

## Initial Report on the Transfer Policy Review Policy Development Process - Phase 1(a)

### Status of This Document

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This is the Phase 1(a) Initial Report of the GNSO Transfer Policy Review Policy Development Process Working Group that has been posted for public comment.

### Preamble

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The objective of this Initial Report is to document the working group's (i) deliberations on charter questions, (ii) preliminary recommendations, and (iii) additional identified issues to consider before the working group issues its Final Report. After the working group reviews public comments received in response to this report and completes Phase 1(b) of the PDP, the working group will submit its combined Phase 1 Final Report to the GNSO Council for its consideration.

19

## Table of Contents

20

21

22

### Table of Contents

23

#### **1 EXECUTIVE SUMMARY 3**

24

#### **2 WORKING GROUP APPROACH 7**

25

26

#### **3 WORKING GROUP RESPONSES TO CHARTER QUESTIONS AND PRELIMINARY RECOMMENDATIONS 10**

27

#### **4 NEXT STEPS 39**

28

#### **ANNEX A - BACKGROUND 40**

29

#### **ANNEX B - WORKING GROUP MEMBERSHIP AND ATTENDANCE 42**

30

#### **ANNEX C - COMMUNITY INPUT 43**

31

#### **ANNEX D - EPDP PHASE 1, RECOMMENDATION 27, WAVE 1 ANALYSIS 44**

32

33

34

## 1 Executive Summary

### 1.1 Introduction

The Transfer Policy, formerly referred to as the Inter-Registrar Transfer Policy (IRTP), is an ICANN consensus policy that went into effect on 12 November 2004. The policy governs the procedure and requirements for registrants to transfer their domain names from one Registrar to another, also referred to as an inter-Registrar transfer. The goal of the Transfer Policy was to provide for enhanced domain name portability, resulting in greater consumer and business choice and enabling registrants to select the Registrar that offers the best services and price for their needs.

The Transfer Policy has been the subject of previous policy development work, and the most recent working group that reviewed the Transfer Policy recommended a comprehensive review of the policy-based changes to assess their efficacy and impact.<sup>1</sup> In addition to the policy recommendation directing a review of the policy-based changes, sweeping and significant changes to various data privacy laws affected the then current requirements related to gTLD registration data, including portions of the Transfer Policy. Accordingly, the ICANN Board adopted the [Temporary Specification for gTLD Registration Data](#), which established temporary requirements that allowed Contracted Parties to comply with ICANN contracts and consensus policies.

In light of the policy recommendation to review the Transfer Policy and the changes to the Policy from the Temporary Specification, on 18 February 2021, the GNSO Council [initiated](#) a two-phased policy development process (PDP) to review the Transfer Policy. The PDP is tasked with addressing the following topics:

- Phase 1(a): Form of Authorization (FOA) (including EPDP Phase 1, Recommendation 27, Wave 1 FOA issues<sup>2</sup>) and AuthInfo Codes
- Phase 1(b): Change of Registrant (including EPDP Phase 1, Recommendation 27, Wave 1 Change of Registrant issues)
- Phase 2: Transfer Emergency Action Contact and reversing inter-Registrar transfers, Transfer Dispute Resolution Policy (including EPDP Phase 1,

<sup>1</sup> See [Final Report on the Inter-Registrar Transfer Policy - Part D Policy Development Process](#), Recommendation 17, pp. 6-7. For more information on the policy development history, please refer to Annex A of this report.

<sup>2</sup> For additional information about the EPDP Phase 1, Recommendation 27, Wave 1 Report, please see pages 52-56 of the [Final Issue Report](#).

68 Recommendation 27, Wave 1 TDRP issues), Denying (NACKing) transfers<sup>3</sup>,  
69 ICANN-approved transfers

70

71 The working group charter was [approved](#) by the GNSO Council on 24 March 2021. The  
72 Phase 1(a) working group held its first meeting on 14 May 2021.

73

74 For additional background on this PDP, please refer to Annex A of this report.

75

## 76 1.2 Preliminary Recommendations

77

78 In Phase 1(a) of the PDP, the working group was tasked to provide the GNSO Council  
79 with recommendations on the following topics:

80

- 81 • Losing and Gaining FOAs
- 82 • AuthInfo Codes
- 83 • Denying (NACKing) transfers
- 84 • EPDP Phase 1, Recommendation 27, Wave 1 as they relate to FOA

85

86 Following its analysis of each of the questions outlined in its charter related to this task,  
87 the working group has arrived at a set of preliminary recommendations and conclusions.

88

89 The working group will not finalize its responses to the charter questions and  
90 recommendations to the GNSO Council until it has conducted a thorough review of the  
91 comments received during the public comment period on this Initial Report and  
92 completed Phase 1(b) of its work. At this time, no formal consensus call has been taken  
93 on these responses and preliminary recommendations, but this Initial Report did receive  
94 the support of the working group for publication for public comment.

95

96 Notwithstanding the above, the working group is putting forward preliminary  
97 recommendations on the following topics for community consideration:

98

99 **Preliminary Recommendation 1:** [Gaining FOA](#)

100

101 **Preliminary Recommendation 2:** [Losing FOA](#)

102

103 **Preliminary Recommendation 3:** [Notification of TAC Provision](#)

104

---

<sup>3</sup> The topic of denying (NACKing) transfers was later moved to Phase 1(a) by [Project Change Request](#) to ensure that the working group could examine all elements of the security model for domain name transfers in a holistic manner as part of its Phase 1 deliberations.

- 105 **Preliminary Recommendation 4:** [Notification of Transfer Completion](#)
- 106
- 107 **Preliminary Recommendation 5:** [Update Term “AuthInfo Code” to “Transfer](#)
- 108 [Authorization Code \(TAC\)”](#)
- 109
- 110 **Preliminary Recommendation 6:** [TAC Definition](#)
- 111
- 112 **Preliminary Recommendation 7:** [TAC Composition](#)
- 113
- 114 **Preliminary Recommendation 8:** [Verification of TAC Composition](#)
- 115
- 116 **Preliminary Recommendation 9:** [TAC Generation, Storage, and Provision](#)
- 117
- 118 **Preliminary Recommendation 10:** [Verification of TAC Validity](#)
- 119
- 120 **Preliminary Recommendation 11:** [TAC is One-Time Use](#)
- 121
- 122 **Preliminary Recommendation 12:** [Service Level Agreement \(SLA\) for TAC Provision](#)
- 123
- 124 **Preliminary Recommendation 13:** [TAC Time to Live \(TTL\)](#)
- 125
- 126 **Preliminary Recommendation 14:** [Terminology Updates: Whois](#)
- 127
- 128 **Preliminary Recommendation 15:** [Terminology Updates: Administrative Contact and](#)
- 129 [Transfer Contact](#)
- 130
- 131 **Preliminary Recommendation 16:** [Transfer Restriction After Initial Registration](#)
- 132
- 133 **Preliminary Recommendation 17:** [Transfer Restriction After Inter-Registrar Transfer](#)
- 134
- 135 **Preliminary Recommendation 18:** [Format of Transfer Policy Section I.A.3.7](#)
- 136
- 137 **Preliminary Recommendation 19:** [Revised Reasons that a Registrar of Record MAY](#)
- 138 [Deny a Transfer](#)
- 139
- 140 **Preliminary Recommendation 20:** [New Reasons that a Registrar of Record MUST](#)
- 141 [Deny a Transfer](#)
- 142
- 143 **Preliminary Recommendation 21:** [Revised Reasons that a Registrar of Record MUST](#)
- 144 [Deny a Transfer](#)
- 145
- 146 **Preliminary Recommendation 22:** [Revised Reasons that a Registrar of Record MUST](#)
- 147 [NOT Deny a Transfer](#)
- 148

### 149 1.3 Conclusions and Next Steps

150

151 This Initial Report will be posted for public comment for xx days. The working group will  
152 review the public comments received on this Initial Report and consider whether any  
153 changes need to be made to its Phase 1(a) recommendations. The working group will  
154 complete Phase 1(b) of its work, including a Phase 1(b) Initial Report followed by a  
155 public comment period on the Phase 1(b) Initial Report. The working group will finalize  
156 all Phase 1 recommendations in a single Phase 1 Final Report to be sent to the GNSO  
157 Council.  
158

### 159 1.4 Other Relevant Sections of this Report

160

161 The following sections are included within this report:

- 162 ■ Explanation of the working group's methods and process  
163 for reaching preliminary recommendations;
- 164 ■ Responses to the charter questions, preliminary  
165 recommendations, and questions for community input;
- 166 ■ Background on the PDP and issues under consideration;
- 167 ■ Documentation of who participated in the working  
168 group's deliberations, including attendance records, and  
169 links to Statements of Interest as applicable;
- 170 ■ Documentation on the solicitation of community input  
171 through formal Supporting Organization /Advisory  
172 Committee and Stakeholder Group/Constituency  
173 channels and responses.

174

## 175 2 Working Group Approach

176  
177 This section provides an overview of the working methodology and approach of the  
178 working group. The points outlined below are meant to provide the reader with relevant  
179 background information on the working group's deliberations and processes and should  
180 not be read as representing the entirety of the efforts and deliberations of the working  
181 group.  
182

### 183 2.1 Project Plan

184  
185 The working group's first deliverable was to provide the GNSO Council with a Phase 1(a)  
186 project plan. To develop the project plan, the leadership team sought input from  
187 members about the sequence in which to address topics and the amount of time each  
188 topic would take to discuss. This input was used to develop the [project plan](#), which was  
189 delivered to the GNSO Council for its consideration during the [22 July 2021](#) Council  
190 meeting.  
191

192 As deliberations progressed, the working group agreed that it was important to examine  
193 all elements of the security model for domain name transfers in a holistic manner as  
194 part of its Phase 1 deliberations. The working group determined that the topic denying  
195 (NACKing) transfers should be addressed in Phase 1(a) rather than Phase 2 as originally  
196 included in the charter. As a result, the working group leadership team submitted a  
197 Project Change Request to the GNSO Council, which Council [adopted](#) on 16 December  
198 2021. The expanded scope did not impact its target delivery dates to which the working  
199 group committed.  
200

### 201 2.2 Early Community Input

202  
203 In accordance with GNSO policy development process requirements, the working group  
204 [sought written input](#) on the charter topics from each Supporting Organization, Advisory  
205 Committee and GNSO Stakeholder Group / Constituency. The input received was  
206 incorporated into the working group's deliberations as each topic was discussed. Since  
207 all groups that provided written input also had representative members or appointed  
208 subject matter experts in the working group, those members were well positioned to  
209 respond to clarifying questions from other members about the written input as it was  
210 considered.  
211

### 212 2.3 Methodology for Deliberations

213

214 The working group began its deliberations for Phase 1(a) on 14 May 2021. The working  
215 group agreed to continue its work primarily through conference calls scheduled weekly,  
216 in addition to email exchanges on its mailing list. The working group held sessions during  
217 [ICANN71](#), [ICANN72](#), [ICANN73](#), and [ICANN74](#). These sessions provided an opportunity for  
218 the broader community to contribute to the working group’s deliberations and provide  
219 input on the charter topics being discussed.

220  
221 All of the working group’s work is documented on its [wiki workspace](#), including its  
222 meetings, mailing list, meeting notes, deliberation summaries, draft documents,  
223 background materials, [early input](#) received from ICANN org, and input received from  
224 ICANN’s Supporting Organizations and Advisory Committees, including the GNSO’s  
225 Stakeholder Groups and Constituencies.

226  
227 To develop the content included in the Initial Report, the working group progressed  
228 through the charter questions by topic, following the sequence established in the  
229 project plan. Because the Phase 1(a) topics are closely interrelated, the working group  
230 took an iterative approach to producing and reviewing draft responses to charter  
231 questions and draft preliminary recommendations to ensure that the full package of  
232 outputs was coherent and comprehensive.

