both parties. Certificates must be signed by a CA that is recognized by the server operator. [RFC 4934, section 8]

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Additionally, all EPP clients/registrars are required to identify and authenticate themselves using a server-assigned user ID and a shared secret (a password) that is sent to the server using a login command. The server must confirm the identity and shared secret before the client is given access to other protocol services. [RFC 4930, section 2.9.1.1]

1089

Some EPP commands, such as the domain transfer command,

1090   require additional authentication information that must be provided
1091   and confirmed before the requested action is completed. The default
1092   authentication information service uses a shared secret (or AuthInfo
1093   code) that is known to the registry, the registrar, and the registrant.
1094   Registrants are required to provide this secret to a second registrar
1095   when requesting the second registrar to initiate a domain transfer on
1096   the registrant's behalf. The authentication information data structure is
1097   extensible so that additional authentication mechanisms can be
1098   defined and implemented in the future. [RFC 4931, sections 3.2.1 and
1099   3.2.4]
1100

1101   2.7.   Do you know of any further examples, apart from those mentioned in the
1102   issues report (.uk registry and .se registry), of electronic authentication
1103   methods? If so, what are they and who offers them?
1104

1105   2.7.1.   The members of the Registries Constituency are unaware of any
1106   methods of electronic authentication currently in use other than those
1107   indicated in section 2.3.1 of this Issue #2.
1108

1109 2.8. **Level of Support of Active Members**: Supermajority
1110

1111   2.8.1. # of Members in Favor: 12
1112

1113   2.8.2. # of Members Opposed: 0
1114

1115   2.8.3. # of Members that Abstained: 0
1116

1117   2.8.4. # of Members that did not vote: 3
1118

1119 2.9. **Minority Position**: None
1120

1121 2.10. **General impact on the RyC**: To be determined.

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1123 2.11. **Financial impact on the RyC**: To be determined.

1124

1125 2.12. **Analysis of the period of time that would likely be necessary to implement**

1126 **the policy**: The period of time to implement other security methods could range

1127 from no time required to many months depending on which methods implemented.

1128 More information is needed to determine this.

1129

1130 **3. Issue 3 - Whether the policy should incorporate provisions for handling "partial**

1131 **bulk transfers" between registrars – that is, transfers involving a number of**

1132 **names but not the entire group of names held by the losing registrar.**

1133

1134 3.1. Should the policy incorporate provisions for handling "partial bulk transfers"

1135   between registrars? Please state the reasons and use-cases for your answer.

1136

1137   3.1.1. The members of the Registries Constituency support the incorporation

1138   of provisions for handling partial bulk transfers between registrars

1139   provided that the provisions would not require reengineering of the

1140   existing bulk transfer functionality or new development. Specifically,

1141   the transfer of the specified domain names would not extend the term

1142   of the registration by an additional year and the registration fee would

1143   not be assessed. Specific details of the product offerings by registries

1144   and registrars should be left up to the individual registries and

1145   registrars and should be driven by market demand.

1146

1147 3.2. Are you aware of any voluntary provisions to facilitate partial bulk transfers? If

1148   so, could you please provide further details on those provisions (apart from

1149   those already identified in the issues paper – NeuLevel (.biz), Nominet (.uk)).

1150

1151   3.2.1. The only voluntary provisions to facilitate partial bulk transfers that the

1152   members of the Registries Constituency are aware of are those that

1153   have been identified (i.e., NeuStar and Nominet).

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1155   3.3. **Level of Support of Active Members**: Supermajority

1156

1157   3.3.1. # of Members in Favor: 12

1158

1159   3.3.2. # of Members Opposed: 0

1160

1161   3.3.3. # of Members that Abstained: 0

1162

1163   3.3.4. # of Members that did not vote: 3

1164

1165   3.4. **Minority Position**: None

1166

1167   3.5. **General impact on the RyC**: Minimal

1168

1169   3.6. **Financial impact on the RyC**: Minimal

1170

1171   3.7. **Analysis of the period of time that would likely be necessary to implement the**

1172   **policy**: If current technology is used, there would be no system / software

1173   development time required at the registries. However, implementation time to

1174   develop requirements / products involving submission by the registrar of partial bulk

1175   transfer requests could take 3 to 12 months.

1176

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1177

1178 **October 3, 2008**

1179

1180 **Registrar Constituency Position on Inter-Registrar Transfer Policy Issues**

1181

1182 **BACKGROUND**

1183 In September 2008, the Registrar Constituency ("RC") was asked to provide feedback

1184 regarding three Inter-Registrar Transfer Policy ("IRTP") issues. This Position Paper captures

1185 the overall sentiment expressed by the RC Members who provided feedback about this

1186 matter and seems to reflect the general sense of the RC. Due to time constraints, however,

1187 no formal vote regarding this Position Paper was taken.

