

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

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.

Marika Konings 19/5/11 10:11
Deleted: Proposed
Marika Konings 19/5/11 10:11
Deleted: 21 February

Marika Konings 19/5/11 10:11
Deleted: Proposed

Marika Konings 19/5/11 10:11
Deleted: proposed
Marika Konings 19/5/11 10:11
Deleted: 21 February 2011
Marika Konings 19/5/11 10:12
Deleted: and posted for public comment
Marika Konings 19/5/11 10:12
Deleted: . A Final Report will be prepared following public comment on this proposed Final Report.

Marika Konings 19/5/11 10:19
Deleted: and posted for public comment
Marika Konings 19/5/11 10:56
Deleted: Proposed

Marika Konings 19/5/11 10:11
 Deleted: Proposed
 Marika Konings 19/5/11 10:11
 Deleted: 21 February

31 TABLE OF CONTENTS

32 1. EXECUTIVE SUMMARY 3

33 2. OBJECTIVE AND NEXT STEPS 10

34 3. BACKGROUND 11

35 4. APPROACH TAKEN BY THE WORKING GROUP 12

36 5. DELIBERATIONS OF THE WORKING GROUP 14

37 6. STAKEHOLDER GROUP / CONSTITUENCY STATEMENTS &
38 PUBLIC COMMENT PERIODS 31

39 7. CONCLUSIONS AND NEXT STEPS 47

40 ANNEX A – BACKGROUND 52

41 ANNEX B - IRTP PART B PDP WG CHARTER 66

42 ANNEX C – TEAC FAQ 68

43 ANNEX D - TEMPLATE FOR CONSTITUENCY STATEMENTS 71

44 ANNEX E – CHARTER QUESTION B – STANDARD USE CASES 73

45 ANNEX F - EPP STATUS CODES: WHAT DO THEY MEAN, AND
46 WHY SHOULD I KNOW?
47 75

Marika Konings 25/5/11 11:13
 Deleted: 9

Marika Konings 25/5/11 11:13
 Deleted: 10

Marika Konings 25/5/11 11:13
 Deleted: 48

Marika Konings 25/5/11 11:21
 Deleted: EAC

Marika Konings 25/5/11 11:13
 Deleted: 69

Marika Konings 25/5/11 11:13
 Deleted: 72

Marika Konings 25/5/11 11:13
 Deleted: 74

Marika Konings 25/5/11 11:13
 Deleted: 76

Marika Konings 19/5/11 10:56
 Deleted: Proposed

Marika Konings 19/5/11 10:11

~~Deleted: Proposed~~

Marika Konings 19/5/11 10:11

~~Deleted: 21 February~~

57 1. Executive Summary

58 1.1 Background

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

Marika Konings 19/5/11 10:56

~~Deleted: Proposed~~

- 85
- 86
- 87
- 88
- 89
- 90
- 91
- 92
- 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

- 93
- 94
- 95
- 96
- 97
- 98
- 99
- 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.
 - [Section 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

100

101

102

103

104

105

106

107

108

109

110

111

112

113

All the recommendations listed below have full consensus support from the Working Group.

▪ [Recommendations for Issue A](#)

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

[Transfer Emergency Action Contact \(Append to Section 4\)](#)

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

Marika Konings 19/5/11 10:11

Deleted: Proposed

Marika Konings 19/5/11 10:11

Deleted: 21 February

Marika Konings 19/5/11 10:23

Deleted: has

Marika Konings 19/5/11 10:21

Deleted: is putting

Marika Konings 19/5/11 10:21

Deleted: this

Unknown

Field Code Changed

Marika Konings 19/5/11 10:23

Deleted: prior to submitting it to the GNSO Council

Marika Konings 19/5/11 10:23

Deleted: -

Marika Konings 19/5/11 10:23

Deleted: intends to

Marika Konings 25/5/11 11:14

Deleted: Chapter

Marika Konings 19/5/11 14:30

Deleted: Proposed

Marika Konings 25/5/11 10:38

Deleted: -

Marika Konings 19/5/11 10:56

Deleted: Proposed

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

128 A TEAC must be requested by the Registrant in a timely manner, within a reasonable period
 129 of time following the unauthorized loss of a domain.

130 Messages sent via the TEAC must generate a non-automated response by a human
 131 representative of the gaining Registrar. The person or team responding must be capable and
 132 authorized to investigate and address urgent transfer issues. Responses are required within
 133 4 hours of the initial request, although final resolution of the incident may take longer.

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

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

145 (Append to Section 6) 6 iv. Documentation provided by the Registrar of Record prior to
 146 transfer that the Gaining Registrar has not responded to a message via the TEAC within the
 147 timeframe specified in Section 4.

Marika Konings 19/5/11 10:11

Deleted: Proposed

Marika Konings 19/5/11 10:11

Deleted: 21 February

Marika Konings 25/5/11 10:10

Deleted: <#>Proposed Recommendations for Issue

A -

... [1]

Marika Konings 19/5/11 10:56

Deleted: Proposed

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

171 ■ **Recommendations for Issue B**

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

184 **Recommendation #4:** The WG notes that the primary function of IRTP is to permit
185 Registered Name Holders to move registrations to the Registrar of their choice, with all
186

Marika Konings 19/5/11 10:11

Deleted: Proposed

Marika Konings 19/5/11 10:11

Deleted: 21 February

Marika Konings 25/5/11 10:11

Deleted: Proposed

Marika Konings 19/5/11 10:56

Deleted: Proposed

188 contact information intact. The WG also notes that IRTP is widely used in the domain name
189 community to affect a "change of control," moving the domain name to a new Registered
190 Name Holder. The discussions within the WG and with ICANN Staff have determined that
191 there is no defined "change of control" function. Therefore, the IRTP-B WG recommends
192 requesting an Issue Report to examine this issue, including an investigation of how this
193 function is currently achieved, if there are any applicable models in the country-code name
194 space, and any associated security concerns.

195

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

201

202 **Recommendation for Issue C**

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

210 Express objection to the transfer by the authorized Transfer Contact. Objection could take
211 the form of specific request (either by paper or electronic means) by the authorized Transfer
212 Contact to deny a particular transfer request, or a general objection to all transfer requests
213 received by the Registrar, either temporarily or indefinitely. In all cases, the objection must
214 be provided with the express and informed consent of the authorized Transfer Contact on
215 an opt-in basis and upon request by the authorized Transfer Contact, the Registrar must
216 remove the lock or provide a reasonably accessible method for the authorized Transfer
217 Contact to remove the lock within five (5) calendar days.

Marika Konings 19/5/11 10:11

~~Deleted:~~ Proposed

Marika Konings 19/5/11 10:11

~~Deleted:~~ 21 February

Marika Konings 25/5/11 10:12

~~Deleted:~~ Proposed

Marika Konings 19/5/11 10:56

~~Deleted:~~ Proposed

219 | ▪ **Recommendations for Issue D**

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

223 | **Recommendation #8:** The WG recommends standardizing and clarifying WHOIS status
 224 | messages regarding Registrar Lock status. The goal of these changes is to clarify why the
 225 | Lock has been applied and how it can be changed. Based on discussions with technical
 226 | experts, the WG does not expect that such a standardization and clarification of WHOIS
 227 | status messages would require significant investment or changes at the registry/registrar
 228 | level. The WG recommends that ICANN staff is asked to develop an implementation plan for
 229 | community consideration which ensures that a technically feasible approach is developed to
 230 | implement this recommendation.
 231 |

233 | ▪ **Recommendation for Issue E**

234 | **Recommendation #9:** The WG recommends deleting denial reason #7 as a valid reason for
 235 | denial under section 3 of the IRTP as it is technically not possible to initiate a transfer for a
 236 | domain name that is locked, and hence cannot be denied, making this denial reason
 237 | obsolete. Instead denial reason #7 should be replaced by adding a new provision in a
 238 | different section of the IRTP on when and how domains may be locked or unlocked. The WG
 239 | recommends that ICANN staff is asked to develop an implementation plan for community
 240 | consideration including proposed changes to the IRTP to reflect this recommendation.
 241 |

242 | **1.4 Public Comment Period on the Proposed Final Report**

243 | ▪ The public comment period on the Proposed Final Report resulted in seven (7) community
 244 | submissions. The summary and analysis of the comments received can be found in section
 245 | 6.5. The Working Group reviewed and discussed the public comments received using a
 246 | public comment review tool that details the Working Group's responses to the public
 247 | comment received and the actions taken as a result.
 248 |

Marika Konings 19/5/11 10:11

Deleted: Proposed

Marika Konings 19/5/11 10:11

Deleted: 21 February

Marika Konings 25/5/11 11:13

Deleted: -

... [2]

Marika Konings 25/5/11 10:12

Deleted: Proposed

Marika Konings 25/5/11 10:13

Deleted: Initial Report

Marika Konings 25/5/11 10:15

Deleted: Initial Report

Marika Konings 25/5/11 10:15

Deleted: in seventeen (17) community submissions from thirteen (13) different parties

Unknown

Field Code Changed

Marika Konings 19/5/11 10:56

Deleted: Proposed

Marika Konings 19/5/11 10:11

Deleted: Proposed

Marika Konings 19/5/11 10:11

Deleted: 21 February

256 **1.5 Conclusions and Next Steps**

- 257 | ▪ The WG has submitted this report to the GNSO Council for its consideration.

258

259

Marika Konings 19/5/11 10:28

Deleted: The WG is posting this draft Final Report for public comment until 31 March 2011. Following review and analysis of the public comments received, t

Marika Konings 19/5/11 10:28

Deleted: will finalize its report for submission to the

Marika Konings 25/5/11 10:34

Deleted: [Page Break](#)

Marika Konings 19/5/11 10:56

Deleted: Proposed

267
268
269
270
271
272
273
274
275
276
277
278

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 7.

Marika Konings 19/5/11 10:11

Deleted: Proposed

Marika Konings 19/5/11 10:11

Deleted: 21 February

Marika Konings 25/5/11 11:27

Formatted: Numbering: Continuous

Marika Konings 19/5/11 10:28

Deleted: proposed

Marika Konings 19/5/11 10:28

Deleted: n

Marika Konings 19/5/11 10:29

Deleted: additional

Marika Konings 19/5/11 10:29

Deleted: to allow for a further opportunity to comment on the proposed Final Report and its recommendations

Marika Konings 19/5/11 10:29

Deleted: The comments received on the proposed Final Report will be reviewed by the WG and taking into account when finalizing the report for submission to the GNSO Council.

Marika Konings 19/5/11 10:56

Deleted: Proposed

Marika Konings 19/5/11 10:11

Deleted: Proposed

Marika Konings 19/5/11 10:11

Deleted: 21 February

289 3. Background

- 290 • The issues that IRTP Part B Policy Development Process addresses are:
- 291 a. Whether a process for urgent return/resolution of a domain name should be developed, as
- 292 discussed within the SSAC hijacking report
- 293 (<http://www.icann.org/announcements/hijacking-report-12jul05.pdf>; see also
- 294 <http://www.icann.org/correspondence/cole-to-tonkin-14mar05.htm>);
- 295 b. Whether additional provisions on undoing inappropriate transfers are needed, especially
- 296 with regard to disputes between a Registrant and Admin Contact. The policy is clear that the
- 297 Registrant can overrule the AC, but how this is implemented is currently at the discretion of
- 298 the registrar;
- 299 c. Whether special provisions are needed for a change of registrant near a change of registrar.
- 300 The policy does not currently deal with change of registrant, which often figures in hijacking
- 301 cases;
- 302 d. Whether standards or best practices should be implemented regarding use of Registrar Lock
- 303 status (e.g., when it may/may not, should/should not be applied);
- 304 e. Whether, and if so, how best to clarify denial reason #7: A domain name was already in
- 305 "lock status" provided that the Registrar provides a readily accessible and reasonable means
- 306 for the Registered Name Holder to remove the lock status.
- 307 • The GNSO Council [resolved at its meeting on 24 June 2009](#) to launch a PDP on these five issues
- 308 and [adopted a charter](#) for a Working Group on 23 July 2009 (see Annex B [WG](#) Charter).
- 309 ▪ The IRTP Part B Working Group published its [Initial Report](#) on 29 May 2010 in conjunction with
- 310 the opening of a public comment forum (see section 6 for further details).
- 311 ▪ As, based on the review of the public comments and further deliberations, the WG has made
- 312 substantial changes to the proposed recommendations, the WG is putting forward this
- 313 proposed Final Report for Community consideration prior to submitting it to the GNSO Council.
- 314 ▪ Following review of the public comments and additional consideration on some of the items as
- 315 outlined in the report, the WG intends to finalize the report for submission to the GNSO Council.
- 316 For further background information on the issues as well as the process, please see Annex A.
- 317

Marika Konings 25/5/11 10:35

Deleted: for the Working Group

Marika Konings 25/5/11 10:35

Deleted: -

Marika Konings 19/5/11 10:56

Deleted: Proposed

Marika Konings 19/5/11 10:11
Deleted: Proposed
 Marika Konings 19/5/11 10:11
Deleted: 21 February

320 **4. Approach taken by the Working Group**

321
 322 The IRTP Part B Working Group started its deliberations on 25 August 2009 where it was decided to
 323 continue the work primarily through first bi-weekly and then weekly conference calls, in addition to e-
 324 mail exchanges. The Working Group agreed to start working on the five different issues in parallel to the
 325 preparation of constituency statements and the public comment period on this topic. In order to
 326 facilitate the work of the constituencies, a template was developed for responses (see Annex B).

327
 328 **4.1 Members of the IRTP Part B Working Group**

329 The members of the Working group are:

331

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	▼

Marika Konings 19/5/11 10:39
Deleted: 15
 Marika Konings 19/5/11 10:39
Deleted: 44
 Marika Konings 19/5/11 10:39
Deleted: 6
 Marika Konings 19/5/11 10:39
Deleted: 44
 Marika Konings 19/5/11 10:39
Deleted: 27
 Marika Konings 19/5/11 10:39
Deleted: 43
 Marika Konings 19/5/11 10:39
Deleted: 2
 Marika Konings 19/5/11 10:39
Deleted: 47
 Marika Konings 19/5/11 10:39
Deleted: 40
 Marika Konings 19/5/11 10:39
Deleted: 29
 Marika Konings 19/5/11 10:39
Deleted: 13
 Marika Konings 19/5/11 10:39
Deleted: 13
 Marika Konings 19/5/11 10:39
Deleted: 2
 Marika Konings 19/5/11 10:39
Deleted: 0
 Marika Konings 19/5/11 10:56
Deleted: Proposed

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	▼

- Marika Konings 19/5/11 10:11
Deleted: Proposed
- Marika Konings 19/5/11 10:11
Deleted: 21 February
- Marika Konings 19/5/11 10:39
Deleted: 3
- Marika Konings 19/5/11 10:39
Deleted: 25
- Marika Konings 19/5/11 10:39
Deleted: 45
- Marika Konings 19/5/11 10:39
Deleted: 42
- Marika Konings 19/5/11 10:39
Deleted: 1
- Marika Konings 19/5/11 10:39
Deleted: 6
- Marika Konings 19/5/11 10:39
Deleted: 19
- Marika Konings 19/5/11 10:39
Deleted: 30
- Marika Konings 19/5/11 10:39
Deleted: 39
- Marika Konings 19/5/11 10:39
Deleted: 3
- Marika Konings 19/5/11 10:39
Deleted: 2
- Marika Konings 19/5/11 10:39
Deleted: 0
- Marika Konings 19/5/11 10:39
Deleted: [here](#)

346

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

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

349

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

351

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

353

354 *

355 RrSG – Registrar Stakeholder Group

356 RySG – Registry Stakeholder Group

357 CBUC – Commercial and Business Users Constituency

358 NCUC – Non Commercial Users Constituency

359 IPC – Intellectual Property Constituency

360

361

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

- Marika Konings 19/5/11 10:56
Deleted: Proposed

Marika Konings 19/5/11 10:11

Deleted: Proposed

Marika Konings 19/5/11 10:11

Deleted: 21 February

375 5. Deliberations of the Working Group

376

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

381

382 5.1 Working Group Deliberations

383

384 **Issue A: Whether a process for urgent return/resolution of a domain name should be developed, as**
385 **discussed within the SSAC hijacking report** ([http://www.icann.org/announcements/hijacking-report-](http://www.icann.org/announcements/hijacking-report-12jul05.pdf)
386 [12jul05.pdf](http://www.icann.org/announcements/hijacking-report-12jul05.pdf); see also <http://www.icann.org/correspondence/cole-to-tonkin-14mar05.htm>);

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

Marika Konings 19/5/11 10:40

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.