233  
234 To ensure that all groups represented in the working group had ample opportunity to  
235 provide input to the deliberations, the leadership team opened each working group  
236 meeting with an invitation for members to step forward and provide any updates about  
237 discussions happening within their Supporting Organization/Advisory  
238 Committee/Stakeholder Group/Constituency regarding the charter topics, as well as any  
239 positions or interests members wanted to share on behalf of their groups. To further  
240 support fulsome discussion, the leadership team regularly deployed informal polls in the  
241 meeting Zoom room to get a better sense of the “temperature of the room” and to  
242 prompt the sharing of perspectives and viewpoints that may not otherwise be voiced  
243 through less structured interaction.

244  
245 For those working group members who were less comfortable speaking on calls, the  
246 leadership team encouraged additional feedback on the mailing list and through written  
247 contributions to working group documents.

248

## 249 2.4 Use of Working Documents

250

251 The working group used a series of working documents, organized per charter topic, to  
252 support its deliberations. Archives of the working documents are maintained on the  
253 working group [wiki](#). When a new charter topic was introduced, the leadership team  
254 provided a working document for the topic, including (i) charter questions related to  
255 that topic and for each charter question, (ii) context from the Transfer Policy Status



256 Report, and (iii) relevant inputs received from community groups through early  
257 outreach. As the working group progressed through discussions, staff captured a  
258 summary of deliberations on the charter question and eventually populated the  
259 document with draft charter question responses and draft preliminary  
260 recommendations to support further discussion and refinement of the text.

261  
262 Working documents were updated on an ongoing basis and working group members  
263 were encouraged to provide comments and input in the working documents between  
264 calls.  
265

## 266 2.5 Data and Metrics

267  
268 The [Transfer Policy Status Report](#) produced by ICANN org in 2019 served as the working  
269 group’s primary resource for data and metrics related to inter-Registrar transfers. In the  
270 course of its deliberations, the working group identified additional data that would be  
271 valuable to support its work. The additional data provided by ICANN org’s Contractual  
272 Compliance Department in response to these requests is available on the working  
273 group’s [wiki](#).  
274

## 275 2.6 ICANN Org Interaction

276  
277 To help support a smooth transition from policy development to eventual  
278 implementation of GNSO Council adopted and ICANN Board approved  
279 recommendations, the working group has been supported by early and ongoing  
280 engagement with ICANN org subject matter experts. Liaisons from ICANN org’s Global  
281 Domains and Strategy (GDS) and Contractual Compliance departments regularly  
282 attended working group calls, providing input and responding to questions where it was  
283 possible to do so in real time. The liaisons acted as a conduit for working group  
284 questions to ICANN org that required additional research or input. The liaisons also  
285 facilitated early review of working group draft outputs by ICANN org subject matter  
286 experts.  
287

## 288 2.7 Accountability to the GNSO Council

289  
290 As is now the case with all GNSO working groups, the working group delivered monthly  
291 “project packages” to the GNSO Council to update the Council on the status of its work.  
292 An archive of these packages is available on the [wiki](#). The GNSO Council Liaison, Greg  
293 DiBiase, served as an additional point of connection between Council and the working  
294 group.

295

### 3 Working Group Responses to Charter Questions and Preliminary Recommendations

296

297

298

299 The WG was chartered to provide the GNSO Council with policy recommendations  
300 regarding the issues identified in the [Final Issue Report on a Policy Development Process  
301 to Review the Transfer Policy](#).

302

303 Following its analysis of each of the questions outlined in its Charter related to this task,  
304 the working group has arrived at a set of preliminary recommendations and conclusions.

305 Within the text of this document, the key words "MUST", "MUST NOT", "REQUIRED",  
306 "SHALL", "SHALL NOT", "SHOULD", "SHOULD NOT", "RECOMMENDED", "NOT  
307 RECOMMENDED", "MAY", and "OPTIONAL" are to be interpreted as described in [BCP  
308 148 \[RFC2119\] \[RFC8174\]](#).

309 The working group will not finalize its responses to the charter questions and  
310 recommendations to the GNSO Council until it has conducted a thorough review of the  
311 comments received during the public comment period on this Initial Report and  
312 completed Phase 1(b) of its work. At this time, no formal consensus call has been taken  
313 on these responses and preliminary recommendations, but this Initial Report did receive  
314 the support of the working group for publication for public comment.

315

316 **Where certain proposals or potential recommendations have yet to be finalized, square  
317 brackets around specific options under consideration have been used to indicate this.**

318

319 The working group believes that when it formulates its final recommendations, if  
320 approved by the GNSO Council and the ICANN Board, there will be substantial  
321 improvement to the current environment. The following sub-sections of this report are  
322 organized by topic. Within each topic, the working group provides responses to the  
323 relevant charter questions and corresponding preliminary recommendations:

324

325 ■ Section 3.1: Gaining and Losing Forms of Authorization (FOA)

326 ■ Section 3.2: Transfer Authorization Code/AuthInfo Code  
327 Management

328 ■ Section 3.3: EPDP Phase 1, Recommendation 27, Wave 1  
329 Report

330 ■ Section 3.4: Denying (NACKing) Transfers

331

### 3.1 Gaining and Losing Forms of Authorization (FOA)

For context on this topic and the associated charter questions, please see pages 7-14 of the [Final Issue Report](#).

#### 3.1.1 Charter Question a1

*Is the requirement of the Gaining FOA still needed? What evidence did the working group rely upon in making the determination that the Gaining FOA is or is not necessary to protect registrants?*

##### **Working Group Response:**

The Inter-Registrar Transfer Policy - Part D Policy Development Process Working Group (IRTP WG D), previously examined the question of “Whether the universal adoption and implementation of Extensible Provisioning Protocol (EPP) AuthInfo codes has eliminated the need of FOAs.” The IRTP WG D ultimately determined to retain the FOA until more evidence was gathered. The Transfer Policy Review Working Group was asked to revisit the same question and has determined there is now strong evidence that the Gaining FOA can be eliminated from the Transfer Policy without negatively affecting the security of inter-Registrar transfers. The working group further believes that requirements for a Gaining FOA or a similar replacement are unjustified under data protection law and no longer necessary from a practical perspective to facilitate the transfer. The working group recognizes that this is a significant departure from existing policy and has therefore provided a detailed rationale for its conclusion.

Prior to the General Data Protection Regulation (GDPR) coming into force, the Gaining Registrar was required to confirm the Registered Name Holder’s (RNH) intent to transfer by sending an email to the RNH asking for confirmation to proceed. In order for the Gaining Registrar to be able to send the Gaining FOA, it needed to obtain the RNH’s contact information from the publicly available Registration Data Directory Services (RDDS). With the introduction of the GDPR, Gaining Registrars were no longer able to obtain this information via RDDS, as personally identifiable information was largely redacted within RDDS. In recognition of this new obstacle, ICANN org deferred Contractual Compliance enforcement on Gaining FOA requirements. While still a requirement on paper, in practice the Gaining FOA does not currently exist and cannot exist.

The working group considered that it could recommend some form of replacement for the Gaining FOA to be included in future policy requirements. If it did so, there would need to be a method and a justification for the Registrar of Record to transfer the RNH’s contact information to the Gaining Registrar.

374

375 The working group considered that it is likely possible from a technical perspective to  
376 facilitate the transfer of the RNH's contact information from the Registrar of Record to  
377 the Gaining Registrar for the purposes of confirming the RNH's intent to transfer.  
378 However, the working group did not pursue specific methods for doing so because it did  
379 not believe this transfer is feasible from a legal perspective.

380

381 In its deliberations on applicable law, the working group considered the principles of  
382 data minimization and privacy by design. Under these principles, in order to justify the  
383 transfer of personally identifiable information (PII) from the Registrar of Record to the  
384 Gaining Registrar and the subsequent processing of this data (in order to send the  
385 Gaining FOA) by the Gaining Registrar, one would have to demonstrate that this transfer  
386 and processing of PII is necessary to facilitate the transfer. The working group noted  
387 that the transfer process has functioned without the Gaining FOA since the GDPR went  
388 into force, and the working group has not encountered any evidence that there has  
389 been an increase in unauthorized transfers since the Gaining FOA was functionally  
390 eliminated. It has not found any other indications that the transfer process is  
391 malfunctioning without the Gaining FOA requirement. Therefore, the working group  
392 sees no evidence that the Gaining FOA is needed for the purpose of facilitating the  
393 transfer or protecting the RNH from unauthorized transfers.

394

395 The working group looked at the value that the Gaining FOA provided to ensure that  
396 equivalent value is covered by elements of the process going forward.

397

398 The working group noted that when the Gaining FOA requirements were in place, the  
399 transfer could only proceed once the RNH had responded to the Gaining FOA. This  
400 meant that the RNH always actively confirmed the intent to transfer before the transfer  
401 took place. The Gaining FOA therefore served a notification function and also a  
402 confirmation function. To the extent that the party obtaining the Transfer Authorization  
403 Code (TAC) and requesting the transfer was an individual other than the RNH, the RNH  
404 had the opportunity to confirm that they were aware of the request and wanted it to  
405 proceed.

406

407 The working group believes that the new notifications detailed in Preliminary  
408 Recommendations 3-4 ensure that the RNH receives the necessary information with  
409 respect to an inter-Registrar transfer. These notifications provide instructions on what  
410 to do if the RNH wants to either stop or reverse the process because the action on the  
411 account is unauthorized or unintended. With respect to the confirmation function that  
412 the Gaining FOA served, the working group believes that this is duplicative and  
413 therefore unnecessary. The provision of the TAC is sufficient confirmation that the RNH  
414 intends to transfer the domain, and therefore the Gaining Registrar does not need to  
415 request this confirmation via another means.

416

417 The working group recalled that the Gaining FOA pre-dated the TAC, and that prior to  
418 the introduction of the TAC, the Gaining FOA was an essential element for facilitating  
419 the transfer and also provided a function that was important to prevent the  
420 unauthorized transfer of domains. With the introduction of the TAC, an additional layer  
421 of security was added to the process, and the Gaining FOA became less essential. The  
422 working group further noted that it has recommended a series of measures to increase  
423 the security of the TAC and reduce the risk that the TAC is obtained by an unauthorized  
424 person, as detailed in Preliminary Recommendations 7-13. With added security  
425 measures, the TAC becomes a stronger means to demonstrate that the TAC holder is an  
426 appropriate party to request the transfer, which makes the authorization element of the  
427 Gaining FOA unnecessary.

428  
429 The working group noted that while it was in use, the Gaining FOA provided a record to  
430 assist ICANN's Contractual Compliance department in investigating complaints,  
431 especially those related to unauthorized transfers. It also supported the resolution of  
432 disputes. The working group noted that new notifications detailed in Preliminary  
433 Recommendations 3-4 will provide the necessary paper trail for this purpose.

#### 434 **Preliminary Recommendations:**

435  
436  
437 **Preliminary Recommendation 1:** The working group recommends eliminating from the  
438 Transfer Policy the requirement that the Gaining Registrar send a Gaining Form of  
439 Authorization. This requirement is detailed in section 1.A.2 of the Transfer Policy.

440

### 441 **3.1.2 Charter Question a2**

442

443 *If the working group determines the Gaining FOA should still be a requirement, are any*  
444 *updates (apart from the text, which will likely need to be updated due to the gTLD*  
445 *Registration Data Policy) needed for the process? For example, should additional security*  
446 *requirements be added to the Gaining FOA (two-factor authentication)?*

447

#### 448 **Working Group Response:**

449

450 As described in the above response to charter questions a1, the working group has  
451 determined that the Gaining FOA should no longer be a requirement.

452

### 453 **3.1.3 Charter Question a3**

454

455 *The language from the Temporary Specification provides, "[u]ntil such time when the*  
456 *RDAP service (or other secure methods for transferring data) is required by ICANN to be*  
457 *offered, if the Gaining Registrar is unable to gain access to then-current Registration*  
458 *Data for a domain name subject of a transfer, the related requirements in the Transfer*

459 *Policy will be superseded by the below provisions...". What secure methods (if any)*  
460 *currently exist to allow for the secure transmission of then-current Registration Data for*  
461 *a domain name subject to an inter-Registrar transfer request?*

462

463 **Working Group Response:**

464

465 As noted in the response to charter question a1, the working group considered that it is  
466 likely possible from a technical perspective to facilitate the transfer of the RNH's contact  
467 information from the Registrar of Record to the Gaining Registrar for the purposes of  
468 confirming the RNH's intent to transfer. However, the working group did not pursue  
469 specific methods for doing so because it did not believe this transfer is feasible from a  
470 legal perspective.

