Inter-Registrar Transfer Policy Part B – Recommendation #9 – part 2 New provision on when and how domains may be locked or unlocked
Public comments are sought (by 13 February) to changes to the Inter-Registrar Transfer Policy (IRTP) proposed by the ICANN staff, at the request of the GNSO.

Recommendation: That ALAC supports the changes proposed by ICANN staff, as set out in their Proposal of 22 November 2011

Background:
Because this policy supports the process whereby registrants can transfer their domain name from one accredited registrar to another, this is of concern to ALAC – representing users – and we should support changes that clarify/enhance user rights.

The specific changes proposed are about 'domain locks' that can be imposed by registrars to prevent registry changes to the domain name that the registrant does not intend or authorize.

'Domain locks' are mentioned in the paper SSAC 044: *A Registrants Guide to Protecting Domain Name Registration* as one way that registrants' rights to their domain name can be protected. However, the IRTP recognizes and supports the right of a duly authorized registrant to transfer from one registrar to another.

(NB: one issue in the proposed policy is the suggested use of WHOIS data as one means to verify the authenticity of the request for transfer – which may be of concern given the significant inaccuracy of WHOIS data)

A summary of what is proposed by the ICANN staff is:

- *Registrar may only impose a lock that would prohibit transfer of the domain name if it includes in its registration agreement the terms and conditions for imposing such lock and obtains express consent from the Registered Name Holder: and*
- *Registrar must remove the "Registrar Lock" status within five (5) calendar days of the Registered Name Holder's initial request, if the Registrar does not provide facilities for the Registered Name Holder to remove the "Registrar Lock" status*

Proposed changes

The specific changes proposed are as follows:

The new clause in Part 3, Clause 6-7 (Reasons for Denial) is:

Express objection to the transfer by the authorized Transfer Contact.

Objection could take the form of specific request (either by paper or electronic means) by the authorized Transfer Contact 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 authorized Transfer Contact on an opt-in basis and upon request by the authorized Transfer Contact, the Registrar must remove the lock or provide a reasonably accessible method for the authorized Transfer Contact to remove the lock within five (5) calendar days.

As a consequence of the proposed change above (more fully spelling out requirements on registrars), under the list of when a requested change of registrar may not be denied, the following change was made:

- *Domain name in""Registrar Lock""status, (the following is now deleted: unless the Registered Name Holder is provided with the reasonable opportunity and ability to unlock the domain name prior to the Transfer Request.)*

The other ICANN proposed change is to section 5: "Registrar Lock" Status and EPP -based Registry Requirements for Registrars.

Subject to ICANN specifications or policies and any applicable laws or regulations, Registrars must follow the requirements set forth below….

Registrar may set a domain name in "Registrar Lock" status (or with the EPP status code "client Transfer Prohibited") upon registration or subsequent request by the Registered Name Holder provided that the Registrar includes in its registration agreement and obtains express consent from the Registered Name Holder the terms and conditions upon which it locks and prohibits transfer of the domain name. Further, the Registrar must remove the "Registrar Lock" status within five (5) calendar days of the Registered Name Holder's initial request, if the Registrar does not provide facilities for the Registered Name Holder to remove the "Registrar Lock" status.