Marika Konings 19/5/11 10:56

Deleted: Proposed

Marika Konings 19/5/11 10:11

Deleted: Proposed

Marika Konings 19/5/11 10:11

Deleted: 21 February

- 408 ▪ Some pointed out that even though an urgent return of a domain name might be desirable, due
409 diligence would be required by registrars, which normally takes time, unless there would be a safe
410 harbour provision that would limit liability.
- 411 ▪ The question was raised what the role of the registry is in hijacking incidents and it was noted that
412 the registry is more of a bystander in the process as it relies on the information provided by the
413 registrar and will only get involved if a dispute is filed under the [Transfer Dispute Resolution Policy](#)
414 (TDRP). It was noted that certain registry providers offer special registry lock services which allow for
415 locking of a domain name registration at the registry level, requiring two-factor authentication to
416 make changes to the status of the domain name.
- 417 ▪ The WG noted that instead of starting with developing a separate procedure, the group should start
418 with reviewing the existing Transfer Dispute Resolution Policy in order to determine whether it
419 would be possible to adapt this policy to allow for an urgent return / resolution of a domain name
420 registration. A detailed [presentation on the TDRP](#) was provided by Eric Brown, Neustar. In reviewing
421 the TDRP, the WG concluded that the TRDP is a relatively little used method for disputing / undoing
422 inter-registrar Transfers as:
- 423 a. For Registrants, especially those who are victims of "hijacking," the process is too slow, and
424 potentially expensive.
- 425 b. For Registrants and Internet Users, the Harm of a name resolving to a disputed site (or not
426 resolving at all) persists while the TDRP proceeding is ongoing.
- 427 c. For Registrars, the TDRP is seen as too slow, resource expensive, and could yield unpredictable
428 outcomes.
- 429 d. Larger Registrars have developed informal procedures to work together to rapidly reverse
430 transfers that were erroneous or fraudulent, but still wish to preserve a formal policy to escalate
431 matters to the Registry in the event that registrars cannot agree on the remedy.
- 432 e. Some registered name holders have eschewed the TDRP and Registrar contact entirely, and
433 prefer to work directly with ICANN to resolve disputed transfers.
- 434 f. VeriSign has adopted it's own procedure under its Supplemental Rules to augment the TRDP
435 whereby the registry facilitates the "undo" of a transfer upon agreement and consent of both
436 the gaining and losing registrars. This procedure significantly shortens the transfer dispute
437 process in those cases where both the gaining and losing registrars agree that a transfer was

Marika Konings 19/5/11 10:56

Deleted: Proposed

Marika Konings 19/5/11 10:11

Deleted: Proposed

Marika Konings 19/5/11 10:11

Deleted: 21 February

438 processed in violation of the IRTP and that the domain name should be reinstated with the
439 losing registrar. Other registries may have equivalent procedures, or may seek to develop them.
440 It was noted that the TDRP is slow and resource intensive, in addition it was pointed out that a
441 dispute under the TDRP can only be filed by a registrar, not a registrant. Some noted that in its
442 current form it might not be workable to open the TDRP to registrants, but that it might be worth
443 providing more information about this policy to registrants as well as registrars as one of the
444 possible avenues to be explored in the case of a dispute.

- 445 ▪ The WG also discussed in which circumstances an urgent return / resolution might be desirable such
446 as when unauthorized changes to the DNS and registrant contact details have taken place which
447 might result in the loss of control by the registered name holder of the domain name registration
448 resulting in an unauthorized transfer. Nevertheless, the WG agreed that it would not be possible to
449 establish a list of criteria that would qualify a transfer for an urgent return / resolution, but that the
450 trigger would be a registrant contacting their registrar with the claim that their domain name
451 registration was transferred as a result of a hijack.
- 452 ▪ Several of the registrars participating in the WG pointed out that in practice registrars will work
453 together to solve these kinds of situations, but it was noted that an escalation process might be
454 desirable in cases where a registrar would be unresponsive or unwilling to co-operate.
- 455 ▪ The WG discussed how to unite the need for urgent return / resolution with due process in one
456 procedure as it was recognized that in the former speed is of the essence, while for the latter
457 appropriate time would be needed to make an accurate assessment of the situation. Some
458 suggested that a way forward might be to consider a procedure which, when invoked, would result
459 in the immediate return to the situation prior to the transfer (e.g. DNS and registrant details), with
460 no possibilities for further changes (e.g. Registry Lock) until an assessment of the situation had
461 occurred and a determination had been made whether the transfer was legitimate or not.
- 462 ▪ In order to explore the options for an urgent return / resolution in further detail, the WG formed a
463 sub-team to prepare a proposal for an Expedited Transfer Reverse Procedure (ETRP) (see [Initial](#)
464 [Report](#) for further details).
- 465 ▪ The proposal for an ETRP received a substantial amount of comments during the public comment
466 period (see Chapter 6).

Marika Konings 19/5/11 10:56

Deleted: Proposed

467 ▪ In addition, the WG carried out an aftermarket survey to receive further input on the need for an
 468 ETRP and specific comments on the proposed procedure (see <http://forum.icann.org/lists/gnso-irtp->
 469 **b-jun09/msg00531.html**).

470 ▪ The Working Group reviewed the comments received, the results of the aftermarket survey and the
 471 original proposal and has arrived at the conclusion that the ETRP, as drafted, is complicated and
 472 could generate severe unintended consequences. One of the main issues identified with the ETRP
 473 approach was the need for registrars and/or registries to judge the merits of a hijacking claim by the
 474 losing registrant – essentially making them responsible for high-speed dispute evaluation/resolution
 475 and leaving the process open to gaming. The Working Group therefore proposes to drop the ETRP
 476 proposal.

477 ▪ As noted before, in practice most registrars work together to address issues like hijacking and
 478 resolve these in an expedient manner, a problem occurs when a registrar is non-responsive. To this
 479 end, the WG discussed the possibility of requiring registrars to provide a **Transfer** Emergency Action
 480 **Contact** (as also proposed in SAC007). As described in [SAC 007](#) the objective of a **Transfer** Emergency
 481 Action **Contact (TEAC)** would be ‘to provide 24 x 7 access to registrar technical support staff who are
 482 authorized to assess the situation, establish the magnitude and immediacy of harm, and take
 483 measures to restore registration records and DNS configuration to what is often described as “the
 484 last working configuration”. An urgent restoration of a hijacked domain may require the coordinated
 485 efforts of geographically dispersed registrars, operating in different time zones. The emergency
 486 action channel requires a contact directory of parties who can be reached during non-business
 487 hours and weekends’. The WG **recognized** that further details would need to be worked out **and**
 488 **therefore asked specific input during the public comment period on the following questions:**

- 489 o Within what time should a response be received after an issue has been raised through
 490 the **Transfer** Emergency Action **Contact** (for example, 24 hours – 3 days has been the
 491 range discussed by the WG)?
- 492 o What qualifies as ‘a response’? Is an auto-response sufficient?
- 493 o Should there be any consequences when a response is not received within the required
 494 timeframe?
- 495 o Is there a limited time following a transfer during which the **Transfer** Emergency Action
 496 **Contact** can be used?

Marika Konings 19/5/11 10:11
Deleted: Proposed

Marika Konings 19/5/11 10:11
Deleted: 21 February

Marika Konings 25/5/11 10:28
Deleted: n

Marika Konings 25/5/11 10:28
Deleted: Channel

Marika Konings 25/5/11 10:27
Deleted: n

Marika Konings 25/5/11 10:28
Deleted: Channel

Marika Konings 19/5/11 10:42
Deleted: recognizes

Marika Konings 19/5/11 10:42
Deleted: there are

Marika Konings 19/5/11 10:42
Deleted: that

Marika Konings 19/5/11 10:42
Deleted: in relation to this proposal such as:

Marika Konings 25/5/11 10:29
Deleted: hannel

Marika Konings 25/5/11 10:29
Deleted: hannel

Marika Konings 19/5/11 10:56
Deleted: Proposed

- 507 ○ Which issues may be raised through the Transfer Emergency Action Contact?
 - 508 ○ Who is entitled to make use of the Transfer Emergency Action Contact?
- 509 Following review of the public comments received and continued deliberations, the WG developed a
- 510 detailed proposal for the TEAC as outlined in recommendation #1 below. In addition, the WG
- 511 developed a FAQ that aims to answer the main questions in relation to the TEAC, which can be
- 512 found in Annex C.
- 513 ■ The WG also reviewed the Security and Stability Advisory Committee’s Advisory titled ‘A Registrant’s
 - 514 Guide to Protecting Domain Name Registration Accounts’ (SAC 044). SAC 044 discusses, amongst
 - 515 others, the importance of maintaining accurate domain name contact information. It discusses the
 - 516 value of diversifying domain contact information (for example, creating separate identities for
 - 517 registrant, technical, administrative, and billing contacts) and methods to protect email delivery to
 - 518 the registrant’s points of contact against disruption attacks. SAC044 also identifies types of
 - 519 documentation registrants should maintain to "prove registration" in cases where disputes might
 - 520 arise. SSAC recognizes that certain registrants may want external parties to manage nearly all
 - 521 aspects of domain registration. SAC 044 identifies questions related to domain account security that
 - 522 registrants can ask so they can make an informed choice when selecting a registrar or third party
 - 523 (such as an online brand protection agent or hosting provider).

- Marika Konings 19/5/11 10:11
Deleted: Proposed
- Marika Konings 19/5/11 10:11
Deleted: 21 February
- Marika Konings 25/5/11 10:29
Deleted: hannel
- Marika Konings 25/5/11 10:29
Deleted: hannel
- Marika Konings 19/5/11 10:42
Deleted: The WG hopes to receive input during the public comment period on these questions.

Recommendations for Issue A

527 **Recommendation #1** – The WG recommends requiring registrars to provide a Transfer Emergency

528 Action Contact. To this end the WG recommends to update the language of section 4 (Registrar

529 Coordination) and Section 6 (Registry Requirements of the Inter-Registrar Transfer Policy as follows:

530 **Transfer Emergency Action Contact (Append to Section 4)**

531 Registrars will establish a Transfer Emergency Action Contact (TEAC) for urgent communications relating

532 to transfers. The goal of the TEAC is to quickly establish a real-time conversation between registrars (in a

533 language that both parties can understand) in an emergency. Further actions can then be taken towards

534 a resolution, including initiating existing (or future) transfer dispute or undo processes.

- Marika Konings 19/5/11 10:56
Deleted: .
- Marika Konings 19/5/11 10:56
Deleted: Proposed
- Marika Konings 19/5/11 10:44
Deleted: is considering
- Marika Konings 19/5/11 10:44
Deleted: ing
- Marika Konings 25/5/11 10:35
Deleted: n
- Marika Konings 25/5/11 10:28
Deleted: Channel

- Marika Konings 19/5/11 10:56
Deleted: Proposed

Marika Konings 19/5/11 10:11

~~Deleted: Proposed~~

Marika Konings 19/5/11 10:11

~~Deleted: 21 February~~

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

549

550 A TEAC must be requested by the Registrant in a timely manner, within a reasonable period of time
551 following the unauthorized loss of a domain.

552

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

557

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

562

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

569

570 (Append to Section 6) 6 iv. Documentation provided by the Registrar of Record prior to transfer that the
571 Gaining Registrar has not responded to a message via the TEAC within the timeframe specified in
572 Section 4.

573

Marika Konings 19/5/11 10:56

~~Deleted: Proposed~~

Marika Konings 19/5/11 10:11

Deleted: Proposed

Marika Konings 19/5/11 10:11

Deleted: 21 February574 **Implementation Recommendations for Recommendation #1**

- 575 In the first phase of implementation, the WG recommends that the ICANN Registrar Application and
- 576 Database Access Resource (RADAR) system is used to record the TEAC point of contact.
- 577 In order to avoid potential abuse of the TEAC for non-emergency issues or claims that TEAC
- 578 messages did not receive a timely response, the WG recommends that the RADAR system is
- 579 adapted, as part of a second phase implementation, so that registrars log in to send or respond to
- 580 an TEAC, with both transactions time stamped with copy to ICANN and the Registry.
- 581 The Working Group recommends that the GNSO perform a follow-up review of the TEAC 12 to 24
- 582 months after the policy is implemented to identify any issues that may have arisen and propose
- 583 modifications to address them. This review should specifically address whether the TEAC is working
- 584 as intended (to establish contact between registrars in case of emergency), whether the TEAC is not
- 585 abused (used for issues that are not considered an emergency) and whether the option to 'undo' a
- 586 transfer in case of failure to respond to a TEAC should be made mandatory.

587 **Recommendation #2** - The WG notes that in addition to reactive measures such as outlined in

588 recommendation #1, proactive measures to prevent hijacking are of the utmost importance. As such,

589 the WG strongly recommends the promotion by ALAC and other ICANN structures of the measures

590 outlined in the recent report of the Security and Stability Advisory Committee on A Registrant's Guide to

591 Protecting Domain Name Registration Accounts (SAC 044). In particular, the IRTP WG recommends that

592 registrants consider the measures to protect domain registrar accounts against compromise and misuse

593 described in SAC044, Section 5. These include practical measures that registrants can implement "in

594 house", such as ways to protect account credentials and how to incorporate domain name registrations

595 into employee or resource management programs typically found in medium and large businesses. It

596 suggests ways that registrants can use renewal and change notifications from registrars as part of an

597 early warning or alerting system for possible account compromise.

598

599

600 **Issue B: Whether additional provisions on undoing inappropriate transfers are needed, especially with**

601 **regard to disputes between a Registrant and Admin Contact. The policy is clear that the Registrant can**

602 **overrule the AC, but how this is implemented is currently at the discretion of the registrar**

Marika Konings 19/5/11 10:44

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: -

... [3]

Marika Konings 19/5/11 10:56

Deleted: Proposed

Marika Konings 19/5/11 10:11

~~Deleted: Proposed~~

Marika Konings 19/5/11 10:11

~~Deleted: 21 February~~

- 608 ▪ The WG noted that in ‘thin’⁹ registries no registrant email addresses are collected which makes it
609 complicated for the gaining registrar to contact the registrant to confirm the transfer. At the same
610 time, it was pointed out that if such information would be available for all registries, it might make
611 the system more vulnerable to hijacking, although it was also noted that just because additional
612 information is collected under a ‘thick’ WHOIS model, it does not necessarily mean that such
613 information is publicly displayed. It was pointed out that the current proposals in the new gTLD
614 process require all new gTLD registries to run a ‘thick’¹⁰ WHOIS.
- 615 ▪ Most agreed that the possibility for the registrant to overrule the administrative contact should be
616 preserved as a security measure.
- 617 ▪ It was pointed out that under the current rules, the Form of Authorization (FOA) is used by the
618 Gaining Registrar to obtain express authorization from either the Registered Name Holder or the
619 Administrative Contact. It was suggested that a possible way forward would be to require first
620 contacting the Registered Name Holder, in those cases where the contact information would be
621 available, followed by contacting the Administrative Contact as a second option, with the Registered
622 Name Holder remaining authoritative. It was noted that this would not address the situation for
623 transfers in ‘thin’ registries, as no contact information for the Registered Name Holder is publicly
624 available. It was noted that it might be worth reviewing the work on the WHOIS service
625 requirements that is currently being undertaken to determine whether it addresses this issue. It was
626 suggested in one of the public comments received on the Initial Report that a more consistent use of
627 the FOA among losing registrars might help reduce the number of instances when a transfer dispute
628 arises.
- 629 ▪ It was also suggested in one of the public comments received on the Initial Report that registrars
630 should consider implementing a consistent policy regarding the proof required to undo a domain
631 name transfer, which was supported by a number of WG members.
- 632 ▪ The WG discussed section 3 of the IRTP which currently offers the option to the Registrar of Record
633 to notify the registrant that a transfer has been requested. The WG agreed that requiring this
634 notification might alert the registrant at an earlier stage that a transfer has been requested, which

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.

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

Marika Konings 19/5/11 10:56

~~Deleted: Proposed~~

Marika Konings 19/5/11 10:11
 Deleted: Proposed

Marika Konings 19/5/11 10:11
 Deleted: 21 February

635 as a result would bring any potential conflicts to light before a transfer has been completed and
 636 therefore might reduce the number of conflicts between the admin contact and registrant that
 637 would require undoing a transfer.