471

### 472 3.1.4 Charter Question a4

473

474 *If the working group determines the Gaining FOA is no longer needed, does the AuthInfo*  
475 *Code provide sufficient security? The Transfer Policy does not currently require specific*  
476 *security requirements around the AuthInfo Code. Should there be additional security*  
477 *requirements added to AuthInfo Codes, e.g., required syntax (length, characters), two-*  
478 *factor authentication, issuing restrictions, etc.?*

479

480 **Working Group Response:**

481

482 The working group has presented a series of enhancements to the security of the  
483 Transfer Authorization Code (TAC), formerly known as AuthInfo Code, in Preliminary  
484 Recommendations 7-13. The working group believes that the TAC will provide sufficient  
485 security with these improvements in place.

486

### 487 3.1.5 Charter Question a5

488

489 *If the working group determines the Gaining FOA is no longer needed, does the*  
490 *transmission of the AuthInfo Code provide a sufficient "paper trail" for auditing and*  
491 *compliance purposes?*

492

493 **Working Group Response:**

494

495 It is the working group's view that a sufficient "paper trail" will be provided by records  
496 associated with provision of the TAC and notifications to the RNH outlined in Preliminary  
497 Recommendations 3-4.

498

### 499 3.1.6 Charter Question a6

500

501 *Survey respondents noted that mandatory domain name locking is an additional security*  
502 *enhancement to prevent domain name hijacking and improper domain name transfers.*

503 *The Transfer Policy does not currently require mandatory domain name locking; it allows*

504 *a Registrar to NACK an inter-Registrar transfer if the inter-Registrar transfer was*

505 *requested within 60 days of the domain name's creation date as shown in the Registry*

506 *RDDS record for the domain name or if the domain name is within 60 days after being*

507 *transferred. Is mandatory domain name locking an additional requirement the working*

508 *group believes should be added to the Transfer Policy?*

509

#### 510 **Working Group Response:**

511

512 The working group understands that this charter question refers to a lock that some  
513 Registrars apply by default to protect their customers from accidental or malicious inter-

514 Registrar transfers. Registrants may, however, request lock removal, and Registrars

515 must remove the lock within five days per requirements of the Transfer Policy.<sup>4</sup> Charter

516 question a6 asks whether this lock, which some Registrars choose to apply today, should

517 become a policy requirement for ALL Registrars. For the avoidance of doubt, the lock

518 addressed in this charter question is distinct from potential requirements for a Registrar

519 to restrict the RNH from transferring a domain name to a new Registrar within 30 days

520 of the initial registration date and within 30 days of the completion of an inter-Registrar

521 transfer. Unlike Preliminary Recommendations 21-22 regarding inter-Registrar transfer

522 restrictions, the lock discussed in this charter question is a default lock that is generally

523 removable upon the request of the registrant,<sup>5</sup> while the restrictions discussed in

524 Preliminary Recommendations 21-22 are triggered by a specific event and are not

525 removable upon the request of the registrant.

526

527 The working group does not believe that mandatory domain name locking as presented

528 above should be added to the Transfer Policy. It is the working group's view that

529 Registrars are in the best position to determine whether locking a domain by default

530 upon registration is appropriate for their customers in combination with other security

531 features implemented by the Registrar. The working group notes that there will be

532 greater security related to inter-Registrar transfers following the implementation of

533 Preliminary Recommendations 7-13 for enhanced security of the TAC. The working

534 group expects that Registrars will continue to use their own discretion to implement any

535 additional measures that may be appropriate for their business model and customer

536 base.

---

<sup>4</sup> Please note there are some instances, which are specifically spelled out in the Transfer Policy, where a Registrar may not unlock a domain name, even if requested by the Registered Name Holder, e.g., the domain name is subject to a UDRP proceeding or locked pursuant to a court order.

<sup>5</sup> Ibid.

537

538 **3.1.7 Charter Question a7**

539

540 *Is the Losing FOA still required? If yes, are any updates necessary?*

541

542 **Working Group Response:**

543

544 The working group acknowledged that the Losing FOA serves a number of important  
545 functions:

546

- 547 • The Losing FOA notifies the RNH that a transfer has been requested.
- 548 • In cases where the party requesting the TAC is different from the RNH receiving  
549 the Losing FOA, the Losing FOA provides an extra layer of security in the form of  
550 a “second factor” to ensure that the RNH is aware that the transfer is taking  
551 place.
- 552 • The Losing FOA provides a paper trail to assist ICANN’s Contractual Compliance  
553 department in investigating complaints, especially those related to unauthorized  
554 transfers. It also supports the resolution of disputes. Following the deferral of  
555 Contractual Compliance enforcement of Gaining FOA requirements, the Losing  
556 FOA has taken on particular importance for complaint investigation.

557

558 The working group agreed that the transfer process must have appropriate security  
559 measures in place and that the RNH must continue to be notified when an inter-  
560 Registrar transfer is expected to take place. Furthermore, the working group agreed that  
561 there must be a record of events that is sufficient to facilitate ICANN Contractual  
562 Compliance’s investigation of transfer-related complaints and support the resolution of  
563 disputes.

564

565 With respect to security, the working group noted that new laws have come into force  
566 since the Losing FOA was instituted that provide additional protections to the RNH with  
567 respect to personal data protection. The working group further concluded that if the  
568 TAC is managed in a more secure manner following Preliminary Recommendations 7-13,  
569 the risk of unauthorized transfer should be reduced.

570

571 The working group agreed that the transfer process should be simple, quick, and  
572 efficient. Members noted that the Losing FOA process can delay the transfer up to 5  
573 days, which may inconvenience registrants. Therefore, it is desirable to pursue  
574 alternatives to the Losing FOA that allow for transfers to take place instantly.

575

576 Taking into account these considerations, the working group determined that the Losing  
577 FOA requirement should be eliminated and replaced with new requirements. These new  
578 requirements allow the transfer to occur in nearly real time while ensuring that: 1. The



579 RNH is informed of an inter-Registrar transfer and 2. A sufficient record of the process is  
580 maintained to support investigation of complaints and resolution of disputes.

581

582 **Preliminary Recommendations:**

583

584 **Preliminary Recommendation 2:** The working group recommends eliminating from the  
585 Transfer Policy the requirement that the Registrar of Record send a Losing Form of  
586 Authorization.<sup>6</sup> This requirement is detailed in section I.A.3 of the Transfer Policy.

587

588 **Preliminary Recommendation 3:** The working group recommends that the Registrar of  
589 Record MUST send a "Notification of TAC Provision"<sup>7</sup> to the RNH, as listed in the  
590 Registration Data at the time of the TAC request, without undue delay but no later than  
591 10 minutes after the Registrar of Record provides the TAC.<sup>8</sup>

592

593 **3.1:** This notification MUST be written in the language of the registration  
594 agreement and MAY also be provided in English or other languages.

595

596 **3.2:** The following elements MUST be included in the "Notification of TAC  
597 Provision":

598

- Domain name(s)
- Date and time that the TAC was provided and information about when  
600 the TAC will expire
- Instructions detailing how the RNH can take action if the request is invalid  
602 (how to invalidate the TAC)
- If the TAC has not been provided via another method of communication,  
604 this communication will include the TAC

605

606 **Preliminary Recommendation 4:** The working group recommends that the Losing  
607 Registrar<sup>9</sup> MUST send a "Notification of Transfer Completion"<sup>10</sup> to the RNH, as listed in  
608 the Registration Data at the time of the transfer request, without undue delay but no  
609 later than 24 hours after the transfer is completed.

---

<sup>6</sup> The working group notes that, in place of the Losing FOA, notifications are sent to the RNH in relation to an inter-Registrar transfer, as detailed in Preliminary Recommendations 3-4.

<sup>7</sup> The working group recognizes that this notification MAY be sent via email, SMS, or other secure messaging system. These examples are not intended to be limiting, and it is understood that additional methods of notification MAY be created that were not originally anticipated by the working group.

<sup>8</sup> The working group recognizes that from a security perspective, it is best for the "Notification of TAC Provision" to be delivered by a method of communication that is different from the method used to deliver the TAC. If this is not possible, and the same method of communication is used, the Registrar of Record MAY choose to send the "Notification of TAC Provision" and the TAC together in a single communication.

<sup>9</sup> This is the Registrar of Record at the time of the transfer request.

<sup>10</sup> The footnote on Preliminary Recommendation 3 regarding the method by which notifications are sent equally applies to the "Notification of Transfer Completion."

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**4.1:** This notification MUST be written in the language of the registration agreement and MAY also be provided in English or other languages.

**4.2:** To the extent that multiple domains have been transferred to the same Gaining Registrar or to multiple Gaining Registrars at the same time, and the RNH listed in the Registration Data at the time of the transfer is the same for all domains, the Registrar of Record MAY consolidate the “Notifications of Transfer Completion” into a single notification.

**4.3:** The following elements MUST be included in the “Notification of Transfer Completion”:

- Domain name(s).
- Text stating that the domain was transferred
- Date and time that the transfer was completed
- Instructions detailing how the RNH can take action if the transfer was invalid (how to initiate a reversal)

**Commented [A1]:** Add question for community input about whether IANA ID(s) of Gaining Registrar(s) and link to ICANN-maintained webpage listing accredited registrars and corresponding IANA IDs should be included in this notification.

**Deleted:** , [IANA ID(s) of Gaining Registrar(s) and link to ICANN-maintained webpage listing accredited Registrars and corresponding IANA IDs.<sup>12</sup> If available, the name of the Gaining Registrar(s) MAY also be included.]

### 3.1.8 Charter Question a8

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*Does the Contracted Parties House (CPH) Proposed Tech Ops Process represent a logical starting point for the future working group or policy body to start with? If so, does it provide sufficient security for registered name holders? If not, what updates should be considered?*

#### **Working Group Response:**

The CPH Tech Ops Group, “agreed that the requirement to notify the Registrant about a transfer request should be mandatory. As general business practices of Registrars and individual transfer scenarios vary, the group concluded that such notification does not have to be an email, but rather may incorporate other means of more modern communication.”<sup>12</sup>

The working group agreed with Tech Ops that it is important to notify the RNH when a transfer is expected to take place and has recently taken place. The working group further supported the idea that given variations in Registrar business models and individual transfer scenarios, different secure means of communication may be appropriate for the provision of notifications.

<sup>12</sup> Full text of the CPH Tech Ops proposal can be found in Annex B of the [TPR Final Issue Report](#).

### 654 3.1.9 Charter Question a9

655

656 *Are there additional inter-Registrar transfer process proposals that should be considered*  
657 *in lieu of or in addition to the CPH TechOps Proposal? For example, should affirmative*  
658 *consent to the Losing FOA be considered as a measure of additional protection?*

659

#### 660 **Working Group Response:**

661

662 The working group did not identify any additional proposals to pursue in this regard.

663

## 664 3.2 Transfer Authorization Code/AuthInfo Code Management

665

666 For context on this topic and the associated charter questions, please see pages 15-19  
667 of the [Final Issue Report](#).

668

### 669 3.2.1 Charter Question b1

670

671 *Is AuthInfo Code still a secure method for inter-Registrar transfers? What evidence was*  
672 *used by the working group to make this determination?*

673

#### 674 **Working Group Response:**

675

676 The working group agreed that it should first establish clarity around the function and  
677 definition of the AuthInfo Code and ensure that terminology is clear before addressing  
678 specific security requirements. The working group used the following text on [ICANN.org](#)  
679 as a starting point for discussion on the definition of the Transfer Authorization Code  
680 (TAC): “An Auth-Code (also called an Authorization Code, Auth-Info Code, or transfer  
681 code) is a code created by a Registrar to help identify the Registered Name Holder of a  
682 domain name in a generic top-level domain (gTLD). An Auth-Code is required for a  
683 Registered Name Holder to transfer a domain name from one Registrar to another.” The  
684 working group agreed that the term “identify” is inappropriate in this context, because  
685 the code does not verify identity in practice. Instead, the TAC is used to verify that the  
686 Registered Name Holder (RNH) requesting the transfer is the same RNH who holds the  
687 domain.

