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Final Report on the Inter-Registrar Transfer Policy - Part B Policy Development Process

STATUS OF THIS DOCUMENT

This is the Final Report on IRTP Part B PDP, prepared by ICANN staff, for submission to the GNSO Council on [DATE], following public comments on the Initial Report of 29 May 2010 and the proposed Final Report of 21 February 2011.

SUMMARY

This report is submitted to the GNSO Council as a required step of the GNSO Policy Development Process.

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49 1. Executive Summary

50 1.1 Background

- 51 ▪ The [Inter-Registrar Transfer Policy](#) (IRTP) aims to provide a straightforward procedure for
52 domain name holders to transfer their names from one ICANN-accredited registrar to
53 another should they wish to do so. The policy also provides standardized requirements for
54 registrar handling of such transfer requests from domain name holders. The policy is an
55 existing community consensus policy that was implemented in late 2004 and is now being
56 reviewed by the GNSO.
- 57 ▪ The IRTP Part B Policy Development Process (PDP) is the second in a series of five PDPs that
58 address areas for improvements in the existing transfer policy.
- 59 ▪ The GNSO Council [resolved at its meeting on 24 June 2009](#) to launch a PDP to address the
60 following five issues:
 - 61 a. Whether a process for urgent return/resolution of a domain name should be
62 developed, as discussed within the SSAC hijacking report
63 (<http://www.icann.org/announcements/hijacking-report-12jul05.pdf>; see also
64 <http://www.icann.org/correspondence/cole-to-tonkin-14mar05.htm>);
 - 65 b. Whether additional provisions on undoing inappropriate transfers are needed,
66 especially with regard to disputes between a Registrant and Admin Contact. The policy is
67 clear that the Registrant can overrule the AC, but how this is implemented is currently at
68 the discretion of the registrar;
 - 69 c. Whether special provisions are needed for a change of registrant near a change of
70 registrar. The policy does not currently deal with change of registrant, which often
71 figures in hijacking cases;
 - 72 d. Whether standards or best practices should be implemented regarding use of Registrar
73 Lock status (e.g., when it may/may not, should/should not be applied);
 - 74 e. Whether, and if so, how best to clarify denial reason #7: A domain name was already in
75 "lock status" provided that the Registrar provides a readily accessible and reasonable
76 means for the Registered Name Holder to remove the lock status.

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- The IRTP Part B Working Group published its [Initial Report](#) on 29 May 2010 in conjunction with the opening of a public comment forum (see section 6 for further details).
 - As, based on the review of the public comments and further deliberations, the WG made substantial changes to the proposed recommendations, the WG [put forward a proposed Final Report](#) for Community consideration. [Following review of the public comments](#) and additional consideration on some of the items as outlined in the [proposed Final report](#), the WG [has now finalized](#) the report for submission to the GNSO Council.

1.2 Deliberations of the Working Group

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- 91
- The IRTP Part B Working Group started its deliberations on 25 August 2009 where it was decided to continue the work primarily through first bi-weekly and then weekly conference calls, in addition to e-mail exchanges.
 - Chapter 5 provides an overview of the deliberations of the Working Group conducted both by conference call as well as e-mail threads.

1.3 Recommendations of the Working Group

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- Proposed Recommendations for Issue A
 - Recommendation #1** – The WG is considering recommending requiring registrars to provide an Emergency Action Channel (as described in [SAC007](#)). The WG recognizes that there are further details that would need to be worked out in relation to this proposal such as:
 - Within what timeframe should a response be received after an issue has been raised through the Emergency Action Channel (for example, 24 hours – 3 days has been the range discussed by the WG)?
 - What qualifies as ‘a response’? Is an auto-response sufficient?
 - Should there be any consequences when a response is not received within the required timeframe?
 - Is there a limited time following a transfer during which the Emergency Action Channel can be used?
 - Which issues may be raised through the Emergency Action Channel?

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114 ○ How/who should document the exchanges of information on the Emergency Action
115 Channel?

116 ○ Who is entitled to make use of the Emergency Action Channel?

117 The WG is requesting input from the ICANN Community on these questions and the
118 recommendation itself, so this can be factored into the WG deliberations going forward.

119

120 **Recommendation #2** - The WG notes that in addition to reactive measures such as outlined
121 in recommendation #1, proactive measures to prevent hijacking are of the utmost
122 importance. As such, the WG strongly recommends the promotion by ALAC and other
123 ICANN structures of the measures outlined in the recent report of the Security and Stability
124 Advisory Committee on A Registrant's Guide to Protecting Domain Name Registration
125 Accounts (SAC 044). In particular, the IRTP WG recommends that registrants consider the
126 measures to protect domain registrar accounts against compromise and misuse described in
127 SAC044, Section 5. These include practical measures that registrants can implement "in
128 house", such as ways to protect account credentials and how to incorporate domain name
129 registrations into employee or resource management programs typically found in medium
130 and large businesses. It suggests ways that registrants can use renewal and change
131 notifications from registrars as part of an early warning or alerting system for possible
132 account compromise.

133

134 ▪ Proposed Recommendations for Issue B

135 **Recommendation #3** - The WG recommends requesting an Issues Report on the
136 requirement of 'thick' WHOIS for all incumbent gTLDs. The benefit would be that in a thick
137 registry one could develop a secure method for a gaining registrar to gain access to the
138 registrant contact information. Currently there is no standard means for the secure
139 exchange of registrant details in a thin registry. In this scenario, disputes between the
140 registrant and admin contact could be reduced, as the registrant would become the ultimate
141 approver of a transfer. Such an Issue Report and possible subsequent Policy Development
142 Process should not only consider a possible requirement of 'thick' WHOIS for all incumbent
143 gTLDs in the context of IRTP, but should also consider any other positive and/or negative

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144 effects that are likely to occur outside of IRTP that would need to be taken into account
145 when deciding whether a requirement of 'thick' WHOIS for all incumbent gTLDs would be
146 desirable or not.

147

148 **Recommendation #4:** The WG notes that the primary function of IRTP is to permit
149 Registered Name Holders to move registrations to the Registrar of their choice, with all
150 contact information intact. The WG also notes that IRTP is widely used in the domain name
151 community to affect a "change of control," moving the domain name to a new Registered
152 Name Holder. The discussions within the WG and with ICANN Staff have determined that
153 there is no defined "change of control" function. Therefore, the IRTP-B WG recommends
154 requesting an Issue Report to examine this issue, including an investigation of how this
155 function is currently achieved, if there are any applicable models in the country-code name
156 space, and any associated security concerns.

157

158 **Recommendation #5:** The WG recommends modifying section 3 of the IRTP to require that
159 the Registrar of Record/Losing Registrar be required to notify the Registered Name
160 Holder/Registrant of the transfer out. The Registrar of Record has access to the contact
161 information for the Registrant and could modify their systems to automatically send out the
162 Standardized Form for Losing Registrars ("Confirmation FOA") to the Registrant.

163

164 ■ Proposed Recommendation for Issue C

165 **Recommendation #6:** The WG does recognize that the current language of denial reason #6
166 is not clear and leaves room for interpretation especially in relation to the term 'voluntarily'
167 and recommends therefore that this language is expanded and clarified to tailor it more to
168 explicitly address registrar-specific (i.e. non-EPP) locks in order to make it clear that the
169 registrant must give some sort of informed opt-in express consent to having such a lock
170 applied, and the registrant must be able to have the lock removed upon reasonable notice
171 and authentication. The WG recommends to modify denial reason #6 as follows:

172 Express objection to the transfer by the Transfer Contact. Objection could take the form of
173 specific request (either by paper or electronic means) by the Transfer Contact to deny a

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174 particular transfer request, or a general objection to all transfer requests received by the
175 Registrar, either temporarily or indefinitely. In all cases, the objection must be provided with
176 the express and informed consent of the Transfer Contact on an opt-in basis and upon
177 request by the Transfer Contact, the Registrar must remove the lock or provide a reasonably
178 accessible method for the Transfer Contact to remove the lock within five (5) calendar days.

179
180 ■ Proposed Recommendations for Issue D

181 **Recommendation #7:** The WG recommends that if a review of the UDRP is conducted in the
182 near future, the issue of requiring the locking of a domain name subject to UDRP
183 proceedings is taken into consideration.

184
185 **Recommendation #8:** The WG recommends standardizing and clarifying WHOIS status
186 messages regarding Registrar Lock status. The goal of these changes is to clarify why the
187 Lock has been applied and how it can be changed. Based on discussions with technical
188 experts, the WG does not expect that such a standardization and clarification of WHOIS
189 status messages would require significant investment or changes at the registry/registrar
190 level. The WG recommends that ICANN staff is asked to develop an implementation plan for
191 community consideration which ensures that a technically feasible approach is developed to
192 implement this recommendation.

193
194 ■ Proposed Recommendation for Issue E

195 **Recommendation #9:** The WG recommends deleting denial reason #7 as a valid reason for
196 denial under section 3 of the IRTP as it is technically not possible to initiate a transfer for a
197 domain name that is locked, and hence cannot be denied, making this denial reason
198 obsolete. Instead denial reason #7 should be replaced by adding a new provision in a
199 different section of the IRTP on when and how domains may be locked or unlocked. The WG
200 recommends that ICANN staff is asked to develop an implementation plan for community
201 consideration including proposed changes to the IRTP to reflect this recommendation.
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203 **1.4 Public Comment Period on the Initial Report**

204 ▪ The public comment period on the Initial Report resulted in seventeen (17) community
205 submissions from thirteen (13) different parties. The summary and analysis of the
206 comments received can be found in section 6. The Working Group reviewed and discussed
207 the public comments received using a [public comment review tool](#) that details the Working
208 Group’s responses to the public comment received and the actions taken as a result.

210 **1.5 Conclusions and Next Steps**

211 ▪ [The WG has submitted this report to the GNSO Council for its consideration.](#)

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2. Objective and Next Steps

This Final Report on the Inter-Registrar Transfer Policy (IRTP) Part B PDP is prepared as a required step in the GNSO Policy Development Process (PDP) as described in the ICANN Bylaws, Annex A (see <http://www.icann.org/general/bylaws.htm#AnnexA>), It is based on the Initial Report of 29 May 2010 and the proposed Final Report of 21 February 2011 and has been updated to reflect the review and analysis of the comments received by the IRTP Part B PDP Working Group in addition to further deliberations. This report is submitted to the GNSO Council for its consideration. The conclusions and recommendations for next steps on the five issues included in this PDP are outlined in Section 5.

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243 3. Background

- 244 • The issues that IRTP Part B Policy Development Process addresses are:
- 245 a. Whether a process for urgent return/resolution of a domain name should be developed,
- 246 as discussed within the SSAC hijacking report
- 247 (<http://www.icann.org/announcements/hijacking-report-12jul05.pdf>; see also
- 248 <http://www.icann.org/correspondence/cole-to-tonkin-14mar05.htm>);
- 249 b. Whether additional provisions on undoing inappropriate transfers are needed,
- 250 especially with regard to disputes between a Registrant and Admin Contact. The policy is
- 251 clear that the Registrant can overrule the AC, but how this is implemented is currently at
- 252 the discretion of the registrar;
- 253 c. Whether special provisions are needed for a change of registrant near a change of
- 254 registrar. The policy does not currently deal with change of registrant, which often
- 255 figures in hijacking cases;
- 256 d. Whether standards or best practices should be implemented regarding use of Registrar
- 257 Lock status (e.g., when it may/may not, should/should not be applied);
- 258 e. Whether, and if so, how best to clarify denial reason #7: A domain name was already in
- 259 "lock status" provided that the Registrar provides a readily accessible and reasonable
- 260 means for the Registered Name Holder to remove the lock status.
- 261 • The GNSO Council [resolved at its meeting on 24 June 2009](#) to launch a PDP on these five
- 262 issues and [adopted a charter](#) for a Working Group on 23 July 2009 (see Annex B for the
- 263 Working Group Charter).
- 264 ▪ The IRTP Part B Working Group published its [Initial Report](#) on 29 May 2010 in conjunction
- 265 with the opening of a public comment forum (see section 6 for further details).
- 266 ▪ As, based on the review of the public comments and further deliberations, the WG has
- 267 made substantial changes to the proposed recommendations, the WG is putting forward
- 268 this proposed Final Report for Community consideration prior to submitting it to the GNSO
- 269 Council.

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270 ▪ Following review of the public comments and additional consideration on some of the items
271 as outlined in the report, the WG intends to finalize the report for submission to the GNSO
272 Council.

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274 For further background information on the issues as well as the process, please see Annex A.

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276 4. Approach taken by the Working Group

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278 The IRTP Part B Working Group started its deliberations on 25 August 2009 where it was decided to
 279 continue the work primarily through first bi-weekly and then weekly conference calls, in addition to
 280 e-mail exchanges. The Working Group agreed to start working on the five different issues in parallel
 281 to the preparation of constituency statements and the public comment period on this topic. In order
 282 to facilitate the work of the constituencies, a template was developed for responses (see Annex B).

283

284 4.1 Members of the IRTP Part B Working Group

285

286 The members of the Working group are:

287

| Name | Affiliation* | Meetings Attended |
|----------------------------------|--------------|-------------------|
| Simonetta Batteiger ¹ | RrSG | ▼ |
| James Bladel | RrSG | ▼ |
| Eric Brown | RySG | ▼ |
| Berry Cobb | CBUC | ▼ |
| Michael Collins ² | Individual | ▼ |
| Chris Chaplow | CBUC | ▼ |
| Graham Chynoweth | RrSG | ▼ |
| Paul Diaz | RrSG | ▼ |
| Kevin Erdman | IPC | ▼ |
| Anil George | IPC | ▼ |
| Rob Golding ³ | RrSG | ▼ |
| Oliver Hope ⁴ | RrSG | ▼ |
| George Kirikos ⁵ | Individual | ▼ |
| Mark Klein | RrSG | ▼ |

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¹ Joined the WG on 13 August 2010

² Left the WG on 15 November 2010

³ Joined the WG on 24 June 2010

⁴ Joined the WG in June 2010 to replace Matt Mansell

⁵ Joined the WG on 31 May 2010, left WG on 17 July 2010

| Name | Affiliation* | Meetings Attended |
|-----------------------------|--------------|-------------------|
| Matt Mansell ⁶ | RrSG | ▼ |
| Bob Mountain ⁷ | RrSG | ▼ |
| Michele Neylon (WG Chair) | RrSG | ▼ |
| Mike O'Connor | CBUC | ▼ |
| Mike Rodenbaugh | CBUC | ▼ |
| Tim Ruiz (Council Liaison) | RrSG | ▼ |
| Boudouin Schombe | NCUC | ▼ |
| Matt Serlin | RrSG | ▼ |
| Barbara Steele | RySG | ▼ |
| Rudi van Snick | At Large | ▼ |
| Miriam Trudell ⁸ | IPC | ▼ |
| Danny Younger | At Large | ▼ |

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

304 <http://gns0.icann.org/issues/transfers/soi-irtp-b-sep09-en.htm>.

305

306 The attendance sheet can be found [\[include link\]](#).

307

308 The email archives can be found at <http://forum.icann.org/lists/gns0-irtp-b-jun09/>.

309

310 *

311 RrSG – Registrar Stakeholder Group

312 RySG – Registry Stakeholder Group

313 CBUC – Commercial and Business Users Constituency

314 NCUC – Non Commercial Users Constituency

315 IPC – Intellectual Property Constituency

316

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⁶ Joined the WG on 22 March 2010 and was replaced by Oliver Hope in June 2010

⁷ Joined the WG on 30 April 2010

⁸ Left the WG in September 2010

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331 5. Deliberations of the Working Group

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333 This chapter provides an overview of the deliberations of the Working Group conducted both by
334 conference call as well as e-mail threads. The points below are just considerations to be seen as
335 background information and do not necessarily constitute any suggestions or recommendations by
336 the Working Group, apart from those specifically labelled 'recommendation'.