1188

1189 **RC POSITION**

1190 The RC's position regarding each of the three IRTP issues is as follows:

1191 1. Is there a way for registrars to make Registrant E-mail Address data available to one

1192 another?

1193

1194 No viable secure implementation of this proposal has been advanced that would enable a

1195 policy to require registrars to make Registrant E-mail Address data available to one another.

1196 Additionally, the RC believes that regulatory intervention is not necessary to address this

1197 issue. This issue is more appropriate for market based solutions rather than regulatory

1198 intervention.

1199

1200 2. Whether there is need for other options for electronic authentication (e.g., security token

1201 in the Form of Authorization (FOA)) due to security concerns on use of email addresses

1202 (potential for hacking or spoofing).

1203

1204 The RC does not believe that a regulatory approach to authentication is necessary. The RC

1205 recommends that the questions of whether additional authentication technology is needed,

1206 and if so which technology to implement, be decided based on market demands rather than

1207 regulation.

1208

1209   To that end, the RC cautions ICANN about the unintended consequences of technology

1210   directives. Specifically, any mandated technology is guaranteed to become the target of

1211   hackers who seek to circumvent its security. Having the option of a variety of technologies

1212   which may be developed and implemented based on market demands offers greater

1213   security in the long-run.

1214

1215   3. Whether the policy should incorporate provisions for handling "partial bulk transfers"

1216   between registrars – that is, transfers involving a number of names but not the entire group

1217   of names held by the losing registrar.

1218

1219   The RC believes that, properly defined, a "partial bulk transfer" option would be a useful tool

1220   for registrars.

1221

1222   There are at least three scenarios in which this option may be helpful to registrars, including:

1223   • A private business transaction between registrars, in which a subset of the domains /

1224   customers from one registrar are transferred to the other;

1225   • A registrar's reseller becomes an accredited registrar, and seeks to change the registrar of

1226   record at the registry; or

1227   • A registrar discontinues retail registrations in a given TLD, or is involuntarily deaccredited

1228   by ICANN.

1229

1230   However, many questions remain unanswered. For example, the RC questions how many

1231   domain names would constitute a "bulk" transfer. Also, does the term "partial" indicate that

1232   the losing registrar would maintain some remaining registrations in the TLD? Furthermore,

1233   what is the method for assessing fees? Should this be a flat fee, or sliding scale? Should an

1234   additional registration year be included or omitted from the transfer?

1235

1236   Also, the RC opposes any recommendations or language that extends this option to

1237   registrant-initiated transfers for large portfolio holders on the basis that this is better

1238   characterized as product development, not policy development. A consensus policy would

1239   not take into account the variety of registrar business models, and would impose the same

1240   terms, restrictions and limitations on all registrars regardless of its applicability to their

1241   customers. Additionally, there are several services available now that address this need.

1242

1243   The RC suggests that ICANN continue to let market-driven innovation and competition

1244   address the needs of registrants who manage large domain name portfolios, and limit the

1245   discussion of partial bulk transfers to situations arising "between registrars."

1246

1247   **CONCLUSION**

1248   The opinions expressed by the RC in this Position Paper should not be interpreted to reflect

1249   the individual opinion of any particular RC member.

1250

1250 **BC Constituency Statement**

1251 **Constituency Input Template Inter-Registrar Transfer Policy Set A**

1252

1253 The GNSO Council has formed a Working Group of interested stakeholders and

1254 Constituency representatives, to collaborate broadly with knowledgeable individuals and

1255 organizations, in order to develop potential policy options to address three new issues

1256 associated with the Inter-Registrar Transfer Policy.

1257

1258 Part of the working group's effort will incorporate ideas and suggestions gathered from

1259 Constituencies through this Constituency Statement.

1260

1261 Inserting your Constituency's response in this form will make it much easier for the Working

1262 Group to summarize the Constituency responses. This information is helpful to the

1263 community in understanding the points of view of various stakeholders.

1264

1265 For further background information on this issue, please review the GNSO Issues Report on

1266 Inter-Registrar Transfer Policy Set A - New IRTP Issues

1267 Process:

1268 • Please identify the members of your constituency who participated in developing the

1269 perspective(s) set forth below.

1270 Mike Rodenbaugh, Rodenbaugh Law

1271 Michael Collins, Internet Commerce Association

1272 Mike O'Connor, The O'Connor Company

1273

1274 • Please describe the process by which your constituency arrived at the perspective(s) set

1275 forth below.