688

689 The working group considered that a number of different terms currently apply to the  
690 same concept, including AuthInfo Code, Auth-Info Code, Auth-Code, Authorization  
691 Code, and transfer code. None of these terms clearly describe the function of the code.  
692 The working group believes that it is clearer for all parties, and particularly the RNH, if a  
693 single term is used universally. The working group believes that “Transfer Authorization

694 Code” (TAC) provides a straightforward description of the code’s function, and therefore  
695 should serve as the standard term in place of the alternatives.

696  
697 Regarding the security of the TAC, the working group agreed that metrics could support  
698 deliberations on charter question b1. In particular, working group members were  
699 interested to see if there has been a change in the number of unauthorized transfers  
700 following adoption of the Temporary Specification for gTLD Registration Data. ICANN’s  
701 Contractual Compliance Department provided the working group with updated metrics  
702 regarding complaints received, which covered the periods both before and after the  
703 Temporary Specification went into effect.<sup>13</sup> Contractual Compliance subsequently  
704 shared additional metrics that included the “closure codes” associated with complaints  
705 about unauthorized transfers.<sup>14</sup> While the working group agreed that it is difficult to  
706 draw conclusions from the data, the working group noted that there was no notable  
707 increase in complaints following the date that the Temporary Specification went into  
708 effect.

709  
710 The working group considered that in addition to examining metrics regarding past  
711 performance, it is important to consider future-state objectives for the TAC. The  
712 working group agreed that from this perspective, additional security features are  
713 appropriate to protect the RNH, particularly in light of working group preliminary  
714 recommendations to replace requirements for the Gaining and Losing FOA with  
715 notifications to the RNH. In considering potential security enhancements, the working  
716 group considered the benefits of requiring these measures, while also taking into  
717 account usability considerations and operational impacts on contracted parties in  
718 implementing new requirements.

719  
720 **Preliminary Recommendations:**

721  
722 **Preliminary Recommendation 5:** The working group recommends that the Transfer  
723 Policy and all related policies MUST use the term “Transfer Authorization Code (TAC)” in  
724 place of the currently-used term “AuthInfo Code” and related terms. This  
725 recommendation is for an update to terminology only and does not imply any other  
726 changes to the substance of the policies.  
727

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<sup>13</sup>Available at:

[https://community.icann.org/download/attachments/181307054/Compliance\\_Transfer%20Data\\_presented%2029%20June%202021.xlsx?version=1&modificationDate=1638449700087&api=v2](https://community.icann.org/download/attachments/181307054/Compliance_Transfer%20Data_presented%2029%20June%202021.xlsx?version=1&modificationDate=1638449700087&api=v2)

<sup>14</sup>Available at:

[https://community.icann.org/download/attachments/181307054/Compliance\\_Unauthorized%20Transfer%20Data%20Aug%202020-Sept%202021\\_presented%209%20November%202021.xlsx?version=1&modificationDate=1638449975000&api=v2](https://community.icann.org/download/attachments/181307054/Compliance_Unauthorized%20Transfer%20Data%20Aug%202020-Sept%202021_presented%209%20November%202021.xlsx?version=1&modificationDate=1638449975000&api=v2)

728 **Preliminary Recommendation 6:** The working group recommends that the Transfer  
729 Authorization Code MUST be defined as follows: “A Transfer Authorization Code (TAC) is  
730 a token created by the Registrar of Record and provided upon request to the RNH or  
731 their designated representative.<sup>15</sup> The TAC is required for a domain name to be  
732 transferred from one Registrar to another Registrar and when presented authorizes the  
733 transfer.”<sup>16</sup> Relevant policy language MUST be updated to be consistent with this  
734 definition.

735  
736 **Preliminary Recommendation 7:** ~~The working group recommends that ICANN.org  
737 establish minimum requirements for the composition of the TAC (for example, minimum  
738 length, syntax, or entropy value) based on current applicable technical security  
739 standards. ICANN.org MAY change these requirements in response to new or updated  
740 standards, but any changes to the requirements MUST go in effect with sufficient  
741 notification and time for contracted parties to implement the necessary updates.] OR  
742 [The Working Group recommends that Registrars and Registry Operators follow best  
743 practices for the composition of the TAC (for example, minimum length, syntax, or  
744 entropy value) based on current applicable technical security standards such as RFC9154  
745 or subsequent or similar RFCs. These best practices may be updated in response to new  
746 or updated standards as appropriate.]~~

Commented [A2]: Add question for community input.

747  
748 ~~The working group recommends that the minimum requirements for the composition of  
749 a TAC MUST be as specified in RFC 9154 (and its update and replacement RFCs). In  
750 addition, where random values are required by RFC 9154, such values MUST be created  
751 according to BCP 106.<sup>17</sup>~~

752  
753  
754 **Preliminary Recommendation 8:** The working group recommends that the Registry  
755 verifies at the time that the TAC is stored in the Registry system that the TAC meets the  
756 requirements specified in Preliminary Recommendation 7.  
757

### 758 3.2.2 Charter Question b2

759

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<sup>15</sup> "Designated representative" means an individual or entity that the Registered Name Holder explicitly authorizes to obtain the TAC on their behalf.

<sup>16</sup> Note: This definition draws on elements included in Preliminary Recommendation 9.

<sup>17</sup> BCP 106 is a Best Current Practice and is an idempotent reference to the most recent version of the specification entitled “Randomness Requirements for Security”, currently RFC 4086, which is how it is referenced in RFC 9154. [For clarity, idempotent means the BCP 106 URL reference is static, and will automatically point to the updated RFC, without the need for action by the Contracted Party.]

760 *The Registrar is currently the authoritative holder of the AuthInfo Code. Should this be*  
761 *maintained, or should the Registry be the authoritative AuthInfo Code holder? Why?*

762

763 **Working Group Response:**

764

765 In considering this charter question, the working group focused on evaluating and  
766 defining specific roles and responsibilities of Registries and Registrars in the transfer  
767 process, noting that each party has an important role to play in the transfer process.  
768 While some working group members expressed the view that Registry management of  
769 the TAC would be more uniform, standardized, and transparent, others noted that  
770 standards will be set through policy and enforced by ICANN Contractual Compliance  
771 regardless of whether the authoritative holder is the Registry or Registrar; therefore, it  
772 is not clear why it would be better to have the Registry be the authoritative holder.  
773

774 The working group ultimately did not identify a compelling reason to shift ownership of  
775 the TAC to the Registry and therefore determined that the Registrar should continue to  
776 generate the TAC, set the TAC in the Registry platform, and provide the TAC to the RNH  
777 or their designated representative. The working group further agreed that the Registry  
778 should continue to verify the validity of the TAC. The working group provided  
779 preliminary recommendations to improve security practices with respect to the TAC to  
780 be implemented at the Registry.

781

782 **Preliminary Recommendations:**

783

784 **Preliminary Recommendation 9:** The working group recommends that:

785

786 **9.1:** The TAC MUST be only generated by the Registrar of Record upon request  
787 by the RNH or their designated representative.

788

789 **9.2:** When the Registrar of Record sets the TAC at the Registry, the Registry  
790 MUST store the TAC securely, at least according to the minimum standard set  
791 forth in RFC 9154.<sup>18</sup>

792

793 **9.3:** When the Registrar of Record provides the TAC to the RNH or their  
794 designated representative, the Registrar of Record MUST also provide  
795 information about when the TAC will expire.  
796

Deleted: securely store the TAC securely, at least according to the minimum standard set forth in RFC 9154.<sup>19</sup>

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<sup>18</sup> Draft implementation guidance for Recommendation 9.2: RFC 9154 recommends using a strong one-way cryptographic hash with at least a 256-bit hash function, such as SHA-256 [FIPS-180-4], and with a per-authorization information random salt with at least 128 bits. [FIPS-180-4] National Institute of Standards and Technology, U.S. Department of Commerce, "Secure Hash Standard, NIST Federal Information Processing Standards (FIPS) Publication 180-4", DOI10.6028/NIST.FIPS.180-4, August 2015, <<https://csrc.nist.gov/publications/detail/fips/180/4/final>>.

800 **Preliminary Recommendation 10:** The working group confirms the following provision  
801 of Appendix G: Supplemental Procedures to the Transfer Policy contained in the  
802 Temporary Specification for gTLD Registration Data: "4. Registry Operator MUST verify  
803 that the "AuthInfo" code provided by the Gaining Registrar is valid in order to accept an  
804 inter-registrar transfer request," with terminology updates in accordance with other  
805 relevant recommendations.

806  
807 **Preliminary Recommendation 11:** The working group recommends that the TAC as  
808 created by the Registrar of Record according to Preliminary Recommendation 7,  
809 MUST be "one-time use." In other words, it MUST be used no more than once per  
810 domain name. The Registry Operator MUST clear the TAC as part of completing the  
811 successful transfer request.  
812

### 813 3.2.3 Charter Question b3

814  
815 *The Transfer Policy currently requires Registrars to provide the AuthInfo Code to the*  
816 *registrant within five [calendar] days of a request. Is this an appropriate Service Level*  
817 *Agreement (SLA) for the Registrar's provision of the AuthInfo Code, or does it need to be*  
818 *updated?*  
819

#### 820 **Working Group Response:**

821  
822 The working group agreed that the Transfer Policy should continue to require Registrars  
823 to provide the TAC to the RNH or their designated representative within a specified  
824 period of time following a request. While some working group members felt that the  
825 standard time frame for provision of the TAC should be shorter than five calendar days,  
826 working group members noted that exceptions may be necessary to accommodate  
827 specific circumstances. The working group did not identify a compelling reason to  
828 change the five-day response timeframe but believes that it is appropriate to update the  
829 policy language to highlight that five calendar days is the maximum and not the  
830 standard period in which the TAC is to be provided.

831  
832 **Preliminary Recommendations:**  
833

834 **Preliminary Recommendation 12:** The working group confirms that the Transfer Policy  
835 MUST continue to require Registrars to set the TAC at the Registry and provide the TAC  
836 to the RNH or their designated representative within five calendar days of a request,  
837 although the working group recommends that the policy state the requirement as 120  
838 hours rather than 5 calendar days to reduce any risk of confusion. The working group  
839 further recommends that the policy MUST make clear that 120 hours is the maximum  
840 and not the standard period in which the TAC is to be provided.  
841

### 842 3.2.4 Charter Question b4

843

844 *The Transfer Policy does not currently require a standard Time to Live (TTL) for the*  
845 *AuthInfo Code. Should there be a standard Time to Live (TTL) for the AuthInfo Code? In*  
846 *other words, should the AuthInfo Code expire after a certain amount of time (hours,*  
847 *calendar days, etc.)?*

848

#### 849 Working Group Response:

850

851 The working group clarified its understanding that the Time to Live (TTL) is the period of  
852 time that the TAC is valid once the TAC has been created. The working group noted that  
853 there are no existing policy requirements regarding TTL. The working group believes  
854 that it is good security practice to have a standard TTL for the TAC, because old, unused  
855 TACs are vulnerable to exploitation.

856

#### 857 Preliminary Recommendations:

858

#### 859 Preliminary Recommendation 13:

860

861 The working group recommends that:

862

863 **13.1:** A standard Time to Live (TTL) for the TAC MUST be 14 calendar days from  
864 the time it is set at the Registry, enforced by the Registries.

865

866 **13.2:** The Registrar of Record MAY set the TAC to null:

867

- 867 • ~~At any time in response to a request from the RNH.~~
- 868 • After a period of less than 14 days by agreement by the Registrar of  
869 Record and the RNH.

