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DATE: 18 September 2024  
STATUS: Pending Ratification

## AT-LARGE ADVISORY COMMITTEE ALAC Statement on Initial Report on the Transfer Policy Review

### Ratification Record

On 01 August 2024, the Public Comment proceeding opened for the [Initial Report on the Transfer Policy Review](#). On 07 August 2024, Steinar Grøtterød discussed the comments for the ALAC statement during the CPWG call. The At-Large Consolidated Policy Working Group (CPWG) decided it would be in the interest of end users to develop and submit an ALAC statement for this Public Comment proceeding. Steinar Grøtterød volunteered to draft the initial ALAC statement.

On 28 August 2024, the initial draft statement was shared with the CPWG for review and input. On 18 September 2024, the At-Large Public Comment Statement was finalized. The ALAC Chair, Jonathan Zuck, requested that the Public Comment Statement be ratified by the ALAC before submission to the ICANN Public Comment feature.

On [date], staff confirmed the online vote resulted in the ALAC endorsing the statement with [#] out of 15 votes in favor. [#] votes against, and [#] abstentions. Please note [100]% of ALAC members participated in the poll. The ALAC members who participated in the poll are ( alphabetical order by first name): [Aziz Hilali, Bill Jouris, Bukola Oronti, Claire Craig, Eduardo Diaz, Joanna Kulesza, Jonathan Zuck, Justine Chew, Lilian Ivette De Luque, Marcelo Rodriguez, Pari Esfandiari, Raihanath Gbadamassi, Satish Babu, Shah Zahidur Rahman, and Tommi Karttaavi]. You may view the results here: [link to vote results].

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# Initial Report on the Transfer Policy Review

## Instructions

This Public Comment forum seeks community feedback on the Initial Report published by the Transfer Policy Review (TPR) Policy Development Process (PDP) Working Group.

This is a new format for collecting public comments. It seeks to:

- Clearly link comments to specific sections of the Initial Report
- Encourage commenters to provide reasoning or rationale for their opinions
- Enable the sorting of comments so that the TPR PDP Working Group can more easily read all comments on each topic

There is no obligation to complete all sections within this form – respond to as many or as few questions as desired. Additionally, you can provide comments on the general content of the Initial Report or on new issues not raised by the Initial Report. To preview all questions in this form in Word format, you may refer to a [Word doc version here](#).

It is important that your comments include rationale. This is not a vote. The TPR PDP Working Group is interested in your reasoning so that the conclusions reached can be tested against the reasoning of others. (This is much more helpful than comments that simply “agree” or “disagree”).

### NOTE:

- Please refer to the specific recommendation and relevant section, page number, and/or Annex of the Initial Report for additional details and context about each recommendation.
- Your comments should take into account the scope of the PDP as described by the [Charter](#) and General Data Protection Regulation compliance.
- If you encounter difficulties submitting your Public Comment, please send an email to [policy-staff@icann.org](mailto:policy-staff@icann.org) and the TPR PDP Support Staff will assist you.
- The final date of this Public Comment proceeding is 23:59 UTC on 30 September 2024. Any comments received after that date will not be reviewed and discussed by the TPR PDP Working Group.

# Questions

## Part A: TPR PDP Initial Report - Group 1(a) Recommendations

### #1-24

#### (LOW) Recommendation #1: Terminology Updates: WHOIS

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**Recommendation #1:** The working group recommends the following specific terminology updates to the Transfer Policy and the Transfer Dispute Resolution Policy:

- (i) The term "Whois data" SHALL have the same meaning as "Registration Data".
- (ii) The term "Whois details" SHALL have the same meaning as "Registration Data".
- (iii) The term "Publicly accessible Whois" SHALL have the same meaning as "RDDS".
- (iv) The term "Whois" SHALL have the same meaning as "RDDS".

For the avoidance of doubt, the terms referenced in above in Recommendation 1 (i) - (iv) are intended to correspond to the definitions in the Registry Agreement ("RA") and the Registrar Accreditation Agreement ("RAA"), as appropriate. In the event of any inconsistency, the RA/RAA definitions, if updated, will supersede. The working group also recommends that the outdated terms should be replaced with the updated terms, e.g., all references to "Whois Data" should be replaced with the term "Registration Data," etc.