- 638 ▪ To facilitate the discussion, the WG developed an overview of standard use cases (see Annex E).

Marika Konings 19/5/11 10:57
 Deleted: D

Marika Konings 19/5/11 10:57
 Deleted: .

Marika Konings 19/5/11 10:57
 Deleted: Proposed

639
 640 **Recommendations for Issue B**

641
 642 **Recommendation #3** - The WG recommends requesting an Issues Report on the requirement of 'thick'
 643 WHOIS for all incumbent gTLDs. The benefit would be that in a thick registry one could develop a secure
 644 method for a gaining registrar to gain access to the registrant contact information. Currently there is no
 645 standard means for the secure exchange of registrant details in a thin registry. In this scenario, disputes
 646 between the registrant and admin contact could be reduced, as the registrant would become the
 647 ultimate approver of a transfer. Such an Issue Report and possible subsequent Policy Development
 648 Process should not only consider a possible requirement of 'thick' WHOIS for all incumbent gTLDs in the
 649 context of IRTP, but should also consider any other positive and/or negative effects that are likely to
 650 occur outside of IRTP that would need to be taken into account when deciding whether a requirement
 651 of 'thick' WHOIS for all incumbent gTLDs would be desirable or not.

652
 653 **Recommendation #4:** The WG notes that the primary function of IRTP is to permit Registered Name
 654 Holders to move registrations to the Registrar of their choice, with all contact information intact. The
 655 WG also notes that IRTP is widely used in the domain name community to affect a "change of control,"
 656 moving the domain name to a new Registered Name Holder. The discussions within the WG and with
 657 ICANN Staff have determined that there is no defined "change of control" function. Therefore, the IRTP-
 658 B WG recommends requesting an Issue Report to examine this issue, including an investigation of how
 659 this function is currently achieved, if there are any applicable models in the country-code name space,
 660 and any associated security concerns.

661
 662 **Recommendation #5:** The WG recommends modifying section 3 of the IRTP to require that the Registrar
 663 of Record/Losing Registrar be required to notify the Registered Name Holder/Registrant of the transfer
 664 out. The Registrar of Record has access to the contact information for the Registrant and could modify

Marika Konings 19/5/11 10:56
 Deleted: Proposed

Marika Konings 19/5/11 10:11

Deleted: Proposed

Marika Konings 19/5/11 10:11

Deleted: 21 February

668 their systems to automatically send out the Standardized Form for Losing Registrars ("Confirmation
669 FOA") to the Registrant.

670

671 **Issue C: Whether special provisions are needed for a change of registrant near a change of registrar.**

672 **The policy does not currently deal with change of registrant, which often figures in hijacking cases**

- 673
- 674 ▪ The WG discussed the practice that is currently applied by various registrars to lock a domain name
675 registration for a sixty day period following a change of registrant to prevent hijacking and/or
676 unauthorized transfer of a domain name registration. It was pointed out that registrants receive a
677 clear warning when changing the registrant details, noting that it will not be possible to transfer the
678 domain name registration for a period of 60 days. It was also pointed out that in these
679 circumstances, a registrant could first carry out a transfer and then change the registrant details in
680 order to prevent the 60-day lock. It was noted that some registrars do provide the possibility for
681 registrants to unlock the domain in the 60-day period if the appropriate credentials are provided.
 - 682 ▪ Further clarification on this practice was also provided by ICANN Compliance which noted amongst
683 others that: 'At the outset, it's helpful to point out the distinction between changes to Whois
684 information where the registrant simply updates the Whois contact information (i.e., Whois Update)
685 versus where Whois information is updated as a result of the registered name holder being changed
686 from an existing registrant A to a new registrant B (Registrant Change). We understand
687 GoDaddy.com's 60-day lock only applies to the Registrant Change scenario. If the 60-day lock is
688 applied to the Whois Update scenario, it would be inconsistent with the [Registrar Advisory
Concerning the Inter-Registrar Registrant Change Policy](#) (3 April 2008) (Advisory), since registrants
689 and registrars are obligated to keep Whois information up-to-date. Requiring registrants to agree to
690 such terms would contradict with these obligations. The Advisory, however, only addresses
691 mandatory updates to Whois contact information, not a transfer or assignment to a new registrant
692 (i.e., the Registrant Change scenario, which is not a service that registrars are required to provide
693 under the RAA). Further, the transfer policy does not prohibit registrars from requiring registrants to
694 agree to the blocking of transfer requests as a condition for registrar facilitation of optional services
695 such as the transfer of a registration to a new registrant' (see [original email](#) for further details).
 - 696 ▪ It was also pointed out that some registrars do not allow a transfer of a domain name registration
697 for 60-days following a transfer which is an option foreseen under reason of denial #9 in the IRTP: 'A

Marika Konings 19/5/11 10:56

Deleted: Proposed

698 domain name is within 60 days (or a lesser period to be determined) after being transferred (apart
699 from being transferred back to the original Registrar in cases where both Registrars so agree and/or
700 where a decision in the dispute resolution process so directs). "Transferred" shall only mean that an
701 inter-registrar transfer has occurred in accordance with the procedures of this policy'. Some
702 suggested that it should be explored whether this should be a mandatory instead of optional
703 provision. Some suggested that it should not be an issue if a lock in these circumstances would be
704 applied as long as there would be a possibility for the registrant to unlock the domain, provided that
705 the appropriate credentials are provided. The WG requested specific input on this issue in its
706 proposed Final Report and discussed the option of making the 60-day lock following a transfer
707 and/or initial registration mandatory instead of optional. However, as concerns were expressed in
708 relation to the lack of data (e.g. how often do hijackings occur which are further complicated by
709 transfer "hopping", how often are legitimate repeated transfers made that would be hindered by a
710 mandatory lock, how many registrars already use the 60-day lock following a transfer or initial
711 registration), the WG decided that further discussion and research would need to be conducted in
712 conjunction with the 'change of control' issue (see recommendation #4).

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

Marika Konings 19/5/11 10:11

Deleted: Proposed

Marika Konings 19/5/11 10:11

Deleted: 21 February

Marika Konings 19/5/11 11:01

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.

Marika Konings 19/5/11 10:56

Deleted: Proposed

731 registrant change, but it was noted that in some ccTLDs such as .uk any change to the registrant field
732 is considered a change of registrant.

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

749

750 Recommendation for Issue C

751

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

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

Marika Konings 19/5/11 10:11

Deleted: Proposed

Marika Konings 19/5/11 10:11

Deleted: 21 February

Marika Konings 19/5/11 11:03

Deleted: Proposed

Marika Konings 19/5/11 10:56

Deleted: Proposed

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

767
 768 ~~[Recommendation #7: The WG notes that the problem of domain transfer 'hopping' between registrars
 769 is a known issue, and can be used to thwart anti hijacking issues, as well as create other enforcement /
 770 takedown problems. The WG notes that the 60-day post transfer lock is currently optional (IRTP Reason
 771 for Denial #9), and that most large registrars follow this practice. The WG, therefore, recommends
 772 moving reason for denial #8 ('The transfer was requested within 60 days of the creation date as shown
 773 in the registry Whois record for the domain name.') and #9 ('A domain name is within 60 days (or a
 774 lesser period to be determined) after being transferred (apart from being transferred back to the
 775 original Registrar in cases where both Registrars so agree and/or where a decision in the dispute
 776 resolution process so directs') out of the criteria for which registrars MAY deny a transfer, and create a
 777 new section for these situations under which registrars SHALL deny a transfer. The WG would like to
 778 emphasize that reason of denial #9 relates to a transfer, not to a change of control (change of
 779 registrant).-]~~

780
 781 **Issue D: Whether standards or best practices should be implemented regarding use of Registrar Lock
 782 status (e.g., when it may/may not, should/should not be applied)**

- 783 ▪ Some noted that the current language of the IRTP where it is noted that a 'Registrar of Record may
 784 deny a transfer request' results in different approaches as there is no obligation for the Registrar of
 785 Record to deny a transfer in the specific instances identified in the policy. This might lead to
 786 confusion for registrants.
- 787 ▪ All agreed that any standards or best practices discussed in this context should only apply to the
 788 "Registrar Lock" status as defined in RFC 2832, or its equivalent, "Client Delete Prohibited/Client
 789 UpdateProhibited/Client Transfer Prohibited" (see RFC 5731). It should not refer to any internal flag
 790 or status termed "lock" which a registrar may be using.

Marika Konings 19/5/11 10:11

Deleted: Proposed

Marika Konings 19/5/11 10:11

Deleted: 21 February

Marika Konings 25/5/11 10:47

Formatted: Strikethrough

Marika Konings 25/5/11 10:48

Comment [1]: To be replaced / combined with recommendation 4. See proposed language on the mailing list.

Marika Konings 19/5/11 10:56

Deleted: Proposed

- 791 ▪ The WG discussed one of the ideas raised in the context of the public comments which noted that in
792 the EPP protocol it is possible to associate each status value, such as clientDeleteProhibited,
793 clientUpdateProhibited and clientTransferProhibited, with a message which would be displayed in
794 Whois, which might be used to provide further details on why the Lock has been applied and what
795 can be done to change the status. In order to explore this idea further, Scott Hollenbeck from
796 VeriSign and author of EPP, participated in one of the WG meetings to provide further insight into
797 the technical requirements for this option. He pointed out that additional extensions to a status
798 value are technically possible, but they would be optional in the protocol and the needed capability
799 may already be present by using the optional message field. He added, that a way to mandate the
800 content and use of such an option linked to the registrar lock status would be to adopt it as part of
801 the IRTP.
- 802 ▪ The WG agreed that in order to manage expectations it might be helpful to set certain parameters in
803 relation to the locking and unlocking of domain names.
- 804 ▪ In order to clarify the different status values, the WG, in co-operation with the ICANN
805 Communications Department, developed an EPP Status Codes overview that can be found in Annex
806 F and which will be posted on the relevant sections of the ICANN web-site.
- 807 ▪ In response to a comment received from WIPO, the WG agreed that locking a domain name
808 registration subject to a UDRP dispute should be a best practice. In addition, the WG noted that any
809 changes to making this a requirement should be considered in the context of any potential UDRP
810 review.

812 **Recommendations for Issue D**

- 813
- 814 **Recommendation #7:** The WG recommends that if a review of the UDRP is conducted in the near future,
815 the issue of requiring the locking of a domain name subject to UDRP proceedings is taken into
816 consideration.
- 817
- 818 **Recommendation #8:** The WG recommends standardizing and clarifying WHOIS status messages
819 regarding Registrar Lock status. The goal of these changes is to clarify why the Lock has been applied
820 and how it can be changed. Based on discussions with technical experts, the WG does not expect that

Marika Konings 19/5/11 10:11

Deleted: Proposed

Marika Konings 19/5/11 10:11

Deleted: 21 February

Marika Konings 25/5/11 11:15

Deleted: Proposed

Marika Konings 19/5/11 10:56

Deleted: Proposed

Marika Konings 19/5/11 10:11

~~Deleted:~~ Proposed

Marika Konings 19/5/11 10:11

~~Deleted:~~ 21 February

822 such a standardization and clarification of WHOIS status messages would require significant investment
823 or changes at the registry/registrar level. The WG recommends that ICANN staff is asked to develop an
824 implementation plan for community consideration which ensures that a technically feasible approach is
825 developed to implement this recommendation.

826

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

- 830 ▪ The WG noted that in order to address this issue, a first point of discussion would be to define
831 'readily' and 'reasonable'. Some suggested that providing some examples of what is considered
832 'readily' and 'reasonable' might help, instead of providing a rigid definition.
- 833 ▪ There was some support for one of the ideas raised during the public comment period to require
834 ICANN Compliance to conduct yearly checks to verify that registrants can lock and unlock domains
835 as intended by the policy.
- 836 ▪ Some suggested that registrars should be required to provide further information to registrants as
837 to why a domain name registration is in lock status.
- 838 ▪ The WG reviewed the new language for denial reason #7 proposed by the Registry Stakeholder
839 Group ("Prior to receipt of the transfer request, the domain name was locked pursuant to the
840 Registrar's published security policy or at the direction of the Registered Name Holder provided that
841 the Registrar includes in its registration agreement, the terms and conditions upon which it locks
842 domains and further that the Registrar provides a readily accessible and reasonable means for the
843 Registered Name Holder to remove the lock status. If the Registrar does not provide a means to
844 allow a Registered Name Holder to remove the lock status themselves, then Registrar must facilitate
845 removing the lock within 5 calendar days of receiving a request from the Registered Name Holder."),
846 but some questioned whether 5 days would be too long. The WG also discussed what should be
847 considered as unresponsive and noted that international standards might differ.
- 848 ▪ At the request of the WG, additional feedback was received from the ICANN Compliance and Legal
849 Department in relation to this issue noting that:

Marika Konings 19/5/11 10:56

~~Deleted:~~ Proposed

- 850 ○ Lack of definition of “readily accessible and reasonable means” – what is reasonable will depend
851 on registrar practices and designated security level of a particular domain. Hence it is difficult to
852 set or apply a standard or definition to all.
- 853 ○ Denial reason #7 – this seems superfluous as a ground for denying a transfer request. If a domain
854 is in “lock status”, the registry cannot initiate a transfer request (so there will not be a ground for
855 denial based on #7). As such, this might be best deleted as a valid reason for denial under section
856 3 of the IRTP and instead replaced (by adding a new provision in a different section of the IRTP) on
857 when and how domains may be locked or unlocked.
- 858 ○ It would be helpful if registrars are required to publish on their website their security policy (terms
859 and conditions upon which it locks domains), which must be consistent with bullet the
860 recommended new provision, if it becomes available. This will hopefully more prominent or
861 noticeable for registrants and others (than “buried” in the registration agreement).
- 862

863 Recommendation for Issue E

864

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

872

873 5.2 Input provided by ICANN Compliance

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

- 879 1. EPP / Authinfo Code (24%)

Marika Konings 19/5/11 10:11

Deleted: Proposed

Marika Konings 19/5/11 10:11

Deleted: 21 February

Marika Konings 25/5/11 11:15

Deleted: Proposed

Marika Konings 19/5/11 10:56

Deleted: Proposed

Marika Konings 19/5/11 10:11

Deleted: Proposed

Marika Konings 19/5/11 10:11

Deleted: 21 February

- 881 2. Reseller (24%)
- 882 3. Failure to unlock domain by registrar (15%)
- 883 4. Registrant does not understand transfer process / transfer denied (9%)
- 884 5. Expiring domains (6%)
- 885 6. Ownership (6%)
- 886 7. Control Panel (4%)
- 887 8. Nacking / wrongful denial of transfer by registrar (4%)
- 888 9. Whois Issues (4%)
- 889 10. Stolen Domain / Hijacking (3%)
- 890 11. Privacy / Proxy (1%)

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

Unknown

Field Code Changed

892
893
894

Marika Konings 19/5/11 10:56

Deleted: Proposed

Marika Konings 19/5/11 10:11

Deleted: Proposed

Marika Konings 19/5/11 10:11

Deleted: 21 February

895 6. Stakeholder Group / Constituency Statements & Public 896 Comment Periods

897

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

900

901 6.1 Initial Public Comment Period

902

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

913

914 6.2 Constituency / Stakeholder Group Statements

915

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

920

921 Registrar Stakeholder Group - RrSG

922 Registry Stakeholder Group - RySG

Marika Konings 19/5/11 10:56

Deleted: Proposed

Marika Konings 19/5/11 10:11

Deleted: Proposed

Marika Konings 19/5/11 10:11

Deleted: 21 February

923 Business and Commercial Users' Constituency – BC

924 Intellectual Property Constituency - IPC

925

926 6.3 Constituency / Stakeholder Group Views

927

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

933

934 a. **Whether a process for urgent return/resolution of a domain name should be developed, as**
935 **discussed within the SSAC hijacking report** ([http://www.icann.org/announcements/hijacking-](http://www.icann.org/announcements/hijacking-report-12jul05.pdf)
936 [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)
937 [14mar05.htm](http://www.icann.org/correspondence/cole-to-tonkin-14mar05.htm));

938

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

949

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

Marika Konings 19/5/11 10:56

Deleted: Proposed

Marika Konings 19/5/11 10:11

~~Deleted:~~ Proposed

Marika Konings 19/5/11 10:11

~~Deleted:~~ 21 February

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

954

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

965

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

969

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

980

Marika Konings 19/5/11 10:56

~~Deleted:~~ Proposed

Marika Konings 19/5/11 10:11

Deleted: Proposed

Marika Konings 19/5/11 10:11

Deleted: 21 February

981 d. **Whether standards or best practices should be implemented regarding use of Registrar Lock**
982 **status (e.g., when it may/may not, should/should not be applied)**
983