870

### 871 3.2.5 Charter Question b5

872

873 *Should the ability for registrants to request AuthInfo Codes in bulk be streamlined and*  
874 *codified? If so, should additional security measures be considered?*

875

#### 876 Working Group Response:

877

878 As a general rule, the working group believes that one randomly generated TAC should  
879 be provided per domain name, because this is a good security practice (see Preliminary  
880 Recommendation 7). The Working Group recognizes that for cases where multiple  
881 domains are being transferred, it would be more convenient to have a streamlined  
882 approach for requesting and using TACs. Some working group members suggested a  
883 carveout to the standard TAC requirements that would allow use of the same TAC for  
884 multiple domains if specific additional requirements were met to ensure security of the



885 transaction. At the time of publication of the Initial Report, the working group did not  
886 agree on specific conditions under which this should be possible. Therefore, the working  
887 group is not making any recommendations with respect to exceptions for multi-domain  
888 transfers.  
889

### 890 3.2.6 Charter Question b6

891  
892 *Does the CPH TechOps research provide a logical starting point for future policy work on*  
893 *AuthInfo Codes, or should other options be considered?*  
894

#### 895 **Working Group Response:**

896  
897 The working group carefully reviewed the TechOps proposal<sup>20</sup> and considered input  
898 from those involved in development of the proposal. The working group appreciated the  
899 expertise and relevant experience of those who developed the proposal and therefore  
900 considered it a logical starting point for discussion. The working group agreed, however,  
901 that it is important to consider (i) the range of views and interests that may not have  
902 been represented in the development of the proposal, and (ii) any new information or  
903 interests that have come to light since the development of the proposal. Therefore, in  
904 developing its preliminary recommendations, the working group deliberated on each of  
905 the charter questions taking into account both the relevant elements of the TechOps  
906 paper as well as all other available information and inputs.  
907

### 908 3.2.7 Charter Question b7

909  
910 *Should required differentiated control panel access also be considered, i.e., the*  
911 *registered name holder is given greater access (including access to the auth code), and*  
912 *additional users, such as web developers would be given lower grade access in order to*  
913 *prevent domain name hijacking?*  
914

#### 915 **Working Group Response:**

916  
917 The working group does not believe that there should be any new policy requirements  
918 in this regard.  
919

## 920 3.3 EPDP Phase 1, Recommendation 27, Wave 1 Report

921

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<sup>20</sup> Available in Annex B of the TPR [Final Issue Report](#).

922 For context on this topic and the associated charter questions, please see pages 52-56  
923 of the [Final Issue Report](#).  
924

### 925 3.3.1 Charter Question c1

926  
927 *How should the identified issues be addressed?*  
928

#### 929 **Working Group Response:**

930  
931 The working group reviewed the Transfer Policy-related issues from Section 3.11 of the  
932 Wave 1 Report and noted seven (7) of the ten (10) “key issues” were relevant to the  
933 current phase (Phase 1(a)) of its work.<sup>21</sup> The working group reviewed and discussed  
934 these seven issues and has provided a response to each issue. The detailed responses  
935 can be found in **Annex D** of this report.  
936

#### 937 **Preliminary Recommendations:**

938  
939 **Preliminary Recommendation 14:** The working group recommends the following  
940 specific terminology updates to the Transfer Policy:

- 941 (i) The term "Whois data" SHALL have the same meaning as "Registration Data".  
942 (ii) The term "Whois details" SHALL have the same meaning as "Registration Data".  
943 (iii) The term "Publicly accessible Whois" SHALL have the same meaning as "RDDS".  
944 (iv) The term "Whois" SHALL have the same meaning as "RDDS".

945 For the avoidance of doubt, the terms referenced in above in Recommendation 14 (i) -  
946 (iv) are intended to correspond to the definitions in the Registrar Accreditation  
947 Agreement (“RAA”). In the event of any inconsistency, the RAA definitions, if updated,  
948 will supersede. The working group also recommends that the outdated terms should be  
949 replaced with the updated terms, e.g., all references to “Whois Data” should be  
950 replaced with the term “Registration Data,” etc.

951  
952 **Rationale:** This recommendation is consistent with the EPDP Team’s Phase 1  
953 Recommendation 24.  
954

---

<sup>21</sup> Key Issues 4, 6, and 7 related to Change of Registrant, and, accordingly, the working group agreed to discuss these issues during Phase 1(b) of its work.

955 **Preliminary Recommendation 15:** The working group recommends removing any  
956 reference to an “Administrative Contact” or “Transfer Contact” in the Transfer Policy  
957 and replacing it with “Registered Name Holder” unless specifically indicated.  
958

959 **Rationale:** Under the Registration Data Policy, Administrative Contact data is no  
960 longer collected by the Registrar. Accordingly, the Registered Name Holder would  
961 be the only authorized transfer contact.  
962

### 963 3.3.2 Charter Question c2

964  
965 *Can the FOA-related Transfer Policy issues (identified in paragraphs 5 and 9 of Wave 1*  
966 *Report), as well as the proposed updates to the Gaining and Losing FOAs, be discussed*  
967 *and reviewed during the review of FOAs?*  
968

#### 969 **Working Group Response:**

970  
971 As noted above, the working group reviewed the seven key issues from Section 3.11 of  
972 the Wave 1 Report that are directly related to Phase 1(a) of its work, including the issues  
973 related to the Gaining and Losing FOAs. The working group determined these specific  
974 issues are in scope for it to address during Phase 1(a) and discussed and reviewed these  
975 issues during its plenary meetings. For the detailed responses on the key issues, please  
976 refer to **Annex D** of this report.  
977

978 The working group noted many key issues alluded to terminology inconsistencies, which  
979 are the direct result of the EPDP Phase 1 recommendations. For example, EPDP Phase 1,  
980 Recommendation #5 provides an updated list of data elements to be collected by  
981 Registrars. Notably, the administrative contact field, which was a required data field  
982 under the 2013 RAA, is no longer a required data element for Registrar collection and  
983 subsequent processing. Because the administrative contact field is referenced many  
984 times within the Transfer Policy, the working group noted those references should be  
985 removed.<sup>22</sup> Similarly, the working group observed that the multiple references to  
986 “Whois” need to be updated.  
987

### 988 3.4 Denying (NACKing) Transfers

989  
990 The topic of denying (NACKing) transfers was originally planned for Phase 2 of the PDP.  
991 It was later moved to Phase 1(a) by [Project Change Request](#) to ensure that the working

---

<sup>22</sup> Additional context from the working group’s discussion can be found in **Annex D** of this report.

992 group could examine all elements of the security model for domain name transfers in a  
993 holistic manner as part of its Phase 1 deliberations.

994

995 For context on this topic and the associated charter questions, please see pages 43-48  
996 of the [Final Issue Report](#).

997

### 998 3.4.1 Charter Question h1

999

1000 *Are the current reasons for denying or NACKing a transfer sufficiently clear? Should*  
1001 *additional reasons be considered? For instance, ICANN Contractual Compliance has*  
1002 *observed difficulties from Registrars tying transfer denials involving domain names*  
1003 *suspended for abusive activities to the denial instances contemplated by the Transfer*  
1004 *Policy; or should any reasons be removed?*

1005

#### 1006 **Working Group Response:**

1007

1008 The working group conducted a thorough review of the reasons for denying or NACKing  
1009 a transfer and has provided a series of preliminary recommendations detailed below.  
1010 Please see the rationale for each proposed change for additional information about why  
1011 these updates are being recommended.

1012

1013 While discussing sections I.A.3.7 through I.A.3.9 of the Transfer Policy, the working  
1014 group spent a significant amount of time considering I.A.3.7.5 and I.A.3.7.6 and the fact  
1015 that in some cases, a domain is locked against inter-Registrar transfer for 60 days  
1016 following the registration of the domain name or the transfer of the domain name to a  
1017 new Registrar. Requirements regarding post-registration and post-transfer locks appear  
1018 in some Registry Agreements and are reflected in corresponding Registry-Registrar  
1019 Agreements. This practice is neither required nor prohibited in the Transfer Policy and is  
1020 applied inconsistently across the industry.

1021

1022 The working group considered that this inconsistent practice may cause confusion  
1023 among registrants and may lead to poor registrant experience. The working group  
1024 supported establishing a standard set of requirements that apply across the industry.  
1025 While some members also supported opportunities for opt-outs or flexibility in the  
1026 requirements (for example a minimum lock period with an option to implement a longer  
1027 lock period), the working group ultimately agreed that consistency needs to be  
1028 maintained.

1029

1030 In the course of deliberations, the working group discussed three possible time periods  
1031 for post-registration and post-transfer locks:<sup>23</sup> 10 days, 30 days, and 60 days. Working  
1032 group members supported maintaining consistency between the period that a transfer  
1033 is prohibited following registration and following inter-Registrar transfer. Some working  
1034 group members have advocated for establishing a “fast undo” process along the lines of  
1035 the Expedited Transfer Reverse Process (ETRP) considered in Inter-Registrar Transfer  
1036 Policy (IRTP) Part B Policy Development Process. The IRTP Part B Working Group  
1037 ultimately did not adopt the ETRP proposal. “Fast undo” discussions will continue in  
1038 Phase 2 of the Transfer Policy Review PDP, and the working group has not yet  
1039 considered this topic in depth. At this stage, some working group members noted that if  
1040 a “fast undo” process is ultimately adopted, the period for which a domain is eligible for  
1041 “fast undo” following an inter-Registrar transfer should likely correspond to the lock  
1042 periods, and should be sufficiently long to identify the need to invoke the “fast undo”  
1043 process.

1044  
1045 **Preliminary Recommendations:**

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1047 **Preliminary Recommendation 16:** The Registrar MUST restrict the RNH from  
1048 transferring a domain name to a new Registrar within 30 days of the initial registration  
1049 date.

1050  
1051 **Rationale:** The working group believes that a single requirement across the  
1052 industry will result in a better experience for registrants. The working group  
1053 recommends that 30 days is the appropriate period for this requirement because:

- 1054 • It provides a window of opportunity to identify issues associated with  
1055 credit card payments, including unauthorized use of a credit card. This may  
1056 assist with addressing criminal activity and deterring fraud.
- 1057 • It provides a window of opportunity for a complainant to file a Uniform  
1058 Domain Name Dispute Resolution Policy (UDRP) proceeding without the  
1059 domain being transferred to a new registrar. Once the proceeding is  
1060 underway, the domain will be locked in relation to the dispute.
- 1061 • For registrants who legitimately want to transfer a domain shortly after  
1062 registration, the working group believes that 30 days is a reasonable period  
1063 of time to wait.

1064  
1065 **Preliminary Recommendation 17:** The Registrar MUST restrict the RNH from  
1066 transferring a domain name to a new Registrar within 30 days of the completion of an  
1067 inter-Registrar transfer.

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<sup>23</sup> Use of the term “lock” is not intended to imply or require a specific technical solution for implementation. Rather, it is used as shorthand meaning that the domain is ineligible for inter-Registrar transfer for a period of time.

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**Rationale:** The working group believes that a single requirement across the industry will result in a better experience for registrants and will also consistently prevent the transfer of a domain multiple times in rapid succession, a practice associated with domain theft. The working group recommends that 30 days is the appropriate period for this requirement because:

- It provides a window of opportunity to identify issues associated with credit card payments, including unauthorized use of a credit card. This may assist with addressing criminal activity and deterring fraud.
- For registrants who legitimately want to transfer a domain again shortly after an inter-registrar transfer has taken place, 30 days is a reasonable period of time to wait.

**Preliminary Recommendation 18:** I.A.3.7 of the Transfer Policy currently reads, “Upon denying a transfer request for any of the following reasons, the Registrar of Record must provide the Registered Name Holder and the potential Gaining Registrar with the reason for denial. The Registrar of Record **MAY** deny a transfer request only in the following specific instances:” The working group recommends expressing the two sentences of this provision as two distinct provisions of the policy.

**Rationale:** The two sentences of I.A.3.7 express two distinct concepts and therefore should be separated into two different provisions.