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#### **End-User Impact: LOW**

Page 9 of the TPR PDP Initial Report

1. Please choose your level of support for Recommendation #1:

Support Recommendation as written

Support Recommendation intent with wording change

Significant change required: changing intent and wording

Recommendation should be deleted

No Opinion

2. If your response requires an edit or deletion of Recommendation #1, please indicate the revised wording and rationale here.

## (LOW) Recommendation #2: Terminology Updates: Administrative Contact and Transfer Contact

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### **Recommendation #2:** Terminology Updates: Administrative Contact and Transfer Contact:

The working group recommends removing any reference to an “Administrative Contact” or “Transfer Contact” in the Transfer Policy and Transfer Dispute Resolution Policy and replacing it with “Registered Name Holder” unless specifically indicated.

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### **End-User Impact: LOW**

Page 10 of the TPR PDP Initial Report

1. Please choose your level of support for Recommendation #2:

Support Recommendation as written

Support Recommendation intent with wording change

Significant change required: changing intent and wording

Recommendation should be deleted

No Opinion

2. If your response requires an edit or deletion of Recommendation #2, please indicate the revised wording and rationale here.

## (HIGH) Recommendation #3: Transfer Restriction After Initial Registration

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### **Recommendation #3:** Transfer Restriction After Initial Registration

The Registrar MUST restrict the RNH from transferring a domain name to a new Registrar within 30 calendar days / 720 hours of the initial registration date.<sup>1</sup> 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 initial registration, all policies and practices MUST be updated to be consistent with this new requirement.<sup>2</sup>

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### **End-User Impact: HIGH**

Page 10 of the TPR PDP Initial Report

1. Please choose your level of support for Recommendation #3:

Support Recommendation as written

Support Recommendation intent with wording change

Significant change required: changing intent and wording

Recommendation should be deleted

No Opinion

2. If your response requires an edit or deletion of Recommendation #3, please indicate the revised wording and rationale here.

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<sup>1</sup> The initial registration date referenced in this recommendation corresponds to the Creation Date in the RDDS.

<sup>2</sup> For the avoidance of doubt, this includes, but is not limited to, a 60-day post-creation lock currently specified in some Registry-Registrar Agreements (RRAs). Recommendation 3 seeks to standardize the inter-Registrar transfer restriction period to 30 days across all gTLDs. Accordingly, an RRA or registration agreement that specifies a period other than 30 days would need to be amended pursuant to this recommendation, as a 60-day post-creation lock (or period other than 30 days) would no longer be permitted under the Transfer Policy.



## (LOW) Recommendation #4: Update Term “AuthInfo Code” to “Transfer Authorization Code (TAC)”

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**Recommendation #4:** Update Term “AuthInfo Code” to “Transfer Authorization Code (TAC)”

The working group recommends that the Transfer Policy and all related policies **MUST** use the term “Transfer Authorization Code” or “TAC” in place of the currently used term “AuthInfo Code” and related terms. This recommendation is for an update to terminology only and does not imply any other changes to the substance of the policies.

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**End-User Impact: LOW**

Page 12 of the TPR PDP Initial Report

1. Please choose your level of support for Recommendation #3:

Support Recommendation as written

Support Recommendation intent with wording change

Significant change required: changing intent and wording

Recommendation should be deleted

No Opinion

2. If your response requires an edit or deletion of Recommendation #3, please indicate the revised wording and rationale here.

## (LOW) Recommendation #5:TAC Definition

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### **Recommendation #5: TAC Definition**

The working group recommends that the Transfer Authorization Code MUST be defined as follows: “A Transfer Authorization Code (TAC) is a token created by the Registrar of Record and provided upon request to the RNH or their designated representative. The TAC is required for a domain name to be transferred from one Registrar to another Registrar and when presented authorizes the transfer.”<sup>3</sup> Relevant policy language MUST be updated to be consistent with this definition.

- "Designated representative" means an individual or entity that the Registered Name Holder explicitly authorizes to request and obtain the TAC on their behalf. In the event of a dispute, the RNH's authority supersedes that of the designated representative.