337

338 5.1 Working Group Deliberations

339

340 **Issue A: Whether a process for urgent return/resolution of a domain name should be developed,**
341 **as discussed within the SSAC hijacking report** ([http://www.icann.org/announcements/hijacking-
342 report-12jul05.pdf](http://www.icann.org/announcements/hijacking-
342 report-12jul05.pdf); see also <http://www.icann.org/correspondence/cole-to-tonkin-14mar05.htm>);

- 343 ▪ The WG reviewed the SSAC hijacking report, as well as the more recent report on [Measures to](#)
344 [Protect Domain Registration Services Against Exploitation or Misuse](#) (SAC40) and discussed
345 these with Dave Piscitello, ICANN's Senior Security Technologist. Piscitello explained that the
346 interest of the Security and Stability Advisory Committee (SSAC) in unauthorized transfers was
347 mainly related to unauthorized transfers as a result of hijacking whereby a third party gains
348 unauthorized access to the domain name registration and transfers the registration to another
349 registrar. As a result, SAC 40 is mainly focused on how to prevent the unauthorized take-over of
350 a domain name registration. One of the suggestions made was to consider a multi-party
351 confirmation before a transfer would be carried out.
- 352 ▪ The question was raised whether there are ways to identify a 'hijacked domain name
353 registration' transfer from a 'normal' transfer, but Piscitello noted that he was not aware of any
354 study in anomaly detection. He added that there might be some markers that together could
355 form a fingerprint of malicious behaviour, but this could only be done on a case-by-case basis.
356 He suggested that one approach would be to look at the quality of registration data, e.g. a long-
357 standing client, with accurate information is suddenly updated with 'inaccurate' contact details.

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Deleted: It should be noted that the Working Group will not make a final decision on which solution(s), if any, to recommend to the GNSO Council before a thorough review of the comments received during the public comment period on the proposed Final Report.

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- 364 ▪ Some pointed out that even though an urgent return of a domain name might be desirable, due
365 diligence would be required by registrars, which normally takes time, unless there would be a
366 safe harbour provision that would limit liability.
- 367 ▪ The question was raised what the role of the registry is in hijacking incidents and it was noted
368 that the registry is more of a bystander in the process as it relies on the information provided by
369 the registrar and will only get involved if a dispute is filed under the [Transfer Dispute Resolution
370 Policy](#) (TDRP). It was noted that certain registry providers offer special registry lock services
371 which allow for locking of a domain name registration at the registry level, requiring two-factor
372 authentication to make changes to the status of the domain name.
- 373 ▪ The WG noted that instead of starting with developing a separate procedure, the group should
374 start with reviewing the existing Transfer Dispute Resolution Policy in order to determine
375 whether it would be possible to adapt this policy to allow for an urgent return / resolution of a
376 domain name registration. A detailed [presentation on the TDRP](#) was provided by Eric Brown,
377 Neustar. In reviewing the TDRP, the WG concluded that the TRDP is a relatively little used
378 method for disputing / undoing inter-registrar Transfers as:
- 379 a. For Registrants, especially those who are victims of "hijacking," the process is too slow, and
380 potentially expensive.
- 381 b. For Registrants and Internet Users, the Harm of a name resolving to a disputed site (or not
382 resolving at all) persists while the TDRP proceeding is ongoing.
- 383 c. For Registrars, the TDRP is seen as too slow, resource expensive, and could yield
384 unpredictable outcomes.
- 385 d. Larger Registrars have developed informal procedures to work together to rapidly reverse
386 transfers that were erroneous or fraudulent, but still wish to preserve a formal policy to
387 escalate matters to the Registry in the event that registrars cannot agree on the remedy.
- 388 e. Some registered name holders have eschewed the TDRP and Registrar contact entirely, and
389 prefer to work directly with ICANN to resolve disputed transfers.
- 390 f. VeriSign has adopted it's own procedure under its Supplemental Rules to augment the TRDP
391 whereby the registry facilitates the "undo" of a transfer upon agreement and consent of
392 both the gaining and losing registrars. This procedure significantly shortens the transfer
393 dispute process in those cases where both the gaining and losing registrars agree that a

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394 transfer was processed in violation of the IRTP and that the domain name should be
395 reinstated with the losing registrar. Other registries may have equivalent procedures, or
396 may seek to develop them.

397 It was noted that the TDRP is slow and resource intensive, in addition it was pointed out that a
398 dispute under the TDRP can only be filed by a registrar, not a registrant. Some noted that in its
399 current form it might not be workable to open the TDRP to registrants, but that it might be
400 worth providing more information about this policy to registrants as well as registrars as one of
401 the possible avenues to be explored in the case of a dispute.

- 402 ▪ The WG also discussed in which circumstances an urgent return / resolution might be desirable
403 such as when unauthorized changes to the DNS and registrant contact details have taken place
404 which might result in the loss of control by the registered name holder of the domain name
405 registration resulting in an unauthorized transfer. Nevertheless, the WG agreed that it would
406 not be possible to establish a list of criteria that would qualify a transfer for an urgent return /
407 resolution, but that the trigger would be a registrant contacting their registrar with the claim
408 that their domain name registration was transferred as a result of a hijack.
- 409 ▪ Several of the registrars participating in the WG pointed out that in practice registrars will work
410 together to solve these kinds of situations, but it was noted that an escalation process might be
411 desirable in cases where a registrar would be unresponsive or unwilling to co-operate.
- 412 ▪ The WG discussed how to unite the need for urgent return / resolution with due process in one
413 procedure as it was recognized that in the former speed is of the essence, while for the latter
414 appropriate time would be needed to make an accurate assessment of the situation. Some
415 suggested that a way forward might be to consider a procedure which, when invoked, would
416 result in the immediate return to the situation prior to the transfer (e.g. DNS and registrant
417 details), with no possibilities for further changes (e.g. Registry Lock) until an assessment of the
418 situation had occurred and a determination had been made whether the transfer was legitimate
419 or not.
- 420 ▪ In order to explore the options for an urgent return / resolution in further detail, the WG formed
421 a sub-team to prepare a proposal for an Expedited Transfer Reverse Procedure (ETRP) (see
422 [Initial Report](#) for further details).

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- 423 ▪ The proposal for an ETRP received a substantial amount of comments during the public
424 comment period (see Chapter 6).
- 425 ▪ In addition, the WG carried out an aftermarket survey to receive further input on the need for
426 an ETRP and specific comments on the proposed procedure (see
427 <http://forum.icann.org/lists/gnso-irtp-b-jun09/msg00531.html>).
- 428 ▪ The Working Group reviewed the comments received, the results of the aftermarket survey and
429 the original proposal and has arrived at the conclusion that the ETRP, as drafted, is complicated
430 and could generate severe unintended consequences. One of the main issues identified with the
431 ETRP approach was the need for registrars and/or registries to judge the merits of a hijacking
432 claim by the losing registrant – essentially making them responsible for high-speed dispute
433 evaluation/resolution and leaving the process open to gaming. The Working Group therefore
434 proposes to drop the ETRP proposal.
- 435 ▪ As noted before, in practice most registrars work together to address issues like hijacking and
436 resolve these in an expedient manner, a problem occurs when a registrar is non-responsive. To
437 this end, the WG discussed the possibility of requiring registrars to provide an Emergency Action
438 Channel (as also proposed in SAC007). As described in [SAC 007](#) the objective of an Emergency
439 Action Channel (EAC) would be ‘to provide 24 x 7 access to registrar technical support staff who
440 are authorized to assess the situation, establish the magnitude and immediacy of harm, and
441 take measures to restore registration records and DNS configuration to what is often described
442 as “the last working configuration”. An urgent restoration of a hijacked domain may require the
443 coordinated efforts of geographically dispersed registrars, operating in different time zones. The
444 emergency action channel requires a contact directory of parties who can be reached during
445 non-business hours and weekends’. The WG [recognized](#) that [further details would need to be](#)
446 [worked out and therefore asked specific input during the public comment period on the](#)
447 [following questions:](#)
- 448 ○ Within what time should a response be received after an issue has been raised
449 through the Emergency Action Channel (for example, 24 hours – 3 days has been
450 the range discussed by the WG)?
- 451 ○ What qualifies as ‘a response’? Is an auto-response sufficient?

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- 456 ○ Should there be any consequences when a response is not received within the
- 457 required timeframe?
- 458 ○ Is there a limited time following a transfer during which the Emergency Action
- 459 Channel can be used?
- 460 ○ Which issues may be raised through the Emergency Action Channel?
- 461 ○ Who is entitled to make use of the Emergency Action Channel?

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462 [Following review of the public comments received and continued deliberations, the WG](#)
 463 [developed a detailed proposal for the EAC as outlined in recommendation #1 below. In addition,](#)
 464 [the WG developed a FAQ that aims to answer the main questions in relation to the EAC, which](#)
 465 [can be found in Annex C.](#)

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466 ■ The WG also reviewed the Security and Stability Advisory Committee’s Advisory titled ‘A
 467 Registrant’s Guide to Protecting Domain Name Registration Accounts’ (SAC 044). SAC 044
 468 discusses, amongst others, the importance of maintaining accurate domain name contact
 469 information. It discusses the value of diversifying domain contact information (for example,
 470 creating separate identities for registrant, technical, administrative, and billing contacts) and
 471 methods to protect email delivery to the registrant’s points of contact against disruption
 472 attacks. SAC044 also identifies types of documentation registrants should maintain to "prove
 473 registration" in cases where disputes might arise. SSAC recognizes that certain registrants may
 474 want external parties to manage nearly all aspects of domain registration. SAC 044 identifies
 475 questions related to domain account security that registrants can ask so they can make an
 476 informed choice when selecting a registrar or third party (such as an online brand protection
 477 agent or hosting provider).

478
 479 **Recommendations for Issue A**

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481 **Recommendation #1** – The WG recommends requiring registrars to provide an Emergency Action
 482 Channel. [To this end the WG recommends to update the language of section 4 \(Registrar](#)
 483 [Coordination\) and Section 6 \(Registry Requirements of the Inter-Registrar Transfer Policy as follows:](#)
 484 [Emergency Action Channel \(Append to Section 4\)](#)

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491 Registrars will establish an Emergency Action Channel (EAC) for urgent communications relating to
492 transfers. The goal of the EAC is to quickly establish a real-time conversation between registrars (in a
493 language that both parties can understand) in an emergency. Further actions can then be taken
494 towards a resolution, including initiating existing (or future) transfer dispute or undo processes.

495
496 The EAC will be reserved for use by ICANN-Accredited Registrars, gTLD Registry Operators and
497 ICANN Staff. The EAC point of contact may be designated as a telephone number or some other real-
498 time communication channel and will be recorded in, and protected by, the ICANN RADAR system.

499
500 An EAC must be requested by the Registrant in a timely manner, within a reasonable period of time
501 following the unauthorized loss of a domain.

502
503 Messages sent via the EAC must generate a non-automated response by a human representative of
504 the gaining Registrar. The person or team responding must be capable and authorized to investigate
505 and address urgent transfer issues. Responses are required within 4 hours of the initial request,
506 although final resolution of the incident may take longer.

507
508 The losing registrar will report failures to respond to EAC requests to ICANN Compliance and the
509 registry operator. Failure to respond to an EAC request may result in a transfer-undo in accordance
510 with Section 6 of this policy and may also result in further action by ICANN, up to and including non-
511 renewal or termination of accreditation.

512
513 Both parties will retain correspondence in written or electronic form of any EAC requests and
514 responses, and share copies of this documentation with ICANN and the registry operator upon
515 request. This documentation will be retained in accordance with Section 3.4 of the Registrar
516 Accreditation Agreement (RAA). Users of the EAC should report non-responsive Registrars to ICANN.
517 Additionally, ICANN may conduct periodic tests of the Registrar EAC in situations and a manner
518 deemed appropriate to ensure that registrars are indeed responding to EAC messages.

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520 [\(Append to Section 6\) 6 iv. Documentation provided by the Registrar of Record prior to transfer that](#)
 521 [the Gaining Registrar has not responded to a message via the EAC within the timeframe specified in](#)
 522 [Section 4.](#)

524 **Recommendation #2** - The WG notes that in addition to reactive measures such as outlined in
 525 recommendation #1, proactive measures to prevent hijacking are of the utmost importance. As
 526 such, the WG strongly recommends the promotion by ALAC and other ICANN structures of the
 527 measures outlined in the recent report of the Security and Stability Advisory Committee on A
 528 Registrant's Guide to Protecting Domain Name Registration Accounts (SAC 044). In particular, the
 529 IRTP WG recommends that registrants consider the measures to protect domain registrar accounts
 530 against compromise and misuse described in SAC044, Section 5. These include practical measures
 531 that registrants can implement "in house", such as ways to protect account credentials and how to
 532 incorporate domain name registrations into employee or resource management programs typically
 533 found in medium and large businesses. It suggests ways that registrants can use renewal and change
 534 notifications from registrars as part of an early warning or alerting system for possible account
 535 compromise.

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

- 541 ▪ The WG noted that in 'thin'⁹ registries no registrant email addresses are collected which makes
 542 it complicated for the gaining registrar to contact the registrant to confirm the transfer. At the
 543 same time, it was pointed out that if such information would be available for all registries, it
 544 might make the system more vulnerable to hijacking, although it was also noted that just
 545 because additional information is collected under a 'thick' WHOIS model, it does not necessarily

⁹ A thin WHOIS output includes only a minimum set of data elements sufficient to identify the sponsoring registrar, the status of the registration, and the creation and expiration dates of each registration.

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Deleted: <#> (as described in [SAC007](#)). The WG recognizes that there are further details that would need to be worked out in relation to this proposal such as: - [\[1\]](#)

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- 551 mean that such information is publicly displayed. It was pointed out that the current proposals
552 in the new gTLD process require all new gTLD registries to run a ‘thick¹⁰’ WHOIS.
- 553 ▪ Most agreed that the possibility for the registrant to overrule the administrative contact should
554 be preserved as a security measure.
 - 555 ▪ It was pointed out that under the current rules, the Form of Authorization (FOA) is used by the
556 Gaining Registrar to obtain express authorization from either the Registered Name Holder or the
557 Administrative Contact. It was suggested that a possible way forward would be to require first
558 contacting the Registered Name Holder, in those cases where the contact information would be
559 available, followed by contacting the Administrative Contact as a second option, with the
560 Registered Name Holder remaining authoritative. It was noted that this would not address the
561 situation for transfers in ‘thin’ registries, as no contact information for the Registered Name
562 Holder is publicly available. It was noted that it might be worth reviewing the work on the
563 WHOIS service requirements that is currently being undertaken to determine whether it
564 addresses this issue. It was suggested in one of the public comments received on the Initial
565 Report that a more consistent use of the FOA among losing registrars might help reduce the
566 number of instances when a transfer dispute arises.
 - 567 ▪ It was also suggested in one of the public comments received on the Initial Report that registrars
568 should consider implementing a consistent policy regarding the proof required to undo a
569 domain name transfer, which was supported by a number of WG members.
 - 570 ▪ The WG discussed section 3 of the IRTP which currently offers the option to the Registrar of
571 Record to notify the registrant that a transfer has been requested. The WG agreed that requiring
572 this notification might alert the registrant at an earlier stage that a transfer has been requested,
573 which as a result would bring any potential conflicts to light before a transfer has been
574 completed and therefore might reduce the number of conflicts between the admin contact and
575 registrant that would require undoing a transfer.
 - 576 ▪ To facilitate the discussion, the WG developed an overview of standard use cases (see Annex E).

¹⁰ Thick WHOIS output includes a broader set of data elements including contact information for the registrant and designated administrative and technical contacts.

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578 Recommendations for Issue B

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580 **Recommendation #3** - The WG recommends requesting an Issues Report on the requirement of
581 'thick' WHOIS for all incumbent gTLDs. The benefit would be that in a thick registry one could
582 develop a secure method for a gaining registrar to gain access to the registrant contact information.
583 Currently there is no standard means for the secure exchange of registrant details in a thin registry.
584 In this scenario, disputes between the registrant and admin contact could be reduced, as the
585 registrant would become the ultimate approver of a transfer. Such an Issue Report and possible
586 subsequent Policy Development Process should not only consider a possible requirement of 'thick'
587 WHOIS for all incumbent gTLDs in the context of IRTP, but should also consider any other positive
588 and/or negative effects that are likely to occur outside of IRTP that would need to be taken into
589 account when deciding whether a requirement of 'thick' WHOIS for all incumbent gTLDs would be
590 desirable or not.

591

592 **Recommendation #4:** The WG notes that the primary function of IRTP is to permit Registered Name
593 Holders to move registrations to the Registrar of their choice, with all contact information
594 intact. The WG also notes that IRTP is widely used in the domain name community to affect a
595 "change of control," moving the domain name to a new Registered Name Holder. The discussions
596 within the WG and with ICANN Staff have determined that there is no defined "change of control"
597 function. Therefore, the IRTP-B WG recommends requesting an Issue Report to examine this issue,
598 including an investigation of how this function is currently achieved, if there are any applicable
599 models in the country-code name space, and any associated security concerns.

600

601 **Recommendation #5:** The WG recommends modifying section 3 of the IRTP to require that the
602 Registrar of Record/Losing Registrar be required to notify the Registered Name Holder/Registrant of
603 the transfer out. The Registrar of Record has access to the contact information for the Registrant
604 and could modify their systems to automatically send out the Standardized Form for Losing
605 Registrars ("Confirmation FOA") to the Registrant.