**Preliminary Recommendation 19:** The working group recommends revising the following reasons that the Registrar of Record **MAY** deny a transfer request as follows:

Reference	Current Text	Revision	Rationale
I.A.3.7.1	Evidence of fraud.	Evidence of fraud or violation of the Registration Agreement.  <u>Implementation Guidance:</u> The intent of “violation of the Registration Agreement” is not to allow the blocking of transfers due to minor violations, but to allow action in case of substantive contravention of the Registration Agreement.	ICANN’s Contractual Compliance Department has observed difficulties from Registrars tying transfer denials involving domain names suspended for abusive activities to the denial instances contemplated by the Transfer Policy. The working group noted that such abusive activities typically constitute a violation of the Registration Agreement, and therefore by including “violation of the Registration Agreement” to the reasons that the Registrar of Record <b>MAY</b> deny a transfer, the Policy will explicitly permit denials in these circumstances. The Implementation Guidance provides additional “guardrails” to protect against denial of transfers for minor, inadvertent violations of the Registration Agreement. The Working Group notes that Registration Agreement

			violations have in the past formed the basis of formal ICANN Compliance enforcement relating to domain transfer.
I.A.3.7.2	Reasonable dispute over the identity of the Registered Name Holder or Administrative Contact.	<del>Reasonable dispute over the identity of concern that the transfer was not requested by the Registered Name Holder or Administrative Contact.</del>	<p>The working group believes that the term “identity” is not appropriate in this context, in part due to concerns regarding data privacy implications. Because the issue at hand is more precisely about authority over the domain, the working group refined the text to focus on the key underlying concern, namely that the transfer request was made by a party other than the Registered Name Holder.</p> <p>Under the Registration Data Policy, Administrative Contact data is no longer collected by the Registrar, therefore this term has been removed. This update is consistent with Preliminary Recommendation 15.</p> <p>The Working Group considered adding language to address other types of invalid requests or disputes by other parties. The Working Group determined that the use cases they discussed are appropriately covered by the revised language in I.A.3.7.2.</p>
I.A.3.7.3	No payment for previous registration period (including credit card charge-backs) if the domain name is past its expiration date or for previous or current registration periods if the domain name has not yet expired. In all such cases, however, the domain name must be put into “Registrar Hold” status by the Registrar of Record prior to the denial of transfer.	<del>No payment for previous registration period (including credit card charge-backs) if the domain name is past its expiration date at the current Registrar of Record or for previous or current registration periods if the domain name has not yet expired. In all such cases, however, the domain name must be put into “Registrar Hold” status by the Registrar of Record prior to the denial of transfer.</del>	<p>The working group has added the term “payment disputes” to reflect problems related to payments other than a credit card charge-back.</p> <p>The working group received input from ICANN’s Contractual Compliance Department that the term “expiration date” in this provision is not sufficiently precise, because during the Auto-Renew Grace Period, the domain will not show as expired at the Registry level, but will show as expired at the Registrar of Record. By adding “at the current Registrar of Record” the working group has clarified that if the domain name is past its expiration date at the current Registrar of Record and the RNH has not paid for the registration period prior to that expiration date, the Registrar of Record may deny the transfer.</p>

			<p>The working group notes that the sentence beginning "In all such cases..." dates back as early as the 2002 <a href="#">ICANN DNSO Transfers Task Force Final Report &amp; Recommendations</a>. The working group believes that the Expired Registration Recovery Policy now provides the necessary guidance on treatment of domains post-expiration and that this sentence is unnecessary in the Transfer Policy text.</p>
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**Preliminary Recommendation 20:** The working group recommends changing the following reasons that the Registrar of Record currently **MAY** deny a transfer into reasons that the Registrar of Record **MUST** deny a transfer and revising the text as follows:

Reference	Current Text	Revision	Rationale
I.A.3.7.4	Express objection to the transfer by the authorized Transfer Contact. Objection could take the form of specific request (either by paper or electronic means) by the authorized Transfer Contact to deny a particular transfer request, or a general objection to all transfer requests received by the Registrar, either temporarily or indefinitely. In all cases, the objection must be provided with the express and informed consent of the authorized Transfer Contact on an opt-in basis and upon request by the authorized Transfer Contact, the Registrar must	Express objection to the transfer by the <del>authorized Transfer Contact</del> <b>Registered Name Holder</b> . Objection could take the form of specific request (either by paper or electronic means) by the <del>authorized Transfer Contact</del> <b>Registered Name Holder</b> to deny a particular transfer request, or a general objection to all transfer requests received by the Registrar, either temporarily or indefinitely. In all cases, the objection must be provided with the express and informed consent of the <del>authorized Transfer Contact</del> <b>Registered Name Holder</b> on an opt-in basis and upon request by the <del>authorized Transfer</del>	Under the Registration Data Policy, Administrative Contact data is no longer collected by the Registrar. Accordingly, the RNH would be the only authorized transfer contact. The working group believes that it is logical that the Registrar of Record must deny a transfer if the Registered Name Holder expressly objects to the transfer. This update is consistent with Preliminary Recommendation 15.



	remove the lock or provide a reasonably accessible method for the authorized Transfer Contact to remove the lock within five (5) calendar days.	<del>Contact Registered Name Holder</del> , the Registrar must remove the lock or provide a reasonably accessible method for the <del>authorized Transfer Contact Registered Name Holder</del> to remove the lock within five (5) calendar days.	
I.A.3.7.5	The transfer was requested within 60 days of the creation date as shown in the registry Whois record for the domain name.	The transfer was requested within <del>60</del> 30 days of the creation date as shown in the registry <del>Whois</del> RDDS record for the domain name.	Per working group Preliminary Recommendation 16, the Registrar MUST restrict the RNH from transferring a domain name to a new Registrar within 30 days of the initial registration date.  "Whois" has been updated to "RDDS" consistent with Preliminary Recommendation 14.
I.A.3.7.6	A domain name is within 60 days (or a lesser period to be determined) after being transferred (apart from being transferred back to the original Registrar in cases where both Registrars so agree and/or where a decision in the dispute resolution process so directs). "Transferred" shall only mean that an inter-registrar transfer has occurred in accordance with the procedures of this policy.	A domain name is within <del>60</del> 30 days (or a lesser period to be determined) after being transferred (apart from being transferred back to the original Registrar in cases where both Registrars so agree and/or where a decision in the dispute resolution process so directs). "Transferred" shall only mean that an inter-registrar transfer has occurred in accordance with the procedures of this policy.	Per working group Preliminary Recommendation 17, the Registrar MUST restrict the RNH from transferring a domain name to a new Registrar within 30 days of the completion of an inter-Registrar transfer.

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**Preliminary Recommendation 21:** The working group recommends revising the reasons that the Registrar of Record **MUST** deny a transfer request as follows:

Reference	Current Text	Revision	Rationale
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I.A.3.8.1	A pending UDRP proceeding that the Registrar has been informed of.	<del>A</del> Pending UDRP proceeding that the Registrar has been <del>informed</del> <b>notified of by the Provider in accordance with the UDRP Rules.</b>	The working group has refined the current text in an effort to clarify that Registrars must deny inter-Registrar transfer requests that are received after a Registrar has been notified by a UDRP Provider of a UDRP proceeding in accordance with the UDRP Rules.
I.A.3.8.2	Court order by a court of competent jurisdiction.	N/A	The working group believes that this provision continues to be appropriate and that the language is sufficiently clear.
I.A.3.8.3	Pending dispute related to a previous transfer, pursuant to the Transfer Dispute Resolution Policy.	<del>Pending dispute related to a previous transfer, pursuant to</del> <b>under the Transfer Dispute Resolution Policy.</b>	This revision is editorial in nature. It is not intended to change the meaning of the provision.
I.A.3.8.4	URS proceeding or URS suspension that the Registrar has been informed of.	<b>Pending</b> URS proceeding or URS suspension that the Registrar has been <del>informed</del> <b>notified of by the Provider in accordance with the URS Procedure.</b>	The term “pending” has been added for consistency with language in I.A.3.8.1 and I.A.3.8.3. In addition, the working group has refined the current text in an effort to clarify that Registrars must deny inter-Registrar transfer requests that are received after a Registrar has been notified by a URS Provider of a URS proceeding or URS suspension in accordance with the URS Procedure.
I.A.3.8.5	The Registrar imposed a 60-day inter-registrar transfer lock following a Change of Registrant, and the Registered Name Holder did not opt out of the 60-day inter-registrar transfer lock prior to the Change of Registrant request.	N/A	The Working Group is not proposing any revisions at this time. Per the working group charter, Change of Registrant will be addressed in Phase 1(b) of the PDP. The working group will revisit I.A.3.8.5 once it has completed deliberations on Change of Registrant.

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**Preliminary Recommendation 22:** The working group recommends changing the following reasons that the Registrar of Record currently **MAY NOT** deny a transfer into reasons that the Registrar of Record **MUST NOT** deny a transfer and revising the text as follows:

Reference	Current Text	Revision	Rationale
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I.A.3.9.1	Nonpayment for a pending or future registration period.	<u>Implementation Guidance</u> : Registrars are prohibited from denying domain name transfer requests based on non-payment of fees for pending or future registration periods during the Auto-Renew Grace Period, provided that any auto-renewal costs borne by the Registrar are reversible for future period.	The Working Group has provided Implementation Guidance in response to input from ICANN’s Contractual Compliance Department that it would be helpful to provide additional guidance consistent with the <a href="#">Registrar Advisory</a> dated 3 April 2008 which states, “Pursuant to the Transfer Policy, registrars are prohibited from denying domain name transfer requests based on non-payment of fees for pending or future registration periods during the Auto-Renew Grace Period.”
I.A.3.9.2	No response from the Registered Name Holder or Administrative Contact.	No response from the Registered Name Holder. <del>or Administrative Contact</del>	Under the Registration Data Policy, Administrative Contact data is no longer collected by the registrar. Accordingly, the RNH would be the only authorized transfer contact. This update is consistent with Preliminary Recommendation <a href="#">15</a> .
I.A.3.9.3	Domain name in Registrar Lock Status, unless the Registered Name Holder is provided with the reasonable opportunity and ability to unlock the domain name prior to the Transfer Request.	<b>A registrar-applied inter-registrar transfer lock is in place on the domain name in Registrar Lock Status</b> , for reasons other than those specified in I.A.3.7 and I.A.3.8 <del>unless</del> <b>and</b> the Registered Name Holder is <b>not</b> provided with the reasonable opportunity and ability to unlock the domain name prior to the Transfer Request <b>pursuant to the requirements in sections I.A.5.1 - I.A.5.4.</b>	The updates are primarily intended to improve clarity of the provision, use terminology that will be commonly understood, and refer to the relevant provisions that should be referenced alongside I.A.3.9.3.
I.A.3.9.4	Domain name registration period time constraints, other than during the first 60 days of initial registration, during the first 60 days after a registrar	Domain name registration period time constraints, other than <b>as defined in I.A.3.7.5 and I.A.3.7.6<sup>24</sup> during the first 60 days of initial registration, during the first 60 days after a</b>	The working group updated the language to reference the applicable provisions of the policy rather than repeating the details of those provisions.  Change of Registrant will be addressed in Phase 1(b) of the PDP. Reference to the

<sup>24</sup> In implementation, to the extent that there is re-numbering of applicable provisions, this reference should be updated accordingly.

	transfer, or during the 60-day lock following a Change of Registrant pursuant to Section II.C.2.	<del>registrar transfer</del> , or during the 60-day lock following a Change of Registrant pursuant to Section II.C.2.	"60-day lock following a Change of Registrant pursuant to Section II.C.2" may need to be revisited following completion of Phase 1(b).
I.A.3.9.5	General payment defaults between Registrar and business partners / affiliates in cases where the Registered Name Holder for the domain in question has paid for the registration.	General payment defaults between Registrar and <b>Reseller, as defined in the RAA,</b> <del>business partners / affiliates</del> in cases where the Registered Name Holder for the domain in question has paid for the registration.	The update is not intended to change the meaning of the provision, but rather to update legacy language to be consistent with currently used and defined terminology.

