ICANN 80 POLICY FORUM

Transfer Policy Review PDP Working Group

Recommendations Discussion

Proposed Updates to TPR WG Recommendations

Proposed Updates to TPR WG Recommendations

CANNOT LIVE WITH	
Group	Registrar Stakeholder Group
Rec #	**5.3**
Proposed Update	We note again that although there is a requirement to include instructions detailing how the RNH can take action if the transfer was invalid there is no guidance for what process a registrar should follow, and no recourse for a registrar to have a transfer reversed if it was invalid but yet still within the policy requirements (e.g. compromised account leading to domain theft).

Proposed Updates to TPR WG Recommendations

Rec 5.3: Notification of Transfer Completion

The following elements MUST be included in the "Notification of Transfer Completion":

- Domain name(s)

- IANA ID(s) of Gaining Registrar(s) and link to ICANN-maintained webpage listing accredited Registrars and corresponding IANA IDs. If available, the name of the Gaining Registrar(s) may also be included.

- Text stating that the domain was transferred

- Date and time that the transfer was completed

- Instructions detailing how the RNH can take action if the transfer was invalid (how to initiate a reversal) and any deadlines by which the RNH must take action.

Proposed Updates to TPR WG Recommendations

Rec 5.3: Notification of Transfer Completion

The following elements MUST be included in the "Notification of Transfer Completion":

- Domain name(s)

- IANA ID(s) of Gaining Registrar(s) and link to ICANN-maintained webpage listing accredited Registrars and corresponding IANA IDs. If available, the name of the Gaining Registrar(s) may also be included.

- Text stating that the domain was transferred

- Date and time that the transfer was completed

- ~~Instructions detailing how the RNH can take action if the transfer was invalid (how to initiate a reversal) and any deadlines by which the RNH must take action.~~
  Instructions detailing how the RNH can contact the Losing (Prior) Registrar for support if they believe the transfer was invalid, and any deadlines or policies which may be relevant.

Proposed Updates to TPR WG Recommendations

CANNOT LIVE WITH	
Group	Registrar Stakeholder Group
Rec #	**22**
Proposed Update	I.A.3.7.6 may need to change in relation to Recommendation 19: Transfer Restriction After Inter-Registrar Transfer which does include exceptions to this lock.

Proposed Updates to TPR WG Recommendations

Rec 22:   New Reasons that a Registrar of Record MUST Deny a Transfer

Reference	Current Text	Revision	Rationale
I.A.3.7.6	A domain name is within 60 days (or a lesser period to be determined) after being transferred (apart from being transferred back to the original Registrar in cases where both Registrars so agree and/or where a decision in the dispute resolution process so directs). "Transferred" shall only mean that an inter-registrar transfer has occurred in accordance with the procedures of this policy.	A domain name is within 60 30 days (or a lesser period to be determined) after being transferred (apart from being transferred back to the original Registrar in cases where both Registrars so agree and/or where a decision in the dispute resolution process so directs). "Transferred" shall only mean that an inter-registrar transfer has occurred in accordance with the procedures of this policy.	Per working group Preliminary Recommendation 19, the Registrar MUST restrict the RNH from transferring a domain name to a new Registrar within 30 days of the completion of an inter-Registrar transfer.

Proposed Updates to TPR WG Recommendations

POST ICANN80 Edits

Rec 22:   New Reasons that a Registrar of Record MUST Deny a Transfer

Reference	Current Text	Revision	Rationale
I.A.3.7.6	A domain name is within 60 days (or a lesser period to be determined) after being transferred (apart from being transferred back to the original Registrar in cases where both Registrars so agree and/or where a decision in the dispute resolution process so directs). "Transferred" shall only mean that an inter-registrar transfer has occurred in accordance with the procedures of this policy.	A domain name is within 60 30 days (or a lesser period to be determined) after being transferred (apart from being transferred back to the original Registrar in cases where both Registrars so agree and/or where a decision in the dispute resolution process so directs). "Transferred" shall only mean that an inter-registrar transfer has occurred in accordance with the procedures of this policy. This restriction does not apply in cases where the conditions described in [policy references to be inserted] are met.	Per working group Preliminary Recommendation 19, the Registrar MUST restrict the RNH from transferring a domain name to a new Registrar within 30 days of the completion of an inter-Registrar transfer, unless the conditions described in Rec. 19.1-19.4 are met.