984 The RySG notes that it should be left up to the individual registrars how and when a registrar lock status
985 may / should or may not / should not be used. On the other hand, the IPC and BC are of the opinion that
986 standards or best practices should be implemented.
987

988 e. **Whether, and if so, how best to clarify denial reason #7: A domain name was already in "lock**
989 **status" provided that the Registrar provides a readily accessible and reasonable means for the**
990 **Registered Name Holder to remove the lock status**
991

992 The RySG recommends that in order to provide a consistent user experience, registrars should use the
993 EPP statuses to 'lock' domains and proposes to include the terms and conditions of the practice of
994 locking domains in the registration agreement. In addition, it provides the following proposed language
995 for denial reason #7: "Prior to receipt of the transfer request, the domain name was locked pursuant to
996 the Registrar's published security policy or at the direction of the Registered Name Holder provided that
997 the Registrar includes in its registration agreement the terms and conditions upon which it locks
998 domains and further that the Registrar provides a readily accessible and reasonable means for the
999 Registered Name Holder to remove the lock status. If the Registrar does not provide a means to allow a
1000 Registered Name Holder to remove the lock status themselves, then Registrar must facilitate removing
1001 the lock within 5 calendar days of receiving a request from the Registered Name Holder." The IPC agrees
1002 that it may be reasonable to clarify denial reason #7 so that it expressly states that such denial may
1003 include actions to address red flags that registrars become aware of, relating to denial reason #1
1004 concerning evidence of fraud.
1005

1006 **6.4 Public Comment Period on Initial Report**
1007

1008 Following the publication of the Initial Report on 29 May 2010, a public comment forum was opened to
1009 which seventeen (17) community submissions from thirteen (13) different parties were made. The
1010 contributors are listed below in alphabetical order (with relevant initials noted in parentheses):

Marika Konings 19/5/11 10:56

Deleted: Proposed

Marika Konings 19/5/11 10:11

~~Deleted:~~ Proposed

Marika Konings 19/5/11 10:11

~~Deleted:~~ 21 February

- 1011 • Andrew Allemann (AA)
- 1012 • Steve Crocker (SC)
- 1013 • Internet Commerce Association by Phil Corwin (ICA)
- 1014 • George Kirikos (GK) – five submissions
- 1015 • Donna Mahony (DM)
- 1016 • Brian Null (BN)
- 1017 • Oversee.net by Mason Cole (ON)
- 1018 • Eric Shannon (ES)
- 1019 • Peter Stevenson (PS)
- 1020 • Registrar Stakeholder Group by Clarke Walton (RrSG)
- 1021 • Registries Stakeholder Group by David Maher (RySG)
- 1022 • Jeffrey Williams (JW)
- 1023 • Roy White (RW)

1024

1025 Three submissions (BN, DM, GK) requested an extension of the deadline for submission of public
1026 comments, which was subsequently extended by the IRTP Part B PDP WG for two weeks. Despite four
1027 other submission, one submission of GK notes that he ‘will passively resist by not participating in a
1028 process that only leads to predetermined outcomes’, noting that he ‘may or may not support aspects of
1029 the current topic or proposal’. The other submissions provided input on the content of the Initial Report
1030 with a particular focus on the proposed Expedited Transfer Reversal Policy. A summary of these
1031 comments has been provided below.

1032

1033 **General Comments**

1034 JW points out the importance of a registrant request and/or approval before a domain name
1035 registration is transferred. RW notes that he does not support the changes proposed in the report.
1036 Without going into further detail, he considers that ‘these changes are inherently dangerous to anyone
1037 who might at one time or another actually sell a domain name/website’. The RrSG notes that the WG
1038 seems to have spend a substantial amount of time on developing the ETRP and recommends that the
1039 WG going forward ‘focus more time on consideration of the other IRTP B issues’.

Marika Konings 19/5/11 10:56

~~Deleted:~~ Proposed

Charter Question A / Expedited Transfer Reversal Policy

1041 PS acknowledges that domain name hijacking is problem that should be addressed but considers the
1042 proposed ETRP 'only a bandaid'. He notes that his main concern is that the current proposal 'does not
1043 require any due process' as it does not require the original registrant to demonstrate that the transfer
1044 was not authorized. Furthermore, he observes that the current proposal does not include any
1045 information on how to dispute an ETRP and suggests that 'a signed Domain Name Sale agreement, or
1046 evidence of payment of a purchase price into the original registrant's bank account' should provide
1047 sufficient evidence to dispute an ETRP. He also recommends that items such as indemnification and how
1048 to address potential abuse of the procedure are further fleshed out.

1049
1050 AA encourages the WG to undertake further research to 'scope out the size of the problem' and request
1051 disclosure from registrars on the number of domain names that are hijacked each month. If such
1052 disclosure finds that hijacking is 'a large enough problem', he recommends that the WG consider the
1053 following issues in relation to the ETRP and IRTP in general:

- 1054 - Potential impact on the secondary domain name market;
- 1055 - Security efforts should focus on problem and not become overly broad e.g. lock after
1056 change of email address;
- 1057 - Consider limiting the number of transfers that can take place in a certain period as domains
1058 are sometimes transferred from one reputable to another reputable registrar before it is
1059 then transferred to a less reputable registrar;
- 1060 - 30 days should be maximum time during which an ETRP can be initiated;
- 1061 - There should be sufficient time for the new registrant to respond to an ETRP claim.

1062
1063 Several submissions, including those from GK, ICA, ON and RySG, take issue with the proposed 6-month
1064 time frame to submit a claim under the ETRP noting that it would 'create uncertainty in the secondary
1065 market' as a transfer can be contested up to six months following an initial transfer which often happens
1066 after transfer of ownership of a domain name registration (GK), 'a period of uncertainty that is far too
1067 long' (ICA), 'such a window of opportunity (...) would introduce instability in the transfer process, and in
1068 Internet usability in general' (ON), and, 'a more appropriate time period would be 7 days' (RySG).

1069

Marika Konings 19/5/11 10:11

Deleted: Proposed

Marika Konings 19/5/11 10:11

Deleted: 21 February

Marika Konings 25/5/11 11:17

Deleted: .

Marika Konings 19/5/11 10:56

Deleted: Proposed

Marika Konings 19/5/11 10:11

~~Deleted:~~ Proposed

Marika Konings 19/5/11 10:11

~~Deleted:~~ 21 February

1071 GK notes that in the current proposal there are no safeguards that would prevent ‘seller remorse’. He
1072 proposes that if the ETRP would go ahead, there should be a ‘secure and predictable procedure for the
1073 irrevocable transfer of a domain name to a legitimate buyer’. Under such an Irrevocable Transfer
1074 Procedure (ITP), ‘the transfer can’t be reversed by the ETRP, because the ETRP would not apply to
1075 transfers done using the ITP’. Under the ITP, additional authentication could be carried out by the
1076 registrar for a premium to determine that it concerns a legitimate transfer request. In his view, the best
1077 approach to address domain name hijacking is to ‘raise the level of security at all registrars, e.g. two-
1078 factor authentication, executive lock, verified WHOIS, having a WHOIS history archived as the registry
1079 level’. He also calls for further data on the incidence of domain name hijacking. In his submissions, GK
1080 provides several examples of the potential undesired effects the ETRP in its current form could have on
1081 the secondary market. Furthermore, he highlights the importance of registrant education and
1082 implementation of recommendations that were made by the Security and Stability Advisory Committee
1083 in relation to preventing hijacking several years ago. In addition, GK provided a copy of all the emails he
1084 contributed to the IRTP Part B WG during his membership, which can also be reviewed here:
1085 <http://forum.icann.org/lists/gnso-irtp-b-jun09/>.

1086
1087 ES also argues that the WG should focus on tightening up ‘security procedures to prevent thefts from
1088 happening in the first place’, instead of pursuing the ETRP which would create ‘an imbalance of power
1089 between buyer and seller’.

1090
1091 The Chair of the Security and Stability Advisory Committee (SC) congratulates the WG ‘on its progress
1092 towards defining a process and specifying standard requirements for the urgent return/resolution of a
1093 domain name registration’ and notes that the proposed policy ‘is consistent with the principles outlined
1094 in section 4.2. of SSAC Report SAC007, Domain Name Hijacking Report’.

1095
1096 The RrSG opposes the ETRP noting that it is ‘overly complex, lacks focus and is probably unworkable in
1097 its current form’, at the same time pointing out that ‘the existing Transfer Dispute Resolution Policy
1098 (“TDRP”) is a lengthy process that often does not serve the best interests of registrants’.

1099

Marika Konings 19/5/11 10:56

~~Deleted:~~ Proposed

Marika Konings 19/5/11 10:11

Deleted: Proposed

Marika Konings 19/5/11 10:11

Deleted: 21 February

1100 ICA objects to the proposed ETRP noting that ‘it could be extremely disruptive to the secondary domain
1101 marketplace to the detriment of both sellers and purchasers’, pointing out the potential for abuse and
1102 lack of due process and an appeal mechanism. ICA notes that ‘absent a far shorter window for a
1103 reversal’s initiation, effective sanctions of abusive ETRP users, and clearly delineated due process rights
1104 for purchasers, this proposal should not move forward’.

1105

1106 The RySG considers resolution of these types of disputes at the registrar level the most effective, but
1107 notes that ‘to the extent there is community support for the proposed ETRP (...), the RySG is agreeable
1108 to supporting the implementation of this policy’.

1109

1110 Charter Question B

1111

1112 ICA does not support ‘changing current practice and adopting a rule that only a registrant, and not its
1113 administrative contact, can initiate a domain name transfer that does not modify contact information’.

1114

1115 The RySG notes that requiring ‘thick’ WHOIS could have as a potential side effect that registrant contact
1116 information is ‘more readily available for individuals with nefarious intent to obtain access to the
1117 information as well’. The RySG is of the view that if a confirmation of the transfer by using the FOA
1118 would be ‘implemented consistently among losing registrars, [it] could help reduce the number of
1119 instances when a transfer dispute arises because a transfer has been requested by the administrative
1120 contact without the knowledge or consent of the registrant’. The RySG furthermore recommends that
1121 ‘registrars implement a consistent policy regarding the proof required to undo a domain name transfer’.

1122

1123 Charter Question C

1124

1125 In relation to the 60-day lock applied by some registrars following a change of registrant, GK raises the
1126 question ‘whether some registrars use a creative interpretation of ‘opt-in’ to a process which registrants
1127 can’t opt-out of’. In this regard, GK also questions the interpretation of the term ‘voluntarily’ by ICANN
1128 as it is being used in the transfer policy in denial reason #6 (‘Express written objection to the transfer
1129 from the Transfer Contact. (e.g. – email, fax, paper document or other processes by which the Transfer

Marika Konings 19/5/11 10:56

Deleted: Proposed

Marika Konings 19/5/11 10:11

~~Deleted:~~ Proposed

Marika Konings 19/5/11 10:11

~~Deleted:~~ 21 February

1130 Contact has expressly and voluntarily objected through opt-in means). He notes that it is also important
1131 to 'be careful about how one defines a registrant, because the "label" one attached to a certain
1132 registrant might change, but it's not considered a change of registrant'.
1133

1134 The RrSG recommends that in relation to charter question b as well as c, a first step should be for the
1135 WG to develop a definition of the term "change of registrant" as 'it is an important precursor to settling
1136 disputes between Registrant and Admin Contact, as well as understanding what might need to happen
1137 when contact information is changed just before a transfer request'. The RrSG also recommends the WG
1138 to further explore 'the existing processes in place for trying to prevent hijacking attempts' as these could
1139 be serve as best practices to be recommended for adoption by registrars.
1140

1141 ICA and the RySG support the WG recommendation in relation to this issue.
1142

1143 Charter Question D

1144
1145 GK is of the opinion that 'the "ad hoc" locks that are violating of existing transfers policy need to be
1146 eliminated'. In his view 'registrars should be proactive about security, rather than misusing the locks'. In
1147 his view, there would be no need for a 60-day lock after a registrant change if there would be 'properly
1148 authenticated registrant changes'.
1149

1150 ICA has the view that any changes in relation to locking of a domain name subject to UDRP proceedings
1151 should be considered as part of a policy development process on review of the UDRP.
1152

1153 The RySG is of the view that the use of Registrar Lock Status 'should be left up to the individual
1154 registrars'.
1155

1156 Charter Question E

1157
1158 In relation to charter question d and e, the RrSG 'supports the right of registrars to employ locks as a
1159 security measure as long as the process for their removal remains consistent with ICANN policy'.
1159

Marika Konings 19/5/11 10:56

~~Deleted:~~ Proposed

1160
1161
1162
1163
1164
1165
1166
1167
1168
1169
1170
1171
1172
1173
1174
1175
1176
1177
1178
1179
1180
1181
1182
1183
1184
1185

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

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

Working Group Review of Public Comments

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

6.5 Public Comment on the Proposed Final Report

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

- At-Large Advisory Committee by Olivier Crepin-Leblond (ALAC)
- Commercial & Business Users Constituency by Steve DelBianco (BC)
- GoDaddy.com by James Bladel (GD)
- gTLD Registries Stakeholder Group by David Maher (RySG)
- Internet Commerce Association by Philip Corwin (ICA)
- Internet Committee of the International Trademark Association by Claudio Di Gangi (INTA)
- Registrar Stakeholder Group by Clarke Walton (RrSG)

Marika Konings 19/5/11 10:11
Deleted: Proposed

Marika Konings 19/5/11 10:11
Deleted: 21 February

Unknown
Field Code Changed

Marika Konings 25/5/11 11:19
Formatted: Indent: Left: 0 cm

Marika Konings 19/5/11 10:56
Deleted: Proposed

Marika Konings 19/5/11 10:11

Deleted: Proposed

Marika Konings 19/5/11 10:11

Deleted: 21 February

1186 Summary & Analysis of the Comments received

1187

1188 General Comments

1189 ALAC and RrSG express their general support for all the recommendations in the Report, in addition to
1190 some specific comments that can be found below.

1191

1192 Charter Question A / Recommendation #1

1193 In relation to recommendation #1, the RrSG, RySG, INTA, BC and GD note their general support for the
1194 concept and intent of requiring a Transfer Emergency Action Contact (TEAC). The RySG notes that a
1195 longer response time (up to 72 hours) 'may be necessary to accommodate smaller registrars that are not
1196 staffed 24x7'. The RySG also raises the point to what extent registries should be involved in an TEAC, as
1197 in sponsored registries the registrant may be known and the registry may be able to assist. INTA
1198 expresses its support for the development of a policy to accompany the TEAC which 'takes into account
1199 criteria including immediacy of harm to the registrant, magnitude of the harm to third parties, and
1200 escalating impact, if the transfer is not reversed'. ICA notes that 'many important elements [...] remain
1201 to be worked out' and recommends that these should be developed consistent with 'true emergency
1202 situations and not to cause substantial potential disruption to the secondary domain marketplace'. The
1203 RrSG recommends that the IRTP Part B WG remains responsible for the 'design and implementation of a
1204 proposed Emergency Action Channel'.

1205

1206 In the public comment forum, the WG asked a number of specific questions in relation to the ECA:

1207

1208 Within what timeframe should a response be received after an issue has been raised through the
1209 Transfer Emergency Action Contact (for example, 24 hours – 3 days has been the range discussed by the
1210 WG)?

1211 The RySG response to this question ranges from 24 hours (more than half of the registries, 48 hours (one
1212 registry) to 72 hours (one registry). INTA and GD would support a response time of 24 hour maximum.
1213 ALAC and the BC support a 'short a period as practical' with ALAC noting that this should be well under
1214 24 hours and the BC recommending 6-12 hours.

1215

Marika Konings 19/5/11 10:56

Deleted: Proposed

1216 *What qualifies as a response?*
1217 'Most members of the RySG feel that at a minimum, a positive confirmation of receipt and initial human
1218 contact is appropriate'. The BC also notes that a non-automated response would be preferable but
1219 'would defer to registrars and registries in determining what qualifies as "a response" (email, phone call,
1220 fax, etc.)'. ICA noted that the different responses 'must be clearly delineated and mechanisms must be
1221 set in place to prevent abuse of the TEAC in non-emergency situations'.