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609 **Issue C: Whether special provisions are needed for a change of registrant near a change of**
610 **registrant. The policy does not currently deal with change of registrant, which often figures in**
611 **hijacking cases**

- 612 ▪ The WG discussed the practice that is currently applied by various registrars to lock a domain
613 name registration for a sixty day period following a change of registrant to prevent hijacking
614 and/or unauthorized transfer of a domain name registration. It was pointed out that registrants
615 receive a clear warning when changing the registrant details, noting that it will not be possible
616 to transfer the domain name registration for a period of 60 days. It was also pointed out that in
617 these circumstances, a registrant could first carry out a transfer and then change the registrant
618 details in order to prevent the 60-day lock. It was noted that some registrars do provide the
619 possibility for registrants to unlock the domain in the 60-day period if the appropriate
620 credentials are provided.
- 621 ▪ Further clarification on this practice was also provided by ICANN Compliance which noted
622 amongst others that: 'At the outset, it's helpful to point out the distinction between changes to
623 Whois information where the registrant simply updates the Whois contact information (i.e.,
624 Whois Update) versus where Whois information is updated as a result of the registered name
625 holder being changed from an existing registrant A to a new registrant B (Registrant Change).
626 We understand GoDaddy.com's 60-day lock only applies to the Registrant Change scenario. If
627 the 60-day lock is applied to the Whois Update scenario, it would be inconsistent with the
628 [Registrar Advisory Concerning the Inter-Registrar Registrant Change Policy](#) (3 April 2008)
629 (Advisory), since registrants and registrars are obligated to keep Whois information up-to-date.
630 Requiring registrants to agree to such terms would contradict with these obligations. The
631 Advisory, however, only addresses mandatory updates to Whois contact information, not a
632 transfer or assignment to a new registrant (i.e., the Registrant Change scenario, which is not a
633 service that registrars are required to provide under the RAA). Further, the transfer policy does
634 not prohibit registrars from requiring registrants to agree to the blocking of transfer requests as
635 a condition for registrar facilitation of optional services such as the transfer of a registration to a
636 new registrant' (see [original email](#) for further details).
- 637 ▪ It was also pointed out that some registrars do not allow a transfer of a domain name
638 registration for 60-days following a transfer which is an option foreseen under reason of denial

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639 #9 in the IRTP: 'A domain name is within 60 days (or a lesser period to be determined) after
640 being transferred (apart from being transferred back to the original Registrar in cases where
641 both Registrars so agree and/or where a decision in the dispute resolution process so directs).
642 "Transferred" shall only mean that an inter-registrar transfer has occurred in accordance with
643 the procedures of this policy'. Some suggested that it should be explored whether this should be
644 a mandatory instead of optional provision. Some suggested that it should not be an issue if a
645 lock in these circumstances would be applied as long as there would be a possibility for the
646 registrant to unlock the domain, provided that the appropriate credentials are provided. [The](#)
647 [WG requested specific input on this issue in its proposed Final Report and based on the input](#)
648 [received and further deliberations, the WG has developed a recommendation in relation to this](#)
649 [issue \(see below, recommendation #7\).](#)

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Deleted: The WG is planning to explore this issue in further detail and is requesting further input on this issue during the public comment period.

- 650 ▪ Currently some registrars do allow for unlocking when appropriate credentials are provided,
651 while others do not. Some expressed concern regarding the voluntary nature of this practice as
652 required under denial reason # 6 if there is no possibility to remove the lock, noting that a 60-
653 day lock might not be considered problematic, but what if it would be applied for an unspecified
654 duration. It was suggested that registrars should make clear in the registration agreement or a
655 separate policy how a registrant can remove a voluntarily lock if so desired.
- 656 ▪ In relation to this issue (Charter Question C and denial reason #6), it was suggested by ICANN
657 staff that it might be beneficial to expand and clarify this language to tailor it more to explicitly
658 address registrar-specific (i.e. non-EPP) locks in order to make it clear(er) that the registrant
659 must give some sort of informed opt-in express consent to having such a lock applied, and the
660 registrant must be able to have the lock removed upon reasonable notice and authentication.
661 This denial reason could potentially be split into two reasons of registrant objection for denial --
662 (1) express objection to a particular transfer, and (2) a general indefinite request to deny all
663 transfer requests.
- 664 ▪ There was agreement that a clear and concise definition needs to be developed of what
665 constitutes a 'change of registrant'. Most agreed that a change of only the email address does
666 not consist of a registrant change, but it was noted that in some ccTLDs such as .uk any change
667 to the registrant field is considered a change of registrant.

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- 671 ▪ The WG discussed how to prove the identity of the registrant and there were suggestions to
672 have a consistent way across registrars to validate the identity of a registrant. Others pointed
673 out that uniformity might not necessarily be a good thing from a security perspective as a single
674 standard could result in unintended consequences. The WG debated how to go about avoiding
675 minimum standards resulting in lowest common denominator while at the same time trying to
676 raise the standard for those below par.
- 677 ▪ The WG concludes that a change of registrant near a change of registrar is a substantial
678 "indicator" of fraudulent activity. However, it also concludes that the event per say is not a
679 special event and is commonly performed by registrants moving domains between registrars
680 immediately prior to a transfer.
- 681 ▪ Go-Daddy's solution preventing transfers, where the registrant has elected to do so, in this
682 scenario is applauded for best practice, but it would be overly onerous to impose the same
683 model on the registrar base as a whole. The "indicator" however remains valuable and registrars
684 should be encouraged to use this information to prevent fraudulent activity as best practice. Any
685 move to implement policy to force use of this indicator or provide such information to the
686 receiving registrar will be documented policy and therefore short lived fraud protection.

687

688 Recommendations for Issue C

689

690 **Recommendation #6:** The WG does recognize that the current language of denial reason #6 is not
691 clear and leaves room for interpretation especially in relation to the term 'voluntarily' and
692 recommends therefore that this language is expanded and clarified to tailor it more to explicitly
693 address registrar-specific (i.e. non-EPP) locks in order to make it clear that the registrant must give
694 some sort of informed opt-in express consent to having such a lock applied, and the registrant must
695 be able to have the lock removed upon reasonable notice and authentication. The WG recommends
696 to modify denial reason #6 as follows:

697 Express objection to the transfer by the [authorized](#) Transfer Contact. Objection could take the form
698 of specific request (either by paper or electronic means) by the [authorized](#) Transfer Contact to deny
699 a particular transfer request, or a general objection to all transfer requests received by the Registrar,
700 either temporarily or indefinitely. In all cases, the objection must be provided with the express and

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702 informed consent of the [authorized](#) Transfer Contact on an opt-in basis and upon request by the
703 [authorized](#) Transfer Contact, the Registrar must remove the lock or provide a reasonably accessible
704 method for the [authorized](#) Transfer Contact to remove the lock within five (5) calendar days.

705
706 **[Recommendation #7:** The WG notes that the problem of domain transfer 'hopping' between
707 [registrars is a known issue, and can be used to thwart anti-hijacking issues, as well as create other](#)
708 [enforcement / takedown problems. The WG notes that the 60-day post-transfer lock is currently](#)
709 [optional \(IRTP Reason for Denial #9\), and that most large registrars follow this practice. The WG,](#)
710 [therefore, recommends moving reason for denial #8 \('The transfer was requested within 60 days of](#)
711 [the creation date as shown in the registry Whois record for the domain name.'\)](#) and #9 ('A domain
712 [name is within 60 days \(or a lesser period to be determined\) after being transferred \(apart from](#)
713 [being transferred back to the original Registrar in cases where both Registrars so agree and/or](#)
714 [where a decision in the dispute resolution process so directs'\)](#) out of the criteria for which registrars
715 [MAY deny a transfer, and create a new section for these situations under which registrars SHALL](#)
716 [deny a transfer. The WG would like to emphasize that reason of denial #9 relates to a transfer, not](#)
717 [to a change of control \(change of registrant\). \]](#)

718

719 **Issue D: Whether standards or best practices should be implemented regarding use of Registrar**
720 **Lock status (e.g., when it may/may not, should/should not be applied)**

- 721
- 722 ▪ Some noted that the current language of the IRTP where it is noted that a 'Registrar of Record
723 [may deny a transfer request](#)' results in different approaches as there is no obligation for the
724 Registrar of Record to deny a transfer in the specific instances identified in the policy. This might
725 lead to confusion for registrants.
 - 726 ▪ All agreed that any standards or best practices discussed in this context should only apply to the
727 "Registrar Lock" status as defined in RFC 2832, or its equivalent, "Client Delete Prohibited/Client
728 UpdateProhibited/Client Transfer Prohibited" (see RFC 5731). It should not refer to any internal
729 flag or status termed "lock" which a registrar may be using.
 - 730 ▪ The WG discussed one of the ideas raised in the context of the public comments which noted
731 that in the EPP protocol it is possible to associate each status value, such as
clientDeleteProhibited, clientUpdateProhibited and clientTransferProhibited, with a message

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732 which would be displayed in Whois, which might be used to provide further details on why the
733 Lock has been applied and what can be done to change the status. In order to explore this idea
734 further, Scott Hollenbeck from VeriSign and author of EPP, participated in one of the WG
735 meetings to provide further insight into the technical requirements for this option. He pointed
736 out that additional extensions to a status value are technically possible, but they would be
737 optional in the protocol and the needed capability may already be present by using the optional
738 message field. He added, that a way to mandate the content and use of such an option linked to
739 the registrar lock status would be to adopt it as part of the IRTP.

- 740 ■ The WG agreed that in order to manage expectations it might be helpful to set certain
741 parameters in relation to the locking and unlocking of domain names.
- 742 ■ [In order to clarify the different status values, the WG, in co-operation with the ICANN
743 Communications Department, developed an EPP Status Codes overview that can be found in
744 Annex F and which will be posted on the relevant sections of the ICANN web-site.](#)
- 745 ■ In response to a comment received from WIPO, the WG agreed that locking a domain name
746 registration subject to a UDRP dispute should be a best practice. In addition, the WG noted that
747 any changes to making this a requirement should be considered in the context of any potential
748 UDRP review.

750 Proposed Recommendations for Issue D

752 **Recommendation #8:** The WG recommends that if a review of the UDRP is conducted in the near
753 future, the issue of requiring the locking of a domain name subject to UDRP proceedings is taken
754 into consideration.

756 **Recommendation #9:** The WG recommends standardizing and clarifying WHOIS status messages
757 regarding Registrar Lock status. The goal of these changes is to clarify why the Lock has been applied
758 and how it can be changed. Based on discussions with technical experts, the WG does not expect
759 that such a standardization and clarification of WHOIS status messages would require significant
760 investment or changes at the registry/registrar level. The WG recommends that ICANN staff is asked

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763 to develop an implementation plan for community consideration which ensures that a technically
764 feasible approach is developed to implement this recommendation.

765

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

- 769 ▪ The WG noted that in order to address this issue, a first point of discussion would be to define
770 'readily' and 'reasonable'. Some suggested that providing some examples of what is considered
771 'readily' and 'reasonable' might help, instead of providing a rigid definition.
- 772 ▪ There was some support for one of the ideas raised during the public comment period to
773 require ICANN Compliance to conduct yearly checks to verify that registrants can lock and
774 unlock domains as intended by the policy.
- 775 ▪ Some suggested that registrars should be required to provide further information to registrants
776 as to why a domain name registration is in lock status.
- 777 ▪ The WG reviewed the new language for denial reason #7 proposed by the Registry Stakeholder
778 Group ("Prior to receipt of the transfer request, the domain name was locked pursuant to the
779 Registrar's published security policy or at the direction of the Registered Name Holder provided
780 that the Registrar includes in its registration agreement, the terms and conditions upon which it
781 locks domains and further that the Registrar provides a readily accessible and reasonable means
782 for the Registered Name Holder to remove the lock status. If the Registrar does not provide a
783 means to allow a Registered Name Holder to remove the lock status themselves, then Registrar
784 must facilitate removing the lock within 5 calendar days of receiving a request from the
785 Registered Name Holder."), but some questioned whether 5 days would be too long. The WG
786 also discussed what should be considered as unresponsive and noted that international
787 standards might differ.
- 788 ▪ At the request of the WG, additional feedback was received from the ICANN Compliance and
789 Legal Department in relation to this issue noting that:
 - 790 ○ Lack of definition of "readily accessible and reasonable means" – what is reasonable will
791 depend on registrar practices and designated security level of a particular domain. Hence it is
792 difficult to set or apply a standard or definition to all.

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- 793 ○ Denial reason #7 – this seems superfluous as a ground for denying a transfer request. If a
794 domain is in “lock status”, the registry cannot initiate a transfer request (so there will not be a
795 ground for denial based on #7). As such, this might be best deleted as a valid reason for denial
796 under section 3 of the IRTP and instead replaced (by adding a new provision in a different
797 section of the IRTP) on when and how domains may be locked or unlocked.
- 798 ○ It would be helpful if registrars are required to publish on their website their security policy
799 (terms and conditions upon which it locks domains), which must be consistent with bullet the
800 recommended new provision, if it becomes available. This will hopefully more prominent or
801 noticeable for registrants and others (than “buried” in the registration agreement).
- 802

803 **Proposed Recommendation for Issue E**

804

805 **Recommendation #10:** The WG recommends deleting denial reason #7 as a valid reason for denial
806 under section 3 of the IRTP as it is technically not possible to initiate a transfer for a domain name
807 that is locked, and hence cannot be denied, making this denial reason obsolete. Instead denial
808 reason #7 should be replaced by adding a new provision in a different section of the IRTP on when
809 and how domains may be locked or unlocked. The WG recommends that ICANN staff is asked to
810 develop an implementation plan for community consideration including proposed changes to the
811 IRTP to reflect this recommendation.

812

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813 **5.2 Input provided by ICANN Compliance**

814 On the request of the WG, the ICANN Compliance Department provided further information on the
815 number and type of complaints received in relation to IRTP. The information provided is based on an
816 analysis of IRTP related complaints received between July and November 2009 (1329 complaints).
817 On the basis of that information, the following issue ranking (from most to lowest complaints) was
818 provided:

- 819 1. EPP / Authinfo Code (24%)
- 820 2. Reseller (24%)
- 821 3. Failure to unlock domain by registrar (15%)
- 822 4. Registrant does not understand transfer process / transfer denied (9%)

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- 824 5. Expiring domains (6%)
- 825 6. Ownership (6%)
- 826 7. Control Panel (4%)
- 827 8. Nacking / wrongful denial of transfer by registrar (4%)
- 828 9. Whois Issues (4%)
- 829 10. Stolen Domain / Hijacking (3%)
- 830 11. Privacy / Proxy (1%)

831

832 For further information, please see the [detailed data provided by the ICANN Compliance Team](#).

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835 6. Stakeholder Group / Constituency Statements & Public 836 Comment Periods

837

838 This section features issues and aspects of the IRTP Part B PDP reflected in the statements from the
839 GNSO stakeholder groups / constituencies and comments received during the public comment
840 period.

841

842 6.1 Initial Public Comment Period

843

844 The public comment period ran from 14 September 2009 to 5 October 2009. Seven (7) community
845 submissions from six different parties were made to the public comment forum. Three submissions
846 related to issues not of relevance to the charter questions, such as WHOIS accuracy, privacy and a
847 complaint relating to a specific registrar. The other contributors provided input on the different
848 charter questions or other related issues for consideration. A summary of all comments can be
849 found here: <http://forum.icann.org/lists/irtp-b/msg00007.html>. The public comments on this forum
850 are archived at <http://forum.icann.org/lists/irtp-b/>. The IRTP Part B WG reviewed and discussed the
851 public comments received thoroughly with the assistance of an [analysis grid](#) developed for that
852 purpose. There were relevant and appropriate, information and suggestions derived from the public
853 comments received have been included in chapter 5.

854

855 6.2 Constituency / Stakeholder Group Statements

856

857 The Constituency Statement Template was sent to all the constituencies and stakeholder groups.
858 Feedback was received from the Registrar Stakeholder Group, the Registry Stakeholder Group,
859 Business and Commercial Users' Constituency and the Intellectual Property Interests Constituency.
860 These entities are abbreviated in the text as follows:

861

862 Registrar Stakeholder Group - RrSG

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863 Registry Stakeholder Group - RySG
864 Business and Commercial Users' Constituency – BC
865 Intellectual Property Constituency - IPC
866

867 **6.3 Constituency / Stakeholder Group Views**

868

869 The full text of the constituency statements that have been submitted can be found on the [IRTP Part](#)
870 [B WG Workspace](#). These should be read in their entirety. The following section attempts to
871 summarize key constituency views on the issues raised in the context of IRTP Part B PDP. In order to
872 facilitate the review of the comments received, the WG developed [this analysis grid](#) in which the
873 WG's response and views to each of the comments can be found.

