

## **Draft BC Comment on Initial Report on the Transfer Policy Review – Phase 1(a) - Public Comment Proceeding Input Form**

There is no obligation to answer all questions – respond to as many or as few questions as desired. Additionally, there is the opportunity to provide comments on the general content of the Initial Report or on new issues not raised by the Initial Report.

Please refer to the specific recommendation and relevant section or page number of the Initial Report for additional details and context about each recommendation. Where applicable, you are encouraged to reference sections in the report for ease of the future review by the working group.

As a reminder, it is important that your comments include a rationale. The Working Group is interested in your reasoning so that the conclusions reached and the issues discussed by the working can be tested against the reasoning of others.

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### **Section 1: Information about Submission**

Please provide your name: [open ended response, required]

Steve DelBianco

Vice chair for policy coordination

ICANN Business Constituency

This comment was drafted by John Berard, Howard Neu, and Vivek Goyal, with advice from Zak Muscovitch and Arinola Akinyemi

Please provide your email address: [open ended response, required]

[BC-Policy@icann.org](mailto:BC-Policy@icann.org)

Please provide your affiliation: [open ended response, required]

The ICANN Business Constituency

Are you providing input on behalf of another group (e.g., organization, company, government)?

- No
  - Yes
- 

### **Section 2: Preliminary Recommendations 1-4 on Losing and Gaining Forms of Authorization**

#### **Preliminary Recommendation 1: Gaining FOA**

*Please find the text of Preliminary Recommendation 1 on page 14 of the Initial Report.*

Please choose your level of support for Preliminary Recommendation 1: [single select, optional]

- Support Recommendation as written
- Support Recommendation intent with wording change
- Significant change required: changing intent and wording
- Recommendation should be deleted
- No opinion

If your response requires an edit or deletion of Preliminary Recommendation 1, please indicate the revised wording and rationale here. [open ended response, optional]

[ ]

### **Preliminary Recommendation 2: Losing FOA**

*Please find the text of Preliminary Recommendation 2 on page 18 of the Initial Report.*

Please choose your level of support for Preliminary Recommendation 2: [single select, optional]

- **Support Recommendation as written**
- Support Recommendation intent with wording change
- Significant change required: changing intent and wording
- Recommendation should be deleted
- No opinion

If your response requires an edit or deletion of Preliminary Recommendation 2, please indicate the revised wording and rationale here. [open ended response, optional]

[ ]

### **Preliminary Recommendation 3: Notification of TAC Provision**

*Please find the text of Preliminary Recommendation 3 on page 18 of the Initial Report.*

Please choose your level of support for Preliminary Recommendation 3: [single select, optional]

- Support Recommendation as written
- Support Recommendation intent with wording change
- **Significant change required: changing intent and wording**
- Recommendation should be deleted
- No opinion

If your response requires an edit or deletion of Preliminary Recommendation 3, please indicate the revised wording and rationale here. [open ended response, optional]

[ The BC acknowledges that the proposed new Notification of TAC Provision intends to speed up and streamline the transfer process. However we are concerned whether in all circumstances a RNH will be able to invalidate a TAC upon receipt of such notification, and therefore encourage the WG to further explore this issue to ensure that RNHs always have an opportunity to effectively invalidate a TAC prior to transfer. ]

### **Preliminary Recommendation 4: Notification of Transfer Completion**

*Please find the text of Preliminary Recommendation 4 on pages 18-19 of the Initial Report.*

Please choose your level of support for Preliminary Recommendation 4: [single select, optional]

- **Support Recommendation as written**
- Support Recommendation intent with wording change
- Significant change required: changing intent and wording
- Recommendation should be deleted
- No opinion

If your response requires an edit or deletion of Preliminary Recommendation 4, please indicate the revised wording and rationale here. [open ended response, optional]

[ ]

### **Question for Community Input**

As detailed in Recommendations 3-4, the working group is recommending replacing the [Standardized Losing FOA](#) with two notifications to the Registered Name Holder: (i) a required “Notification of TAC Provision” and (ii) a required “Notification of Transfer Completion”. Recommendation 4 details the minimum elements to be included in the Notification of Transfer Completion, including, for example, domain name, date/time of transfer completion, instructions on how to take action if the transfer is invalid. The working group discussed the possibility of including the IANA ID of the Gaining Registrar within this notification.

Note: The IANA ID is the unique number provided by ICANN to each accredited Registrar. The IANA ID can be helpful in identifying the correct Registrar, especially in situations where Registrars have similar names and/or have multiple subsidiaries with similar names.