1222
1223 *Is an auto-response sufficient?*

1224 ALAC as well as most registries are of the view that an auto-response is not sufficient. In addition, the
1225 RySG notes that 'the goal of the TEAC should be to resolve the issue not to merely advise the receiving
1226 registrar that an issue exists'. INTA also agrees that an auto-response is not sufficient, but does support
1227 'auto-responses during the process to keep the parties informed of the progress of the complaint'. GD
1228 suggests that 'ICANN Compliance test this channel periodically to ensure a non-automated response'.

1229
1230 *Should there be any consequences when a response is not received within the required timeframe?*

1231 ALAC, INTA and the RySG agree that there should be consequences when a response is not received. The
1232 RySG notes that such consequences might follow defined escalation paths, including warnings and could
1233 even include termination of the accreditation by ICANN in case of multiple violations. INTA proposes
1234 that consequences could range 'from requiring specific remedial actions by the registrar, composing
1235 monetary fines, to imposing liability on the registrar'. ALAC suggests that 'consequences should include
1236 a provision for the registry unilaterally reversing the transfer and possible fines'. The RySG suggests that
1237 in the first year of implementation, 'consequences should be more lenient'. GD suggests that ICANN
1238 Compliance 'issue reports or warnings' in case registrars do not provide non-automated responses. ICA
1239 furthermore recommends that 'effective sanctions must be established against a domain seller who
1240 initiates an illicit reversal action'. The BC notes its response for modifying the IRTP 'to mandate a
1241 transfer-undo in cases where the gaining registrar does not respond in a timely way to an emergency-
1242 action request regarding a suspected domain name hijacking'.

1243

Marika Konings 19/5/11 10:11

Deleted: Proposed

Marika Konings 19/5/11 10:11

Deleted: 21 February

Marika Konings 25/5/11 11:19

Formatted: Keep with next

Marika Konings 19/5/11 10:56

Deleted: Proposed

1244 Is there a limited time following a transfer during which the Transfer Emergency Action Contact can be
 1245 used?

1246 Responses varied to this question in the RySG, but the RySG recommends that ‘this channel must be
 1247 invoked within 7 days of the alleged incident. After this period, and for other non-urgent or non-
 1248 emergency situations, the existing communication channels and Transfer Dispute Resolution Policy
 1249 process could be used’. INTA recommends that action should be taken by the registrant ‘within three
 1250 days of discovering the transfer’. INTA notes that ‘if a time limit was set based on the transfer date,
 1251 hijackers would likely take advantage of this by waiting to inflict harm until just after the time limit
 1252 expired’. ICA notes that ‘the time period in which a domain transfer reversal can be sought must be far
 1253 shorter than six months post transfer’. Both the ALAC and BC would support a reasonably long window,
 1254 with the BC suggesting a range of 60-180 days.

1255 Which issues may be raised through the Transfer Emergency Action Contact?

1256 Registry responses also varied to this question, but the RySG notes that ‘the criteria detailed in the SSAC
 1257 report would be a good starting point’. ICA is of the view that the TEAC should only be used for ‘true
 1258 crisis situations under a clear and narrow definition of “emergency” that is based upon current and
 1259 reliable metrics of actual, non-hypothetical instances of abuses, including those arising from fraud and
 1260 deception’. The RySG also agrees that ‘the nature of emergencies to be handled via such channel must
 1261 be precisely defined’. The BC and ALAC note that the TEAC might also be useful for issues outside the
 1262 scope of this PDP, and although not in scope for consideration by this WG, should not be precluded.

1263 How/who should document the exchanges of information on the Transfer Emergency Action Contact?

1264 The BC ‘defers to registries and registrars when it comes to documenting successful exchanges’ as well
 1265 as ‘how those unsuccessful exchanges are documented and communicated to the registry’.

1266 Who is entitled to make use of the Transfer Emergency Action Contact?

1267 Again, opinions vary in the RySG; some registries are of the opinion that it should ‘only be available to
 1268 the registrant’, others are of the view that ‘it should be limited to an authorized list of registrar and
 1269 registry contacts’ and ‘approved contacts of recognized security and stability oriented groups’. The RySG
 1270 notes that ‘more analysis / discussion is warranted’. INTA is of the opinion that the TEAC may be used by
 1271
 1272
 1273

Marika Konings 19/5/11 10:11

Deleted: Proposed

Marika Konings 19/5/11 10:11

Deleted: 21 February

Marika Konings 25/5/11 11:20

Formatted: Keep with next

Marika Konings 19/5/11 10:56

Deleted: Proposed

Marika Konings 19/5/11 10:11

~~Deleted: Proposed~~

Marika Konings 19/5/11 10:11

~~Deleted: 21 February~~

1274 'aggrieved registrants to raise the issues of hijacking or erroneous transfers'. GD recommends that 'use
1275 be reserved for inter-registrar and ICANN-registrar communications, and only in situations where a
1276 timely response is critical'. The RrSG assumes the TEAC can only be used by registrars and/or ICANN, and
1277 notes it only supports the TEAC if communication is limited between those parties to serious and urgent
1278 domain name related emergencies. The BC notes that it 'does not envision that registrants' would have
1279 access to the ECA.

1280

1281 **Charter Question A / Recommendation #2**

1282 The RySG notes that 'most of the registries agree with this recommendation'. ALAC recognizes the
1283 importance of registrant education and notes that 'ALAC and At-Large may be considered one of the
1284 possible channels' for the implementation of this recommendation. The BC also notes its support for a
1285 proactive approach and offers its support for 'developing and promoting best practices in this area'.

1286

1287 **Charter Question B – Recommendation #3**

1288 The RySG notes that 'all but one registry agreed with this recommendation'. The one registry that did
1289 not agree with this recommendation noted that 'ICANN staff and GNSO volunteers are overloaded at
1290 this time'. INTA expresses its support for this recommendation. GD recognizes the benefits of thick
1291 WHOIS in the context of transfers, but recommends that 'unintended consequences of requiring this
1292 change, particularly with large incumbent registries' should also be considered. ICA notes no objection
1293 to this recommendation. The BC also notes its support for this recommendation, but also suggest that
1294 an alternative approach that could be explored would be direct conversations with incumbent "thin"
1295 registries about a possible change to "thick" WHOIS.

1296

1297 **Charter Question B – Recommendation #4**

1298 The RySG notes that 'all but one registry agreed with this recommendation'. The one registry that did
1299 not agree with this recommendation noted that 'ICANN staff and GNSO volunteers are overloaded at
1300 this time'. INTA, the BC and GD express support for this recommendation. ICA notes no objection to this
1301 recommendation

1302

Marika Konings 19/5/11 10:56

~~Deleted: Proposed~~

1303
1304
1305
1306
1307
1308
1309
1310
1311
1312
1313
1314
1315
1316
1317
1318
1319
1320
1321
1322
1323
1324
1325
1326
1327
1328
1329
1330
1331
1332

Charter Question B – Recommendation #5

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

Charter Question C

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

Charter Question C – Recommendation #6

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

Charter Question D – Recommendation #7

The RySG expresses its support for this recommendation. ICA notes no objection to this recommendation. The BC expresses its support for this recommendation, noting that it ‘would also

Marika Konings 19/5/11 10:11
Deleted: Proposed

Marika Konings 19/5/11 10:11
Deleted: 21 February

Marika Konings 25/5/11 11:20
Formatted: Keep with next

Marika Konings 19/5/11 10:56
Deleted: Proposed

Marika Konings 19/5/11 10:11
Deleted: Proposed
Marika Konings 19/5/11 10:11
Deleted: 21 February

1333 support elevating this recommendation from an optional “best practice” to a policy change that makes
1334 this kind of lock mandatory’. Furthermore the BC ‘would also support proceeding with this change as
1335 part of this PDP’.

1336

1337 **Charter Question D – Recommendation #8**

1338 All but one member of the RySG support this recommendation. The one registry member that disagrees
1339 noted that ‘it must be done in accordance with any existing ICANN/registry agreement requirements’.
1340 The BC also expresses its support for this recommendation.

1341

1342 **Charter Question E – Recommendation #9**

1343 The BC and the RySG express support this recommendation. ICA notes no objection to this
1344 recommendation.

1345

1346 **Working Group Review of Public Comments**

1347 The Working Group reviewed and discussed the public comments received using a public comment
1348 review tool that details the Working Group’s responses to the public comment received and the actions
1349 taken as a result.

1350

1351

1352

Marika Konings 19/5/11 10:56
Deleted: Proposed

Marika Konings 19/5/11 10:11

Deleted: Proposed

Marika Konings 19/5/11 10:11

Deleted: 21 February

1353 7. Conclusions and Next Steps

1354 Taking into account the Working Group Deliberations (see Chapter 5) and the Public Comments received
 1355 (see Chapter 6), the Working Group would like to put forward the following recommendations for
 1356 consideration by the GNSO Council to address each of the Charter Questions. All the recommendations
 1357 listed below have full consensus support from the Working Group.

Marika Konings 19/5/11 12:06

Deleted: proposed

Marika Konings 19/5/11 12:06

Deleted: Community Consideration

1359 a. **Whether a process for urgent return/resolution of a domain name should be developed, as**
 1360 **discussed within the SSAC hijacking report ([http://www.icann.org/announcements/hijacking-](http://www.icann.org/announcements/hijacking-report-12jul05.pdf)**
 1361 **[report-12jul05.pdf](http://www.icann.org/correspondence/cole-to-tonkin-14mar05.htm); see also <http://www.icann.org/correspondence/cole-to-tonkin-14mar05.htm>);**

1362 **▪ Recommendation #1 – The WG recommends requiring registrars to provide a Transfer Emergency**
 1363 **Action Contact. To this end the WG recommends to update the language of section 4 (Registrar**
 1364 **Coordination) and Section 6 (Registry Requirements of the Inter-Registrar Transfer Policy as follows:**
 1365 **Transfer Emergency Action Contact (Append to Section 4)**
 1366 **Registrars will establish a Transfer Emergency Action Contact (TEAC) for urgent communications**
 1367 **relating to transfers. The goal of the TEAC is to quickly establish a real-time conversation between**
 1368 **registrars (in a language that both parties can understand) in an emergency. Further actions can**
 1369 **then be taken towards a resolution, including initiating existing (or future) transfer dispute or undo**
 1370 **processes.**

1371 **The TEAC will be reserved for use by ICANN-Accredited Registrars, gTLD Registry Operators and**
 1372 **ICANN Staff. The TEAC point of contact may be designated as a telephone number or some other**
 1373 **real-time communication channel and will be recorded in, and protected by, the ICANN RADAR**
 1374 **system.**

1375 **A TEAC must be requested by the Registrant in a timely manner, within a reasonable period of time**
 1376 **following the unauthorized loss of a domain.**

1377 **Messages sent via the TEAC must generate a non-automated response by a human representative of**
 1378 **the gaining Registrar. The person or team responding must be capable and authorized to investigate**
 1379 **the gaining Registrar. The person or team responding must be capable and authorized to investigate**

Marika Konings 19/5/11 10:56

Deleted: Proposed

Marika Konings 19/5/11 10:11

Deleted: Proposed

Marika Konings 19/5/11 10:11

Deleted: 21 February

1384 and address urgent transfer issues. Responses are required within 4 hours of the initial request,
1385 although final resolution of the incident may take longer.

1386
1387 The losing registrar will report failures to respond to TEAC requests to ICANN Compliance and the
1388 registry operator. Failure to respond to an TEAC request may result in a transfer-undo in accordance
1389 with Section 6 of this policy and may also result in further action by ICANN, up to and including non-
1390 renewal or termination of accreditation.

1391
1392 Both parties will retain correspondence in written or electronic form of any TEAC requests and
1393 responses, and share copies of this documentation with ICANN and the registry operator upon
1394 request. This documentation will be retained in accordance with Section 3.4 of the Registrar
1395 Accreditation Agreement (RAA). Users of the TEAC should report non-responsive Registrars to
1396 ICANN. Additionally, ICANN may conduct periodic tests of the Registrar TEAC in situations and a
1397 manner deemed appropriate to ensure that registrars are indeed responding to TEAC messages.

1398
1399 (Append to Section 6) 6 iv. Documentation provided by the Registrar of Record prior to transfer that
1400 the Gaining Registrar has not responded to a message via the TEAC within the timeframe specified
1401 in Section 4.

1402
1403 **Implementation Recommendations for Recommendation #1**

- 1404 ▪ In the first phase of implementation, the WG recommends that the ICANN Registrar Application and
1405 Database Access Resource (RADAR) system is used to record the TEAC point of contact.
- 1406 ▪ In order to avoid potential abuse of the TEAC for non-emergency issues or claims that TEAC
1407 messages did not receive a timely response, the WG recommends that the RADAR system is
1408 adapted, as part of a second phase implementation, so that registrars log in to send or respond to
1409 an TEAC, with both transactions time stamped with copy to ICANN and the Registry.
- 1410 ▪ The Working Group recommends that the GNSO perform a follow-up review of the TEAC 12 to 24
1411 months after the policy is implemented to identify any issues that may have arisen and propose
1412 modifications to address them. This review should specifically address whether the TEAC is working
1413 as intended (to establish contact between registrars in case of emergency), whether the TEAC is not

Marika Konings 19/5/11 10:56

Deleted: Proposed

1414 abused (used for issues that are not considered an emergency) and whether the option to 'undo' a
 1415 transfer in case of failure to respond to a TEAC should be made mandatory.

1416
 1417 ▪ **Recommendation #2** - The WG notes that in addition to reactive measures such as outlined in
 1418 recommendation #1, proactive measures to prevent hijacking are of the utmost importance. As
 1419 such, the WG strongly recommends the promotion by ALAC and other ICANN structures of the
 1420 measures outlined in the recent report of the Security and Stability Advisory Committee on A
 1421 Registrant's Guide to Protecting Domain Name Registration Accounts (SAC 044). In particular, the
 1422 IRTP WG recommends that registrants consider the measures to protect domain registrar accounts
 1423 against compromise and misuse described in SAC044, Section 5. These include practical measures
 1424 that registrants can implement "in house", such as ways to protect account credentials and how to
 1425 incorporate domain name registrations into employee or resource management programs typically
 1426 found in medium and large businesses. It suggests ways that registrants can use renewal and change
 1427 notifications from registrars as part of an early warning or alerting system for possible account
 1428 compromise.

1429
 1430 b. **Whether additional provisions on undoing inappropriate transfers are needed, especially with**
 1431 **regard to disputes between a Registrant and Admin Contact. The policy is clear that the Registrant**
 1432 **can overrule the AC, but how this is implemented is currently at the discretion of the registrar;**

1433 ▪ **Recommendation #3** - The WG recommends requesting an Issues Report on the requirement of
 1434 'thick' WHOIS for all incumbent gTLDs. The benefit would be that in a thick registry one could
 1435 develop a secure method for a gaining registrar to gain access to the registrant contact information.
 1436 Currently there is no standard means for the secure exchange of registrant details in a thin registry.
 1437 In this scenario, disputes between the registrant and admin contact could be reduced, as the
 1438 registrant would become the ultimate approver of a transfer. Such an Issue Report and possible
 1439 subsequent Policy Development Process should not only consider a possible requirement of 'thick'
 1440 WHOIS for all incumbent gTLDs in the context of IRTP, but should also consider any other positive
 1441 and/or negative effects that are likely to occur outside of IRTP that would need to be taken into
 1442 account when deciding whether a requirement of 'thick' WHOIS for all incumbent gTLDs would be
 1443 desirable or not.

