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RE: Public Comments on Initial Report on the Transfer Policy Review - Phase 1(a)

Submitted by: Jason Banks,

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To: ICANN

One of the most valuable assets a company or individual has in their identity. For companies, many of whom spend billions building and promoting their brand, the domain name is a critical piece of intellectual property that becomes an identifiable trade or service mark. The domain name is a point of contact opening the door to the company's brand, information and communication with its customers and vendors. Even small companies and individuals have a deep interest in protecting their brand, and their address on the Internet, which includes their domain names.

My concern with the ICANN proposed policy to eliminate the losing FOA, is that it removes a critical safety check for owners of domain names.

Governments around the world have begun to recognize the value of property of identity as well as the assets that are developed by brands and businesses which attach to that identity. Identity security is itself a multibillion dollar global industry. I can see no good reason to reduce the security of one's intellectual property holdings such as domain names, simply because a couple of days is "inconvenient".

In my opinion, it should be inconvenient. Transactions revolving around large or important assets like real property or money have numerous checks and balances. Assets of the magnitude of brand and identity (which have high relative value regardless of the size of the entity), should also have vigorous checks and balances.

If ICANN is interested in making changes to domain name transfers that are more secure and simpler, perhaps you might consider this:

- 1.) The current registrant of the domain name should be notified of a pending transfer.
- 2.) The current registrant of the domain name should have the option of approving or rejecting the transfer.

I do not understand why ICANN is considering removing this process.

Being notified after a domain name is transferred is akin to being notified after one's bank account is emptied.

Credit card companies, when they recognize a potentially fraudulent transaction, contact the account owner to verify the purchase or transfer. They use the card or card number plus CVV to provide "proof of identity" and therefore proof of legitimacy. Furthermore, the credit card company is held liable if

they do not ensure the safety of funds for the account holder. So, though inconvenient, the credit card companies I know of have superlative security measures in place.

Since ICANN and domain registrars are dealing with such valuable assets, doesn't it make sense that they should also provide similar if not greater levels of security, even if a little inconvenient?

Governments around the world, through various privacy laws, are highlighting the value of "opting-in" or double opt-ins. A final acknowledgement by the losing domain holder that their domain is being transferred fits into the spirit of that paradigm.

I would love the chance to further make my case, but I just saw that the deadline for comments is tomorrow, so I wanted to at least register some of my concerns as soon as possible.

I request that you extend the comment period, at a minimum, regarding the Initial Report on the Transfer Policy Review.

Regards,

Jason Banks