IRTP Part C – Public Comments Review Tool
8 February 2012

For complete overview of comments received, please see https://community.icann.org/display/gnsoirtppdpwg/Public+Comments.

#	Comment	Who / Where	WG Response	Recommended Action
Charter Question A - "Change of Control" function, including an investigation of how this function is currently achieved, if there are any applicable models in the country-code name space that can be used as a best practice for the gTLD space, and any associated security concerns. It should also include a review of locking procedures, as described in Reasons for Denial #8 and #9, with an aim to balance legitimate transfer activity and security.				
1.	Transferring domain name registrations between Registrants is inconsistently handled by registrars and other service providers. The IRTP Part C Working Group should seek to strike a balance between domain name security and domain portability.	GoDaddy	Most agreed that an appropriate balance needs to be found between the primary and secondary market with regards to domain name security and portability. The transfer case study conducted by the WG showed that there are inconsistencies and elaborate processes currently in place to conduct a change of control, which affirms that the IRTP is currently not equipped to deal with this issue in a predictable and transparent manner. At the same time, the WG noted that uniformity might not be the desired outcome. The WG noted the importance of striving for a set of basic principles that	**Capture comment and WG discussion in the Initial Report.**

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			would define the basic rules for enacting a change of control, with leaving enough flexibility to allow for variation and differentiation in the market.	
2.	Support for conducting a more detailed study of the best practices used by the various country-code TLD operators.	RySG	The WG agrees that reviewing the practices / policies that ccTLDs have in place would be helpful as a reference point. The question was raised whether registrars encounter less issues in relation to change of control when dealing with ccTLDs than gTLDs. Some noted that gTLDs have more portability from a registry perspective, but as a result of individual registrar practices this is not necessarily the case at the registrar level. It was also noted that the different relationship that exists between the registrant and the registry in many ccTLDs is also a factor to be considered.	**Conduct survey of ccTLD practices in relation to change of control**
3.	Supportive of the WG recommending that appropriate best practices be implemented by gTLDs in this area. Since registrars own the relationship with the registrant, and change of control is directly related to the registrant, only	RySG	Several members of the WG pointed out that other stakeholders, in addition to registrars, should be closely involved in developing the	**Reflect WG position in the Initial Report.**

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	the registrar should be permitted to effect a change of control (even in the case of a UDRP directive).		process/policy, but noted that in relation to implementation of any policy recommendations concerning this topic, it would be likely that registrars would have the main responsibility for implementing and enacting the policy. As noted in the WG response to comment #1, there appeared to be general support for exploring basic principles that might be translated into requirements (policy), with leaving further details flexible (incl. best practices), instead of only focusing on best practices.	
4.	With regard to reason for denial #8, many registries have a systematic restriction on the transfer of domains within 60 days of the creation date. As a result, it is the view of the RySG that measures are in place to reduce fraud in the early days of a domain's existence and no further clarification is therefore needed.	RySG	As a further explanation of the comment, it was clarified that most, if not all, registries have a systematic restriction in place on the transfer of domain within 60 days of the creation date, which in effect means that registrars are obliged to follow this practice even though it is currently optional for registrars in the IRTP (denial reason #8). The WG noted that this comment seems to be in response to the Charter	**Consider the comment in further detail as part of the deliberations on denial reason #8.**

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			Question which recommends a review of denial reason #8 and #9 in the context of the discussions on change of control.	
5.	In relation to reason for denial #9, since some transfer disputes are raised as a result of a registrar's practice of locking down a domain when modifications are made to the registrant details, the RySG recommends that additional clarification be added to specifically state that registrars are prohibited from restricting transfers for 60 days after changes to registrant details. To the extent that a new policy is developed to address the 'change of control' function, then that policy could also address any specific restrictions / impacts that a change of registrant details would have on inter-registrar transfers.	RySG	Some noted that it would be helpful to receive more input on why denial reason #9 is applied by registrars to get a better insight into the pros and cons of this practice. Some also noted that restrictions like these are also applied at the registry level. It was noted that reason for denial #9 is predicated on reason for denial #6 of the IRTP, which has currently changed as a result of the recommendations of the IRTP Part B Working Group. Changes to the registrant name or email address can be a security problem which is caused by the root of the issue which is the fact that there is no policy or process to deal with a change of control.	**Explore in further detail the reasons why denial reason #9 is used and how this would relate to a possible new policy / procedure for change of control as well as the new reason for denial #6.**
Charter Question B - Whether provisions on time-limiting Form Of Authorization (FOA)s should be implemented to avoid fraudulent transfers out. For example, if a Gaining Registrar sends and receives an FOA back from a transfer contact, but the name is locked, the registrar may hold the FOA pending adjustment to the domain name status, during which time the registrant or other registration information may have changed.				

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6.	Practical limits on the effective term of a Form of Authorization should be considered. Sixty (60) days would be a reasonable time frame. To inform its work, the IRTP Part C WG should gather and consider scenarios in which a registrar receives an FOA from the Registrant but does not submit the transfer request to the Registry.	GoDaddy	Some wondered whether 60 days would be too long, but others pointed out that 60-days would align it with some of the other grace periods currently in place. Some also noted that the aftermarket currently relies on a long FOA. Some suggested that an FOA with opt-in auto renewal could be explored to address this issue. It was also suggested that further details should be obtained on how to address this issue and making sure that if any changes are made to the timeline of the FOA, it works for all involved.	**Obtain further input from aftermarket participants on use of FOA and timeframes involved.**
7.	Support for the concept of time-limiting the FOA but defers to the registrar community to determine what a reasonable time limit should be.	RySG	Some pointed out that other communities should also be consulted, not only the registrar community.	
Charter Question C - Whether the process could be streamlined by a requirement that registries use IANA IDs for registrars rather than proprietary IDs.				
8.	GoDaddy anticipates that this might become a greater burden for all registrars with new gTLDs when hundreds of new gTLDs are active in the DNS. A move to uniformly employ IANA ID numbers in gTLD Registry systems would therefore be favored to the extent practical.	GoDaddy	It was noted that it there would be more uniformity, it would make things easier and avoid confusion in communications between registrars and registries, which would also	**Obtain further input from the RySG of the possibility of requiring the use of IANA IDs, possibly in combination with proprietary IDs.**