Marika Konings 19/5/11 10:11

Deleted: Proposed

Marika Konings 19/5/11 10:11

Deleted: 21 February

Marika Konings 25/5/11 10:44

Deleted: <#>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: ... [4]

Marika Konings 19/5/11 10:56

Deleted: Proposed

- 1451 | ▪ **Recommendation #4:** The WG notes that the primary function of IRTP is to permit Registered Name
 1452 | Holders to move registrations to the Registrar of their choice, with all contact information
 1453 | intact. The WG also notes that IRTP is widely used in the domain name community to affect a
 1454 | "change of control," moving the domain name to a new Registered Name Holder. The discussions
 1455 | within the WG and with ICANN Staff have determined that there is no defined "change of control"
 1456 | function. Therefore, the IRTP-B WG recommends requesting an Issue Report to examine this issue,
 1457 | including an investigation of how this function is currently achieved, if there are any applicable
 1458 | models in the country-code name space, and any associated security concerns.
 1459 |
- 1460 | ▪ **Recommendation #5:** The WG recommends modifying section 3 of the IRTP to require that the
 1461 | Registrar of Record/Losing Registrar be required to notify the Registered Name Holder/Registrant of
 1462 | the transfer out. The Registrar of Record has access to the contact information for the Registrant
 1463 | and could modify their systems to automatically send out the Standardized Form for Losing
 1464 | Registrars ("Confirmation FOA") to the Registrant.
 1465 |
- 1466 | c. **Whether special provisions are needed for a change of registrant near a change of registrar. The**
 1467 | **policy does not currently deal with change of registrant, which often figures in hijacking cases;**
- 1468 | ▪ **Recommendation #6:** The WG does recognize that the current language of denial reason #6 is not
 1469 | clear and leaves room for interpretation especially in relation to the term 'voluntarily' and
 1470 | recommends therefore that this language is expanded and clarified to tailor it more to explicitly
 1471 | address registrar-specific (i.e. non-EPP) locks in order to make it clear that the registrant must give
 1472 | some sort of informed opt-in express consent to having such a lock applied, and the registrant must
 1473 | be able to have the lock removed upon reasonable notice and authentication. The WG recommends
 1474 | to modify denial reason #6 as follows:
 1475 | Express objection to the transfer by the [authorized](#) Transfer Contact. Objection could take the form
 1476 | of specific request (either by paper or electronic means) by the [authorized](#) Transfer Contact to deny
 1477 | a particular transfer request, or a general objection to all transfer requests received by the Registrar,
 1478 | either temporarily or indefinitely. In all cases, the objection must be provided with the express and
 1479 | informed consent of the [authorized](#) Transfer Contact on an opt-in basis and upon request by the

Marika Konings 19/5/11 10:11

Deleted: Proposed

Marika Konings 19/5/11 10:11

Deleted: 21 February

Marika Konings 25/5/11 11:06

Deleted: -

Marika Konings 19/5/11 10:56

Deleted: Proposed

Marika Konings 19/5/11 10:11
 Deleted: Proposed
 Marika Konings 19/5/11 10:11
 Deleted: 21 February

1481 authorized Transfer Contact, the Registrar must remove the lock or provide a reasonably accessible
 1482 method for the authorized Transfer Contact to remove the lock within five (5) calendar days.
 1483

1484 **d. Whether standards or best practices should be implemented regarding use of Registrar Lock status**
 1485 **(e.g., when it may/may not, should/should not be applied);**

- 1486 ▪ **Recommendation #7:** The WG recommends that if a review of the UDRP is conducted in the near
 1487 future, the issue of requiring the locking of a domain name subject to UDRP proceedings is taken
 1488 into consideration.
- 1489
- 1490 ▪ **Recommendation #8:** The WG recommends standardizing and clarifying WHOIS status messages
 1491 regarding Registrar Lock status. The goal of these changes is to clarify why the Lock has been applied
 1492 and how it can be changed. Based on discussions with technical experts, the WG does not expect
 1493 that such a standardization and clarification of WHOIS status messages would require significant
 1494 investment or changes at the registry/registrar level. The WG recommends that ICANN staff is asked
 1495 to develop an implementation plan for community consideration which ensures that a technically
 1496 feasible approach is developed to implement this recommendation.

1497

1498 **e. Whether, and if so, how best to clarify denial reason #7: A domain name was already in "lock**
 1499 **status" provided that the Registrar provides a readily accessible and reasonable means for the**
 1500 **Registered Name Holder to remove the lock status.**

- 1501 ▪ **Recommendation #9:** The WG recommends deleting denial reason #7 as a valid reason for denial
 1502 under section 3 of the IRTP as it is technically not possible to initiate a transfer for a domain name
 1503 that is locked, and hence cannot be denied, making this denial reason obsolete. Instead denial
 1504 reason #7 should be replaced by adding a new provision in a different section of the IRTP on when
 1505 and how domains may be locked or unlocked. The WG recommends that ICANN staff is asked to
 1506 develop an implementation plan for community consideration including proposed changes to the
 1507 IRTP to reflect this recommendation.

Marika Konings 19/5/11 12:07
 Deleted: Next Steps - ... [5]
 Marika Konings 19/5/11 10:56
 Deleted: Proposed

Marika Konings 19/5/11 10:11

~~Deleted: Proposed~~

Marika Konings 19/5/11 10:11

~~Deleted: 21 February~~

1512 Annex A – Background

1513 1.1 Process background

1514

1515 ▪ Consistent with ICANN's obligation to promote and encourage robust competition in the domain
1516 name space, the Inter-Registrar Transfer Policy (IRTP) aims to provide a straightforward
1517 procedure for domain name holders to transfer their names from one ICANN-accredited
1518 registrar to another should they wish to do so. The policy also provides standardized
1519 requirements for registrar handling of such transfer requests from domain name holders. The
1520 policy is an existing community consensus policy that was implemented in late 2004 and is now
1521 being reviewed by the GNSO.

1522 ▪ As part of that review, the GNSO Council formed a Transfers Working Group (TWG) to examine
1523 and recommend possible areas for improvements in the existing transfer policy. The TWG
1524 identified a broad list of over 20 potential areas for clarification and improvement (see
1525 <http://www.icann.org/en/gnsso/transfers-tf/report-12feb03.htm>).

1526 ▪ The Council tasked a short term planning group to evaluate and prioritize the policy issues
1527 identified by the Transfers Working Group. In March 2008, the group delivered a report to the
1528 Council that suggested combining the consideration of related issues into five new PDPs (A – E)
1529 (see <http://gnsso.icann.org/drafts/transfer-wg-recommendations-pdp-groupings-19mar08.pdf>).

1530 ▪ On 8 May 2008, the Council adopted the structuring of five additional inter-registrar transfers
1531 PDPs as suggested by the planning group (in addition to a recently concluded Transfer PDP 1 on
1532 four reasons for denying a transfer). It was decided that the five new PDPs would be addressed
1533 in a largely consecutive manner, with the possibility of overlap as resources would permit.

1534 ▪ The first PDP of the series of five, IRTP Part A PDP, was concluded in March 2009 with the
1535 publication of the [final report](#).

1536 ▪ In its meeting on April 16 2009, the GNSO Council [requested](#) an Issues Report from Staff on the
1537 second of the PDP issue sets, and on the recommendation of the IRTP Part A WG, also added a
1538 number of issues from the third PDP issue set to this IRTP Part B. The [Issues Report](#) was
1539 delivered to the Council on 15 May 2009.

1540 ▪ The issues that IRTP Part B addresses are:

Marika Konings 19/5/11 10:56

~~Deleted: Proposed~~

Marika Konings 19/5/11 10:11

~~Deleted: Proposed~~

Marika Konings 19/5/11 10:11

~~Deleted: 21 February~~

- 1541 f. Whether a process for urgent return/resolution of a domain name should be developed, as
1542 discussed within the SSAC hijacking report
1543 (<http://www.icann.org/announcements/hijacking-report-12jul05.pdf>; see also
1544 <http://www.icann.org/correspondence/cole-to-tonkin-14mar05.htm>);
- 1545 g. Whether additional provisions on undoing inappropriate transfers are needed, especially
1546 with regard to disputes between a Registrant and Admin Contact. The policy is clear that the
1547 Registrant can overrule the AC, but how this is implemented is currently at the discretion of
1548 the registrar;
- 1549 h. Whether special provisions are needed for a change of registrant near a change of registrar.
1550 The policy does not currently deal with change of registrant, which often figures in hijacking
1551 cases;
- 1552 i. Whether standards or best practices should be implemented regarding use of Registrar Lock
1553 status (e.g., when it may/may not, should/should not be applied);
- 1554 j. Whether, and if so, how best to clarify denial reason #7: A domain name was already in
1555 "lock status" provided that the Registrar provides a readily accessible and reasonable means
1556 for the Registered Name Holder to remove the lock status.
- 1557 ■ The GNSO Council [resolved at its meeting on 24 June 2009](#) to launch a PDP on these five issues
1558 and [adopted a charter](#) for a Working Group on 23 July 2009 (see Annex A for the Working Group
1559 Charter).

1560

1561 1.2 Issue Background (excerpt from [Issues Report](#))

- 1562 ■ Please note that the following text has been excerpted from the issues report and does not
1563 contain any new input from the Working Group.
1564

Marika Konings 19/5/11 10:56

~~Deleted: Proposed~~

Marika Konings 19/5/11 10:11

Deleted: Proposed

Marika Konings 19/5/11 10:11

Deleted: 21 February

1565 **Issue A: Urgent return/resolution of a domain name**

1566

1567 Issue A: Whether a process for urgent return/resolution of a domain name should be developed,
1568 as discussed within the SSAC hijacking report (<http://www.icann.org/announcements/hijacking-report-12jul05.pdf>); see also <http://www.icann.org/correspondence/cole-to-tonkin-14mar05.htm>) (Issue #2).

1570

1571
1572 In response to the [ICANN request for public comments on the experiences with the Inter-Registrar Transfer](#), [the Go Daddy Group](#) noted that:

1573
1574 “If a Registered Name Holder feels that a third party has illegally hijacked his or her
1575 domain name through a transfer, they may lodge a UDRP dispute. This complicates the
1576 issue since the registrars involved may be willing to work to correct the situation but
1577 now have their hands tied since they are obligated to lock down the domain name. This
1578 also conflicts with the TDRP, which should be the recommended and preferred method
1579 for a dispute regarding a transfer. It may be appropriate if the UDRP provider was
1580 required to refer the Registered Name Holder to the TDRP in cases that involve a
1581 transfer if that dispute mechanism has not already been tried, or to the registrars
1582 involved if they have not yet been consulted or yet allowed to work it out between
1583 themselves”.

1584

1585 The [Staff Report to the GNSO Council: Experiences with the Inter-Registrar Transfer Policy](#) (14
1586 April 2005) noted that “many of the comments related to security and the transfer process
1587 referred to a fraudulent transfer incident involving the domain name <panix.com>”. In addition,
1588 in a section on transfer undo and fraud situations, it is stated that: “Although a transfer that has
1589 been determined to be fraudulent can be reversed by agreement between registrars, or by the
1590 registry using the Transfer-Undo mechanism, it has been suggested that such methods may not
1591 always allow sufficient responsiveness to fraud situations. The time period needed for adequate
1592 fact-finding and registrar coordination, or for the outcome of a fair dispute proceeding, may
1593 prolong problems including downtime, disruption of email services, or loss of business,
1594 especially if a domain name is one on which other services or financial services depend.

1595

1596 Suggestions on handling or reversing disputed transfers included:

1597 (a) developing an expedited handling process for fraud situations;

Marika Konings 19/5/11 10:56

Deleted: Proposed

Marika Konings 19/5/11 10:11

Deleted: Proposed

Marika Konings 19/5/11 10:11

Deleted: 21 February

- 1598 (b) automatically returning names that are subject to a dispute to be returned to the
1599 original registrar until the dispute has been resolved;
1600 (c) automatically rolling back the nameservers to [reflect the data contained therein] prior
1601 to the transfer.
1602

1603 It should be noted, however, that not every transfer that appears fraudulent may end up
1604 actually being a fraud case. Therefore, any measures should allow for flexibility in handling
1605 various outcomes.” It is important to emphasize this last point as determinations of fraudulent
1606 activity must be made with caution and a number of questions would need to be addressed
1607 including: who has the authority to make such a determination and what qualifies an activity as
1608 fraudulent?
1609

1610 The SSAC report on [Domain Name Hijacking: Incidents, threats risks and remedial actions](#) (July
1611 2005) recommends that “Registrars should identify evaluation criteria a registrant must provide
1612 to obtain immediate intervention and restoration of domain name registration information and
1613 DNS configuration. Registrars should define emergency procedures and policy based on these
1614 criteria. This policy would complement the Transfer Dispute Resolution Policy (TDRP) and must
1615 not undermine or conflict with those policies.” The report notes that “The Inter-Registrar
1616 Transfer Policy incorporates formal dispute mechanisms (the Transfer Dispute Resolution Policy)
1617 intended for handling disputes between registrars associated with a transfer that cannot be
1618 solved directly between the two parties. These business-oriented processes are appropriate
1619 when the DNS information of a domain name is unaffected, when there is no issue of service
1620 denial or interruption, and when there is less immediate urgency to restore service. While the
1621 processes may be satisfactory for resolving a transfer-related dispute in a matter of days,
1622 another mechanism may be necessary to allow restoration of service in the timely manner real-
1623 time communications networks demand”.
1624

1625 In relation to the current dispute resolution mechanisms, the report notes that “the UDRP is
1626 available for cases of abusive registrations or cybersquatting, particularly with regard to

Marika Konings 19/5/11 10:56

Deleted: Proposed

Marika Konings 19/5/11 10:11

Deleted: Proposed

Marika Konings 19/5/11 10:11

Deleted: 21 February

1627 trademarked names. A UDRP involves a cost of approximately USD \$2,000, and takes at least
1628 two months to reach a decision.

1629 The Transfer Dispute Resolution Policy (TDRP) is available to registrars to address disputes
1630 involving a transfer that has occurred. A TDRP dispute can be brought to the registry for a
1631 decision or to a third-party dispute resolution service provider. Both dispute resolution policies
1632 are designed to provide an impartial assessment of the factual circumstances of a case in order
1633 t[o] determine the appropriate outcome of a dispute. However, neither of these provides an
1634 immediate fix to cases of interrupted service or suspected hijacking”.

1635

1636 Furthermore, the report states that “although registrars have worked together and agreed on a
1637 solution in several specific hijacking or fraud incidents, registrars may need a new
1638 communications channel and corresponding procedures to respond quickly to an operational
1639 loss of use of a domain name resulting from a transfer or DNS configuration error or hijacking.
1640 Possible elements of an urgent restoration of domain name registration information and DNS
1641 configuration include:

1642 **An emergency action channel** – to provide 24 x 7 access to registrar technical support staff who
1643 are authorized to assess the situation, establish the magnitude and immediacy of harm, and
1644 take measures to restore registration records and DNS configuration to what is often described
1645 as “the last working configuration”. An urgent restoration of a hijacked domain may require the
1646 coordinated efforts of geographically dispersed registrars, operating in different time zones. The
1647 emergency action channel requires a contact directory of parties who can be reached during
1648 non-business hours and weekends. It may be useful to make support staff contacts available
1649 online, so a third party is not required to maintain and distribute the contact details.

1650 **A companion policy to the emergency action channel** – to identify evaluation criteria a
1651 registrant must provide to obtain immediate intervention (e.g., circumstances and evidence).
1652 From these, registrars can define emergency UNDO procedures. This policy would complement
1653 the TDRP and must not undermine or conflict with policies defined therein. The circumstances
1654 which distinguish when an urgent recovery policy may be a more appropriate action than the
1655 TDRP include:

Marika Konings 19/5/11 10:56

Deleted: Proposed

Marika Konings 19/5/11 10:11

~~Deleted:~~ Proposed

Marika Konings 19/5/11 10:11

~~Deleted:~~ 21 February

- 1656 2) Immediacy of the harm to the registrant if the transfer is not reversed (e.g., business
1657 interruption, security incidents).
- 1658 3) Magnitude of the harm, or the extent to which the incident threatens the security and
1659 stability of parties other than the registrant, including but not limited to users, business
1660 partners, customers, and subscribers of a registrant's services.
- 1661 4) Escalating impact, or the extent to which a delay in reversing the transfer (and DNS
1662 configuration) would cause more serious and widespread incidents.

1663 The emergency action procedures should be tested to verify they are resilient to tampering and
1664 difficult to exploit. In particular, it should be difficult or impossible for an attacker to effect a
1665 hijack or interfere with a transfer under the guise of requesting urgent restoration of a domain.

1666 **A public awareness campaign** should be conducted to provide clear and unambiguous
1667 documentation that describes the policy and processes to registrars and registrants. This
1668 documentation should identify the criteria and the procedures registrants must follow to
1669 request intervention and immediate restoration.”

1670

1671 Some of the questions that might need further consideration in a potential policy development
1672 process include determining the extent of the problem and whether it warrants a new policy or
1673 policy change; how to ensure that a process for urgent return does not interfere with the
1674 potential outcome of a dispute resolution process; who would be the ultimate decision-maker in
1675 such a process; and, which market solutions or best practices currently exist for dealing with this
1676 issue.

1677

1678 ICANN staff is aware that some registrars have dealt with the issue of urgent return of a domain
1679 name in the case of a suspected hijacking by indemnifying the gaining registrar, which appears
1680 to be a mechanism that ensures that the registrar of record will only pursue this avenue if it is
1681 absolutely sure that the domain name has been hijacked as it could otherwise incur substantial
1682 costs.

