



GNSO TPR PDP

Generic Names Supporting Organisation Transfer Policy Review Policy
Development Process

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HISTORY

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.

Modified due to the Temporary Specifications for gTLD Registration Data, approved by ICANN Board, effective from **25 May 2018**.

The “Temp.Spec” was needed due to the GDPR.



MEMBERS OF THE GNSO TRP PDP WG

Represented Group	Number of Representatives
At-Large Advisory Committee (ALAC)	2
Commercial Business Users Constituency (BC)	1
GNSO Council	2
Independent	1 (Steve Crocker)
Intellectual Property Constituency (IPC)	2
Internet Service Providers and Connectivity Providers Constituency (ISPCP)	1
Non-Commercial Stakeholder Group (NCSG)	2
Registrar Stakeholder Group (RrSG)	12
Registry Stakeholder Group (RySG)	2



WORK

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) 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, Recommendation 27, Wave 1 TDRP issues), Denying (NACKing) transfers, ICANN-approved transfers.

The Working Group held their first meeting on **14 May 2021**.



PUBLIC COMMENTS TO THE TRANSFER POLICY REVIEW INITIAL REPORT PHASE 1a

Public Comment proceeding was initially scheduled to remain open from **21 June 2022** through 2 August 2022 (extended to **16 August 2022**).

The Public Comment proceeding was extended by two weeks in response to requests for additional time to submit input. The working group received a total of 34 submissions from groups, organizations, and individuals.

The Initial report requested feedback to 22 Preliminary Recommendation.

The PDP Working Group is now (November 2022) discussing the received public comments.

The Initial Report and received comments: <https://www.icann.org/en/public-comment/proceeding/initial-report-on-the-transfer-policy-review-21-06-2022>



PRELIMINARY RECOMMENDATIONS

THE EASY ONES

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

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

Preliminary Recommendation 7: The working group recommends that the minimum requirements for the composition of a TAC **MUST** be as specified in RFC 9154 (and its update and replacement RFCs). In addition, where random values are required by RFC 9154, such values **MUST** be created according to BCP 106. (*)

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

(*) 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.



PRELIMINARY RECOMMENDATIONS

STILL THE EASY ONES

Preliminary Recommendation 9: The working group recommends that:

- 9.1: The TAC MUST only be generated by the Registrar of Record upon request by the RNH or their designated representative.
- 9.2: When the Registrar of Record sets the TAC at the Registry, the Registry MUST store the TAC securely, at least according to the minimum standard set forth in RFC 9154.

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.¹⁷

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



PRELIMINARY RECOMMENDATIONS

STILL THE EASY ONES

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

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

Preliminary Recommendation 15: The working group recommends removing any reference to an "Administrative Contact" or "Transfer Contact" in the Transfer Policy and replacing it with "Registered Name Holder" unless specifically indicated.



PRELIMINARY RECOMMENDATIONS

STILL THE EASY ONES

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

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



PRELIMINARY RECOMMENDATIONS

MAYBE MINOR CHANGES

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

Preliminary Recommendation 13: The working group recommends that:

- 13.1: A standard Time to Live (**TTL**) for the TAC **MUST** be **14 calendar days from the time it is set at the Registry**, enforced by the Registries
- 13.2: The Registrar of Record **MAY** set the TAC to null after a period of less than 14 days by agreement by the Registrar of Record and the RNH.



PRELIMINARY RECOMMENDATIONS

MAYBE NOT SO EASY

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



PRELIMINARY RECOMMENDATIONS

THE “TRICKY” ONES

Recommendation 2: The working group *recommends* **eliminating from the Transfer Policy the requirement that the Registrar of Record send a Losing Form of Authorization.** This requirement is detailed in section I.A.3 of the Transfer Policy.

Recommendation 3: The working group recommends that the Registrar of Record **MUST send a “Notification of TAC Provision” to the RNH, ~~as listed in the registration data at the time of the TAC request,~~** without undue delay but no later than after the Registrar of Record provides the TAC.

- ▶ 3.1: This notification **MUST** be written in the language of the registration agreement and **MAY** also be provided in English or other languages.
- ▶ 3.2: The following elements **MUST** be included in the “Notification of TAC Provision”:
 - ▶ Domain name(s)
 - ▶ Date and time that the TAC was provided and information about when the TAC will expire
 - ▶ Instructions detailing how the RNH can take action if the request is invalid (how to invalidate the TAC)
 - ▶ If the TAC has not been provided via another method of communication, this communication will include the TAC



PRELIMINARY RECOMMENDATIONS

THE “TRICKY” ONES

Recommendation 4: The working group recommends that the **Losing Registrar MUST send a “Notification of Transfer Completion” to the RNH**, as listed in the Registration Data at the time of the transfer request, without undue delay but no later than 24 hours after the transfer is completed.

- 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)



PRELIMINARY RECOMMENDATIONS

GOOD OR BAD?

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.

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.



PRELIMINARY RECOMMENDATIONS

GOOD OR BAD?

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.



PRELIMINARY RECOMMENDATIONS

GOOD OR BAD?

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

- Evidence of fraud **or violation of the Registrar's domain use or anti-abuse policies.**
- Reasonable concern **that the transfer was not requested** by the Registered Name Holder.
- Nonpayment for previous registration period (including **payment disputes** or 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.



PRELIMINARY RECOMMENDATIONS

GOOD OR BAD?

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:

- ▶ Express objection to the transfer by the **Registered Name Holder**. Objection could take the form of specific request (either by paper or electronic means) by the **Registered Name Holder** 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 **Registered Name Holder** on an opt-in basis and upon request **Registered Name Holder**, the Registrar must remove the lock or provide a reasonably accessible method for **Registered Name Holder** to remove the lock within five (5) calendar days.
- ▶ The transfer was requested within **30** days of the creation date as shown in the registry **RDDS** record for the domain name.
- ▶ A domain name is within **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.



PRELIMINARY RECOMMENDATIONS

GOOD OR BAD?

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

- ▶ Pending UDRP proceeding that the Registrar has been **notified of by the Provider in accordance with the UDRP Rules.**
- ▶ Pending dispute **under** the Transfer Dispute Resolution Policy.
- ▶ **Pending** URS proceeding or URS suspension that the Registrar has been **notified of by the Provider in accordance with the URS Procedure.**



PRELIMINARY RECOMMENDATIONS

GOOD OR BAD?

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:

- Nonpayment for a pending or future registration period. Implementation Guidance: 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.
- No response from the Registered Name Holder.
- **A registrar-applied inter-registrar transfer lock is in place on the domain** name for reasons other than those specified in I.A.3.7 and I.A.3.8 **and** the Registered Name Holder is not provided with the reasonable opportunity and ability to unlock the domain name prior to the Transfer Request **pursuant to the requirements in sections I.A.5.1 - I.A.5.4.**
- Domain name registration period time constraints, other than **as defined in I.A.3.7.5 and I.A.3.7.6** or during the 60-day lock following a Change of Registrant pursuant to Section II.C.2.
- General payment defaults between Registrar and **Reseller, as defined in the RAA**, in cases where the Registered Name Holder for the domain in question has paid for the registration.