874

875 a. **Whether a process for urgent return/resolution of a domain name should be developed,**
876 **as discussed within the SSAC hijacking report**

877 (<http://www.icann.org/announcements/hijacking-report-12jul05.pdf>; see also

878 <http://www.icann.org/correspondence/cole-to-tonkin-14mar05.htm>);

879

880 The RrSG suggests that a possible adjustment and refinement of the Transfer Dispute Resolution
881 Policy (TDRP) could be considered to reduce the overall timeframe to resolve disputes. In addition, it
882 suggests that the WG could discuss best practices for the voluntary transfer of domain name
883 registrations in cases of fraud. The RySG, on the other hand, suggests that the development of such
884 a process should be addressed separately from the IRTP and TDRP, but adds that a quick resolution
885 of this type is normally best served when addressed at the registrar level. The IPC is of the opinion
886 that a process for urgent return / resolution should be developed. The BC agrees that registrants
887 need a mechanism to quickly restore a domain to its prior state when hijacking occurs and a robust
888 process to resolve the dispute in a timely manner. The BC does note that hijacking issues may be
889 best addressed outside of the IRTP and TDRP.

890

891 b. **Whether additional provisions on undoing inappropriate transfers are needed, especially**
892 **with regard to disputes between a Registrant and Admin Contact. The policy is clear that**

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893 **the Registrant can overrule the AC, but how this is implemented is currently at the**
894 **discretion of the registrar**

895

896 The RrSG notes that the current policy is clear; if the policy is not adhered to, ICANN should consider
897 providing additional guidance in the form of an advisory. The RySG recommends implementing a
898 consistent policy regarding the proof required to undo a domain name transfer in this scenario, such
899 as a notarized affidavit signed by the registrant and proof of identity. In addition, it suggests that a
900 template could be provided as a guide. The IPC agrees that additional provisions are needed to have
901 a uniform and consistent policy. The BC asserts that registrants need a way to address all
902 inappropriate transfers; a speedy mechanism to return the domain name registration to its previous
903 operational state coupled with a consistent, robust, transparent and timely dispute resolution
904 process. In addition, it notes that such a dispute resolution process would depend for the most part
905 on registrars, but should allow for escalation when a registrar is unable or unwilling to participate.
906

907 c. **Whether special provisions are needed for a change of registrant near a change of**
908 **registrar. The policy does not currently deal with change of registrant, which often figures**
909 **in hijacking cases**

910

911 The RySG is of the opinion that this issue is best addressed separately from the IRTP, as the IRTP only
912 concerns transfers between registrars, not registrants. Nevertheless, the RySG would support a
913 modification to the list of reasons for denying a transfer to include this as a valid reason provided
914 that registrars include a provision within their registration agreements with registrants detailing this
915 restriction and employing a mechanism by which a registrant may provide specific proof of rights to
916 the domain in order to by-pass the 60 day restriction requirement. In addition, the RySG notes that
917 there is a need to develop a clear and concise definition of what constitutes a 'change of registrant'.
918 The IPC agrees that special provisions are needed as part of a system of uniform frontline measures
919 that can aid in uncovering potential hijacking attempts. The BC suggests that this might be
920 addressed by arriving at a consistently applied post-transfer hold policy.
921

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

924

925 The RySG notes that it should be left up to the individual registrars how and when a registrar lock
926 status may / should or may not / should not be used. On the other hand, the IPC and BC are of the
927 opinion that standards or best practices should be implemented.

928

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

932

933 The RySG recommends that in order to provide a consistent user experience, registrars should use
934 the EPP statuses to 'lock' domains and proposes to include the terms and conditions of the practice
935 of locking domains in the registration agreement. In addition, it provides the following proposed
936 language for denial reason #7: "Prior to receipt of the transfer request, the domain name was locked
937 pursuant to the Registrar's published security policy or at the direction of the Registered Name
938 Holder provided that the Registrar includes in its registration agreement the terms and conditions
939 upon which it locks domains and further that the Registrar provides a readily accessible and
940 reasonable means for the Registered Name Holder to remove the lock status. If the Registrar does
941 not provide a means to allow a Registered Name Holder to remove the lock status themselves, then
942 Registrar must facilitate removing the lock within 5 calendar days of receiving a request from the
943 Registered Name Holder." The IPC agrees that it may be reasonable to clarify denial reason #7 so
944 that it expressly states that such denial may include actions to address red flags that registrars
945 become aware of, relating to denial reason #1 concerning evidence of fraud.

946

947 **6.4 Public Comment Period on Initial Report**

948

949 Following the publication of the Initial Report on 29 May 2010, a public comment forum was opened
950 to which seventeen (17) community submissions from thirteen (13) different parties were made.

951 The contributors are listed below in alphabetical order (with relevant initials noted in parentheses):

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- 952 • Andrew Allemann (AA)
- 953 • Steve Crocker (SC)
- 954 • Internet Commerce Association by Phil Corwin (ICA)
- 955 • George Kirikos (GK) – five submissions
- 956 • Donna Mahony (DM)
- 957 • Brian Null (BN)
- 958 • Oversee.net by Mason Cole (ON)
- 959 • Eric Shannon (ES)
- 960 • Peter Stevenson (PS)
- 961 • Registrar Stakeholder Group by Clarke Walton (RrSG)
- 962 • Registries Stakeholder Group by David Maher (RySG)
- 963 • Jeffrey Williams (JW)
- 964 • Roy White (RW)

965

966 Three submissions (BN, DM, GK) requested an extension of the deadline for submission of public
967 comments, which was subsequently extended by the IRTP Part B PDP WG for two weeks.

968 Despite four other submission, one submission of GK notes that he ‘will passively resist by not
969 participating in a process that only leads to predetermined outcomes’, noting that he ‘may or
970 may not support aspects of the current topic or proposal’. The other submissions provided input
971 on the content of the Initial Report with a particular focus on the proposed Expedited Transfer
972 Reversal Policy. A summary of these comments has been provided below.

973

974 **General Comments**

975 JW points out the importance of a registrant request and/or approval before a domain name
976 registration is transferred. RW notes that he does not support the changes proposed in the
977 report. Without going into further detail, he considers that ‘these changes are inherently
978 dangerous to anyone who might at one time or another actually sell a domain name/website’.

979 The RrSG notes that the WG seems to have spend a substantial amount of time on developing

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980 the ETRP and recommends that the WG going forward 'focus more time on consideration of the
981 other IRTP B issues'.

982

983 **Charter Question A / Expedited Transfer Reversal Policy**

984 PS acknowledges that domain name hijacking is a problem that should be addressed but considers
985 the proposed ETRP 'only a bandaid'. He notes that his main concern is that the current proposal
986 'does not require any due process' as it does not require the original registrant to demonstrate
987 that the transfer was not authorized. Furthermore, he observes that the current proposal does
988 not include any information on how to dispute an ETRP and suggests that 'a signed Domain
989 Name Sale agreement, or evidence of payment of a purchase price into the original registrant's
990 bank account' should provide sufficient evidence to dispute an ETRP. He also recommends that
991 items such as indemnification and how to address potential abuse of the procedure are further
992 fleshed out.

993

994 AA encourages the WG to undertake further research to 'scope out the size of the problem' and
995 request disclosure from registrars on the number of domain names that are hijacked each
996 month. If such disclosure finds that hijacking is 'a large enough problem', he recommends that
997 the WG consider the following issues in relation to the ETRP and IRTP in general:

- 998 - Potential impact on the secondary domain name market;
- 999 - Security efforts should focus on problem and not become overly broad e.g. lock after
1000 change of email address;
- 1001 - Consider limiting the number of transfers that can take place in a certain period as
1002 domains are sometimes transferred from one reputable to another reputable registrar
1003 before it is then transferred to a less reputable registrar;
- 1004 - 30 days should be maximum time during which an ETRP can be initiated;
- 1005 - There should be sufficient time for the new registrant to respond to an ETRP claim.

1006

1007 Several submissions, including those from GK, ICA, ON and RySG, take issue with the proposed
1008 6-month time frame to submit a claim under the ETRP noting that it would 'create uncertainty in
1009 the secondary market' as a transfer can be contested up to six months following an initial

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1010 transfer which often happens after transfer of ownership of a domain name registration (GK), 'a
1011 period of uncertainty that is far too long' (ICA), 'such a window of opportunity (...) would
1012 introduce instability in the transfer process, and in Internet usability in general' (ON), and, 'a
1013 more appropriate time period would be 7 days' (RySG).

1014
1015 GK notes that in the current proposal there are no safeguards that would prevent 'seller
1016 remorse'. He proposes that if the ETRP would go ahead, there should be a 'secure and
1017 predictable procedure for the irrevocable transfer of a domain name to a legitimate buyer'.
1018 Under such an Irrevocable Transfer Procedure (ITP), 'the transfer can't be reversed by the ETRP,
1019 because the ETRP would not apply to transfers done using the ITP'. Under the ITP, additional
1020 authentication could be carried out by the registrar for a premium to determine that it concerns
1021 a legitimate transfer request. In his view, the best approach to address domain name hijacking is
1022 to 'raise the level of security at all registrars, e.g. two-factor authentication, executive lock,
1023 verified WHOIS, having a WHOIS history archived as the registry level'. He also calls for further
1024 data on the incidence of domain name hijacking. In his submissions, GK provides several
1025 examples of the potential undesired effects the ETRP in its current form could have on the
1026 secondary market. Furthermore, he highlights the importance of registrant education and
1027 implementation of recommendations that were made by the Security and Stability Advisory
1028 Committee in relation to preventing hijacking several years ago. In addition, GK provided a copy
1029 of all the emails he contributed to the IRTP Part B WG during his membership, which can also be
1030 reviewed here: <http://forum.icann.org/lists/gnso-irtp-b-jun09/>.

1031
1032 ES also argues that the WG should focus on tightening up 'security procedures to prevent thefts
1033 from happening in the first place', instead of pursuing the ETRP which would create 'an
1034 imbalance of power between buyer and seller'.

1035
1036 The Chair of the Security and Stability Advisory Committee (SC) congratulates the WG 'on its
1037 progress towards defining a process and specifying standard requirements for the urgent
1038 return/resolution of a domain name registration' and notes that the proposed policy 'is

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1039 consistent with the principles outlined in section 4.2. of SSAC Report SAC007, Domain Name
1040 Hijacking Report’.

1041

1042 The RrSG opposes the ETRP noting that it is ‘overly complex, lacks focus and is probably
1043 unworkable in its current form’, at the same time pointing out that ‘the existing Transfer Dispute
1044 Resolution Policy (“TDRP”) is a lengthy process that often does not serve the best interests of
1045 registrants’.

1046

1047 ICA objects to the proposed ETRP noting that ‘it could be extremely disruptive to the secondary
1048 domain marketplace to the detriment of both sellers and purchasers’, pointing out the potential
1049 for abuse and lack of due process and an appeal mechanism. ICA notes that ‘absent a far shorter
1050 window for a reversal’s initiation, effective sanctions of abusive ETRP users, and clearly
1051 delineated due process rights for purchasers, this proposal should not move forward’.

1052

1053 The RySG considers resolution of these types of disputes at the registrar level the most effective,
1054 but notes that ‘to the extent there is community support for the proposed ETRP (...), the RySG is
1055 agreeable to supporting the implementation of this policy’.

1056

1057 **Charter Question B**

1058

1059 ICA does not support ‘changing current practice and adopting a rule that only a registrant, and
1060 not its administrative contact, can initiate a domain name transfer that does not modify contact
1061 information’.

1062

1063 The RySG notes that requiring ‘thick’ WHOIS could have as a potential side effect that registrant
1064 contact information is ‘more readily available for individuals with nefarious intent to obtain
1065 access to the information as well’. The RySG is of the view that if a confirmation of the transfer
1066 by using the FOA would be ‘implemented consistently among losing registrars, [it] could help
1067 reduce the number of instances when a transfer dispute arises because a transfer has been
1068 requested by the administrative contact without the knowledge or consent of the registrant’.

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1069 The RySG furthermore recommends that 'registrars implement a consistent policy regarding the
1070 proof required to undo a domain name transfer'.

1071

1072 **Charter Question C**

1073

1074 In relation to the 60-day lock applied by some registrars following a change of registrant, GK
1075 raises the question 'whether some registrars use a creative interpretation of 'opt-in' to a process
1076 which registrants can't opt-out of'. In this regard, GK also questions the interpretation of the
1077 term 'voluntarily' by ICANN as it is being used in the transfer policy in denial reason #6 ('Express
1078 written objection to the transfer from the Transfer Contact. (e.g. – email, fax, paper document
1079 or other processes by which the Transfer Contact has expressly and voluntarily objected through
1080 opt-in means)'. He notes that it is also important to 'be careful about how one defines a
1081 registrant, because the "label" one attached to a certain registrant might change, but it's not
1082 considered a change of registrant'.

1083

1084 The RrSG recommends that in relation to charter question b as well as c, a first step should be
1085 for the WG to develop a definition of the term "change of registrant" as 'it is an important
1086 precursor to settling disputes between Registrant and Admin Contact, as well as understanding
1087 what might need to happen when contact information is changed just before a transfer
1088 request'. The RrSG also recommends the WG to further explore 'the existing processes in place
1089 for trying to prevent hijacking attempts' as these could be serve as best practices to be
1090 recommended for adoption by registrars.

1091

1092 ICA and the RySG support the WG recommendation in relation to this issue.

1093

1094 **Charter Question D**

1095

1096 GK is of the opinion that 'the "ad hoc" locks that are violating of existing transfers policy need to
1097 be eliminated'. In his view 'registrars should be proactive about security, rather than misusing

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1098 the locks'. In his view, there would be no need for a 60-day lock after a registrant change if there
1099 would be 'properly authenticated registrant changes'.

1100

1101 ICA has the view that any changes in relation to locking of a domain name subject to UDRP
1102 proceedings should be considered as part of a policy development process on review of the
1103 UDRP.

1104

1105 The RySG is of the view that the use of Registrar Lock Status 'should be left up to the individual
1106 registrars'.

1107

1108 **Charter Question E**

1109

1110 In relation to charter question d and e, the RrSG 'supports the right of registrars to employ locks
1111 as a security measure as long as the process for their removal remains consistent with ICANN
1112 policy'.

1113

1114 ICA is of the opinion that a clarification could be helpful but wishes 'to review comments
1115 received from registrars on the question of whether administrative considerations, including
1116 determination that the RNH request is bona fide and not fraudulent, allow for compliance within
1117 a five day period'.

1118

1119 The RySG is supportive of a modification, but proposes a modification to 'reflect current
1120 terminology'.

1121

1122 **Working Group Review of Public Comments**

1123 The Working Group reviewed and discussed the public comments received using a [public](#)
1124 [comment review tool](#) that details the Working Group's responses to the public comment
1125 received and the actions taken as a result.

1126

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1127 **6.5 Public Comment on the Proposed Final Report**

1128 Seven (7) community submissions from seven (7) different parties were made to the public
 1129 comment forum on the proposed Final Report. The contributors are listed below in alphabetical
 1130 order (with relevant initials noted in parentheses):

1131
 1132 At-Large Advisory Committee by Olivier Crepin-Leblond (ALAC)

1133 Commercial & Business Users Constituency by Steve DelBianco (BC)

1134 GoDaddy.com by James Bladel (GD)

1135 gTLD Registries Stakeholder Group by David Maher (RySG)

1136 Internet Commerce Association by Philip Corwin (ICA)

1137 Internet Committee of the International Trademark Association by Claudio Di Gangi (INTA)

1138 Registrar Stakeholder Group by Clarke Walton (RrSG)

1139

1140 **Summary & Analysis of the Comments received**

1141

1142 **General Comments**

1143 ALAC and RrSG express their general support for all the recommendations in the Report, in addition
 1144 to some specific comments that can be found below.