1683

Marika Konings 19/5/11 10:56

~~Deleted:~~ Proposed

Marika Konings 19/5/11 10:11

Deleted: Proposed

Marika Konings 19/5/11 10:11

Deleted: 21 February

1684 **Issue B: Additional provisions for undoing inappropriate transfers**

1685

1686 Issue B: Whether additional provisions on undoing inappropriate transfers are needed,
1687 especially with regard to disputes between a Registrant and Admin Contact (AC). The policy is
1688 clear that the Registrant can overrule the AC, but how this is implemented is currently at the
1689 discretion of the registrar (Issue #7).

1690

1691 In response to the [ICANN request for public comments on the experiences with the Inter-](#)
1692 [Registrar Transfer](#), the Go Daddy Group submitted the following comment in relation to this
1693 issue:

1694 “We have seen more than a few cases where the gaining registrar has received appropriate
1695 confirmation of a transfer request from the current Administrative Contact of record for the
1696 domain name. After the transfer completed, the Registered Name Holder of record at the time
1697 of the transfer claims that they did NOT approve the transfer and want it reversed. The Policy
1698 states that the Registered Name Holder's authority supersedes that of the Administrative
1699 Contact. Although the transfer was valid based on the current Policy the registrars are left to
1700 work together to reverse the transfer or face a formal dispute or legal action.

1701

1702 Is this the intent of the Policy? It opens up the potential for fraud, for example, in the event of a
1703 domain name sale and transfer. It also puts a burden on the registrar to attempt to verify the
1704 identity of the Registered Name Holder. Since most Whois records do not list the Registered
1705 Name Holder's email address, we need to rely on other documentation. However, given the
1706 international nature of our businesses, if we rely on photo identifications and business licenses
1707 from the Registered Name Holder we could easily be defrauded.

1708

1709 In addition, apparently due to the situation noted above, some registrars have adopted a hard
1710 copy transfer process centered on getting confirmation only from Registered Name Holders.
1711 This not only slows down the process for the Registered Name Holders, but puts registrars at
1712 increased risk and expense as they attempt to verify identification information from an
1713 international user base.”

1714

1715 The [Staff Report to the GNSO Council: Experiences with the Inter-Registrar Transfer Policy](#) (14
1716 April 2005) noted that “the policy provides that registry operators implement and make
1717 available a Transfer-Undo mechanism, to be used in cases where a transfer is determined to
1718 have been processed in contravention of the policy. This capability can be used either: a) when
1719 both registrars agree that a transfer should not have occurred and request the registry to
1720 reverse it, or b) as a result of a dispute proceeding which determines that a transfer should not

Marika Konings 19/5/11 10:56

Deleted: Proposed

Marika Konings 19/5/11 10:11

~~Deleted:~~ Proposed

Marika Konings 19/5/11 10:11

~~Deleted:~~ 21 February

1721 have occurred. The policy recommendations only required that registries develop such a
1722 mechanism. ICANN encouraged coordination among registries but determined that registries
1723 could be individually responsible for their own implementation of this mechanism”.

1724

1725 In a document titled ‘[Review of Issues for Transfers Working Group](#)’ (19 January 2006), a
1726 working document developed by the Transfers Working Group, it is noted that “repatriation of
1727 inappropriately transferred names is difficult and processes are still unclear. This is mostly
1728 evident in incidences where a registrant has objected to a transfer despite the approval of the
1729 admin contact. The transfer policy is quite clear that the registrant ‘trumps’ the admin contact,
1730 but it is not clear how these types of veto situations should be handled. The result is an
1731 inconsistent application of policy and increased risk of domain theft.” The document notes that
1732 potential next steps to be considered include a clarification, “restate intent of existing policy”, as
1733 well as “additional policy provisions for handling inappropriate transfers”.

1734

1735 In its [Final Report](#), the IRTP Part A PDP Working Group recommended that “in the absence of a
1736 simple and secure solution for providing the gaining registrar access to the registrant email
1737 address, future IRTP working groups should consider the appropriateness of a policy change that
1738 would prevent a registrant from reversing a transfer after it has been completed and authorized
1739 by the admin contact. This option would not change the current situation whereby a losing
1740 registrar can choose to notify the registrant and provide an opportunity to cancel a transfer
1741 before the process is completed”.

1742

1743 **Issue C: Special provisions for a change of registrant near a change of registrar**

1744

1745 Issue C: Whether special provisions are needed for a change of registrant near a change of
1746 registrar. The policy does not currently deal with change of registrant, which often figures in
1747 hijacking cases (Issue #9).

1748

1749 As stated in the description of the issue, a change of registrar near a change of registrant is a
1750 common feature in hijacking cases. In the opinion of Registrar.com as noted in one of the

Marika Konings 19/5/11 10:56

~~Deleted:~~ Proposed

Marika Konings 19/5/11 10:11

Deleted: Proposed

Marika Konings 19/5/11 10:11

Deleted: 21 February

1751 [comments](#) submitted in response to the [ICANN request for public comments on the experiences](#)
1752 [with the Inter-Registrar Transfer:](#)

1753 "the Inter-Registrar Transfer Policy exposes losing registrars to an unacceptable level of
1754 liability when names are fraudulently transferred. Ultimately, the liability for a
1755 fraudulent transfer rests with the losing registrar since it has allowed a transfer-away to
1756 be processed while it is the current service provider for the registrant. The registrant will
1757 almost always look to the losing registrar in the event an unauthorized or fraudulent
1758 transfer is completed."

1759
1760 As a result, a number of registrars have taken preventative measures such as Go Daddy, which
1761 introduced a 60-day transfer prohibition period¹¹ following a change of registrant. However,
1762 some registrants seem to view such measures unnecessarily restrictive and not in compliance
1763 with the transfer policy, see e.g.:

1764 "GoDaddy has been treating a Registrant change as something major and is denying
1765 transfers for 60 days based on this [...] I wish ICANN puts a stop to all this ASAP." (From
1766 <http://forum.icann.org/lists/transfer-comments-a/msg00012.html>),

1767 and

1768
1769 "Also there are some registrars that in case of change of ownership, avoid ack transfers
1770 request send by other registrar, saying that "the domain registrant has recently
1771 changed". That is NOT one of the instances in which a transfer request may legitimately
1772 be denied by the Registrar of Record" (From [http://forum.icann.org/lists/transfer-](http://forum.icann.org/lists/transfer-comments-g/msg00023.html)
1773 [comments-g/msg00023.html](http://forum.icann.org/lists/transfer-comments-g/msg00023.html)).

1774
1775 ICANN issued [an advisory in April 2008](#) to clarify that "a registrant change to Whois information
1776 is not a valid basis for denying a transfer request". It should be pointed out that Go Daddy since
1777 then has changed the "transfer prohibition period" to a voluntary opt-in provision that is offered
1778 to the registrant to prevent any transfers for 60 days after their domain name ownership change
1779 for security reasons. If a registrant has opted for this provision but still tries to transfer the
1780 domain name before the expiration of the 60 days, the transfer is denied under section A3(6) of
1781 the Inter-Registrar Transfer Policy (<http://www.icann.org/en/transfers/policy-en.htm>).

1782

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'.

Marika Konings 19/5/11 10:56

Deleted: Proposed

Marika Konings 19/5/11 10:11

Deleted: Proposed

Marika Konings 19/5/11 10:11

Deleted: 21 February

1783 In a document titled '[Review of Issues for Transfers Working Group](#)' (19 January 2006), a
1784 working document developed by the Transfers Working Group, it is stated that "transfers
1785 immediately following a Registrant transfer (change of ownership or license) should not be
1786 allowed, or at least the registrar should have the option of not allowing it for some period of
1787 time, 30-60 days perhaps. This was an explicit requirement in the old transfer policy, not sure
1788 why it was removed". Potential next steps referred to include "clarify intentions of existing
1789 policy related to how change of registrant fits into definitions in policy and whether [the] intent
1790 was to allow for Registrar implementation of special provisions needed for change of registrant
1791 simultaneous to transfer or within a period after transfer" and "possible PDP to create policy
1792 related to change of registrant".

1793
1794 **Issue D: Standards or best practices regarding use of Registrar Lock Status**

1795
1796 Issue D: Whether standards or best practices should be implemented regarding use of Registrar
1797 Lock status (e.g., when it may/may not, should/should not be applied) (Issue #5).

1798
1799 Registrar-Lock is described in [RFC 2832](#) as:

1800 "REGISTRAR-LOCK: The registrar of the domain sets the domain to this status. The domain
1801 cannot be modified or deleted when in this status. The registrar MUST remove
1802 REGISTRAR-LOCK status to modify the domain. The domain can be renewed. The domain
1803 SHALL be included in the zone file when in this status".

1804 Registrar-Lock does not refer to any internal flag or status termed 'lock' which a registrar may be
1805 using. As outlined in an [ICANN Inter-Registrar Transfer Policy: Implementation Update](#)
1806 "Registrars will [...] be able to use "registrar-lock" to give registrants added assurance that their
1807 domains will not be transferred or modified without their consent, but only if the registrar
1808 provides a readily accessible and reasonable means for registrants to remove the lock if and
1809 when the registrant decides to transfer".

1810
1811
1812 The [Staff Report to the GNSO Council: Experiences with the Inter-Registrar Transfer Policy](#) (14
1813 April 2005) noted that "many comments raised issues concerning locking mechanisms which are
1814 currently used by registrars. Variations in the use of lock statuses and their variability across

Marika Konings 19/5/11 10:56

Deleted: Proposed

Marika Konings 19/5/11 10:11

Deleted: Proposed

Marika Konings 19/5/11 10:11

Deleted: 21 February

1815 registrars has added a level of complexity to the transfer process that in some cases has the
1816 effect of obstructing the desired ease of inter-registrar transfers. Additionally, such mechanisms
1817 impose a further burden on policy implementation because many registrants do not understand
1818 locking mechanisms. This is especially complicated in cases involving multiple languages". As a
1819 result, the report recommends considering "greater standardization of locking and unlocking
1820 functions or more precise definitions of appropriate use of the lock status".

1821

1822 In a document titled '[Review of Issues for Transfers Working Group](#)' (19 January 2006), a
1823 working document developed by the Transfers Working Group, it is noted that "there seems to
1824 be ambiguity about what can be considered as registrar lock". Potential next steps mentioned
1825 include a clarification by defining registrar lock within the policy. In addition, the document
1826 notes that "best practices regarding registrar lock need to be drawn out from current practices.
1827 Standards may need to be set regarding when use of lock is appropriate and not appropriate".

1828

1829 **Issue E: Clarification of denial reason #7**

1830

1831 Issue E: Whether, and if so, how to best clarify denial reason #7: A domain name was already in
1832 "lock status" provided that the Registrar provides a readily accessible and reasonable means for
1833 the Registered Name Holder to remove the lock status (Recommendation from the IRTP Denials
1834 WG).

1835

1836 From the [Issues Report on Specified Inter-Registrar Transfer Policy Issues](#):

1837

1838 "The current language (describing a reason for which a registrar of record may deny a transfer
1839 request) reads: A domain name was already in "lock status" provided that the Registrar provides
1840 a readily accessible and reasonable means for the Registered Name Holder to remove the lock
1841 status. Referring to the Task Force's Report ([http://www.icann.org/gnso/transfers-tf/report-
1842 exhd-12feb03.htm](http://www.icann.org/gnso/transfers-tf/report-exhd-12feb03.htm)) for the intention behind the policy language, the following Q/A occurs:

1842

1843

1844

9. "Some Registrars liberally employ the 'Registrar lock' function as it relates to the domain
names they register for Registrants. This often means that Registrants *can't* transfer their

Marika Konings 19/5/11 10:56

Deleted: Proposed

Marika Konings 19/5/11 10:11

Deleted: Proposed

Marika Konings 19/5/11 10:11

Deleted: 21 February

1845 domain name in a predictable way. Do the Task Force recommendations consider this?"

1846

1847 A. Through extensive discussion within the Task Force and further consultation with the
1848 community after the Interim Report, the Task Force formed a minor series of amended
1849 recommendations that simply requires Registrars to provide Registrants with simple and
1850 transparent mechanisms by which Registrants can simply unlock or lock their domain name
1851 using accessible processes established by the Registrar.

1852

1853 Analysis: The Task Force heard this concern from several user groups. Earlier versions of this
1854 report contained substantially more stringent recommendations, however further
1855 discussion within the Task Force and outreach to various stakeholders within the DNSO only
1856 drew the lack of consensus on the older recommendations into focus. Accordingly the Task
1857 Force re-crafted its recommendations in order to support the principles that were
1858 supported by consensus.

1859

1860 In the current environment, registrar policies and practices vary with regard to means available to
1861 registrants for removing a Registrar Lock status. As a prerequisite to a registrar's denial of a
1862 transfer request for this reason, the policy requires that registrars provide a "readily accessible
1863 and reasonable means for the Registered Name Holder to remove the lock status." In staff's
1864 investigation of complaints about an inability to unlock a name, it is necessary to review the
1865 circumstances on a case by case basis, and apply an interpretation as to whether the registrar's
1866 practice is reasonable.

1867

1868 ICANN continues to receive complaints from registrants noting difficulty in unlocking names (see
1869 data from 2006 at <http://www.icann.org/compliance/pie-problem-reports-2006.html>).

1870

1871 ICANN could more efficiently enforce this provision if there were a test available for what is
1872 "reasonable or readily accessible." Adoption of a common test or standard would also facilitate

Marika Konings 19/5/11 10:56

Deleted: Proposed

Marika Konings 19/5/11 10:11

~~Deleted: Proposed~~

Marika Konings 19/5/11 10:11

~~Deleted: 21 February~~

1873 uniform enforcement of this provision¹².

1874

1875 In instances where a domain name is in Registrar Lock status, a transfer that is initiated by a
 1876 potential gaining registrar will be automatically rejected at the registry level, without an explicit
 1877 denial by the registrar of record. This makes it difficult for a registrar of record to comply with the
 1878 requirement to provide the registrant and potential gaining registrar with the reason that the
 1879 transfer was denied. It may be helpful for the policy language to reflect the process that occurs in
 1880 the case of this type of denial.”

1881

1882 Clarification of denial reason #7 was discussed in a previous PDP on Clarification of Denial Reasons,
 1883 but the drafting group recommended dealing with this issue in conjunction with the question of
 1884 standards or best practices regarding use of Registrar Lock Status which has been outlined in the
 1885 previous section. The drafting group noted in [its report](#) the following concerns:

- 1886 - “Discussions focused on clarification of the meaning of “readily accessible and reasonable
 1887 means”, but in the attempts to clarify this by comparison and by increased specificity potential
 1888 undesired consequences were identified, see below
- 1889 - The proposed texts raise deeper issues and more complexity than we are prepared to deal
 1890 with within the scope and timeframe allotted to this drafting group
- 1891 - We want to avoid a situation where registrars increase difficulty on contact/DNS changes in
 1892 order to prevent transfers
- 1893 - Some registrars have offered higher levels of security, and don't want to lose the flexibility of
 1894 offering those add-on opt-in services
- 1895 - The trade-off between security and convenience is one that must be made by registrants and
 1896 this policy needs to provide the ability to make that choice
- 1897 - Issue 5 under PDP C of the IRTP Issues PDP Recommendations of 19 March 2008 and the
 1898 reason for wanting to clarify reason for denial number 7 are very closely related:
- 1899 • Issue 5 of PDP C on IRTP Operational Rule Enhancements states: “Whether standards

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.”