In the working group’s discussion, Registrars noted that not all Registry Operators use the Gaining Registrar’s IANA ID when notifying a Losing Registrar of a pending transfer request. Instead, some Registry Operators use a separate, internal client ID that does not correspond to the IANA ID. Registry representatives asked if this question could be included in the public comment forum to allow additional time to discuss if it would be feasible to include the IANA ID when notifying the Registrar via EPP or otherwise, which would then allow the Losing Registrar to provide the IANA ID in the Notification of Transfer Completion. Please note all commenters are welcome to respond to this question, not just Registry Operators.

**Question to the community: Should the Gaining Registrar’s IANA ID be provided by the Registry Operator to the Losing Registrar so that it may be included in the Notification of Transfer Completion sent by the Losing Registrar to the Registered Name Holder? Why or why not? Please explain.** [open ended response, optional]

[If feasible and practical, notification to the Losing Registrar should include the IANA ID to avoid confusion and streamline the process. ]

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## **Section 3: Preliminary Recommendations 5-13 on Transfer Authorizations Codes (TAC)**

### **Preliminary Recommendation 5: Update Term “AuthInfo Code” to “Transfer Authorization Code (TAC)”**

*Please find the text of Preliminary Recommendation 5 on page 22 of the Initial Report.*

Please choose your level of support for Preliminary Recommendation 5: [single select, optional]

- **Support Recommendation as written**
- Support Recommendation intent with wording change
- Significant change required: changing intent and wording
- Recommendation should be deleted
- No opinion

If your response requires an edit or deletion of Preliminary Recommendation 5, please indicate the revised wording and rationale here. [open ended response, optional]

[ ]

### **Preliminary Recommendation 6: TAC Definition**

*Please find the text of Preliminary Recommendation 6 on page 22 of the Initial Report.*

Please choose your level of support for Preliminary Recommendation 6: [single select, optional]

- **Support Recommendation as written**
- Support Recommendation intent with wording change
- Significant change required: changing intent and wording
- Recommendation should be deleted
- No opinion

If your response requires an edit or deletion of Preliminary Recommendation 6, please indicate the revised wording and rationale here. [open ended response, optional]

[ ]

### **Preliminary Recommendation 7: TAC Composition**

*Please find the text of Preliminary Recommendation 7 on pages 22-23 of the Initial Report.*

Please choose your level of support for Preliminary Recommendation 7: [single select, optional]

- **Support Recommendation as written**
- Support Recommendation intent with wording change
- Significant change required: changing intent and wording
- Recommendation should be deleted
- No opinion

If your response requires an edit or deletion of Preliminary Recommendation 7, please indicate the revised wording and rationale here. [open ended response, optional]

[ ]

### **Preliminary Recommendation 8: Verification of TAC Composition**

*Please find the text of Preliminary Recommendation 8 on page 23 of the Initial Report.*

Please choose your level of support for Preliminary Recommendation 8: [single select, optional]

- **Support Recommendation as written**
- Support Recommendation intent with wording change
- Significant change required: changing intent and wording
- Recommendation should be deleted
- No opinion

If your response requires an edit or deletion of Preliminary Recommendation 8, please indicate the revised wording and rationale here. [open ended response, optional]

[ ]

### **Preliminary Recommendation 9: TAC Generation, Storage, and Provision**

*Please find the text of Preliminary Recommendation 9 on pages 23-24 of the Initial Report.*

Please choose your level of support for Preliminary Recommendation 9: [single select, optional]

- **Support Recommendation as written**
- Support Recommendation intent with wording change
- Significant change required: changing intent and wording
- Recommendation should be deleted
- No opinion

If your response requires an edit or deletion of Preliminary Recommendation 9, please indicate the revised wording and rationale here. [open ended response, optional]

[ ]

**Preliminary Recommendation 10: Verification of TAC Validity**

*Please find the text of Preliminary Recommendation 10 on page 24 of the Initial Report.*

Please choose your level of support for Preliminary Recommendation 10: [single select, optional]

- **Support Recommendation as written**
- Support Recommendation intent with wording change
- Significant change required: changing intent and wording
- Recommendation should be deleted
- No opinion

If your response requires an edit or deletion of Preliminary Recommendation 10, please indicate the revised wording and rationale here. [open ended response, optional]

[ ]

**Preliminary Recommendation 11: TAC is One-Time Use**

*Please find the text of Preliminary Recommendation 11 on page 24 of the Initial Report.*

Please choose your level of support for Preliminary Recommendation 11: [single select, optional]

- **Support Recommendation as written**
- Support Recommendation intent with wording change
- Significant change required: changing intent and wording
- Recommendation should be deleted
- No opinion

If your response requires an edit or deletion of Preliminary Recommendation 11, please indicate the revised wording and rationale here. [open ended response, optional]

[ ]

**Preliminary Recommendation 12: Service Level Agreement (SLA) for TAC Provision**

*Please find the text of Preliminary Recommendation 12 on page 25 of the Initial Report.*