1145

1146 **Charter Question A / Recommendation #1**

1147 In relation to recommendation #1, the RrSG, RySG, INTA, BC and GD note their general support for
 1148 the concept and intent of requiring an Emergency Action Channel (EAC). The RySG notes that a
 1149 longer response time (up to 72 hours) 'may be necessary to accommodate smaller registrars that are
 1150 not staffed 24X7'. The RySG also raises the point to what extent registries should be involved in an
 1151 EAC, as in sponsored registries the registrant may be known and the registry may be able to assist.
 1152 INTA expresses its support for the development of a policy to accompany the ECA which 'takes into
 1153 account criteria including immediacy of harm to the registrant, magnitude of the harm to third
 1154 parties, and escalating impact, if the transfer is not reversed'. ICA notes that 'many important
 1155 elements [...] remain to be worked out' and recommends that these should be developed consistent
 1156 with 'true emergency situations and not to cause substantial potential disruption to the secondary

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1157 domain marketplace'. The RrSG recommends that the IRTP Part B WG remains responsible for the
1158 'design and implementation of a proposed Emergency Action Channel'.

1159
1160 In the public comment forum, the WG asked a number of specific questions in relation to the ECA:

1161
1162 Within what timeframe should a response be received after an issue has been raised through the
1163 Emergency Action Channel (for example, 24 hours – 3 days has been the range discussed by the
1164 WG)?

1165 The RySG response to this question ranges from 24 hours (more than half of the registries, 48 hours
1166 (one registry) to 72 hours (one registry). INTA and GD would support a response time of 24 hour
1167 maximum. ALAC and the BC support a 'short a period as practical' with ALAC noting that this should
1168 be well under 24 hours and the BC recommending 6-12 hours.

1169
1170 What qualifies as a response?
1171 'Most members of the RySG feel that at a minimum, a positive confirmation of receipt and initial
1172 human contact is appropriate'. The BC also notes that a non-automated response would be
1173 preferable but 'would defer to registrars and registries in determining what qualifies as "a response"
1174 (email, phone call, fax, etc.)'. ICA noted that the different responses 'must be clearly delineated and
1175 mechanisms must be set in place to prevent abuse of the EAC in non-emergency situations'.

1176
1177 Is an auto-response sufficient?
1178 ALAC as well as most registries are of the view that an auto-response is not sufficient. In addition,
1179 the RySG notes that 'the goal of the EAC should be to resolve the issue not to merely advise the
1180 receiving registrar that an issue exists'. INTA also agrees that an auto-response is not sufficient, but
1181 does support 'auto-responses during the process to keep the parties informed of the progress of the
1182 complaint'. GD suggests that 'ICANN Compliance test this channel periodically to ensure a non-
1183 automated response'.

1184
1185 Should there be any consequences when a response is not received within the required timeframe?

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1186 [ALAC, INTA and the RySG agree that there should be consequences when a response is not received.](#)
1187 [The RySG notes that such consequences might follow defined escalation paths, including warnings](#)
1188 [and could even include termination of the accreditation by ICANN in case of multiple violations.](#)
1189 [INTA proposes that consequences could range 'from requiring specific remedial actions by the](#)
1190 [registrar, composing monetary fines, to imposing liability on the registrar'. ALAC suggests that](#)
1191 ['consequences should include a provision for the registry unilaterally reversing the transfer and](#)
1192 [possible fines'. The RySG suggests that in the first year of implementation, 'consequences should be](#)
1193 [more lenient'. GD suggests that ICANN Compliance 'issue reports or warnings' in case registrars do](#)
1194 [not provide non-automated responses. ICA furthermore recommends that 'effective sanctions must](#)
1195 [be established against a domain seller who initiates an illicit reversal action'. The BC notes its](#)
1196 [response for modifying the IRTP 'to mandate a transfer-undo in cases where the gaining registrar](#)
1197 [does not respond in a timely way to an emergency-action request regarding a suspected domain](#)
1198 [name hijacking'.](#)

1199
1200 [Is there a limited time following a transfer during which the Emergency Action Channel can be used?](#)
1201 [Responses varied to this question in the RySG, but the RySG recommends that 'this channel must be](#)
1202 [invoked within 7 days of the alleged incident. After this period, and for other non-urgent or non-](#)
1203 [emergency situations, the existing communication channels and Transfer Dispute Resolution Policy](#)
1204 [process could be used'. INTA recommends that action should be taken by the registrant 'within](#)
1205 [three days of discovering the transfer'. INTA notes that 'if a time limit was set based on the transfer](#)
1206 [date, hijackers would likely take advantage of this by waiting to inflict harm until just after the time](#)
1207 [limit expired'. ICA notes that 'the time period in which a domain transfer reversal can be sought](#)
1208 [must be far shorter than six months post transfer'. Both the ALAC and BC would support a](#)
1209 [reasonably long window, with the BC suggesting a range of 60-180 days.](#)

1210
1211 [Which issues may be raised through the Emergency Action Channel?](#)
1212 [Registry responses also varied to this question, but the RySG notes that 'the criteria detailed in the](#)
1213 [SSAC report would be a good starting point'. ICA is of the view that the ECA should only be used for](#)
1214 ['true crisis situations under a clear and narrow definition of "emergency" that is based upon current](#)
1215 [and reliable metrics of actual, non-hypothetical instances of abuses, including those arising from](#)

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1216 fraud and deception'. The RrSG also agrees that 'the nature of emergencies to be handled via such
1217 channel must be precisely defined'. The BC and ALAC note that the ECA might also be useful for
1218 issues outside the scope of this PDP, and although not in scope for consideration by this WG, should
1219 not be precluded.

1220

1221 *How/who should document the exchanges of information on the Emergency Action Channel?*

1222 The BC 'defers to registries and registrars when it comes to documenting successful exchanges' as
1223 well as 'how those unsuccessful exchanges are documented and communicated to the registry'.

1224

1225 *Who is entitled to make use of the Emergency Action Channel?*

1226 Again, opinions vary in the RySG; some registries are of the opinion that it should 'only be available
1227 to the registrant', others are of the view that 'it should be limited to an authorized list of registrar
1228 and registry contacts' and 'approved contacts of recognized security and stability oriented groups'.
1229 The RySG notes that 'more analysis / discussion is warranted'. INTA is of the opinion that the ECA
1230 may be used by 'aggrieved registrants to raise the issues of hijacking or erroneous transfers'. GD
1231 recommends that 'use be reserved for inter-registrar and ICANN-registrar communications, and only
1232 in situations where a timely response is critical'. The RrSG assumes the ECA can only be used by
1233 registrars and/or ICANN, and notes it only supports the ECA if communication is limited between
1234 those parties to serious and urgent domain name related emergencies. The BC notes that it 'does
1235 not envision that registrants' would have access to the ECA.

1236

1237 **Charter Question A / Recommendation #2**

1238 The RySG notes that 'most of the registries agree with this recommendation'. ALAC recognizes the
1239 importance of registrant education and notes that 'ALAC and At-Large may be considered one of the
1240 possible channels' for the implementation of this recommendation. The BC also notes its support for
1241 a proactive approach and offers its support for 'developing and promoting best practices in this
1242 area'.

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1244 **Charter Question B – Recommendation #3**

1245 The RySG notes that ‘all but one registry agreed with this recommendation’. The one registry that
1246 did not agree with this recommendation noted that ‘ICANN staff and GNSO volunteers are
1247 overloaded at this time’. INTA expresses its support for this recommendation. GD recognizes the
1248 benefits of thick WHOIS in the context of transfers, but recommends that ‘unintended
1249 consequences of requiring this change, particularly with large incumbent registries’ should also be
1250 considered. ICA notes no objection to this recommendation. The BC also notes its support for this
1251 recommendation, but also suggest that an alternative approach that could be explored would be
1252 direct conversations with incumbent “thin” registries about a possible change to “thick” WHOIS.

1254 **Charter Question B – Recommendation #4**

1255 The RySG notes that ‘all but one registry agreed with this recommendation’. The one registry that
1256 did not agree with this recommendation noted that ‘ICANN staff and GNSO volunteers are
1257 overloaded at this time’. INTA, the BC and GD express support for this recommendation. ICA notes
1258 no objection to this recommendation

1259 **Charter Question B – Recommendation #5**

1261 The RySG notes that again ‘all but one registry agreed with this recommendation’. The registry that
1262 did not agree pointed out that ‘notification would be a good thing but only if the registrant is not
1263 held hostage by the losing registrar presenting misleading information’. GD similarly supports the
1264 recommendation as long as ‘the transfer is not delayed or dependent upon any action on the part of
1265 the “losing” registrar’. The BC also expresses its support for this recommendation.

1266 **Charter Question C**

1267 The BC notes its support for ‘requiring a lock after WHOIS information is updated when that update
1268 effects a change of registrant’, in addition to ‘prohibiting a transfer of a domain name registration
1269 for 60-days following a transfer, which is currently an option under reason of denial #9 in the IRTP’.

1270 **Charter Question C – Recommendation #6**

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1273 [The RySG notes that ‘most registries agree with this recommendation’, although one registry did](#)
1274 [point out that the term “reasonable” must be clearly defined ‘as ‘some registrants have been asked](#)
1275 [for rather onerous documentation requirements when a contact is no longer an](#)
1276 [employee/associated with a domain and a new contact is trying to prove that they are an authorized](#)
1277 [agent for the domain’. In addition, a registry recommended that ‘the clarification needs to](#)
1278 [accommodate court orders’. INTA expresses its support for this recommendation, noting that ‘it](#)
1279 [would help with both preventing fraudulent transfer and allowing legitimate owners to recover](#)
1280 [domain names and place them with their registrar of choice within an acceptable period’. INTA does](#)
1281 [request that an exception should be considered for registrations acquired as part of a successful](#)
1282 [UDRP since ‘if a change of registrant occurs after a UDRP or equivalent action, it is very likely that](#)
1283 [the domain name is being transferred back to the rightful owner and no limitations should exist as](#)
1284 [to how long the rightful owner should be required to keep the domain at a particular registrar’. GD](#)
1285 [and the BC also note their support for this recommendation.](#)

1286

1287 [Charter Question D – Recommendation #7](#)

1288 [The RySG expresses its support for this recommendation. ICA notes no objection to this](#)
1289 [recommendation. The BC expresses its support for this recommendation, noting that it ‘would also](#)
1290 [support elevating this recommendation from an optional “best practice” to a policy change that](#)
1291 [makes this kind of lock mandatory’. Furthermore the BC ‘would also support proceeding with this](#)
1292 [change as part of this PDP’.](#)

1293

1294 [Charter Question D – Recommendation #8](#)

1295 [All but one member of the RySG support this recommendation. The one registry member that](#)
1296 [disagrees noted that ‘it must be done in accordance with any existing ICANN/registry agreement](#)
1297 [requirements’. The BC also expresses its support for this recommendation.](#)

1298

1299 [Charter Question E – Recommendation #9](#)

1300 [The BC and the RySG express support this recommendation. ICA notes no objection to this](#)
1301 [recommendation.](#)

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1303 **Working Group Review of Public Comments**

1304 The Working Group reviewed and discussed the public comments received using a public comment
1305 review tool that details the Working Group's responses to the public comment received and the
1306 actions taken as a result.

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1310 7. Conclusions and Next Steps

1311 Taking into account the Working Group Deliberations (see Chapter 5) and the Public Comments
 1312 received (see Chapter 6), the Working Group would like to put forward the following
 1313 recommendations for [consideration by the GNSO Council](#) to address each of the Charter Questions.

1314 [\[TO BE UPDATED FOLLOWING FINALIZATION OF THE RECOMMENDATIONS\]](#)

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- 1316 a. **Whether a process for urgent return/resolution of a domain name should be developed, as**
 1317 **discussed within the SSAC hijacking report ([http://www.icann.org/announcements/hijacking-](http://www.icann.org/announcements/hijacking-report-12jul05.pdf)**
 1318 **[report-12jul05.pdf](http://www.icann.org/announcements/hijacking-report-12jul05.pdf); see also [http://www.icann.org/correspondence/cole-to-tonkin-](http://www.icann.org/correspondence/cole-to-tonkin-14mar05.htm)**
 1319 **[14mar05.htm](http://www.icann.org/correspondence/cole-to-tonkin-14mar05.htm));**
- 1320 ▪ **Recommendation #1** – The WG is considering recommending requiring registrars to provide an
 1321 Emergency Action Channel (as described in [SAC007](#)). The WG recognizes that there are further
 1322 details that would need to be worked out in relation to this proposal such as:
 - 1323 ○ Within what timeframe should a response be received after an issue has been raised
 1324 through the Emergency Action Channel (for example, 24 hours – 3 days has been
 1325 the range discussed by the WG)?
 - 1326 ○ What qualifies as ‘a response’? Is an auto-response sufficient?
 - 1327 ○ Should there be any consequences when a response is not received within the
 1328 required timeframe?
 - 1329 ○ Is there a limited time following a transfer during which the Emergency Action
 1330 Channel can be used?
 - 1331 ○ Which issues may be raised through the Emergency Action Channel?
 - 1332 ○ How/who should document the exchanges of information on the Emergency Action
 1333 Channel?
 - 1334 ○ Who is entitled to make use of the Emergency Action Channel?

1335 The WG is requesting input from the ICANN Community on these questions and the
 1336 recommendation itself, so this can be factored into the WG deliberations going forward.
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- **Recommendation #2** - The WG notes that in addition to reactive measures such as outlined in recommendation #1, proactive measures to prevent hijacking are of the utmost importance. As such, the WG strongly recommends the promotion by ALAC and other ICANN structures of the measures outlined in the recent report of the Security and Stability Advisory Committee on A Registrant's Guide to Protecting Domain Name Registration Accounts (SAC 044). In particular, the IRTP WG recommends that registrants consider the measures to protect domain registrar accounts against compromise and misuse described in SAC044, Section 5. These include practical measures that registrants can implement "in house", such as ways to protect account credentials and how to incorporate domain name registrations into employee or resource management programs typically found in medium and large businesses. It suggests ways that registrants can use renewal and change notifications from registrars as part of an early warning or alerting system for possible account compromise.
 - b. **Whether additional provisions on undoing inappropriate transfers are needed, especially with regard to disputes between a Registrant and Admin Contact. The policy is clear that the Registrant can overrule the AC, but how this is implemented is currently at the discretion of the registrar;**
 - **Recommendation #3** - The WG recommends requesting an Issues Report on the requirement of 'thick' WHOIS for all incumbent gTLDs. The benefit would be that in a thick registry one could develop a secure method for a gaining registrar to gain access to the registrant contact information. Currently there is no standard means for the secure exchange of registrant details in a thin registry. In this scenario, disputes between the registrant and admin contact could be reduced, as the registrant would become the ultimate approver of a transfer. Such an Issue Report and possible subsequent Policy Development Process should not only consider a possible requirement of 'thick' WHOIS for all incumbent gTLDs in the context of IRTP, but should also consider any other positive and/or negative effects that are likely to occur outside of IRTP that would need to be taken into account when deciding whether a requirement of 'thick' WHOIS for all incumbent gTLDs would be desirable or not.

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1369 ▪ **Recommendation #4:** The WG notes that the primary function of IRTP is to permit Registered
1370 Name Holders to move registrations to the Registrar of their choice, with all contact information
1371 intact. The WG also notes that IRTP is widely used in the domain name community to affect a
1372 "change of control," moving the domain name to a new Registered Name Holder. The
1373 discussions within the WG and with ICANN Staff have determined that there is no defined
1374 "change of control" function. Therefore, the IRTP-B WG recommends requesting an Issue Report
1375 to examine this issue, including an investigation of how this function is currently achieved, if
1376 there are any applicable models in the country-code name space, and any associated security
1377 concerns.

1378
1379 ▪ **Recommendation #5:** The WG recommends modifying section 3 of the IRTP to require that the
1380 Registrar of Record/Losing Registrar be required to notify the Registered Name
1381 Holder/Registrant of the transfer out. The Registrar of Record has access to the contact
1382 information for the Registrant and could modify their systems to automatically send out the
1383 Standardized Form for Losing Registrars ("Confirmation FOA") to the Registrant.

1384
1385 c. **Whether special provisions are needed for a change of registrant near a change of registrar.**
1386 **The policy does not currently deal with change of registrant, which often figures in hijacking**
1387 **cases;**

1388 ▪ **Recommendation #6:** The WG does recognize that the current language of denial reason #6 is
1389 not clear and leaves room for interpretation especially in relation to the term 'voluntarily' and
1390 recommends therefore that this language is expanded and clarified to tailor it more to explicitly
1391 address registrar-specific (i.e. non-EPP) locks in order to make it clear that the registrant must
1392 give some sort of informed opt-in express consent to having such a lock applied, and the
1393 registrant must be able to have the lock removed upon reasonable notice and authentication.
1394 The WG recommends to modify denial reason #6 as follows:

1395 Express objection to the transfer by the Transfer Contact. Objection could take the form of
1396 specific request (either by paper or electronic means) by the Transfer Contact to deny a
1397 particular transfer request, or a general objection to all transfer requests received by the
1398 Registrar, either temporarily or indefinitely. In all cases, the objection must be provided with the

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1399 express and informed consent of the Transfer Contact on an opt-in basis and upon request by
1400 the Transfer Contact, the Registrar must remove the lock or provide a reasonably accessible
1401 method for the Transfer Contact to remove the lock within five (5) calendar days.