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### 3.4.2 Charter Question h2

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1114 *Should additional guidance around cases subject to a UDRP decision be provided to*  
 1115 *ensure consistent treatment by all Registrars? If so, is this something that should be*  
 1116 *considered by the RPMs PDP Working Group's review of the UDRP, or should it be*  
 1117 *conducted within a Transfer Policy PDP?*

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1119 **Working Group Response:**

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1121 The working group reviewed the World Intellectual Property Organization's (WIPO)  
 1122 [detailed comment](#) in response to the [Transfer Policy Status Report](#) and has noted two  
 1123 concerns involving a UDRP proceeding vis-à-vis the Transfer Policy. Specifically, WIPO  
 1124 has noted issues related to: (i) the locking of a domain name subject to a UDRP  
 1125 proceeding (in order to prevent an inter-Registrar transfer during the pendency of the  
 1126 proceeding),<sup>25</sup> and (ii) the implementation of a UDRP Panel's order to transfer a domain  
 1127 name to a complainant.<sup>26</sup>

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1129 Domain Name Locking

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<sup>25</sup> For specific policy requirements, please see [UDRP Rule 1](#) (definitions of Lock and Pendency, respectively), [UDRP Rule 4\(b\)](#), and Paragraph I.A.3.8.1 of the [Transfer Policy](#).

<sup>26</sup> For specific policy requirements, please see [UDRP Section 4\(i\)](#), [4\(k\)](#), [UDRP Rule 16\(a\)](#).

1131 UDRP Rule 4(b) provides, in part, “Within two (2) business days of receiving the  
1132 Provider’s verification request, the Registrar shall [ . . . ] confirm that a Lock<sup>27</sup> of the  
1133 domain name has been applied. [ . . . ] The Lock shall remain in place through the  
1134 remaining Pendency of the UDRP proceeding. [ . . . ]” Additionally, Paragraph I.A.3.8.1  
1135 of the Transfer Policy requires registrars to deny any requests for inter-registrar  
1136 transfers during “a pending UDRP proceeding that the Registrar has been informed of.”

1137  
1138 Within its preliminary recommendations, the working group has proposed to update the  
1139 current Transfer Policy language to:

1140  
1141 “The Registrar of Record MUST deny a transfer request in the following circumstances:  
1142 • Pending UDRP proceeding that the Registrar has been notified of by the Provider  
1143 in accordance with the UDRP Rules.”

1144  
1145 The working group is proposing a slight refinement to the current text in an effort to  
1146 clarify that Registrars must deny inter-Registrar transfer requests that are received after  
1147 a Registrar has been notified by a UDRP Provider of a UDRP Proceeding in accordance  
1148 with the UDRP Rules.

1149  
1150 In response to WIPO’s related concern that “the ambiguity associated with ‘locking’ a  
1151 domain name has resulted in many improper domain name transfers,” the working  
1152 group notes that the definition of Locking is part of the UDRP Rules, and, accordingly,  
1153 appears out of scope for this working group to address. The working group does note,  
1154 though, that the proposed updates to the Transfer Policy endeavor to make clear that  
1155 Registrars are forbidden from implementing inter-Registrar transfer requests received  
1156 following a notification from a UDRP Provider of a pending UDRP proceeding.

1157  
1158 In the event a Registrar mistakenly or purposefully effects an inter-Registrar transfer  
1159 during the pendency of a UDRP proceeding, this would be a clear violation of the  
1160 Transfer Policy and should be referred to ICANN org Contractual Compliance for review.  
1161 The working group will flag the definitional issue of “locking” with the Rights Protection  
1162 Mechanisms (RPMs) Phase 2 Working Group, who will be closely reviewing the UDRP,  
1163 and will be in a better position to determine if updates are needed.

#### 1164 1165 Implementation of UDRP Panel Decisions

1166  
1167 The working group also discussed WIPO’s noted concern regarding the reported refusal  
1168 of some Registrars to effect a UDRP Panel’s decision to transfer a disputed domain  
1169 name(s) to the Complainant.

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<sup>27</sup> [UDRP Rule 1](#) defines Lock as “a set of measures that a Registrar applies to a domain name, which prevents at a minimum any modification to the registrant and Registrar information by the Respondent, but does not affect the resolution of the domain name or the renewal of the domain name.”

1170

1171 Paragraph 4(i) of the UDRP provides that a UDRP Complainant may request the  
1172 following remedies in its UDRP Complaint, “the cancellation of [a disputed] domain  
1173 name or the *transfer* of [a disputed] domain name registration to the complainant.”  
1174 (emphasis added). Paragraph 4(k) goes on to provide, in part, “if an Administrative Panel  
1175 decides that [the disputed] domain name registration should be canceled or transferred,  
1176 [the Registrar of Record] will wait ten (10) business days [ . . . ] before *implementing* that  
1177 decision [to cancel or transfer the disputed domain name].” (emphasis added)

1178

1179 Registrar representatives within the working group noted various methods their  
1180 companies use to implement UDRP decisions, including, for example, providing the  
1181 Auth-Info Code to the Complainant to effect the inter-Registrar transfer, setting up an  
1182 account for the Complainant and transferring the name to the new account, et. al. The  
1183 working group discussed that so long as the Registrar of Record effects the Panel’s  
1184 decision by allowing transfer of the domain name, the Registrar would be in compliance  
1185 with the UDRP, and the working group was reluctant to recommend specific  
1186 implementation restrictions.

1187

1188 The working group noted that a Registrar refusal to implement a UDRP Panel’s decision  
1189 to cancel or transfer the disputed domain name to the Complainant, absent official  
1190 documentation of a court proceeding,<sup>28</sup> would be a violation of the UDRP, and,  
1191 accordingly, should be referred to ICANN org Contractual Compliance for review. The  
1192 working group noted that it will refer this reported issue of UDRP decision  
1193 implementation to the RPMs Phase 2 Working Group, as the working group believed the  
1194 specific implementation around UDRP decisions to be out of scope for the Transfer  
1195 Policy.

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<sup>28</sup> See UDRP, Paragraph 4(k).

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## 1197 4 Next Steps

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1199 This Initial Report will be posted for public comment for xx days. The working group will  
1200 review the public comments received on this Initial Report and consider whether any  
1201 changes need to be made to its Phase 1(a) recommendations. The working group will  
1202 complete Phase 1(b) of its work, including a Phase 1(b) Initial Report followed by a  
1203 public comment period on the Phase 1(b) Initial Report. The working group will finalize  
1204 all Phase 1 recommendations in a Final Report to be sent to the GNSO Council for  
1205 review. If adopted by the GNSO Council, the Final Report would then be forwarded to  
1206 the ICANN Board of Directors for its consideration and, potentially, approval as an  
1207 ICANN Consensus Policy.

1208

1209 Following a charter review process, Phase 2 of the PDP will commence.

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## 1213 Annex A - Background

1214  
1215 The Transfer Policy, formerly referred to as the Inter-Registrar Transfer Policy (IRTP), is  
1216 an ICANN consensus policy that went into effect on 12 November 2004. The policy  
1217 governs the procedure and requirements for registrants to transfer their domain names  
1218 from one Registrar to another, also referred to as an inter-Registrar transfer. The goal of  
1219 the Transfer Policy was to provide for enhanced domain name portability, resulting in  
1220 greater consumer and business choice and enabling registrants to select the Registrar  
1221 that offers the best services and price for their needs.

1222  
1223 On April 22, 2019, ICANN org delivered the [Transfer Policy Status Report](#) to the GNSO  
1224 Council. ICANN org delivered the Transfer Policy Status Report pursuant to  
1225 Recommendation 17 of the Inter-Registrar Transfer Policy (IRTP) Part D PDP Working  
1226 Group's [Final Report](#), which provides, "[t]he Working Group recommends that  
1227 contracted parties and ICANN should start to gather data and other relevant  
1228 information that will help inform a future IRTP review team in its efforts." The Transfer  
1229 Policy Status Report provided a foundation to review the history and underlying goals of  
1230 Transfer Policy, the five policy development processes that sought to improve the  
1231 Transfer Policy, and associated metrics on the Transfer Policy.

1232  
1233 During its meeting on September 19, 2019, the GNSO Council agreed to launch a call for  
1234 volunteers for a Transfer Policy Review Scoping Team, comprised of interested and  
1235 knowledgeable GNSO members that were tasked with advising the GNSO Council by  
1236 providing recommendations on the following:

- 1237
- 1238 • approach to the review (for example, by initiating a new PDP);
  - 1239 • composition of the review team or PDP working group, and
  - 1240 • scope of the review and future policy work related to the Transfer Policy.

1241  
1242 On April 6, 2020, the Transfer Policy Review Scoping Team delivered its [Transfer Policy](#)  
1243 [Review Scoping Paper](#) to the GNSO Council for its consideration. The Scoping Team  
1244 recommended that the GNSO Council instruct ICANN org policy support staff to draft an  
1245 Issue Report, outlining, et.al., the issues described in its Scoping Report. On 23 June  
1246 2020, the GNSO Council voted to approve a motion requesting a Preliminary Issue  
1247 Report, for delivery as expeditiously as possible, on the issues identified in the Transfer  
1248 Policy Initial Scoping Paper, to assist in determining whether a PDP or series of PDPs  
1249 should be initiated regarding changes to the Transfer Policy.

1250 The [Final Issue Report](#) addressed eight issues associated with the Transfer Policy, seven  
1251 of which were specifically identified by the Transfer Policy Review Scoping Team:

- 1252
- 1253 a. Gaining & Losing Registrar Form of Authorization ("FOA")
  - 1254 b. AuthInfo Code Management
  - 1255 c. Change of Registrant



- 1256 d. Transfer Emergency Action Contact (“TEAC”)  
1257 e. Transfer Dispute Resolution Policy (“TDRP”)  
1258 f. Reversing/NACKing Transfers  
1259 g. ICANN-Approved Transfers  
1260 h. EPDP Phase 1, Recommendation 27, Wave 1 Report

1261  
1262 On 18 February 2021, The GNSO Council passed a [resolution](#) to initiate a two-phased  
1263 PDP to review the Transfer Policy using the approach recommended in the Final Issue  
1264 Report:

- 1265
- 1266 • Phase 1(a): Form of Authorization (including EPDP Phase 1, Recommendation 27,  
1267 Wave 1 FOA issues) and AuthInfo Codes
  - 1268 • Phase 1(b): Change of Registrant (including EPDP Phase 1, Recommendation 27,  
1269 Wave 1 Change of Registrant issues)
  - 1270 • Phase 2: Transfer Emergency Action Contact and reversing inter-Registrar  
1271 transfers, Transfer Dispute Resolution Policy (including EPDP Phase 1,  
1272 Recommendation 27, Wave 1 TDRP issues), Denying (NACKing) transfers, ICANN-  
1273 approved transfers

1274  
1275 The topic of denying (NACKing) transfers was later moved to Phase 1(a) by [Project](#)  
1276 [Change Request](#) to ensure that the working group could examine all elements of the  
1277 security model for domain name transfers in a holistic manner as part of its Phase 1  
1278 deliberations.

1279  
1280 A small group of Councilors reviewed the draft charter included in the Final Issue Report  
1281 and finalized the document. The charter was [approved](#) by Council on 24 March 2021.

1282  
1283 The Phase 1(a) working group held its first meeting on 14 May 2021.  
1284

## 1285 Annex B - Working Group Membership and 1286 Attendance

1287 [This section will only be updated upon completion of all WG calls. If members wish to  
1288 view activity metrics and attendance, please refer to the latest project package:

1289 <https://community.icann.org/x/MQDQCQ>

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1291 The detailed attendance records can be found at  
1292 <https://community.icann.org/x/U4aUCQ>.

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1294 The working group email archives can be found at  
1295 <https://mm.icann.org/pipermail/gnso-tpr/>.