Proposed Updates to TPR WG Recommendations

Reference - **Rec 19:**   **Transfer Restriction After Inter-Registrar Transfer**

The Registrar MUST restrict the RNH from transferring a domain name to a new Registrar within 30 calendar days / 720 hours of the completion of an inter-Registrar transfer. To the extent that a Registry and/or Registrar has an existing policy and/or practice of restricting the RNH from transferring a domain name to a new Registrar for a different period of time following an inter-Registrar transfer, all policies and practices MUST be updated to be consistent with this new requirement. [However, the working group recognizes that there may be situations where early removal of the 30-day restriction described in Recommendation 19 is necessary.]

        [...]

Proposed Updates to TPR WG Recommendations

Reference - Rec 19:   Transfer Restriction After Inter-Registrar Transfer

19.1: [However, the working group recognizes that there may be situations where early removal of the 30-day restriction described in Recommendation 19 is necessary.] Accordingly, the Registrar MAY remove the 30-day inter-registrar transfer restriction early only if all of the below conditions are met:

19.2: The Registrar MUST be able to demonstrate that it received a specific request to remove the 30-day restriction from the Registered Name Holder, and

19.3: The Registrar MUST ensure the request to remove the restriction was requested by the Registered Name Holder;

19.4: The Registrar MUST confirm that the specific request includes a reasonable basis for removal of the restriction;

19.5: The Registrar MUST maintain a record demonstrating the request to remove the restriction (regardless of outcome) for a period of no fewer than fifteen (15) months following the end of the Registrar's sponsorship of the registration.

Proposed Updates to TPR WG Recommendations

POST ICANN80 Edits

Reference - **Rec 19:   Transfer Restriction After Inter-Registrar Transfer**

The Registrar MUST restrict the RNH from transferring a domain name to a new Registrar within 30 calendar days / 720 hours of the completion of an inter-Registrar transfer. To the extent that a Registry and/or Registrar has an existing policy and/or practice of restricting the RNH from transferring a domain name to a new Registrar for a different period of time following an inter-Registrar transfer, all policies and practices MUST be updated to be consistent with this new requirement. [However, the working group recognizes that there may be situations where early removal of the 30-day restriction described in Recommendation 19 is [necessary] [needed].] Accordingly, the Registrar MAY remove the 30-day inter-registrar transfer restriction early only if all of the below conditions are met:

> **19.1**: The Registrar MUST be able to demonstrate that it received a specific request to remove the 30-day restriction from the Registered Name Holder;

> **19.2**: The Registrar MUST ensure the request to remove the restriction was requested by the Registered Name Holder;

Proposed Updates to TPR WG Recommendations

Reference **- Rec 19:   Transfer Restriction After Inter-Registrar Transfer**

19.3: The specific request includes a reasonable basis for removal of the restriction; and

19.4: The Registrar MUST maintain a record demonstrating the request to remove the restriction (regardless of outcome) for a period of no fewer than fifteen (15) months following the end of the Registrar's sponsorship of the registration.

Proposed Updates to TPR WG Recommendations

	CANNOT LIVE WITH
Group	Registrar Stakeholder Group
Rec #	**23**
Proposed Update	I.A.3.8.5 should be removed as there is no longer a lock associated with the CoR

Proposed Updates to TPR WG Recommendations

Rec 23:   Revised Reasons that a Registrar of Record MUST Deny a Transfer

Reference	Current Text	Revision	Rationale
I.A.3.8.5	The Registrar imposed a 60-day inter-registrar transfer lock following a Change of Registrant, and the Registered Name Holder did not opt out of the 60-day inter-registrar transfer lock prior to the Change of Registrant request.	N/A	The Working Group is not proposing any revisions at this time. Per the working group charter, Change of Registrant will be addressed in Phase 1(b) of the PDP. The working group will revisit I.A.3.8.5 once it has completed deliberations on Change of Registrant.