1402

1403 d. **Whether standards or best practices should be implemented regarding use of Registrar Lock**
1404 **status (e.g., when it may/may not, should/should not be applied);**

- 1405 ■ **Recommendation #7:** The WG recommends that if a review of the UDRP is conducted in the
1406 near future, the issue of requiring the locking of a domain name subject to UDRP proceedings is
1407 taken into consideration.
- 1408
- 1409 ■ **Recommendation #8:** The WG recommends standardizing and clarifying WHOIS status messages
1410 regarding Registrar Lock status. The goal of these changes is to clarify why the Lock has been
1411 applied and how it can be changed. Based on discussions with technical experts, the WG does
1412 not expect that such a standardization and clarification of WHOIS status messages would require
1413 significant investment or changes at the registry/registrar level. The WG recommends that
1414 ICANN staff is asked to develop an implementation plan for community consideration which
1415 ensures that a technically feasible approach is developed to implement this recommendation.

1416

1417 e. **Whether, and if so, how best to clarify denial reason #7: A domain name was already in "lock**
1418 **status" provided that the Registrar provides a readily accessible and reasonable means for the**
1419 **Registered Name Holder to remove the lock status.**

- 1420 ■ **Recommendation #9:** The WG recommends deleting denial reason #7 as a valid reason for
1421 denial under section 3 of the IRTP as it is technically not possible to initiate a transfer for a
1422 domain name that is locked, and hence cannot be denied, making this denial reason obsolete.
1423 Instead denial reason #7 should be replaced by adding a new provision in a different section of
1424 the IRTP on when and how domains may be locked or unlocked. The WG recommends that
1425 ICANN staff is asked to develop an implementation plan for community consideration including
1426 proposed changes to the IRTP to reflect this recommendation.

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1431 Annex A – Background

1432 1.1 Process background

1433

- 1434
- 1435 ▪ Consistent with ICANN's obligation to promote and encourage robust competition in the
1436 domain name space, the Inter-Registrar Transfer Policy (IRTP) aims to provide a
1437 straightforward procedure for domain name holders to transfer their names from one
1438 ICANN-accredited registrar to another should they wish to do so. The policy also provides
1439 standardized requirements for registrar handling of such transfer requests from domain
1440 name holders. The policy is an existing community consensus policy that was implemented
1441 in late 2004 and is now being reviewed by the GNSO.
 - 1442 ▪ As part of that review, the GNSO Council formed a Transfers Working Group (TWG) to
1443 examine and recommend possible areas for improvements in the existing transfer policy.
1444 The TWG identified a broad list of over 20 potential areas for clarification and improvement
1445 (see <http://www.icann.org/en/gnsso/transfers-tf/report-12feb03.htm>).
 - 1446 ▪ The Council tasked a short term planning group to evaluate and prioritize the policy issues
1447 identified by the Transfers Working Group. In March 2008, the group delivered a report to
1448 the Council that suggested combining the consideration of related issues into five new PDPs
1449 (A – E) (see <http://gnsso.icann.org/drafts/transfer-wg-recommendations-pdp-groupings-19mar08.pdf>).
 - 1450 ▪ On 8 May 2008, the Council adopted the structuring of five additional inter-registrar
1451 transfers PDPs as suggested by the planning group (in addition to a recently concluded
1452 Transfer PDP 1 on four reasons for denying a transfer). It was decided that the five new
1453 PDPs would be addressed in a largely consecutive manner, with the possibility of overlap as
1454 resources would permit.
 - 1455 ▪ The first PDP of the series of five, IRTP Part A PDP, was concluded in March 2009 with the
1456 publication of the [final report](#).
 - 1457 ▪ In its meeting on April 16 2009, the GNSO Council [requested](#) an Issues Report from Staff on
1458 the second of the PDP issue sets, and on the recommendation of the IRTP Part A WG, also

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- 1459 added a number of issues from the third PDP issue set to this IRTP Part B. The [Issues Report](#)
1460 was delivered to the Council on 15 May 2009.
- 1461 ■ The issues that IRTP Part B addresses are:
- 1462 f. Whether a process for urgent return/resolution of a domain name should be developed,
1463 as discussed within the SSAC hijacking report
1464 (<http://www.icann.org/announcements/hijacking-report-12jul05.pdf>; see also
1465 <http://www.icann.org/correspondence/cole-to-tonkin-14mar05.htm>);
- 1466 g. Whether additional provisions on undoing inappropriate transfers are needed,
1467 especially with regard to disputes between a Registrant and Admin Contact. The policy is
1468 clear that the Registrant can overrule the AC, but how this is implemented is currently at
1469 the discretion of the registrar;
- 1470 h. Whether special provisions are needed for a change of registrant near a change of
1471 registrar. The policy does not currently deal with change of registrant, which often
1472 figures in hijacking cases;
- 1473 i. Whether standards or best practices should be implemented regarding use of Registrar
1474 Lock status (e.g., when it may/may not, should/should not be applied);
- 1475 j. Whether, and if so, how best to clarify denial reason #7: A domain name was already in
1476 "lock status" provided that the Registrar provides a readily accessible and reasonable
1477 means for the Registered Name Holder to remove the lock status.
- 1478 ■ The GNSO Council [resolved at its meeting on 24 June 2009](#) to launch a PDP on these five
1479 issues and [adopted a charter](#) for a Working Group on 23 July 2009 (see Annex A for the
1480 Working Group Charter).

1481

1482 1.2 Issue Background (excerpt from [Issues Report](#))

- 1483 ■ Please note that the following text has been excerpted from the issues report and does not
1484 contain any new input from the Working Group.

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1486 **Issue A: Urgent return/resolution of a domain name**

1487

1488 Issue A: Whether a process for urgent return/resolution of a domain name should be
1489 developed, as discussed within the SSAC hijacking report

1490 (<http://www.icann.org/announcements/hijacking-report-12jul05.pdf>); see also

1491 <http://www.icann.org/correspondence/cole-to-tonkin-14mar05.htm> (Issue #2).

1492

1493 In response to the [ICANN request for public comments on the experiences with the Inter-](#)
1494 [Registrar Transfer](#), [the Go Daddy Group](#) noted that:

1495 “If a Registered Name Holder feels that a third party has illegally hijacked his or her
1496 domain name through a transfer, they may lodge a UDRP dispute. This complicates
1497 the issue since the registrars involved may be willing to work to correct the situation
1498 but now have their hands tied since they are obligated to lock down the domain
1499 name. This also conflicts with the TDRP, which should be the recommended and
1500 preferred method for a dispute regarding a transfer. It may be appropriate if the
1501 UDRP provider was required to refer the Registered Name Holder to the TDRP in
1502 cases that involve a transfer if that dispute mechanism has not already been tried,
1503 or to the registrars involved if they have not yet been consulted or yet allowed to
1504 work it out between themselves”.

1505

1506 The [Staff Report to the GNSO Council: Experiences with the Inter-Registrar Transfer Policy](#)
1507 (14 April 2005) noted that “many of the comments related to security and the transfer
1508 process referred to a fraudulent transfer incident involving the domain name <panix.com>”.
1509 In addition, in a section on transfer undo and fraud situations, it is stated that: “Although a
1510 transfer that has been determined to be fraudulent can be reversed by agreement between
1511 registrars, or by the registry using the Transfer-Undo mechanism, it has been suggested that
1512 such methods may not always allow sufficient responsiveness to fraud situations. The time
1513 period needed for adequate fact-finding and registrar coordination, or for the outcome of a
1514 fair dispute proceeding, may prolong problems including downtime, disruption of email
1515 services, or loss of business, especially if a domain name is one on which other services or
1516 financial services depend.

1517

1518 Suggestions on handling or reversing disputed transfers included:

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- 1519 (a) developing an expedited handling process for fraud situations;
1520 (b) automatically returning names that are subject to a dispute to be returned to the
1521 original registrar until the dispute has been resolved;
1522 (c) automatically rolling back the nameservers to [reflect the data contained therein]
1523 prior to the transfer.
1524

1525 It should be noted, however, that not every transfer that appears fraudulent may end up
1526 actually being a fraud case. Therefore, any measures should allow for flexibility in handling
1527 various outcomes.” It is important to emphasize this last point as determinations of
1528 fraudulent activity must be made with caution and a number of questions would need to be
1529 addressed including; who has the authority to make such a determination and what qualifies
1530 an activity as fraudulent?
1531

1532 The SSAC report on [Domain Name Hijacking: Incidents, threats risks and remedial actions](#)
1533 (July 2005) recommends that “Registrars should identify evaluation criteria a registrant must
1534 provide to obtain immediate intervention and restoration of domain name registration
1535 information and DNS configuration. Registrars should define emergency procedures and
1536 policy based on these criteria. This policy would complement the Transfer Dispute
1537 Resolution Policy (TDRP) and must not undermine or conflict with those policies.” The report
1538 notes that “The Inter-Registrar Transfer Policy incorporates formal dispute mechanisms (the
1539 Transfer Dispute Resolution Policy) intended for handling disputes between registrars
1540 associated with a transfer that cannot be solved directly between the two parties. These
1541 business-oriented processes are appropriate when the DNS information of a domain name is
1542 unaffected, when there is no issue of service denial or interruption, and when there is less
1543 immediate urgency to restore service. While the processes may be satisfactory for resolving
1544 a transfer-related dispute in a matter of days, another mechanism may be necessary to
1545 allow restoration of service in the timely manner real-time communications networks
1546 demand”.
1547

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1548 In relation to the current dispute resolution mechanisms, the report notes that “the UDRP is
1549 available for cases of abusive registrations or cybersquatting, particularly with regard to
1550 trademarked names. A UDRP involves a cost of approximately USD \$2,000, and takes at least
1551 two months to reach a decision.

1552 The Transfer Dispute Resolution Policy (TDRP) is available to registrars to address disputes
1553 involving a transfer that has occurred. A TDRP dispute can be brought to the registry for a
1554 decision or to a third-party dispute resolution service provider. Both dispute resolution
1555 policies are designed to provide an impartial assessment of the factual circumstances of a
1556 case in order t[o] determine the appropriate outcome of a dispute. However, neither of
1557 these provides an immediate fix to cases of interrupted service or suspected hijacking”.

1558

1559 Furthermore, the report states that “although registrars have worked together and agreed
1560 on a solution in several specific hijacking or fraud incidents, registrars may need a new
1561 communications channel and corresponding procedures to respond quickly to an
1562 operational loss of use of a domain name resulting from a transfer or DNS configuration
1563 error or hijacking. Possible elements of an urgent restoration of domain name registration
1564 information and DNS configuration include:

1565 **An emergency action channel** – to provide 24 x 7 access to registrar technical support staff
1566 who are authorized to assess the situation, establish the magnitude and immediacy of harm,
1567 and take measures to restore registration records and DNS configuration to what is often
1568 described as “the last working configuration”. An urgent restoration of a hijacked domain
1569 may require the coordinated efforts of geographically dispersed registrars, operating in
1570 different time zones. The emergency action channel requires a contact directory of parties
1571 who can be reached during non-business hours and weekends. It may be useful to make
1572 support staff contacts available online, so a third party is not required to maintain and
1573 distribute the contact details.

1574 **A companion policy to the emergency action channel** – to identify evaluation criteria a
1575 registrant must provide to obtain immediate intervention (e.g., circumstances and
1576 evidence). From these, registrars can define emergency UNDO procedures. This policy would
1577 complement the TDRP and must not undermine or conflict with policies defined therein. The

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1578 circumstances which distinguish when an urgent recovery policy may be a more appropriate
1579 action than the TDRP include:

- 1580 2) Immediacy of the harm to the registrant if the transfer is not reversed (e.g., business
1581 interruption, security incidents).
- 1582 3) Magnitude of the harm, or the extent to which the incident threatens the security and
1583 stability of parties other than the registrant, including but not limited to users, business
1584 partners, customers, and subscribers of a registrant's services.
- 1585 4) Escalating impact, or the extent to which a delay in reversing the transfer (and DNS
1586 configuration) would cause more serious and widespread incidents.

1587 The emergency action procedures should be tested to verify they are resilient to tampering
1588 and difficult to exploit. In particular, it should be difficult or impossible for an attacker to
1589 effect a hijack or interfere with a transfer under the guise of requesting urgent restoration
1590 of a domain.

1591 **A public awareness campaign** should be conducted to provide clear and unambiguous
1592 documentation that describes the policy and processes to registrars and registrants. This
1593 documentation should identify the criteria and the procedures registrants must follow to
1594 request intervention and immediate restoration.”

1595

1596 Some of the questions that might need further consideration in a potential policy
1597 development process include determining the extent of the problem and whether it
1598 warrants a new policy or policy change; how to ensure that a process for urgent return does
1599 not interfere with the potential outcome of a dispute resolution process; who would be the
1600 ultimate decision-maker in such a process; and, which market solutions or best practices
1601 currently exist for dealing with this issue.

1602

1603 ICANN staff is aware that some registrars have dealt with the issue of urgent return of a
1604 domain name in the case of a suspected hijacking by indemnifying the gaining registrar,
1605 which appears to be a mechanism that ensures that the registrar of record will only pursue
1606 this avenue if it is absolutely sure that the domain name has been hijacked as it could
1607 otherwise incur substantial costs.

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Issue B: Additional provisions for undoing inappropriate transfers

1610

1611

Issue B: Whether additional provisions on undoing inappropriate transfers are needed, especially with regard to disputes between a Registrant and Admin Contact (AC). The policy is clear that the Registrant can overrule the AC, but how this is implemented is currently at the discretion of the registrar (Issue #7).

1615

1616

In response to the [ICANN request for public comments on the experiences with the Inter-](#)

1617

[Registrar Transfer](#), the Go Daddy Group submitted the following comment in relation to this

1618

issue:

1619

“We have seen more than a few cases where the gaining registrar has received appropriate confirmation of a transfer request from the current Administrative Contact of record for the domain name. After the transfer completed, the Registered Name Holder of record at the time of the transfer claims that they did NOT approve the transfer and want it reversed. The Policy states that the Registered Name Holder’s authority supersedes that of the Administrative Contact. Although the transfer was valid based on the current Policy the registrars are left to work together to reverse the transfer or face a formal dispute or legal action.

1627

1628

Is this the intent of the Policy? It opens up the potential for fraud, for example, in the event of a domain name sale and transfer. It also puts a burden on the registrar to attempt to verify the identity of the Registered Name Holder. Since most Whois records do not list the Registered Name Holder’s email address, we need to rely on other documentation.

1632

However, given the international nature of our businesses, if we rely on photo identifications and business licenses from the Registered Name Holder we could easily be defrauded.

1635

1636

In addition, apparently due to the situation noted above, some registrars have adopted a hard copy transfer process centered on getting confirmation only from Registered Name Holders. This not only slows down the process for the Registered Name Holders, but puts registrars at increased risk and expense as they attempt to verify identification information from an international user base.”

1641

1642

The [Staff Report to the GNSO Council: Experiences with the Inter-Registrar Transfer Policy](#)

1643

(14 April 2005) noted that “the policy provides that registry operators implement and make

1644

available a Transfer-Undo mechanism, to be used in cases where a transfer is determined to

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1645 have been processed in contravention of the policy. This capability can be used either: a)
1646 when both registrars agree that a transfer should not have occurred and request the registry
1647 to reverse it, or b) as a result of a dispute proceeding which determines that a transfer
1648 should not have occurred. The policy recommendations only required that registries
1649 develop such a mechanism. ICANN encouraged coordination among registries but
1650 determined that registries could be individually responsible for their own implementation of
1651 this mechanism”.

1652
1653 In a document titled ‘[Review of Issues for Transfers Working Group](#)’ (19 January 2006), a
1654 working document developed by the Transfers Working Group, it is noted that “repatriation
1655 of inappropriately transferred names is difficult and processes are still unclear. This is mostly
1656 evident in incidences where a registrant has objected to a transfer despite the approval of
1657 the admin contact. The transfer policy is quite clear that the registrant ‘trumps’ the admin
1658 contact, but it is not clear how these types of veto situations should be handled. The result
1659 is an inconsistent application of policy and increased risk of domain theft.” The document
1660 notes that potential next steps to be considered include a clarification, “restate intent of
1661 existing policy”, as well as “additional policy provisions for handling inappropriate
1662 transfers”.

