

Transfer Policy Review Working Group Draft Preliminary Recommendations - ICANN-approved Transfers

Preliminary Recommendation 34: Fees Associated with Full Portfolio Transfers over 50,000 domain names

34.1 The Working Group recommends that a Registry Operator MAY charge a fee to implement a full domain name portfolio transfer¹ of 50,000 or more domain names from one ICANN-accredited registrar to another ICANN-accredited registrar(s)², provided the conditions described in sections I.B.1.1 and I.B.1.2 are satisfied.

34.2 The Registry MAY waive the fee associated with full portfolio transfers; however, in full portfolio transfers resulting from an involuntary registrar termination, i.e., where a registrar is terminated by ICANN due to non-compliance with the Registrar Accreditation Agreement, the Working Group recommends the Registry MUST waive any fee associated with a full portfolio transfer.

Preliminary Recommendation 35: Retainment of Current Full Portfolio Transfer Fee Ceiling and Minimum Domain Name Threshold

The Working Group recommends retaining both (i) the current minimum number of domain names that trigger the fee at 50,000 names and (ii) the current price ceiling of USD \$50,000. If the full portfolio transfer involves multiple Registry Operators, the affected Registry Operators MUST ensure the collective fee does not exceed the recommended ceiling of USD \$50,000, and the fee MUST be apportioned based on the number of domain names transferred.

Preliminary Recommendation 36: Restriction of Fee Adjustments for Full Portfolio Transfers Involving Multiple Registry Operators

The Working Group recommends that if the full portfolio transfer involves multiple Registry Operators, and one or more affected Registry Operators chooses to waive its portion of the

¹ Note: this could include all of the domain names a registrar has within a gTLD or all of the gTLD domain names a registrar has under management

² In the majority of instances, ICANN org will choose one Gaining Registrar to take over the Losing Registrar's domain name portfolio; this is the preferred scenario to avoid customer confusion. However, there may be a situation where multiple Gaining Registrars will be chosen. For example, if there is no registrar who offers all of the TLDs of the Losing Registrar, ICANN org will need to identify more than one Gaining Registrar to which the domain names will be transferred to.

collective fee, the remaining Registry Operators MUST NOT adjust their fees to a higher percentage due to another Registry Operator's waiver.

Preliminary Recommendation 37: Registry Operator Notice to ICANN of Partial or Full Portfolio Transfer Completion

The Working Group recommends that following the completion of the transfer, the Registry Operator(s) MUST provide notice to ICANN that the transfer is complete, and the notice to ICANN MUST include the number of domain names transferred.

Preliminary Recommendation 38: ICANN Notice to Affected Registry Operators of Associated Domain Name Numbers for Full Portfolio Transfers

The Working Group recommends that following receipt of notices from all affected Registry Operators, ICANN MUST send a notice to affected Registry Operators with the reported numbers and corresponding percentages of domain names involved in the bulk transfer, e.g., 26% of names for .ABC and 74% of names for .DEF. The Registry Operators MAY then charge the Gaining Registrar a fee

Preliminary Recommendation 39: Gaining Registrar Responsibility for Payment of Fees Associated with Full Portfolio Transfer

The Working Group recommends that the Gaining Registrar MUST be responsible for paying the relevant Registry's fee (if any).

Preliminary Recommendation 40: Inclusion of Bulk Transfer After Partial Portfolio Acquisition (BTAPPA) in Transfer Policy

The working group recommends updating the Transfer Policy to include the Bulk Transfer After Partial Portfolio Acquisition (BTAPPA) directly into the Transfer Policy, which would apply to all Registry Operators.³

Preliminary Recommendation 41: Expansion of Bulk Transfer After Partial Portfolio Acquisition (BTAPPA) to Registrar Agents

³ For the avoidance of doubt, the BTAPPA is now included as part of the Transfer Policy, and when the updated Transfer Policy becomes effective, Registry Operators will no longer have to file an RSEP to offer the BTAPPA.

The working group recommends that the standard Bulk Transfer After Partial Portfolio Acquisition (BTAPPA) be expanded to include circumstances where an agent of the Registrar, such as a Reseller or service provider, elects to transfer its portfolio of domain names to a new gaining registrar, and the registration agreement explicitly permits the transfer.

Preliminary Recommendation 42: Required Registrar Notification of BTAPPA

[In the event of a BTAPPA], Registrars shall either notify or ensure their Resellers (where applicable) notify affected Registrants approximately one month⁴ at least [30 days] before the change of sponsorship is expected to occur . This notification⁵ must provide instructions on (i) how to opt out (if applicable) (ii) how to transfer the name to a registrar other than the Gaining Registrar before the date of the sponsorship change, if desired, (iii) the expected date of the change of sponsorship, (iv) the name of the Gaining Registrar, and (v) a link to the Gaining Registrar’s (or their Reseller’s) terms of service.]

Preliminary Recommendation 43: Domain Name Expiration Dates During BTAPPA

For a change of sponsorship, the expiration dates of transferred registrations are not affected and, therefore, there are no ICANN fees. Once the change of sponsorship is complete, there is no grace period to reverse the transfer.

Preliminary Recommendation 44: Permitted Rejection of BTAPPA Request

A Registry Operator must reject a change of sponsorship request if there is reasonable evidence that the change of sponsorship is being requested in order to avoid fees otherwise due to the Registry Operator or ICANN. A Registry Operator has discretion to reject a change of sponsorship request if a registrar with common ownership or management or both has already requested a change of sponsorship within the preceding six-month period.

⁴ The WG recognizes that some flexibility is required in the timing of Change of Sponsorship (BTAPPA) notifications. As such, one month should be treated as no less than 26 and no more than 35 days. A registrar is not precluded from sending additional notifications earlier or later than this required one month notification.

⁵ A notice MAY encompass multiple TLDs if a Registered Name Holder has registered domain names under more than one TLD and the same parameters apply to the transfers, i.e., the date of transfer, instructions, etc.

Preliminary Recommendation 45: Required Registration Agreement Language for BTAPPA

The Losing Registrar's existing Registration Agreement with customers must permit the transfer of domain names in the event of the scenarios described in the Transfer Policy with respect to a change of sponsorship. [Additionally, the losing registrar's Registration Agreement must inform registrants that in the event of a change of sponsorship, the affected registrants will be deemed to have accepted the new registrar's terms, unless the registrant transfers their domain name(s) to a different registrar prior to the change of sponsorship.

Preliminary Recommendation 46: Notice of Registry Fees for BTAPPA

The Registry Operator MAY charge a fee for a change of sponsorship, but Registry Operators MUST provide notice to Registrars of any fees associated with a change of sponsorship upon request and prior to the initiation of the transfer. How Registry Operators choose to provide notice of fees will be up to the Registry to decide, i.e., password protected portal, website, written notice, etc.

Preliminary Recommendation 47: Prohibition on Post-BTAPPA Transfer Restriction

In the case of a change of sponsorship, the Gaining Registrar MUST NOT impose a new inter-registrar transfer lock preventing affected registrants from transferring their domains to another Registrar.