



Intro to TEAC, TDRP, and History of EDRP

Transfer Policy Review Working Group

Working Group Meeting
14 February 2023

Transfer Emergency Action Contact (TEAC)

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Registrars must establish a Transfer Emergency Action Contact (“TEAC”) for urgent communications relating to transfers. (Transfer Policy, Section I.4.6)



May be designated as a **telephone number** or some other **real-time communication channel** (Sec. I.4.6.1)



Must generate a **non-automated response** by a human representative of the Gaining Registrar (Sec. I.4.6.2)



Responses are required **within 4 hours**, although final resolution of the incident may take longer. (Sec. I.4.6.3)



Channel is **reserved for Rrs, Rys, and ICANN org** (Sec. I.4.6.2)

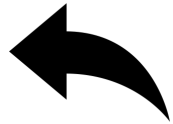


Records of communications for this channel **must be retained** and documentation must be shared with ICANN and Rys upon request

Original Objectives of TEAC



24 x 7 x 365 access to registrar technical support staff for emergencies



Quickly reverse instances of domain name hijacking or transfer errors



Ensure registrar representative is **empowered to take action** on TEAC requests



Policy violation for **non-responsive registrars**

TEAC Charter Questions (1 of 2)

- Is **additional data** needed to support evaluation of the effectiveness of the TEAC?
- Is there merit to concerns that the requirement disproportionately impacts certain registrars, namely:
 - i. Registrars located in regions **outside of the Americas and Europe**?
 - ii. **Small and medium-sized registrars**, which may not have a sufficiently large team to have 24x7 staff coverage with the necessary competency?
 - iii. Registrars in countries **where English is not the primary language**?
- To what extent should the **4-hour time frame be revisited** in light of these concerns?
Are there alternative means to address the underlying concerns other than adjusting the time frame?
- Is additional guidance needed to define a “**reasonable period of time**” after which registrars should be expected to use a standard dispute resolution process?

TEAC Charter Questions (2 of 2)

- Do **telephone communications provide a sufficient “paper trail”** for registrars who may later wish to request a transfer “undo” based on failure by a TEAC to respond?
- Several factors make a Registry Operator’s obligation to “undo” a transfer under Section 6.4 of the Transfer Policy challenging – are updates needed?
- To what extent are changes to the policy needed to address these concerns? Are there other **pain points for Registry Operators that need to be considered** in the review of the policy in this regard?

Transfer Dispute Resolution Policy (TDRP)

TDRP



Designed for **cases of invalid inter-registrar transfers**, where registrars are unable to resolve the issue amongst themselves



Must be filed by **Registrar (not Rt)** within **12 months of invalid transfer** (TDRP Sec. 2.2)



Decided by **independent panelist(s)** appointed by the Provider (TDRP, Sec. 1.3)



Complainant must **pay fee to file a TDRP** (may be transferred to respondent in some instances) (TDRP, Sec. 3.3)



Documentation of improper transfer is required (TDRP, Sec. 3.1, 3.2)

TDRP Charter Questions (1 of 2)

- Is there **enough information available** to determine if the TDRP is an effective mechanism for resolving disputes between registrars in cases of alleged violations of the IRTP?
- The ADNDRC reported to the IRTP Part D Working Group that in some of the cases it processed, **appellees and appellants failed to provide sufficient information to support arbitration**. Is this an issue that needs to be examined further in the context of the policy?
- If the TDRP is considered to be insufficient:
 - i. Are **additional mechanisms needed to supplement** the TDRP?
 - ii. Should the approach to the TDRP itself be reconsidered?

TDRP Charter Questions (2 of 2)

- Are requirements for the processing of registration data, as specified in the TDRP, **compliant with data protection law**?
- Are requirements for the processing of registration data, as specified in the TDRP, appropriate based on **principles of privacy by design and data processing minimization**?

Expedited Transfer Reversal Procedure (ETRP) – (Proposal Abandoned by IRTP WG B)

Previously Proposed ETRP Overview (1 of 2)

- Policy recommendation for the **timely, cost-effective reversal** of an Inter-Registrar domain name transfer, restoring the registration to its pre-transfer state.
- Was intended to **augment, rather than replace**, existing policy and services (TDRP, independent Rr cooperation)
- Was intended to **address the need for an urgent return mechanism**.
- Proposed Statute of Limitations – must be initiated within **60 days of the completion** of inter-registrar transfer (meant to correspond to 60-day lock), or within 60 days of the Registrant becoming aware of the transfer (**not to exceed 6 months of the transfer**).
- **Registrar and Registry are indemnified by the Registrant** who claims an improper transfer

Previously Proposed ETRP Overview (2 of 2)

- Upon receipt of valid documentation from the Losing Registrar, **Registry must restore name to pre-transfer state** (including previous expiry date) **within 48 hours**
- Within 48 hours of transfer reversal, notify post-transfer registrant of the reversal
- **Intended to correct fraudulent or erroneous transfers**, not to address or resolve disputes arising over domain control or use.
- Cannot be used in cases of:
 - **UDRP**
 - **Bulk Transfer**
 - **Pending Litigation**
- WG could not come to agreement on mechanism to challenge an ETRP

Community Criticism of ETRP (why it ultimately did not move forward)

- **Creates uncertainty for the acquiring party**
- **Extremely disruptive to the secondary domain marketplace** to the detriment of both sellers and purchasers
- **Subject to substantial abuse** - no effective sanctions for individuals who abuse the ETRP to help curb abuse
- Window for initiation **should be much shorter** (theft of a valuable domain would be discovered within days, not months) – **30 days maximum**, for example
- There are no clearly delineated due process rights for domain name purchasers – **there needs to be a way to challenge an ETRP**

Community Criticism of ETRP (why it was ultimately did not move forward)

- A common hijacking approach is to **gain control of the victim's email address and/or registrar account**. Security efforts should be aimed at this problem.
- Before introducing a new policy, **data from registrars is needed to scope the problem of hijacking** – the data could be gathered anonymously by a third party.
- **Proposed solution is worse than the problem** it is trying to solve
- This requires registrars and/or registries **to judge the merits of a hijacking claim by the losing registrant** – essentially making them **responsible for high-speed dispute evaluation/resolution** and leaving the process open to gaming.