Marika Konings 19/5/11 10:56

~~Deleted: Proposed~~

Marika Konings 19/5/11 10:11
Deleted: Proposed
Marika Konings 19/5/11 10:11
Deleted: 21 February

1900 or best practices should be implemented regarding use of Registrar Lock status (e.g.,
1901 when it may/may not, should/should not be applied). (CR 8.0)"
1902 • The IRTP Policy Clarification of Reasons for Denial final report of 9 April 2008 says in
1903 the first sentence of the second paragraph on page 5: "Regarding "lock status", there
1904 is support for clarification, with a clear focus on the meaning of "readily accessible and
1905 reasonable means" for removing the lock."
1906
1907 As a result, the GNSO Council resolved 'that the work on denial reason #7 [...] be suspended until such
1908 time as PDP C of the IRTP Issues PDP is initiated'.
1909

Marika Konings 19/5/11 10:56
Deleted: Proposed

Marika Konings 19/5/11 10:11

~~Deleted: Proposed~~

Marika Konings 19/5/11 10:11

~~Deleted: 21 February~~

1910 Annex B - IRTP Part B PDP WG Charter

1911 The Working Group shall consider the following questions as outlined in the issues report and make
1912 recommendations to the GNSO Council:

- 1913 a) Whether a process for urgent return/resolution of a domain name should be developed, as
1914 discussed within the SSAC hijacking report ([http://www.icann.org/announcements/hijacking-report-](http://www.icann.org/announcements/hijacking-report-12jul05.pdf)
1915 [12jul05.pdf](http://www.icann.org/announcements/hijacking-report-12jul05.pdf)); see also (<http://www.icann.org/correspondence/cole-to-tonkin-14mar05.htm>);
- 1916 b) Whether additional provisions on undoing inappropriate transfers are needed, especially with
1917 regard to disputes between a Registrant and Admin Contact (AC). The policy is clear that the
1918 Registrant can overrule the AC, but how this is implemented is currently at the discretion of the
1919 registrar;
- 1920 c) Whether special provisions are needed for a change of registrant when it occurs near the time of a
1921 change of registrar. The policy does not currently deal with change of registrant, which often figures
1922 in hijacking cases;
- 1923 d) Whether standards or best practices should be implemented regarding use of a Registrar Lock status
1924 (e.g. when it may/may not, should/should not be applied);
- 1925 e) Whether, and if so, how best to clarify denial reason #7: A domain name was already in 'lock status'
1926 provided that the Registrar provides a readily accessible and reasonable means for the Registered
1927 Name Holder to remove the lock status.

1928
1929 To inform its work, the WG should pursue the availability of further information from ICANN compliance
1930 Staff to understand how elements of the existing Inter-Registrar Transfer Policy that are applicable to
1931 the above questions are enforced. The WG should also request compliance Staff to review any policy
1932 recommendations it develops and provide advice on how the recommendations may best be structured
1933 to ensure clarity and enforceability.

1934

Marika Konings 19/5/11 10:56

~~Deleted: Proposed~~

Marika Konings 19/5/11 10:11
Deleted: Proposed
Marika Konings 19/5/11 10:11
Deleted: 21 February

1935 Working Group processes:
1936 While the development of Guidelines for Working Group operations are still to be developed the
1937 guidelines at the following link will apply to this WG: working group process [https://st.icann.org/gnso-](https://st.icann.org/gnso-council/index.cgi?24_june_09_motions)
1938 [council/index.cgi?24_june_09_motions](https://st.icann.org/gnso-council/index.cgi?24_june_09_motions)
1939
1940 Milestones
1941 WG formed, chair & Council liaison & staff coordinator identified = T
1942 Initial Report: T + 170 days
1943 First comment period ends: T + 190 days
1944 Preliminary Final Report: T + 220 days.

1945 **Note: If the WG decides that a change is needed to the milestone dates, it should submit a revised**
1946 **time line to the GNSO council for approval.**

Marika Konings 25/5/11 10:31
Deleted: Section Break (Next Page)

Marika Konings 19/5/11 10:56
Deleted: Proposed

Marika Konings 19/5/11 10:11

Deleted: Proposed

Marika Konings 19/5/11 10:11

Deleted: 21 February

1948 **Annex C – TEAC FAQ**

1949 **What is the TEAC and what is it for?**

1950 The Transfer Emergency Action Contact (TEAC) is a mechanism to facilitate urgent communications
1951 relating to transfers. The goal of the TEAC is to quickly establish real time communication between
1952 registrar representatives who can take steps to resolving the issue, but this policy only addresses
1953 establishing that communication not resolving any disputes that may arise.

1954 **What’s the scope of the TEAC?**

1956 The TEAC only addresses the need to establish communications between registrars in emergency
1957 situations. The TEAC requirements outlined in this policy consciously exclude all aspects of resolving any
1958 disputes that may arise between parties in order not to disrupt processes that already exist to do that.
1959 The TEAC is limited to domain-transfer emergencies at this time, such as an unauthorized transfer
1960 following a hijacking, although other PDPs may expand this scope in the future.

1961 **What happens when the gaining registrar does not respond to a TEAC request?**

1962 The losing registrar may inform the registry that they have not received a response to their TEAC
1963 request after which the registry performs a “transfer-undo” in accordance with Section 6 of the existing
1964 IRTP.

1965 **How can a gaining Registrar eliminate the threat of a transfer undo?**

1966 The gaining registrar simply responds to the request. They do not need to return the domain, they do
1967 not need to resolve any disputes, they just need to respond to the TEAC request of the losing registrar
1968 and initiate communication between the two registrars. As soon as the gaining registrar responds to the
1969 losing registrar, the threat of transfer-undo vanishes. The whole aim of this policy is to get decision-
1970 makers talking to each other.

1971 **The policy requires a four-hour response time. Isn’t that going to be hard for smaller registrars to**
1972 **cover, especially at night or on the weekends?**

Marika Konings 19/5/11 10:56

Deleted: Proposed

Marika Konings 19/5/11 10:11

Deleted: Proposed

Marika Konings 19/5/11 10:11

Deleted: 21 February

1976 No. Even the smallest of registrars can simply rotate this function among operational staff, just as they
1977 rotate other “emergency” aspects of their business. The number of TEAC requests is likely to be very
1978 small and quite infrequent, but when they occur there is a genuine emergency that needs to be dealt
1979 with quickly.

1980

1981 Who can use the TEAC?

1982 The TEAC is reserved for registrars, registries and ICANN staff.

1983

1984 Can the TEAC be used to initiate urgent, but not emergency, communications?

1985 No, the TEAC is only for emergency communications relating to domain-transfer situations (primarily
1986 domain hijacking). It is not to be used for non-emergencies. It is not to be used for situations outside of
1987 domain transfers.

1988

1989 Can Registrants use the TEAC?

1990 No, the TEAC is only available to registrars, registries and ICANN staff.

1991

1992 How is the TEAC protected from abuse by registrants or registrars that want to game the system or 1993 claw back a domain name?

1994 The TEAC is not available to registrants, only their registrars so a registrant would need to request their
1995 registrar to start a TEAC. The TEAC only initiates communication, so as soon as the gaining registrar
1996 responds to the request, the TEAC request is fulfilled and the threat of transfer-undo is eliminated.

1997

1998 What is the definition of “emergency” in this context?

1999 In order to qualify as a TEAC emergency, the issue has to be a serious, unexpected, time sensitive and
2000 harmful situation related to a domain-transfer.

2001

2002 What happens if a Registrar abuses the TEAC?

2003 The same thing that happens if a registrar violates any ICANN consensus policy. This is a question that is
2004 outside the scope of the IRTP working group.

2005

Marika Konings 19/5/11 10:56

Deleted: Proposed

Marika Konings 19/5/11 10:11
Deleted: Proposed
Marika Konings 19/5/11 10:11
Deleted: 21 February

2006 **What escalation options does a Registrant have with regard to hijacking and where does the TEAC fit**
2007 **in?**

2008 The first, and best, source of help for a registrant whose domain has been hijacked is their registrar. The
2009 TEAC is aimed at helping that registrar quickly get in touch with the gaining registrar so that they can
2010 resolve the issue quickly (or quickly discover that there is a dispute that needs to be escalated to a
2011 higher level for resolution). In the event that the registrars cannot resolve the situation, the registrant
2012 can then move on to the other existing dispute-resolution processes (through the courts, ICANN
2013 Compliance and/or the Transfer Dispute Resolution Policy).

2014
2015 **How long is the timeframe that the TEAC is available, after an incident or problem is identified?**

2016 This timeframe is consciously not defined, for several reasons. The primary reason is that by not
2017 specifying availability we avoid providing a roadmap for hijackers to time their activities. But another
2018 reason why this is not defined in the policy is the ease with which the threat of a transfer-undo can be
2019 avoided by the gaining registrar – they simply get in contact with the losing registrar and the
2020 requirements of the TEAC are fulfilled.
2021

Marika Konings 19/5/11 10:56
Deleted: Proposed

Marika Konings 19/5/11 10:11

~~Deleted: Proposed~~

Marika Konings 19/5/11 10:11

~~Deleted: 21 February~~

2022 **Annex D - Template for Constituency Statements**

2023 The GNSO Council has formed a Working Group of interested stakeholders and Constituency
2024 representatives, to collaborate broadly with knowledgeable individuals and organizations, in order to
2025 consider recommendations for a number of issues related to the Inter-Registrar Transfer Policy (IRTP).
2026

2027 Part of the working group's effort will be to incorporate ideas and suggestions gathered from
2028 Constituencies through this Constituency Statement. Inserting your Constituency's response in this form
2029 will make it much easier for the Working Group to summarize the Constituency responses. This
2030 information is helpful to the community in understanding the points of view of various stakeholders.
2031 However, you should feel free to add any information you deem important to inform the working
2032 group's deliberations, even if this does not fit into any of the questions listed below.
2033

2034 For further background information on this issue, please review the [GNSO Issues Report on IRTP Part B](#).
2035

2036 **Process**

- 2037 - Please identify the members of your constituency who participated in developing the perspective(s)
2038 set forth below.
- 2039 - Please describe the process by which your constituency arrived at the perspective(s) set forth below.
2040

2041 **Questions**

2042 Please provide your constituency's views on:

- 2044 a) Whether a process for urgent return/resolution of a domain name should be developed, as
2045 discussed within the Security and Stability Advisory Committee (SSAC) hijacking report
2046 (<http://www.icann.org/announcements/hijacking-report-12jul05.pdf>); see also
2047 (<http://www.icann.org/correspondence/cole-to-tonkin-14mar05.htm>);
- 2048 b) Whether additional provisions on undoing inappropriate transfers are needed, especially with
2049 regard to disputes between a Registrant and Admin Contact (AC). The policy is clear that the
2050 Registrant can overrule the AC, but how this is implemented is currently at the discretion of the

Marika Konings 19/5/11 10:56

~~Deleted: Proposed~~

Marika Konings 19/5/11 10:11
Deleted: Proposed
Marika Konings 19/5/11 10:11
Deleted: 21 February

- 2051 registrar;
- 2052 c) Whether special provisions are needed for a change of registrant when it occurs near the time of a
- 2053 change of registrar. The policy does not currently deal with change of registrant, which often figures
- 2054 in hijacking cases;
- 2055 d) Whether standards or best practices should be implemented regarding use of a Registrar Lock status
- 2056 (e.g. when it may/may not, should/should not be applied);
- 2057 e) Whether, and if so, how best to clarify denial reason #7: A domain name was already in 'lock status'
- 2058 provided that the Registrar provides a readily accessible and reasonable means for the Registered
- 2059 Name Holder to remove the lock status.
- 2060
- 2061
- 2062

Marika Konings 19/5/11 10:56
Deleted: Proposed

Marika Konings 19/5/11 10:11

Deleted: Proposed

Marika Konings 19/5/11 10:11

Deleted: 21 February

Marika Konings 19/5/11 10:56

Deleted: D

2063

Annex E – Charter Question B – Standard Use Cases

2064

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

Marika Konings 19/5/11 10:56

Deleted: Proposed

Marika Konings 19/5/11 10:11
 Deleted: Proposed

Marika Konings 19/5/11 10:11
 Deleted: 21 February

			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.

2066

2067

Marika Konings 19/5/11 10:56
 Deleted: Proposed

Marika Konings 19/5/11 10:11

~~Deleted: Proposed~~

Marika Konings 19/5/11 10:11

~~Deleted: 21 February~~

2068 **ANNEX F - EPP Status Codes: What do they mean, and why should I**
2069 **know?**

2070
2071 Extensible Provisioning Protocol (EPP) domain status codes, also called domain name status codes,
2072 indicate the status of a domain name registration. Every domain has at least one status code, but they
2073 can also have more than one.

2074
2075 Is your domain name registration about to be dropped? Is it safely locked to prevent unauthorized
2076 transfers, updates or deletions? Does it have any restrictions or pending actions that you need to
2077 address? Finding and understanding your domain's EPP status codes will answer all of these questions
2078 and more.

2079
2080 It is important for registrants (that means you!) to understand EPP status codes because they can
2081 explain why your domain may have stopped working, if it is protected from domain name hijacking, and
2082 when and if your domain name registration will expire and become available to the public for
2083 registration.

2084
2085 You can find out your domain's status codes by running a Whois lookup, which you can do by visiting
2086 http://www.internic.net/whois.html or your registrar's website. Your domain's EPP status codes will be
2087 included in the search results.

2088
2089 There are two different types of EPP status codes: **client** and **server** codes. Client status codes are set by
2090 registrars. Some registrars automatically enact certain status codes when you register a domain name,
2091 while others do so when you request it. Server status codes are set by registries, and they take
2092 precedence over client codes. Both kinds of status codes appear when you run a Whois lookup for your
2093 domain.

2094

Marika Konings 19/5/11 10:56

~~Deleted: Proposed~~

2095 The following are two tables containing the 17 official EPP domain status codes. The first table lists the
 2096 server status codes; the second table lists the client status codes. These tables will explain what each
 2097 status means, why you should care what it means, and what kind of action you might want to take to
 2098 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 <code>clientTransferProhibited</code> , <code>clientDeleteProhibited</code> , and <code>clientUpdateProhibited</code> , can help to prevent unauthorized transfers, deletions, or updates to your domain.
<code>serverTransferProhibited</code>	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 <code>clientTransferProhibited</code> because your registrar has to forward your request to your domain's registry and wait for them to lift the restriction.
<code>serverRenewProhibited</code>	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

Marika Konings 19/5/11 10:11

Deleted: Proposed

Marika Konings 19/5/11 10:11

Deleted: 21 February

Marika Konings 19/5/11 11:22

Formatted: Left

Marika Konings 19/5/11 10:56

Deleted: Proposed

Marika Konings 19/5/11 10:11

Deleted: Proposed

Marika Konings 19/5/11 10:11

Deleted: 21 February

	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

Marika Konings 19/5/11 10:56

Deleted: Proposed

Marika Konings 19/5/11 10:11
 Deleted: Proposed
 Marika Konings 19/5/11 10:11
 Deleted: 21 February

	<p><u>disputes or when your domain is subject to deletion.</u></p>	<p><u>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.</u></p>
<p>serverDeleteProhibited</p>	<p><u>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.</u></p>	<p><u>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.</u></p>
<p>serverUpdateProhibited</p>	<p><u>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.</u></p>	<p><u>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.</u></p>

Marika Konings 19/5/11 10:56
 Deleted: Proposed

addPeriod	<u>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.</u>	<u>This is an informative status set for the first 5 days or your domain's registration. There is no issue with your domain name.</u>
autoRenewPeriod	<u>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.</u>	<u>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.</u>
renewPeriod	<u>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.</u>	<u>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.</u>
transferPeriod	<u>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.</u>	<u>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.</u>
redemptionPeriod	<u>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</u>	<u>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.</u>

Marika Konings 19/5/11 10:11

Deleted: Proposed

Marika Konings 19/5/11 10:11

Deleted: 21 February

Marika Konings 19/5/11 10:56

Deleted: Proposed

	<p>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.</p>	<p>Once any outstanding issues are resolved and for the appropriate fee has been paid, your registrar should restore the domain on your behalf.</p>
<p><u>pendingRestore</u></p>	<p>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.</p>	<p>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.</p>
<p><u>pendingDelete</u></p>	<p>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.</p>	<p>If you want to keep your domain name, you must immediately contact your registrar to discuss what options are available.</p>

Marika Konings 19/5/11 10:11
Deleted: Proposed

Marika Konings 19/5/11 10:11
Deleted: 21 February

Marika Konings 19/5/11 10:56
Deleted: Proposed

Marika Konings 19/5/11 10:11
Deleted: Proposed
 Marika Konings 19/5/11 10:11
Deleted: 21 February

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

Marika Konings 19/5/11 10:56
Deleted: Proposed

Marika Konings 19/5/11 10:11
Deleted: Proposed
Marika Konings 19/5/11 10:11
Deleted: 21 February

		<u>request that they remove this status code.</u>
clientUpdateProhibited	<u>This status code tells your domain's registry to reject requests to update the domain.</u>	<u>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.</u>

Marika Konings 19/5/11 10:56
Deleted: Proposed

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?

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.

Proposed

(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.

Page 49: [4] Deleted

Marika Konings

25/05/11 10:44

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?

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.

Page 51: [5] Deleted

Marika Konings

19/05/11 12:07

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.