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## 1299 Annex C - Community Input

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### 1301 4.1 Request for Input

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1303 According to the GNSO's PDP Manual, a PDP working group should formally solicit  
1304 statements from each GNSO Stakeholder Group and Constituency at an early stage of its  
1305 deliberations. A PDP working group is also encouraged to seek the opinion of other  
1306 ICANN Supporting Organizations and Advisory Committees who may have expertise,  
1307 experience or an interest in the issue. As a result, the working group reached out to all  
1308 ICANN Supporting Organizations and Advisory Committees as well as GNSO Stakeholder  
1309 Groups and Constituencies with a request for input at the start of its deliberations. In  
1310 response, statements were received from:

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- 1312 ■ The GNSO Business Constituency (BC)
- 1313 ■ The Registries Stakeholder Group (RySG)
- 1314 ■ The At-Large Advisory Committee (ALAC)
- 1315 ■ The Security and Stability Advisory Committee (SSAC)

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1317 The full statements can be found on the working group wiki here:

1318 <https://community.icann.org/x/tIT8CQ>.

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### 1320 4.2 Review of Input Received

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1322 All of the statements received were added to the to the relevant working documents  
1323 and considered by the working group in the context of deliberations on each topic.

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## Annex D – EPDP Phase 1, Recommendation 27, Wave 1 Analysis

For context on this analysis, please see pages 52-56 of the [Final Issue Report](#).

Wave 1 Analysis Key Points	TPR Working Group Response
<p>1. Transfer Policy section I.A.1.1 provides that either the Registrant or the <i>Administrative Contact</i> can approve or deny a transfer request. (emphasis added) Under the Registration Data Policy, Administrative Contact data is no longer collected by the registrar. Accordingly, the registrant would be the only authorized transfer contact.</p>	<p>In its current set of preliminary recommendations, the TPR Working Group does not include the Administrative Contact as an entity that can approve an inter-Registrar transfer; instead, the preliminary recommendations only refer to the Registered Name Holder, or, in some instances, the “Registered Name Holder or their designated representative.”</p> <p>In light of the obsolescence of the Administrative Contact under the EPDP Phase 1 recommendations, any reference to an “Administrative Contact” or “Transfer Contact” within the Transfer Policy MUST be eliminated and replaced with “Registered Name Holder” unless specifically indicated, per Preliminary Recommendation 15. For example, Preliminary Recommendation 6, et. al., refers to the “Registered Name Holder or their designated representative”.</p>
<p>2. Transfer Policy section I.A 2.1, Gaining Registrar Requirements, relies on the specification of transfer authorities in section 1.1, defining either the Registrant and Administrative Contact as a “Transfer Contact.” Given that Administrative Contact data is no longer collected by the registrar, there may not be a need for “transfer contact” terminology, but such references can be replaced by “registrant” as the registrant is the only valid transfer authority. “Transfer Contact” terminology is referenced in part I (A) of the policy in sections 2.1, 2.1.1, 2.1.2, 2.1.2.1, 2.1.3.1(b), 2.1.3.3, 2.2.1, 3.2, 3.3, 3.6, 3.7.4, and 4.1.</p>	<p>As noted above in Key Point 1, the preliminary recommendations currently refer to the “Registered Name Holder” instead of the “Transfer Contact”, noting that the Registered Name Holder is the now the valid transfer authority, rather than the “Transfer Contact” or “Administrative Contact”.</p>

<p>3. Transfer Policy section I.A.3 enumerates the reasons a registrar of record may deny a transfer. These include section 3.7.2, “reasonable dispute over the identity of the Registered Name Holder or Administrative Contact.” The Administrative Contact reference may be eliminated as the Administrative Contact data is no longer collected by the registrar. Section I.A.3 also enumerates the reasons a registrar of record may not use to deny a transfer request. These include section 3.9.2, “no response from the Registered Name Holder or Administrative Contact.” The Administrative Contact reference may be eliminated as the Administrative Contact data is no longer collected by the registrar.</p>	<p>The working group is recommending that the reference to Administrative Contact in Section I.A.3.7.2 must be removed due to the EPDP recommendation for elimination of the Administrative Contact. See also TPR Preliminary Recommendation <a href="#">15</a>.</p>
<p>4. <i>Transfer Policy section I.A.4.6.5 provides that both registrars will retain correspondence in written or electronic form of any Transfer Emergency Action Contact (TEAC) communication and responses, and share copies of this documentation with ICANN and the registry operator upon request. This requirement does not appear to be affected by the new Registration Data Policy, which provides for retention of data elements for a period of 18 months following the life of the registration.</i></p>	<p><i>Defer further discussion to Phase 2 of the PDP.</i></p>
<p>5. Transfer Policy section I.A.5.6 provides that the "AuthInfo" codes must be used solely to identify a Registered Name Holder, whereas the Forms of Authorization (FOAs) still need to be used for authorization or confirmation of a transfer request, as described in Sections I.A.2, I.A.3, and I.A.4 of the policy. Where registrant contact data is not published, and absent an available mechanism for the Gaining Registrar to obtain such contact data, it is not feasible for a Gaining Registrar to send an FOA to the registrant contact data associated with an existing registration, as required by the policy. However, the requirement for the Registrar of Record to send an FOA confirming a transfer request</p>	<p>In its preliminary recommendations, the working group is recommending eliminating the requirement that the Gaining Registrar send a Gaining Form of Authorization.</p> <p>For further rationale on the proposed elimination of the Gaining FOA, please see <a href="#">pp. [x-x]</a> of the Initial Report.</p> <p>With respect to the Losing FOA, the working group is recommending to replace the requirement for the Losing FOA (see Preliminary Recommendation <a href="#">2</a>). Instead, the working group is recommending to introduce two new required notifications to be sent from the Losing Registrar to the Registered Name Holder, namely (i) a notification of</p>

<p>(covered in section I.A.3) is still achievable as the registrar does not need to rely on publicly available data.</p>	<p>provision of the Transfer Authorization Code (TAC), formerly referred to as the Auth-Info Code (see Preliminary Recommendation 3), and (ii) and a notification of inter-Registrar transfer request completion (Preliminary Recommendation 4).</p>
<p>6. <i>Transfer Policy section II.B.1, Availability of Change of Registrant, provides that “Registrants must be permitted to update their registration/Whois data and transfer their registration rights to other registrants freely.” This language may be updated to clarify what updating registration data means, i.e., whether requirements differ according to whether a change of registrant changes anything that is displayed.</i></p>	<p><i>Defer discussion to Phase 1(b) of the PDP.</i></p>
<p>7. <i>Transfer Policy section II.B.1.4 references the Administrative Contact. The context of this provision is to define a change of registrant as a material change to certain fields, including “Administrative Contact email address, if there is no Prior Registrant email address.” This section may no longer be necessary, as, under the new Registration Data Policy, Administrative Contact data is no longer collected by the registrar.</i></p>	<p><i>Defer discussion to Phase 1(b) of the PDP.</i></p>
<p>8. The Transfer Policy contains references to Whois in sections I.A.1.1, I.A.2.1.2, I.A.2.2.1, I.A.3.6, I.A.3.7.5, I.B.1, and the Notes section titled “Secure Mechanism.” If updates are considered to this policy as a result of GNSO policy work, it may be beneficial to consider replacing these references with RDDS. (The Temporary Specification, Appendix G, Section 2.2.4, on Supplemental Procedures to the Transfer Policy, provides that the term “Whois” SHALL have the same meaning as “RDDS.” This is carried over in the EPDP Phase 1 recommendation 24) Transfer Policy section II.C.1.4 provides that a registrar must obtain confirmation of a Change of Registrant request from the Prior Registrant, or the Designated Agent of such, using a secure mechanism to</p>	<p>For terminology consistency, the working group is recommending replacing current references to Whois to RDDS throughout the Transfer Policy for any references to Whois that remain. (Please see response to Key Item 9 below for more detail and Preliminary Recommendation 14.)</p> <p>Discussions related to Section II of the policy (Change of Registrant) will be deferred to Phase 1(b) of the PDP.</p>

<p>confirm that the Prior Registrant and/or their respective Designated Agents have explicitly consented to the Change of Registrant. The footnote to this section notes that "The registrar may use additional contact information on file when obtaining confirmation from the Prior Registrant and is not limited to the publicly accessible Whois." If changes are considered to this policy as a result of GNSO policy work, it may be beneficial to consider updating this footnote to eliminate the reference to Whois.</p>	
<p>9. The EPDP Team's Phase 1 Recommendation 24 recommends that the following requirements apply to the Transfer Policy until superseded by recommendations from the Transfer Policy review being undertaken by the GNSO Council:</p> <p>(a) Until such time when the RDAP service (or other secure methods for transferring data) is required by ICANN to be offered, if the Gaining Registrar is unable to gain access to then-current Registration Data for a domain name subject of a transfer, the related requirements in the Transfer Policy will be superseded by the below provisions:</p> <p>(a1) The Gaining Registrar is not REQUIRED to obtain a Form of Authorization from the Transfer Contact.</p> <p>(a2) The Registrant MUST independently re-enter Registration Data with the Gaining Registrar. In such instance, the Gaining Registrar is not REQUIRED to follow the Change of Registrant Process as provided in Section II.C. of the Transfer Policy.</p> <p>(b) As used in the Transfer Policy:</p>	<p>In its preliminary recommendations, the working group is recommending eliminating the requirement that the Gaining Registrar send a Gaining Form of Authorization (Preliminary Recommendation 1).</p> <p>In Preliminary Recommendation 14, the working group is recommending the terminology changes from EPDP Phase 1, Recommendation #24. Specifically:</p> <p>(b) As used in the Transfer Policy:</p> <p>(b1) The term "Whois data" SHALL have the same meaning as "Registration Data".</p> <p>(b2) The term "Whois details" SHALL have the same meaning as "Registration Data".</p> <p>(b3) The term "Publicly accessible Whois" SHALL have the same meaning as "RDDS".</p>

<p>(b1) The term "Whois data" SHALL have the same meaning as "Registration Data".</p> <p>(b2) The term "Whois details" SHALL have the same meaning as "Registration Data".</p> <p>(b3) The term "Publicly accessible Whois" SHALL have the same meaning as "RDDS".</p> <p>(b4) The term "Whois" SHALL have the same meaning as "RDDS".</p> <p>(c) Registrar and Registry Operator SHALL follow best practices in generating and updating the "AuthInfo" code to facilitate a secure transfer process.</p> <p>(d) Registry Operator MUST verify that the "AuthInfo" code provided by the Gaining Registrar is valid in order to accept an inter-registrar transfer request.</p> <p>These requirements are being implemented as part of implementing the Registration Data Policy.</p>	<p>(b4) The term "Whois" SHALL have the same meaning as "RDDS".</p> <p>With respect to (c) and (d), the working group has a list of very specific preliminary recommendations regarding generating and updating the TAC (formerly referred to as Auth-Info Code) that can be found in <a href="#">Section 3.2</a> of the Initial Report.</p>
<p>10. Feedback from some stakeholders in June 2019 during an ICANN65 session suggested an approach of starting from a clean slate rather than looking at specific transfer issues individually. This appears to be the path the GNSO is taking, based on discussions at the September Council meeting.</p>	<p>The working group has methodically worked through its charter questions, which has enabled it to review previously identified and longstanding issues in the Transfer Policy by proposing slight adjustments to specific transfer issues and/or proposing new methods.</p>
<p><i>Cross-reference: Transfer Policy section I.B.3.1 contains a footnote referencing the Expired Registration Recovery Policy. The context for this reference is a provision specifying when the Change of Registrant Procedure does not apply, in this case, when the registration agreement expires. The footnote provides that if registration and</i></p>	<p><i>Defer discussion to Phase 1(b) of the PDP.</i></p>



<i>Whois details are changed following expiration of the domain name pursuant to the terms of the registration agreement, the protections of the <a href="#">Expired Registration Recovery Policy</a> still apply.</i>	
<i>Cross-reference: Transfer Policy section I.B.3.5 references the Expired Domain Deletion Policy. The context for this reference is a provision specifying when the Change of Registrant Procedure does not apply, in this case, when the Registrar updates the Prior Registrant's information in accordance with the Expired Domain Deletion Policy.</i>	<i>Defer discussion to Phase 1(b) of the PDP.</i>

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