Please choose your level of support for Preliminary Recommendation 12: [single select, optional]

- **Support Recommendation as written**
- Support Recommendation intent with wording change
- Significant change required: changing intent and wording
- Recommendation should be deleted
- No opinion

If your response requires an edit or deletion of Preliminary Recommendation 12, please indicate the revised wording and rationale here. [open ended response, optional]

[ ]

### **Preliminary Recommendation 13: TAC Time to Live (TTL)**

*Please find the text of Preliminary Recommendation 13 on pages 25-26 of the Initial Report.*

Please choose your level of support for Preliminary Recommendation 13: [single select, optional]

- **Support Recommendation as written**
- Support Recommendation intent with wording change
- Significant change required: changing intent and wording
- Recommendation should be deleted
- No opinion

If your response requires an edit or deletion of Preliminary Recommendation 13, please indicate the revised wording and rationale here. [open ended response, optional]

[ ]

### **Question for Community Input**

The working group noted that the standard Time to Live (TTL), as referenced in [Preliminary Recommendation 13.1](#) is the period of time that the TAC is valid once the TAC has been created. The purpose of the standard TTL is to enforce security around unused TACs (e.g. requested/received but not used), in a situation where the TAC may be stored in a registrant's email or other communications storage. The working group agreed to a maximum standard TTL of 14 days.

In discussing this Charter Question, the working group initially discussed the benefits of placing the Registry in the role of enforcing the standard TTL. The working group noted that Registry authority would be more secure and streamlined due to the lesser number of Registry Operators as compared to ICANN-accredited Registrars.

Registry Operators, however, have expressed two concerns in taking on this role: 1) Registries do not have a customer relationship with registrants, and, accordingly, cautioned that having Registries preemptively invalidate a TAC directly impacts registrants; 2) this gives Registries a compliance responsibility over Registrars since they would be required to respond to authorities and potentially registrants investigating any concerns with the efficacy or expiry of a TAC.

**Question to the community: Who is best positioned to manage the standard 14 day TTL – the Registry or the Registrar, and why? Are there specific implications if the TTL is managed by the Losing Registrar?** [open ended response, optional]

[ Given the registries' concerns and given the deliberations of the Working Group as set out in the Initial Report, the recommended standard registrar managed 14 day TTL appears reasonable and prudent. ]

The BC specifically concurs with the registries that TTL remain under control of registrars, who maintain the customer relationship with registrants. ]

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## Section 4: Preliminary Recommendations 14-15 on EPDP Phase 1, Recommendation 27, Wave 1 Report Items

### **Preliminary Recommendation 14: Terminology Updates: Whois**

*Please find the text of Preliminary Recommendation 14 on page 28 of the Initial Report.*

Please choose your level of support for Preliminary Recommendation 14: [single select, optional]

- **Support Recommendation as written**
- Support Recommendation intent with wording change
- Significant change required: changing intent and wording
- Recommendation should be deleted
- No opinion

If your response requires an edit or deletion of Preliminary Recommendation 14, please indicate the revised wording and rationale here. [open ended response, optional]

[ ]

### **Preliminary Recommendation 15: Terminology Updates: Administrative Contact and Transfer Contact**

*Please find the text of Preliminary Recommendation 15 on page 29 of the Initial Report.*

Please choose your level of support for Preliminary Recommendation 15: [single select, optional]

- **Support Recommendation as written**
- Support Recommendation intent with wording change
- Significant change required: changing intent and wording
- Recommendation should be deleted
- No opinion

If your response requires an edit or deletion of Preliminary Recommendation 15, please indicate the revised wording and rationale here. [open ended response, optional]

[ ]

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## Section 5: Preliminary Recommendations 16-22 on Denying (NACKing) Transfers

### **Preliminary Recommendation 16: Transfer Restriction after Initial Registration**

*Please find the text of Preliminary Recommendation 16 on page 31 of the Initial Report.*

Please choose your level of support for Preliminary Recommendation 16: [single select, optional]

- **Support Recommendation as written**
- Support Recommendation intent with wording change
- Significant change required: changing intent and wording
- Recommendation should be deleted
- No opinion

If your response requires an edit or deletion of Preliminary Recommendation 16, please indicate the revised wording and rationale here. [open ended response, optional]

[The BC Supports Rec 16, and adds the following comment solely to document internal BC discussions that led to our support for this Recommendation.]

60 days is preferable to 30 days from the BC perspective, although 30 days is a reasonable compromise. The longer the better from a trademark enforcement perspective as it prevents having to redo a UDRP or demand letter, and also assists with preventing registrar “hopping” when a registrar is asked to take enforcement proceedings against an infringing or unlawfully used domain name.