1276 This request for input was circulated for comment from BC Members on two occasions. A

1277 draft response was created by Mike Rodenbaugh and circulated for comment. This final

1278 draft was submitted.

1279

1280 **Issue I – Is there a way for registrars to make Registrant E-mail Address data**

1281 **available to one another? Currently there is no way of automating approval from the**

1282 **Registrant, as the Registrant Email Address is not a required field in the registrar**

1283 **Whois. This slows down and/or complicates the process for registrants, especially**

1284 **since the Registrant can overrule the Admin Contact**.

1285 • If you believe policy change is needed, what options could be explored for registrars

1286 to make Registrant E-mail address data available? For each option, please identify

1287 how this would benefit automating approval, and, if any, what potential problems

1288 might be associated with this option.

1289 BC: We believe policy change is needed. The current system is inconsistent and insecure.

1290 The Admin Contact email address is purportedly authoritative, yet can be overruled by a

1291 Registrant who need not even provide an email address. Buyers of domain names need

1292 better assurance that they are purchasing from an authorized seller, this has been an

1293 important function of the WHOIS database since the Admin Contact email address can be

1294 verified by a buyer. The buyer has no way of knowing, however, if there is a superior

1295 registrant who can disrupt the transaction.

1296 Yet today, this situation also seems to provide a security layer because registrars often have

1297 Registrant email addresss and other contact info that is not public in WHOIS, and they can

1298 use this information to confirm suspicious transfers. This may be a security benefit, but also

1299 causes confusion. We should find a way to increase security and decrease confusion.

1300 One answer may be to further clarify that the Admin Contact email address is authoritative,

1301 and consent from that address is assurance for a legitimate transfer that cannot be undone

1302 by the prior registrant. In that event, PGP or some other authentication method should be

1303 deployed to authenticate transfer requests and acknowledgments, because traditional email

1304 is blatantly insecure and easily spoofed.

1305 • Please identify examples or best practices of email address use to facilitate and/or

1306 automate approval from a Registrant for a transfer.

1307 • Although it is not the purpose of this Policy Development Process (PDP) to

1308 recommend changes to WHOIS policy, it conceivably could be an option to require

1309   registrant email addresses in WHOIS. The Working Group is interested in your views

1310   on that potential option, without regard to the broader WHOIS issues of availability

1311   and accuracy of WHOIS data. The Working Group is more particularly interested in

1312   your views about any other options not involving WHOIS.

1313   BC: We think the above solution, making the Admin Contact clearly authoritative, is a better

1314   solution than to add another piece of contact data to the WHOIS database. The Registrant

1315   email address could be different from the Admin Contact email and thereby create confusion

1316   as to which is authoritative.

1317   **Issue II – Whether there is need for other options for electronic authentication (e.g.,**

1318   **security token in the Form of Authorization (FOA)) due to security concerns on use of**

1319   **email addresses (potential for hacking or spoofing)**.

1320   •   What security concerns can you identify related to current ways of authenticating

1321   registrants. Note, the Security and Stability Advisory Committee (SSAC) has

1322   identified a risk of email spoofing for purposes of domain name hijacking, see link.

1323   We are interested in your views on this and any other concerns.

1324   BC: It is a frightening risk that important domain names can be hijacked via email spoofing,

1325   hacking and otherwise. There are countless ways in which businesses and their users can

1326   be harmed financially, reputationally and even physically when a critical domain is overtaken

1327   by hostile and/or criminal actors. We encourage SSAC, GNSO and other ICANN bodies to

1328   continue working to investigate and mitigate this risk.

1329   •   Do you think there is a need for other options for electronic authentication? Please

1330   state the reasons for your answer.

1331   BC: Yes. Traditional email is inherently insecure. Some domain names are critical for

1332   business and government infrastructure, and it is proven that they can be hijacked. PGP or

1333   other authentication methods could be devised to impose minimal burden on registrants or

1334   registrars, yet ensure much more effective security than is standard today.

1335   •   Do you know of any Registrars using additional means for electronic authorization
1336   (e.g. security token, digital signatures, etc.)? If so, what are they and who offers
1337   them?

1338   •   If a need would be identified for other options of electronic authentication, what other
1339   options could be explored?

1340   •   Of those other options to be explored, please identify the potential benefits but also
1341   any potential problems.

1342   •   Do you have or know of any data in relation to the impact of the Extensible
1343   Provisioning Protocol (EPP) deployment on security in relation to authentication? If
1344   so, please describe the source and type of data.

1345   •   Do you know of any further examples, apart from those mentioned in the issues
1346   report (.uk registry and .se registry), of electronic authentication methods? If so, what
1347   are they and who offers them?