Proposed Updates to TPR WG Recommendations

POST ICANN80 Edits

Rec 23:   Revised Reasons that a Registrar of Record MUST Deny a Transfer

Reference	Current Text	Revision	Rationale
I.A.3.8.5	The Registrar imposed a 60-day inter-registrar transfer lock following a Change of Registrant, and the Registered Name Holder did not opt out of the 60-day inter-registrar transfer lock prior to the Change of Registrant request.	~~The Registrar imposed a 60-day inter-registrar transfer lock following a Change of Registrant, and the Registered Name Holder did not opt out of the 60-day inter-registrar transfer lock prior to the Change of Registrant request.~~	The Working Group is removing this text entirely as the Working Group recommends removal of the 60-day inter-registrar transfer lock from the Change of Registrant Data Policy. (See Rec. 26.4 and associated rationale for further information).

Proposed Updates to TPR WG Recommendations

COMMENT	
Group	Registrar Stakeholder Group
Rec #	**25.3**
Proposed Update	Can ensure clarification where the P/P email address differs from the RNH and the P/P furnished email address, so that we can identify which prevails. As I read this, changing P/P where the email address changes might trigger 25.1, but does 25.3 override that? I could see some Rr interpreting this as yes, some no.

Proposed Updates to TPR WG Recommendations

Rec 25:   Change of Registrant Data

The working group recommends that the Transfer Policy and all related policies MUST use the term "Change of Registrant Data" in place of the currently-used term "Change of Registrant". This recommendation is for an update to terminology only and does not imply any other changes to the substance of the policies.

25.1: "Change of Registrant Data" is defined as a Material Change to the Registered Name Holder's name or organization, or any change to the Registered Name Holder's email address.

25.2: The working group affirms that the current definition of "Material Change" remains applicable and fit for purpose.

25.3: A "Change of Registrant Data" does not apply to the addition or removal of Privacy/Proxy Service Provider (P/P) data in RDDS when such P/P services are provided by the Registrar or its Affiliates.

Proposed Updates to TPR WG Recommendations

POST ICANN80 Edits

Rec 25:   Change of Registrant Data

The working group recommends that the Transfer Policy and all related policies MUST use the term "Change of Registrant Data" in place of the currently-used term "Change of Registrant". This recommendation is for an update to terminology only and does not imply any other changes to the substance of the policies.

25.1: "Change of Registrant Data" is defined as a Material Change to the Registered Name Holder's name or organization, or any change to the Registered Name Holder's email address[, subject to the language in 25.3].

25.2: The working group affirms that the current definition of "Material Change" remains applicable and fit for purpose.

25.3: A "Change of Registrant Data" does not apply to the addition or removal of Privacy/Proxy Service Provider (P/P) data in RDDS when such P/P services are provided by the Registrar or its Affiliates.

Proposed Updates to TPR WG Recommendations

CAN LIVE WITH but prefer this change	
Group	Registrar Stakeholder Group
Rec #	**4**
Proposed Update	Under Policy Impact: MEDIUM replace "This recommendation requires a new notification, whereas currently, the AuthInfo Code is typically generated at time of registration." with "This recommendation requires a new notification, whereas currently there is no separate notice required when a TAC is provided to the RNH"
Rationale	The fact that the authinfo was typically generated at time of registration but now will only be generated at time of request is unrelated to the notification of TAC issuance

Proposed Updates to TPR WG Recommendations

Rec 4:   Notification of TAC Issuance

The working group recommends that the Registrar of Record MUST send a "Notification of TAC Issuance" to the RNH without undue delay but no later than 10 minutes after the Registrar of Record issues the TAC. For the purposes of sending the notification, the Registrar of Record MUST use contact information as it was in the registration data at the time of the TAC request.

> **4.1:** This notification MUST be provided in English and in the language of the registration agreement and MAY also be provided in other languages.
> [...]

Policy Impact: MEDIUM
This recommendation requires a new notification, whereas currently, the AuthInfo Code is typically generated at time of registration. Implementation of this feature will require planning and system updates for registrars, and the RNH will experience changes from the current transfer policy.

Proposed Updates to TPR WG Recommendations

Rec 4:   Notification of TAC Issuance

The working group recommends that the Registrar of Record MUST send a "Notification of TAC Issuance" to the RNH without undue delay but no later than 10 minutes after the Registrar of Record issues the TAC. For the purposes of sending the notification, the Registrar of Record MUST use contact information as it was in the registration data at the time of the TAC request.
   [...]