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			benefit registrants as it would likely result in less errors and more accurate transfers. Most agreed that with new gTLDs this could become more of an issue if not addressed now. The WG noted that it would be of interest to get further input from the RySG on the possible impact of requiring the use of IANA IDs, possibly in combination with proprietary IDs. It was noted that the Charter question seems to suggest replacing proprietary IDs, but several noted that there are other options that should be explored as well such as using the IANA ID in combination with a proprietary ID.	
9.	It is general agreed that registrar name changes often do make it difficult to ensure that the correct registrar is identified and use of the IANA ID may be helpful in confirming registrar identification. It is reasonable to think that all registries do maintain the IANA ID for each registrar in their registration systems.	RySG	It was noted that all Registries do maintain IANA ID information as it is required as part of their monthly reports to ICANN, however that does not necessarily mean that the information is part of the different systems that would be involved should the use of IANA IDs become required in relation	

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			to transfers.	
In relation to Charter Question A, the Issue Report notes that 'data on the frequency of hijacking cases is a pivotal part of this analysis. Mechanisms should be explored to develop accurate data around this issue in a way that meets the needs of registrars to protect proprietary information while at the same time providing a solid foundation for data-based policy making. Data on legitimate transfer activity benefitting from the current locking policy wording needs to be collected'.				
10.	Registries do not have a comprehensive view of hijacking cases as very few cases ever reach the registries for action. It is agreed that data relating to the frequency of hijacking instances is critical to understanding the extent of the issue. The RySG is hopeful that registrars may be able to propose a mechanism by which to gather and provide information in a manner that will protect the proprietary nature of the data.	RySG	The WG acknowledged the importance of having further data, but also recognized the sensitivity of sharing such data from a security as well as competitive perspective. It was suggested that the WG might explore the process that is being used in the DSSA WG to share confidential information (see http://forum.icann.org/lists/dssa/doc7U5jUYELRU.doc) and/or work with the RrSG to obtain such information in an acceptable way.	**Explore ways to obtain and exchange such information (e.g. DSSA process).**
In addition to the ccTLDs described in the Issue Report that do have a procedure or process for a 'change of control' (.ie, .eu and .uk) are there any other ccTLDs that have similar procedures or processes which the WG should review in the context of charter question A? Furthermore, the WG would be interested to receive feedback on the experiences with these or other ccTLD procedures or processes for a 'change of control' as well as identifying potential benefits and/or possible negative consequences from applying similar approaches in a gTLD context.				
11.	The RySG defers to the registrar community for feedback on this issue.	RySG	The WG noted that it would also be of interest to get input from others, including ccTLD registries on this issue.	**Reach out to the ccNSO community (Done: joint meeting scheduled at the ICANN Meeting in Costa Rica).**
In relation to Charter Question B and C, the WG would be interested in further input or data in relation to the incidence of this issue to				

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	determine its scope and the most appropriate way to address it.			
12.	The RySG defers to the registrar community for feedback relating to Charter Question B since the RySG has little to no information relating to age of FOA used in the transfer of domain names from one registrar to another.	RySG	Some noted that it would also be of interest to get the input from others, in addition to the registrar community, on this issue. The WG discussed whether it would be beneficial to create a sub-team that would be tasked with gathering further data and information to help inform the WG deliberations (e.g. explore the average age of an FOA which might help determine the appropriate time limit for an FOA, how are IANA IDs / proprietary IDs currently used).	**Consider forming a sub-team(s) for information / data gathering purposes in relation to Charter Question A and B.**
In relation to Charter Question C, Registries and Registrars are asked to provide specific information as to where proprietary IDs are currently being used by registries and whether the use of IANA IDs instead would be preferred / beneficial.			
13.	At least two registries have been identified as using proprietary IDs instead of the IANA assigned IDs. In the case of at least one of these registries, proprietary IDs are used in all registrar/registry communications. The primary driver behind the use of proprietary IDs vs. IANA IDs is security. The registries that currently use proprietary IDs have indicated that the use of proprietary IDs aids in the prevention of mining of Whois data based on publicly available IANA IDs. There would need to	RySG	Registry participants of the WG shared that it should be taken into account that it usually takes about 15-18 months to move from a development plan to implementation for registries. However, they also pointed out that in order to be able to provide more detailed feedback on the impact of a possible	**Review new gTLD information to determine whether there are any requirements to use IANA IDs.**

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	be a compelling reason for these registries to transition to the use of IANA IDs as the level of effort involved would be significant given that all systems would be impacted. In addition, it was later added, in certain cases registries deal with registrars that also sell ccTLDs for which there is no IANA ID, in those cases it is considered more efficient to have one single proprietary ID.		requirement of IANA IDs, it would be helpful to have more information on what this requirement would entail (e.g. for which communications would the IANA ID be required). The WG also asked whether this issue is addressed in new gTLDs and whether there are any requirements on new gTLD operators in relation to using IANA IDs.	