1348   **Issue III – Whether the policy should incorporate provisions for handling "partial bulk**
1349   **transfers" between registrars – that is, transfers involving a number of names but not**
1350   **the entire group of names held by the losing registrar**.

1351   •   Should the policy incorporate provisions for handling "partial bulk transfers" between
1352   registrars? Please state the reasons and use-cases for your answer.

1353   BC: Yes. Large domain portfolio owners should have freedom and ability to move large
1354   blocks of domains freely among registrars. Today, some registrars make the transfer
1355   process difficult or impossible to do in bulk, and there is much inconsistency among the
1356   various registrars. There ought to be a standard mechanism for large portfolio owners to
1357   move large blocks of names among registrars. It would be particularly disturbing if the
1358   registrars were to have such a policy for partial bulk transfers among themselves, but did
1359   not offer that functionality to bulk registrants.

1360 • Are you aware of any voluntary provisions to facilitate partial bulk transfers? If so,
1361 could you please provide further details on those provisions (apart from those
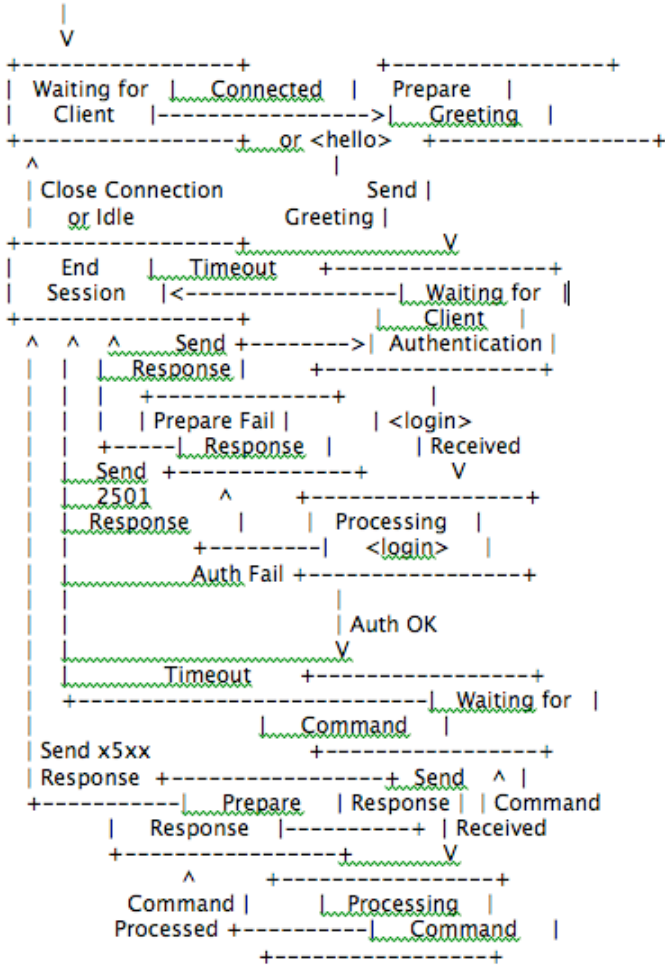1362 already identified in the issues paper – NeuLevel (.biz), Nominet (.uk)).

1363

1364

1365

1365 Annex C – EPP

1366

What is EPP?

```
              |
              V
 +-----------------+              +-----------------+
 | Waiting for  |    Connected  |    Prepare    |
 |    Client    |-------------->|   Greeting    |
 +-----------------+  or <hello>   +-----------------+
      ^                              |
      | Close Connection      Send |
      |   or Idle            Greeting |
 +-----------------+                  V
 |    End      |   Timeout    +-----------------+
 |  Session    |<-------------|  Waiting for   ||
 +-----------------+          |    Client    |
   ^   ^   ^     Send +-------->| Authentication |
   |   |   |  Response |       +-----------------+
   |   |   |    +---------------+           |
   |   |   | | Prepare Fail |        | <login>
   |   |   +-----| Response   |        | Received
   | Send +----------------+           V
   | 2501      ^         +-----------------+
   | Response     |        |   Processing  |
   | |            +---------|    <login>   |
   | |      Auth Fail +-----------------+
   | |                    |
   | |                    | Auth OK
   | |                    V
   | |     Timeout    +-----------------+
   | +------------------------------|  Waiting for  |
   |                   |    Command   |
 | Send x5xx          +-----------------+
 | Response +----------------+ Send  ^ |
 +----------|   Prepare   | Response | | Command
      |   Response  |----------+ | Received
      +-----------------+           V
           ^        +-----------------+
     Command |      |   Processing  |
     Processed +----------|    Command   |
           +-----------------+
```

Source: http://www.ietf.org/rfc/rfc4930.txt

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