Policy Impact: **MEDIUM**
This recommendation requires a new notification, which is not currently required in the Transfer Policy. ~~whereas currently, the AuthInfo Code is typically generated at time of registration.~~ Implementation of this feature will require planning and system updates for registrars, and the RNH will experience changes from the current transfer policy.

Proposed Updates to TPR WG Recommendations

CAN LIVE WITH but prefer this change	
Group	Registrar Stakeholder Group
Rec #	5
Proposed Update	The policy states "The working group recommends that the Losing Registrar MUST send a "Notification of Transfer Completion" to the RNH without undue delay but no later than 24 hours after the transfer is completed. For the purposes of sending the notification, the Registrar of Record MUST use contact information as it was in the registration data at the time of the transfer request.
Rationale	This should be replaced with: "The working group recommends that the Losing Registrar MUST send a "Notification of Transfer Completion" to the RNH without undue delay but no later than 24 hours after the transfer is completed. For the purposes of sending the notification, the **Losing Registrar** MUST use contact information as it was in the registration data at the time of the transfer request." This replacement is because the transfer has already occurred so the "registrar of record" is the gaining registrar, but the prior (losing) registrar should send the notification.

Proposed Updates to TPR WG Recommendations

Rec 5:   Notification of Transfer Completion

The working group recommends that the Losing Registrar MUST send a "Notification of Transfer Completion" to the RNH without undue delay but no later than 24 hours after the transfer is completed. For the purposes of sending the notification, the Registrar of Record MUST use contact information as it was in the registration data at the time of the transfer request.

5.1: This notification MUST be provided in English and in the language of the registration agreement and MAY also be provided in other languages.

5.2: To the extent that multiple domains have been transferred to the same Gaining Registrar or to multiple Gaining Registrars at the same time, and the RNH listed in the Registration Data at the time of the transfer is the same for all domains, the Registrar of Record MAY consolidate the "Notifications of Transfer Completion" into a single notification.
[...]

Post ICANN80 Edits

Rec 5:   Notification of Transfer Completion

The working group recommends that the Losing Registrar MUST send a "Notification of Transfer Completion" to the RNH without undue delay but no later than 24 hours after the transfer is completed. For the purposes of sending the notification, ~~the Registrar of Record~~ the Losing Registrar MUST use contact information as it was in the registration data at the time of the transfer request.

[...]

[Gaining Registrar: The registrar who seeks to become the Registrar of Record by submitting a transfer request.

Losing Registrar: The registrar who was the Registrar of Record at the time a request for the transfer of domain is submitted.

Registrar of Record:

The Registrar who sponsors a domain name at the registry.]

Proposed Updates to TPR WG Recommendations

CAN LIVE WITH but prefer this change	
Group	Registrar Stakeholder Group
Rec #	**26**
Proposed Update	Clarification that a new PDP is not required for the new Change of Registrant Data Policy
Rationale	The working group should make it very clear that it is not recommending a new PDP in order to establish the Change of Registrant Data Policy.

Proposed Updates to TPR WG Recommendations

Rec 26:   Standalone Policy and Updates to Section II of Transfer Policy

The working group recommends eliminating Section II from the Transfer Policy; instead, the working group recommends that a standalone "Change of Registrant Data" policy MUST be established, existing outside of the revised Transfer Policy. As part of the implementation of the new standalone Change of Registrant Data Policy, the working group recommends the following changes from the existing policy language in Section II of the Transfer Policy.

[…]

Post ICANN80 Edits

Rec 26:   Standalone Policy and Updates to Section II of Transfer Policy

The working group recommends eliminating Section II from the Transfer Policy; instead, the working group recommends that a standalone "Change of Registrant Data" policy MUST be established, existing outside of the revised Transfer Policy. [For the avoidance of doubt, the Working Group is not recommending a new PDP to establish this standalone policy; instead, the Working Group is recommending the Change of Registrant Data Policy be created as part of the implementation of these policy recommendations.] As part of the implementation of the new standalone Change of Registrant Data Policy, the working group recommends the following changes from the existing policy language in Section II of the Transfer Policy.

[...]