1663
1664 In its [Final Report](#), the IRTP Part A PDP Working Group recommended that “in the absence
1665 of a simple and secure solution for providing the gaining registrar access to the registrant
1666 email address, future IRTP working groups should consider the appropriateness of a policy
1667 change that would prevent a registrant from reversing a transfer after it has been
1668 completed and authorized by the admin contact. This option would not change the current
1669 situation whereby a losing registrar can choose to notify the registrant and provide an
1670 opportunity to cancel a transfer before the process is completed”.

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1672 **Issue C: Special provisions for a change of registrant near a change of registrar**

1673

1674 Issue C: Whether special provisions are needed for a change of registrant near a change of
1675 registrar. The policy does not currently deal with change of registrant, which often figures in
1676 hijacking cases (Issue #9).

1677

1678 As stated in the description of the issue, a change of registrar near a change of registrant is a
1679 common feature in hijacking cases. In the opinion of Registrar.com as noted in one of the
1680 [comments](#) submitted in response to the [ICANN request for public comments on the](#)
1681 [experiences with the Inter-Registrar Transfer](#):

1682 "the Inter-Registrar Transfer Policy exposes losing registrars to an unacceptable
1683 level of liability when names are fraudulently transferred. Ultimately, the liability for
1684 a fraudulent transfer rests with the losing registrar since it has allowed a transfer-
1685 away to be processed while it is the current service provider for the registrant. The
1686 registrant will almost always look to the losing registrar in the event an
1687 unauthorized or fraudulent transfer is completed."

1688

1689 As a result, a number of registrars have taken preventative measures such as Go Daddy,
1690 which introduced a 60-day transfer prohibition period¹¹ following a change of registrant.

1691 However, some registrants seem to view such measures unnecessarily restrictive and not in
1692 compliance with the transfer policy, see e.g.:

1693 "GoDaddy has been treating a Registrar change as something major and is denying
1694 transfers for 60 days based on this [...] I wish ICANN puts a stop to all this ASAP."
1695 (From <http://forum.icann.org/lists/transfer-comments-a/msg00012.html>),

1696 and

1697

1698 "Also there are some registrars that in case of change of ownership, avoid ack
1699 transfers request send by other registrar, saying that "the domain registrant has
1700 recently changed". That is NOT one of the instances in which a transfer request may
1701 legitimately be denied by the Registrar of Record" (From
1702 <http://forum.icann.org/lists/transfer-comments-g/msg00023.html>).

1703

¹¹ From [Go Daddy agreement](#): 'The domain name may not be transferred to another registrar within sixty (60) days of the completion of the change of Registrant transaction (the "Transfer Prohibition Period"). In the event the domain name is subject to another change of Registrant within the Transfer Prohibition Period, the 60-day Transfer Prohibition Period will begin again upon completion of the subsequent change of Registrant transaction'.

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1704 ICANN issued [an advisory in April 2008](#) to clarify that “a registrant change to Whois
1705 information is not a valid basis for denying a transfer request”. It should be pointed out that
1706 Go Daddy since then has changed the “transfer prohibition period” to a voluntary opt-in
1707 provision that is offered to the registrant to prevent any transfers for 60 days after their
1708 domain name ownership change for security reasons. If a registrant has opted for this
1709 provision but still tries to transfer the domain name before the expiration of the 60 days,
1710 the transfer is denied under section A3(6) of the Inter-Registrar Transfer Policy
1711 (<http://www.icann.org/en/transfers/policy-en.htm>).

1712
1713 In a document titled ‘[Review of Issues for Transfers Working Group](#)’ (19 January 2006), a
1714 working document developed by the Transfers Working Group, it is stated that “transfers
1715 immediately following a Registrant transfer (change of ownership or license) should not be
1716 allowed, or at least the registrar should have the option of not allowing it for some period of
1717 time, 30-60 days perhaps. This was an explicit requirement in the old transfer policy, not
1718 sure why it was removed”. Potential next steps referred to include “clarify intentions of
1719 existing policy related to how change of registrant fits into definitions in policy and whether
1720 [the] intent was to allow for Registrar implementation of special provisions needed for
1721 change of registrant simultaneous to transfer or within a period after transfer” and “possible
1722 PDP to create policy related to change of registrant”.

1723 **Issue D: Standards or best practices regarding use of Registrar Lock Status**

1724
1725
1726 Issue D: Whether standards or best practices should be implemented regarding use of
1727 Registrar Lock status (e.g., when it may/may not, should/should not be applied) (Issue #5).

1728
1729 Registrar-Lock is described in [RFC 2832](#) as:

1730 “REGISTRAR-LOCK: The registrar of the domain sets the domain to this status. The
1731 domain cannot be modified or deleted when in this status. The registrar MUST
1732 remove REGISTRAR-LOCK status to modify the domain. The domain can be renewed.
1733 The domain SHALL be included in the zone file when in this status”.

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1735 Registrar-Lock does not refer to any internal flag or status termed 'lock' which a registrar
1736 may be using. As outlined in an [ICANN Inter-Registrar Transfer Policy: Implementation](#)
1737 [Update](#) "Registrars will [...] be able to use "registrar-lock" to give registrants added
1738 assurance that their domains will not be transferred or modified without their consent, but
1739 only if the registrar provides a readily accessible and reasonable means for registrants to
1740 remove the lock if and when the registrant decides to transfer".

1741
1742 The [Staff Report to the GNSO Council: Experiences with the Inter-Registrar Transfer Policy](#)
1743 (14 April 2005) noted that "many comments raised issues concerning locking mechanisms
1744 which are currently used by registrars. Variations in the use of lock statuses and their
1745 variability across registrars has added a level of complexity to the transfer process that in
1746 some cases has the effect of obstructing the desired ease of inter-registrar transfers.
1747 Additionally, such mechanisms impose a further burden on policy implementation because
1748 many registrants do not understand locking mechanisms. This is especially complicated in
1749 cases involving multiple languages". As a result, the report recommends considering
1750 "greater standardization of locking and unlocking functions or more precise definitions of
1751 appropriate use of the lock status".

1752
1753 In a document titled '[Review of Issues for Transfers Working Group](#)' (19 January 2006), a
1754 working document developed by the Transfers Working Group, it is noted that "there seems
1755 to be ambiguity about what can be considered as registrar lock". Potential next steps
1756 mentioned include a clarification by defining registrar lock within the policy. In addition, the
1757 document notes that "best practices regarding registrar lock need to be drawn out from
1758 current practices. Standards may need to be set regarding when use of lock is appropriate
1759 and not appropriate".

1760

1761 **Issue E: Clarification of denial reason #7**

1762

1763 Issue E: Whether, and if so, how to best clarify denial reason #7: A domain name was
1764 already in "lock status" provided that the Registrar provides a readily accessible and

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1765 reasonable means for the Registered Name Holder to remove the lock status
1766 (Recommendation from the IRTP Denials WG).

1767

1768 From the [Issues Report on Specified Inter-Registrar Transfer Policy Issues](#):

1769 "The current language (describing a reason for which a registrar of record may deny a
1770 transfer request) reads: A domain name was already in "lock status" provided that the
1771 Registrar provides a readily accessible and reasonable means for the Registered Name
1772 Holder to remove the lock status. Referring to the Task Force's Report
1773 (<http://www.icann.org/gnso/transfers-tf/report-exhd-12feb03.htm>) for the intention behind
1774 the policy language, the following Q/A occurs:

1775

1776 9. "Some Registrars liberally employ the 'Registrar lock' function as it relates to the
1777 domain names they register for Registrants. This often means that Registrants *can't*
1778 transfer their domain name in a predictable way. Do the Task Force recommendations
1779 consider this?"

1780

1781 A. Through extensive discussion within the Task Force and further consultation with the
1782 community after the Interim Report, the Task Force formed a minor series of amended
1783 recommendations that simply requires Registrars to provide Registrants with simple
1784 and transparent mechanisms by which Registrants can simply unlock or lock their
1785 domain name using accessible processes established by the Registrar.

1786

1787 Analysis: The Task Force heard this concern from several user groups. Earlier versions of
1788 this report contained substantially more stringent recommendations, however further
1789 discussion within the Task Force and outreach to various stakeholders within the DNSO
1790 only drew the lack of consensus on the older recommendations into focus. Accordingly
1791 the Task Force re-crafted its recommendations in order to support the principles that
1792 were supported by consensus.

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1794 In the current environment, registrar policies and practices vary with regard to means
1795 available to registrants for removing a Registrar Lock status. As a prerequisite to a registrar's
1796 denial of a transfer request for this reason, the policy requires that registrars provide a
1797 "readily accessible and reasonable means for the Registered Name Holder to remove the lock
1798 status." In staff's investigation of complaints about an inability to unlock a name, it is
1799 necessary to review the circumstances on a case by case basis, and apply an interpretation as
1800 to whether the registrar's practice is reasonable.

1801
1802 ICANN continues to receive complaints from registrants noting difficulty in unlocking names
1803 (see data from 2006 at <http://www.icann.org/compliance/pie-problem-reports-2006.html>).

1804
1805 ICANN could more efficiently enforce this provision if there were a test available for what is
1806 "reasonable or readily accessible." Adoption of a common test or standard would also
1807 facilitate uniform enforcement of this provision¹².

1808
1809 In instances where a domain name is in Registrar Lock status, a transfer that is initiated by a
1810 potential gaining registrar will be automatically rejected at the registry level, without an
1811 explicit denial by the registrar of record. This makes it difficult for a registrar of record to
1812 comply with the requirement to provide the registrant and potential gaining registrar with the
1813 reason that the transfer was denied. It may be helpful for the policy language to reflect the
1814 process that occurs in the case of this type of denial."

1815
1816 Clarification of denial reason #7 was discussed in a previous PDP on Clarification of Denial
1817 Reasons, but the drafting group recommended dealing with this issue in conjunction with the
1818 question of standards or best practices regarding use of Registrar Lock Status which has been
1819 outlined in the previous section. The drafting group noted in [its report](#) the following concerns:

¹² As an example of such a test or standard, Section 5 of the policy includes the following in regard to provision of the authInfo code:
"Registrars may not employ any mechanism for complying with a Registered Name Holder's request to remove the lock status that is more restrictive than the mechanisms used for changing any aspect of the Registered Name Holder's contact or name server information."

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- 1820 - "Discussions focused on clarification of the meaning of "readily accessible and reasonable
1821 means", but in the attempts to clarify this by comparison and by increased specificity
1822 potential undesired consequences were identified, see below
- 1823 - The proposed texts raise deeper issues and more complexity than we are prepared to deal
1824 with within the scope and timeframe allotted to this drafting group
- 1825 - We want to avoid a situation where registrars increase difficulty on contact/DNS changes
1826 in order to prevent transfers
- 1827 - Some registrars have offered higher levels of security, and don't want to lose the flexibility
1828 of offering those add-on opt-in services
- 1829 - The trade-off between security and convenience is one that must be made by registrants
1830 and this policy needs to provide the ability to make that choice
- 1831 - Issue 5 under PDP C of the IRTP Issues PDP Recommendations of 19 March 2008 and the
1832 reason for wanting to clarify reason for denial number 7 are very closely related:
- 1833 • Issue 5 of PDP C on IRTP Operational Rule Enhancements states: "Whether
1834 standards or best practices should be implemented regarding use of Registrar
1835 Lock status (e.g., when it may/may not, should/should not be applied). (CR 8.0)"
 - 1836 • The IRTP Policy Clarification of Reasons for Denial final report of 9 April 2008 says
1837 in the first sentence of the second paragraph on page 5: "Regarding "lock status",
1838 there is support for clarification, with a clear focus on the meaning of "readily
1839 accessible and reasonable means" for removing the lock."
- 1840
- 1841 As a result, the GNSO Council resolved 'that the work on denial reason #7 [...] be suspended until
1842 such time as PDP C of the IRTP Issues PDP is initiated'.
- 1843

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1844 Annex B - IRTP Part B PDP WG Charter

1845 The Working Group shall consider the following questions as outlined in the issues report and make
1846 recommendations to the GNSO Council:

- 1847 a) Whether a process for urgent return/resolution of a domain name should be developed, as
1848 discussed within the SSAC hijacking report ([http://www.icann.org/announcements/hijacking-](http://www.icann.org/announcements/hijacking-report-12jul05.pdf)
1849 [report-12jul05.pdf](http://www.icann.org/announcements/hijacking-report-12jul05.pdf)); see also ([http://www.icann.org/correspondence/cole-to-tonkin-](http://www.icann.org/correspondence/cole-to-tonkin-14mar05.htm)
1850 [14mar05.htm](http://www.icann.org/correspondence/cole-to-tonkin-14mar05.htm));
- 1851 b) Whether additional provisions on undoing inappropriate transfers are needed, especially with
1852 regard to disputes between a Registrant and Admin Contact (AC). The policy is clear that the
1853 Registrant can overrule the AC, but how this is implemented is currently at the discretion of the
1854 registrar;
- 1855 c) Whether special provisions are needed for a change of registrant when it occurs near the time
1856 of a change of registrar. The policy does not currently deal with change of registrant, which
1857 often figures in hijacking cases;
- 1858 d) Whether standards or best practices should be implemented regarding use of a Registrar Lock
1859 status (e.g. when it may/may not, should/should not be applied);
- 1860 e) Whether, and if so, how best to clarify denial reason #7: A domain name was already in 'lock
1861 status' provided that the Registrar provides a readily accessible and reasonable means for the
1862 Registered Name Holder to remove the lock status.

1863
1864 To inform its work, the WG should pursue the availability of further information from ICANN
1865 compliance Staff to understand how elements of the existing Inter-Registrar Transfer Policy that are
1866 applicable to the above questions are enforced. The WG should also request compliance Staff to
1867 review any policy recommendations it develops and provide advice on how the recommendations
1868 may best be structured to ensure clarity and enforceability.
1869

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1870 Working Group processes:
1871 While the development of Guidelines for Working Group operations are still to be developed the
1872 guidelines at the following link will apply to this WG: working group process
1873 https://st.icann.org/gnso-council/index.cgi?24_june_09_motions
1874
1875 Milestones
1876 WG formed, chair & Council liaison & staff coordinator identified = T
1877 Initial Report: T + 170 days
1878 First comment period ends: T + 190 days
1879 Preliminary Final Report: T + 220 days.
1880 Note: If the WG decides that a change is needed to the milestone dates, it should submit a revised
1881 time line to the GNSO council for approval

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Annex C – EAC FAQ

What is the EAC and what is it for?

The Emergency Action Channel (EAC) is a mechanism to facilitate urgent communications relating to transfers. The goal of the EAC is to quickly establish real time communication between registrar representatives who can take steps to resolving the issue, but this policy only addresses establishing that communication not resolving any disputes that may arise.

What's the scope of the EAC?

The EAC only addresses the need to establish communications between registrars in emergency situations. The EAC requirements outlined in this policy consciously exclude all aspects of resolving any disputes that may arise between parties in order not to disrupt processes that already exist to do that. The EAC is limited to domain-transfer emergencies at this time, such as an unauthorized transfer following a hijacking, although other PDPs may expand this scope in the future.

What happens when the gaining registrar does not respond to an EAC request?

The losing registrar informs the registry that they have not received a response to their EAC request and the registry may perform a “transfer-undo” in accordance with Section 6 of the existing IRTP.

How can a gaining Registrar eliminate the threat of a transfer undo?

The gaining registrar simply responds to the request. They do not need to return the domain, they do not need to resolve any disputes, they just need to respond to the EAC request of the losing registrar and initiate communication between the two registrars. As soon as the gaining registrar responds to the losing registrar, the threat of transfer-undo vanishes. The whole aim of this policy is to get decision-makers talking to each other.

The policy requires a four-hour response time. Isn't that going to be hard for smaller registrars to cover, especially at night or on the weekends?

No. Even the smallest of registrars can simply rotate this function among operational staff, just as they rotate other “emergency” aspects of their business. The number of EAC requests is likely to be very

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small and quite infrequent, but when they occur there is a genuine emergency that needs to be dealt with quickly.

Who can use the EAC?

The EAC is reserved for registrars, registries and ICANN staff.

Can the EAC be used to initiate urgent, but not emergency, communications?

No, the EAC is only for emergency communications relating to domain-transfer situations (primarily domain hijacking). It is not to be used for non-emergencies. It is not to be used for situations outside of domain transfers.

Can Registrants use the EAC?

No, the EAC is only available to registrars, registries and ICANN staff.

How is the EAC protected from abuse by registrants or registrars that want to game the system or claw back a domain name?