We note that shortening the period could be an issue for registrars, in that a registrant may take advantage of promotional / loss-leader type pricing for the initial year and then the customer moves away to another registrar.

### **Preliminary Recommendation 17: Transfer Restriction after Inter-Registrar Transfer**

*Please find the text of Preliminary Recommendation 17 on page 31 of the Initial Report.*

Please choose your level of support for Preliminary Recommendation 17: [single select, optional]

- Support Recommendation as written
- Support Recommendation intent with wording change
- Significant change required: changing intent and wording
- Recommendation should be deleted
- No opinion

If your response requires an edit or deletion of Preliminary Recommendation 17, please indicate the revised wording and rationale here. [open ended response, optional]

[The BC Supports Rec 17, and adds the following comment solely to document internal BC discussions that led to our support for this Recommendation.]

This lock does not appear to be of significant concern as it would usually coincide with a change of registrant lock. However, a registrant should not be prevented from transferring a domain name from one registrar to another, even after a recent registrar change, unless there is another type of lock at play.

The BC recognizes that it is unlikely that a post inter-registrar transfer lock will often be an issue for business registrants. Nevertheless, the BC has concerns that if in the unusual event a business registrant wishes for an important business reason, to change registrars after a recent registrar change such as an acquisition or change in service provider, a 30 day lock would be a hinderance. If the registrant’s registrar is willing to allow the transfer notwithstanding the default inter-registrar transfer lock, then that is something that should be between the business and its service provider, the registrar, rather than an across the board mandatory lock. Nevertheless, if there is to be a lock, the 30 day lock appears to be of a reasonable and manageable length.

### **Preliminary Recommendation 18: Format of Transfer Policy Section I.A.3.7**

*Please find the text of Preliminary Recommendation 18 on page 32 of the Initial Report.*

Please choose your level of support for Preliminary Recommendation 18: [single select, optional]



- **Support Recommendation as written**
- Support Recommendation intent with wording change
- Significant change required: changing intent and wording
- Recommendation should be deleted
- No opinion

If your response requires an edit or deletion of Preliminary Recommendation 18, please indicate the revised wording and rationale here. [open ended response, optional]

[ ]

**Preliminary Recommendation 19: Revised Reasons that a Registrar of Record MAY Deny a Transfer**

*Please find the text of Preliminary Recommendation 19 on pages 32-34 of the Initial Report.*

Please choose your level of support for Preliminary Recommendation 19: [single select, optional]

- **Support Recommendation as written**
- Support Recommendation intent with wording change
- Significant change required: changing intent and wording
- Recommendation should be deleted
- No opinion

If your response requires an edit or deletion of Preliminary Recommendation 19, please indicate the revised wording and rationale here. [open ended response, optional]

[ ]

**Preliminary Recommendation 20: New Reasons that a Registrar of Record MUST Deny a Transfer**

*Please find the text of Preliminary Recommendation 20 on pages 34-35 of the Initial Report.*

Please choose your level of support for Preliminary Recommendation 20: [single select, optional]

- **Support Recommendation as written**
- Support Recommendation intent with wording change
- Significant change required: changing intent and wording
- Recommendation should be deleted
- No opinion

If your response requires an edit or deletion of Preliminary Recommendation 20, please indicate the revised wording and rationale here. [open ended response, optional]

[ ]

**Preliminary Recommendation 21: Revised Reasons that a Registrar of Record MUST Deny a Transfer**

*Please find the text of Preliminary Recommendation 21 on pages 35-36 of the Initial Report.*

Please choose your level of support for Preliminary Recommendation 21: [single select, optional]

- **Support Recommendation as written**
- Support Recommendation intent with wording change
- Significant change required: changing intent and wording
- Recommendation should be deleted
- No opinion

If your response requires an edit or deletion of Preliminary Recommendation 21, please indicate the revised wording and rationale here. [open ended response, optional]

[ ]

**Preliminary Recommendation 22: Revised Reasons that a Registrar of Record MUST NOT Deny a Transfer**

*Please find the text of Preliminary Recommendation 22 on page 36-38 of the Initial Report.*

Please choose your level of support for Preliminary Recommendation 22: [single select, optional]

- Support Recommendation as written
- Support Recommendation intent with wording change
- Significant change required: changing intent and wording
- Recommendation should be deleted
- No opinion

If your response requires an edit or deletion of Preliminary Recommendation 22, please indicate the revised wording and rationale here. [open ended response, optional]

[ ]

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**Section 6: Other Comments and Submission**

Are there any recommendations the Working Group has not considered? If yes, please provide details below. [open ended response, optional]

[ ]

Are there any other comments or issues you would like to raise pertaining to the Initial Report? If yes, please enter your comments here. If applicable, please specify the section or page number in the Initial Report to which your comments refer. [open ended response, optional]

[ ]