ebw
eric brunner-williams

Draft ALAC Comment on the Final Report on IRTP B PDP

Ref: http://www.icann.org/en/announcements/announcement-2-08jul11-en.htm

Eric Brunner-Williams & Cintra Sooknanan, draft authors

Summary: The Inter-Registrar Transfer Policy (IRTP) was implemented in 2004, prior to the explosion in accreditations driven by the Verisign drop pool and Add Grace Period exploits.

The 2004 IRTP recognized systemic abuse by a number of accredited registrars, and removed some of the restrictions these registrars exploited to prevent inventory and recurring revenue loss through registrant initiated transfer to other registrars. As policy, the IRTP is consistent with non-regulation of registrars, substituting registrant response to registrar abuse for accreditation enforcement.

The 2009 GNSO Council cited five issues when initiating the present PDP – the 2005 hijack of panix.com, the oldest dial-up ISP serving the New York City, an event a co-author of this draft was personally involved in, three additional minor issues relating to transfers initiated by parties other than registrants, and clarifying transfer denials.

Broadly, the "use case" pursued by the PDP has been the fractional percent of registrations which have sufficient value to attract third-party attack. Like the original IRTP, the policy does not, by design, encompass the vastly larger volume of registrations that have sufficient value to attract bulk second-party attack – aka abusive registrar conduct. It is therefore, nearly irrelevant to the public interest, except where critical public infrastructure, such as panix.com, are the targets of third-party attack, and theft of service is not adequately prevented by law.

The Final Report contains nine (9) recommendations.

Eric Brunner-Williams
Ithaca, New York and Monterey, California
ebw@abenaki.wabanaki.net
+1.207.756.3518

ebw
eric brunner-williams

Recommendation #1 calls for the creation of a transfer contact at each registrar.  The recommendation is fact adverse as 600 or more of the 900 current accreditations are held by shell registrars who's inventories are of no interest whatsoever, and the recommendation does not identify the class or registrars for which an improvement on the 2004 IRTP is possibly useful, or the class of registrations for which an improvement on the 2004 IRTP is possibly useful.

Recommendation #1 then calls for registrars to be obliged to act, within 4 hours, of notice to this contact address. This creates an attack vector capable of de-accrediting any registrar lacking the resources to staff 24x7x365, consisting of an arbitrary collection of domains registered with the target registrar, followed by "emergency transfer requests" falling at 2am, weekends, holidays, and ICANN meetings.  The attack vector is capable of compromising ICANN compliance, as it is trivially possible to generate a large number of failed "emergency transfer requests" involving a large number of registrars.

Basically, this is stupid policy that can only harm small registrars, to the benefit of large registrars, dressed up in security theatrics.  It amounts to a covert modification of the RAA to add a minimum capitalization requirement, while making no minimal service offer to the remainder of the registrants who have not chosen to select, or transfer to, one of the four registrars now holding one half of all gTLD registrations.

Recommendation #2 attempts to co-opt the ALAC into identifying business asset management practices as a means to detect and prevent isolated third-party attack and overlook the perennial problem of bulk second-party attack – aka abusive registrar conduct.  The ALAC declines.  The protection of critical infrastructure, such as ISPs as registrants – the panix.com case – is worth ALAC investment.  The protection of other, private "high value" registrations is not, in itself, sufficiently in the public interest to be worth ALAC investment.

Recommendation #3 is ICANN kudzu, a WHOIS recommendation.  It has no place in a recommendation concerning the operational practice of registrars transferring registrations at the request of registrants.

Eric Brunner-Williams
Ithaca, New York and Monterey, California
ebw@abenaki.wabanaki.net
+1.207.756.3518

Recommendation #4 is actually reasonable, the preparation of an issues report to determine the range of practice the regulators and/or operators of other namespaces have determined are in the interests of their registrants.

Recommendation #5 proposes that loosing registrars auto-ack transfers to registrants. The low cost to implement rational is not necessarily unbelievable, but the utility and necessity for the auto-ack is unstated.

Recommendation #6, a change to the current denial reason #6 language, is non-controversial.

Recommendation #7 is predicated upon a review of the UDRP, and is therefore non-operative.

Recommendation #8 offers no benefits to registrants other than bulk registrants (domainers) and the segment of the registrar market engaged primarily in bulk transfer (domainer servicing registrars), and is therefore not in the public interest and not supported by the ALAC.

Recommendation #9, a change to the current denial reason #7 language, is non-controversial.

This concludes the draft ALAC statement on the Final Report on IRTP Part B PDP.

Eric Brunner-Williams
Ithaca, New York and Monterey, California
ebw@abenaki.wabanaki.net
+1.207.756.3518