The EAC is not available to registrants, only their registrars so a registrant would need to request their registrar to start an EAC. The EAC only initiates communication, so as soon as the gaining registrar responds to the request, the EAC request is fulfilled and the threat of transfer-undo is eliminated.

What is the definition of “emergency” in this context?

In order to qualify as an EAC emergency, the issue has to be a serious, unexpected, time sensitive and harmful situation related to a domain-transfer.

What happens if a Registrar abuses the EAC?

The same thing that happens if a registrar violates any ICANN consensus policy. This is a question that is outside the scope of the IRTP working group.

What escalation options does a Registrant have with regard to hijacking and where does the EAC fit in?

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The first, and best, source of help for a registrant whose domain has been hijacked is their registrar. The EAC is aimed at helping that registrar quickly get in touch with the gaining registrar so that they can resolve the issue quickly (or quickly discover that there is a dispute that needs to be escalated to a higher level for resolution). In the event that the registrars cannot resolve the situation, the registrant can then move on to the other existing dispute-resolution processes (through the courts, ICANN Compliance and/or the Transfer Dispute Resolution Policy).

How long is the timeframe that the EAC is available, after an incident or problem is identified?

This timeframe is consciously not defined, for several reasons. The primary reason is that by not specifying availability we avoid providing a roadmap for hijackers to time their activities. But another reason why this is not defined in the policy is the ease with which the threat of a transfer-undo can be avoided by the gaining registrar – they simply get in contact with the losing registrar and the requirements of the EAC are fulfilled.

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Annex D - Template for Constituency Statements

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 consider recommendations for a number of issues related to the Inter-Registrar Transfer Policy (IRTP).

Part of the working group's effort will be to 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. However, you should feel free to add any information you deem important to inform the working group's deliberations, even if this does not fit into any of the questions listed below.

For further background information on this issue, please review the [GNSO Issues Report on IRTP Part B](#).

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.

Questions

Please provide your constituency's views on:

- Whether a process for urgent return/resolution of a domain name should be developed, as discussed within the Security and Stability Advisory Committee (SSAC) hijacking report (<http://www.icann.org/announcements/hijacking-report-12jul05.pdf>); see also (<http://www.icann.org/correspondence/cole-to-tonkin-14mar05.htm>);
- Whether additional provisions on undoing inappropriate transfers are needed, especially with regard to disputes between a Registrant and Admin Contact (AC). The policy is clear that the Registrant can overrule the AC, but how this is implemented is currently at the discretion of the

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registrar;

- c) Whether special provisions are needed for a change of registrant when it occurs near the time of a change of registrar. The policy does not currently deal with change of registrant, which often figures in hijacking cases;
- d) Whether standards or best practices should be implemented regarding use of a Registrar Lock status (e.g. when it may/may not, should/should not be applied);
- e) Whether, and if so, how best to clarify denial reason #7: A domain name was already in 'lock status' provided that the Registrar provides a readily accessible and reasonable means for the Registered Name Holder to remove the lock status.

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Annex E – Charter Question B – Standard Use Cases

| Registrant | Admin Contact | Description | Comment |
|--|---|--|--|
| Company Ltd | Employee ex-employee | Company director (providing company documentation demonstrating his authority and personal documentation demonstrating identity) claims authority over admin contact requests return to original registrar (and changes to record) | Within scope. Original registrar talks to new registrar or ERTTP evoked. |
| Company Ltd | Director A | Company director B claiming higher authority | How can registrar make judgement? |
| Company Ltd | Service Provider (WG definition) Webmaster or other third party | Company director (providing company documentation demonstrating his authority and personal documentation demonstrating identity) claims authority over admin contact requests return to original registrar (and changes to record) | Within scope. Original registrar talks to new registrar or ERTTP evoked. |
| Marketing Name (non legal entity) | An individual | Another individual tries to demonstrate authority within the non legal entity (by showing name on marketing material. | How can registrar be sure? Is it correct to allow such loose registrant names? |
| Family Member A | Family member B, parent of minor, | Family member C tries to demonstrate authority. | Registrar only takes authority from Registrant or Admin Contact. |
| Service Provider Proxy name service or Webmaster or other third party | Any individual from service provider | “Owner” claims or demonstrates equity authority and requests return to original registrar | Registrar only takes authority from Registrant or Admin Contact. This is classic case outside ICANN or policy. Case of incorrect registration is not |

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| | | | considered fraud?. |
| Service Provider Proxy name service or Webmaster or other third party | Any individual from service provider | “Owner” claims or demonstrates that registrant WHOIS has changes and he was previous registrant. | Change of registrant to a service provider could be fraud? |
| Registrant A | Individual B | Registrar Account holder C | Registrar only takes authority from Registrant or Admin Contact. |

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ANNEX F - EPP Status Codes: What do they mean, and why should I know?

Extensible Provisioning Protocol (EPP) domain status codes, also called domain name status codes, indicate the status of a domain name registration. Every domain has at least one status code, but they can also have more than one.

Is your domain name registration about to be dropped? Is it safely locked to prevent unauthorized transfers, updates or deletions? Does it have any restrictions or pending actions that you need to address? Finding and understanding your domain's EPP status codes will answer all of these questions and more.

It is important for registrants (that means you!) to understand EPP status codes because they can explain why your domain may have stopped working, if it is protected from domain name hijacking, and when and if your domain name registration will expire and become available to the public for registration.

You can find out your domain's status codes by running a Whois lookup, which you can do by visiting <http://www.internic.net/whois.html> or your registrar's website. Your domain's EPP status codes will be included in the search results.

There are two different types of EPP status codes: **client** and **server** codes. Client status codes are set by registrars. Some registrars automatically enact certain status codes when you register a domain name, while others do so when you request it. Server status codes are set by registries, and they take precedence over client codes. Both kinds of status codes appear when you run a Whois lookup for your domain.

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The following are two tables containing the 17 official EPP domain status codes. The first table lists the server status codes; the second table lists the client status codes. These tables will explain what each status means, why you should care what it means, and what kind of action you might want to take to respond to a status.

Server Status Codes are Set by Your Domain's Registry

| Status Code | What does it mean? | Should you do something? |
|--|---|---|
| OK | This is the standard status for a domain, meaning it has no holds or restrictions. | Asking your registrar to enact status restrictions, like clientTransferProhibited , clientDeleteProhibited , and clientUpdateProhibited , can help to prevent unauthorized transfers, deletions, or updates to your domain. |
| serverTransferProhibited | This status code prevents your domain from being transferred from your current registrar to another. It is an uncommon status that is usually enacted during legal or other disputes, at your request, or when a redemptionPeriod status is in place. | This status may indicate an issue with your domain that needs to be addressed promptly. You should contact your registrar to request more information and resolve the issue. If your domain does not have any issues, and you simply want to transfer it to another registrar, you must first contact your registrar and request that they work with the Registry Operator to remove this status code. Alternatively, some Registry Operators offer a Registry Lock Service that allows registrants, through their registrars, to set this status as an extra protection against unauthorized transfers. Removing this status can take longer than it does for clientTransferProhibited because your registrar has to forward your request to your domain's registry and wait for them to lift the restriction. |
| serverRenewProhibited | This status code indicates your domain's Registry Operator will not allow your registrar to renew your domain. It is an uncommon status that is usually enacted during legal disputes or when your | Often, this status indicates an issue with your domain that needs to be addressed promptly. You should contact your registrar to request more information and resolve the issue. If your domain does not have any issues, and you simply want to renew it, you must first contact your registrar and request that they work with |

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| | domain is subject to <u>deletion</u> . | the Registry Operator to remove this status code. This process can take longer than it does for <u>clientRenewProhibited</u> because your registrar has to forward your request to your domain's registry and wait for them to lift the restriction. |
| <u>pendingTransfer</u> | This status code indicates that a request to transfer your domain to a new registrar has been received and is being processed. | If you did not request to transfer your domain, you should contact your registrar immediately to request that they deny the transfer request on your behalf. |
| <u>pendingUpdate</u> | This status code indicates that a request to update your domain has been received and is being processed. | If you did not request to update your domain, you should contact your registrar immediately to resolve the issue. |
| <u>pendingRenew</u> | This status code indicates that a request to renew your domain has been received and is being processed. | If you did not request to renew your domain and do not want to keep it (i.e., pay the renewal fee) anymore, you should contact your registrar immediately to discuss what options are available. |
| <u>pendingCreate</u> | This status code indicates that a request to create your domain has been received and is being processed. | If you are NOT the listed Registrant, you should contact your registrar immediately to resolve the issue. If your domain has remained in this status for several days, you may want to contact your registrar to request information about the delay in processing. |
| <u>inactive</u> | This status code indicates that delegation information (DNS or name servers) has not been associated with your domain. Your domain is not included in the zone file and will not resolve. | This status may indicate an issue with your domain that needs resolution. If so, you should contact your registrar to request more information. If your domain does not have any issues, but you need it to resolve, you must first contact your registrar and request that they work with the Registry Operator to include the missing information and remove this status code. |
| <u>serverHold</u> | This status code is set by your domain's Registry Operator. Your domain is not included in the zone file and will not resolve. It is an uncommon status that is usually enacted during legal | Often, this status indicates an issue with your domain that needs resolution. If so, you should contact your registrar to request more information. If your domain does not have any issues, but you need it to resolve, you must first contact your registrar and request that they work with |

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| | disputes or when your domain is subject to deletion. | the Registry Operator to remove this status code. This process can take longer than it does for clientHold because your registrar has to forward your request to your domain's registry and wait for them to lift the restriction. |
| serverDeleteProhibited | This status code prevents your domain from being deleted. It is an uncommon status that is usually enacted during legal disputes, at your request, or when a redemptionPeriod status is in place. | This status may indicate an issue with your domain that needs resolution. If so, you should contact your registrar to request more information and to resolve the issue. If your domain does not have any issues, and you simply want to delete it, you must first contact your registrar and request that they work with the Registry Operator to remove this status code. Alternatively, some Registry Operators offer a Registry Lock Service that allows registrants, thought their registrars to set this status as an extra protection against unauthorized deletions. Removing this status can take longer than it does for clientDeleteProhibited because your registrar has to forward your request to your domain's registry and wait for them to lift the restriction. |
| serverUpdateProhibited | This status code locks your domain preventing it from being updated. It is an uncommon status that is usually enacted during legal disputes, at your request, or when a redemptionPeriod status is in place. | This status may indicate an issue with your domain that needs resolution. If so, you should contact your registrar for more information or to resolve the issue. If your domain does not have any issues, and you simply want to update it, you must first contact your registrar and request that they work with the Registry Operator to remove this status code. Alternatively, some Registry Operators offer a Registry Lock Service that allows registrants, thought their registrars to set this status as an extra protection against unauthorized updates. Removing this status can take longer than it does for clientUpdateProhibited because your registrar has to forward your request to your domain's registry and wait for them to lift the restriction. |

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| addPeriod | This grace period is provided after the initial registration of a domain name. If the registrar deletes the domain name during this period, the registry provides a credit to the registrar for the cost of the registration. | This is an informative status set for the first 5 days or your domain's registration. There is no issue with your domain name. |
| autoRenewPeriod | This grace period is provided after a domain name registration period expires and is extended (renewed) automatically by the registry. If the registrar deletes the domain name during this period, the registry provides a credit to the registrar for the cost of the renewal. | This is an informative status set for the first 5 days or your domain's auto-renewal by the registry. If you did not request to renew your domain and do not want to keep it (i.e., pay the renewal fee) anymore, you should contact your registrar immediately to discuss what options are available. |
| renewPeriod | This grace period is provided after a domain name registration period is explicitly extended (renewed) by the registrar. If the registrar deletes the domain name during this period, the registry provides a credit to the registrar for the cost of the renewal. | This is an informative status set for the first 5 days or your domain's renewal by your registrar. If you did not request to renew your domain and do not want to keep it (i.e., pay the renewal fee) anymore, you should contact your registrar immediately to discuss what options are available. |
| transferPeriod | This grace period is provided after the successful transfer of a domain name from one registrar to another. If the new registrar deletes the domain name during this period, the registry provides a credit to the registrar for the cost of the transfer. | This is an informative status set for the first 5 days or your domain's transfer to a new registrar. If you did not request to transfer your domain, you should contact your original registrar. |
| redemptionPeriod | This status code indicates that your registrar has asked the registry to delete your domain. Your domain will be held in this status for a maximum of 30 days. After | If you want to keep your domain, you must immediately contact your registrar to resolve whatever issues resulted in your registrar requesting that your domain be deleted, which resulted in the redemptionPeriod status for your domain. |

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| | then, it will be updated with the <u>pendingDelete</u> status for five calendar days after which time, your domain is purged from the registry database and becomes available for anyone to register on a first come, first served basis. | Once any outstanding issues are resolved and for the appropriate fee has been paid, your registrar should restore the domain on your behalf. |
| <u>pendingRestore</u> | This status code indicates that your registrar has asked the registry to restore your domain that was in <u>redemptionPeriod</u> status. Your registry will hold the domain in this status while waiting for your registrar to provide required restoration documentation. If your registrar fails to provide documentation to the Registry Operator within seven calendar days to confirm the restoration request, the domain will revert to <u>redemptionPeriod</u> status. | Watch your domain's status codes within this seven-day period to ensure that your registrar has submitted the correct restoration documentation within the seven-day time window. If seven days pass and your domain has reverted back to a <u>redemptionPeriod</u> status, contact your registrar to resolve whatever issues that may have halted the delivery of your domain's required restoration documentation. |
| <u>pendingDelete</u> | This status code is automatically set after your domain has been in <u>redemptionPeriod</u> status AND if you have not restored it within that maximum 30-day period. Your domain will remain in the <u>pendingDelete</u> status for five calendar days, after which time your domain will be purged and dropped from the registry database. Once deletion occurs, the domain is available for anyone to register on a first come, first served basis. | If you want to keep your domain name, you must immediately contact your registrar to discuss what options are available. |

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Client Status Codes are Set by Your Domain’s Registrar

| Status Code | What does it mean? | Should you do something? |
|--|---|---|
| clientTransferProhibited | This status code tells your domain’s registry to reject requests to transfer the domain from your current registrar to another. | This status indicates that it is not possible to transfer the domain name registration, which will help prevent unauthorized transfers resulting from hijacking and/or fraud. If you do want to transfer your domain, you must first contact your registrar and request that they remove this status code. |
| clientRenewProhibited | This status code tells your domain’s registry to reject requests to renew your domain. It is an uncommon status that is usually enacted during legal disputes or when your domain is subject to deletion. | Often, this status indicates an issue with your domain that needs resolution. If so, you should contact your registrar to resolve the issue. If your domain does not have any issues, and you simply want to renew it, you must first contact your registrar and request that they remove this status code. |
| clientHold | This status code tells your domain’s registry to not include your domain in the zone file and as a consequence, it will not resolve. It is an uncommon status that is usually enacted during legal disputes, non-payment, or when your domain is subject to deletion. | Often, this status indicates an issue with your domain that needs resolution. If so, you should contact your registrar to resolve the issue. If your domain does not have any issues, but you need it to resolve, you must first contact your registrar and request that they remove this status code. |
| clientDeleteProhibited | This status code tells your domain’s registry to reject requests to delete the domain. | This status indicates that it is not possible to delete the domain name registration, which can prevent unauthorized deletions resulting from hijacking and/or fraud. If you do want to delete your domain, you must first contact your registrar and |

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| | | request that they remove this status code. |
| clientUpdateProhibited | This status code tells your domain's registry to reject requests to update the domain. | This domain name status indicates that it is not possible to update the domain, which can help prevent unauthorized updates resulting from fraud. If you do want to update your domain, you must first contact your registrar and request that they remove this status code. |

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(as described in [SAC007](#)). The WG recognizes that there are further details that would need to be worked out in relation to this proposal such as:

Within what time should a response be received after an issue has been raised through the Emergency Action Channel (for example, 24 hours – 3 days has been the range discussed by the WG)?

What qualifies as ‘a response’? Is an auto-response sufficient?

Should there be any consequences when a response is not received within the required timeframe?

Is there a limited time following a transfer during which the Emergency Action Channel can be used?

Which issues may be raised through the Emergency Action Channel?

How/who should document the exchanges of information on the Emergency Action Channel?

Who is entitled to make use of the Emergency Action Channel?

The WG is requesting input from the ICANN Community on these questions and the recommendation itself, so this can be factored into the WG deliberations going forward.

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Next Steps

The WG is posting this draft Final Report for public comment until 31 March 2011. Following review and analysis of the public comments received, the WG will finalize its report for submission to the GNSO Council.