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### **End-User Impact: LOW**

Page 12 of the TPR PDP Initial Report

1. Please choose your level of support for Recommendation #5:

Support Recommendation as written

Support Recommendation intent with wording change

Significant change required: changing intent and wording

Recommendation should be deleted

No Opinion

2. If your response requires an edit or deletion of Recommendation #5, please indicate the revised wording and rationale here.

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<sup>3</sup> Note: This definition draws on elements included in Recommendation 10.

## (MEDIUM) Recommendation #6: Service Level Agreement (SLA) for TAC provision

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### **Recommendation #6:** Service Level Agreement (SLA) for TAC Provision

The working group confirms that the Transfer Policy MUST continue to require the Registrar to set the TAC at the Registry and issue the TAC to the RNH or their designated representative within five calendar days of a request, although the working group recommends that the policy state the requirement as 5 calendar days/120 hours rather than 5 calendar days to reduce any risk of confusion. The working group further recommends that the policy MUST make clear that 5 calendar days/120 hours is the maximum and not the standard period in which the TAC is to be issued.

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### **End-User Impact: MEDIUM**

Page 13 of the TPR PDP Initial Report

1. Please choose your level of support for Recommendation #6:

Support Recommendation as written

Support Recommendation intent with wording change

Significant change required: changing intent and wording

Recommendation should be deleted

No Opinion

2. If your response requires an edit or deletion of Recommendation #6, please indicate the revised wording and rationale here.

## (LOW) Recommendation #7:TAC Composition

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### **Recommendation #7:** TAC Composition

The working group recommends that the minimum requirements for the composition of a TAC MUST be as specified in RFC 9154, including all successor standards, modifications or additions thereto relating to Secure Authorization Information for Transfer. The requirement in section 4.1 of RFC 9154 regarding the minimum bits of entropy (i.e., 128 bits) should be a MUST in the policy until a future RFC approved as “Internet Standards” (as opposed to Informational or Experimental standards) through the applicable IETF processes updates the security recommendation.

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### **End-User Impact: LOW**

Page 14 of the TPR PDP Initial Report

1. Please choose your level of support for Recommendation #7:

Support Recommendation as written

Support Recommendation intent with wording change

Significant change required: changing intent and wording

Recommendation should be deleted

No Opinion

2. If your response requires an edit or deletion of Recommendation #7, please indicate the revised wording and rationale here.

## (LOW) Recommendation #8: Verification of TAC Composition

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### **Recommendation #8:** Verification of TAC Composition

The working group recommends that, at the time that the TAC is stored in the Registry system, the Registry **MUST** verify that the TAC meets the syntax requirements specified in Recommendation 7.

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### **End-User Impact: LOW**

Page 15 of the TPR PDP Initial Report

1. Please choose your level of support for Recommendation #8:

Support Recommendation as written

Support Recommendation intent with wording change

Significant change required: changing intent and wording

Recommendation should be deleted

No Opinion

2. If your response requires an edit or deletion of Recommendation #8, please indicate the revised wording and rationale here.

## (LOW) Recommendation #9:TAC Time to Live (TTL)

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### **Recommendation #9:** TAC Time to Live (TTL)

The working group recommends that:

- 9.1: The TAC MUST be valid for 14 calendar days / 336 hours from the time it is set at the Registry, enforced by the Registry.
  - 9.2: The Registrar of Record MAY reset the TAC to null<sup>4</sup> prior to the end of the 14th calendar day / 336 hours by agreement by the Registrar of Record and the RNH.
- 

### **End-User Impact: LOW**

Page 15 of the TPR PDP Initial Report

1. Please choose your level of support for Recommendation #9:

( X ) Support Recommendation as written

( \_ ) Support Recommendation intent with wording change

( \_ ) Significant change required: changing intent and wording

( \_ ) Recommendation should be deleted

( \_ ) No Opinion

2. If your response requires an edit or deletion of Recommendation #9, please indicate the revised wording and rationale here.

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<sup>4</sup> In the context of this recommendation, “reset the TAC to null” is to have the opposite meaning of setting the TAC. In other words, Recommendation 10.2 provides that the Registrar of Record sets the TAC at the Registry; here, the Registry is reversing that action.

## (LOW) Recommendation #10:TAC Generation, Storage, and Provision

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### **Recommendation #10:** TAC Generation, Storage, and Provision

The working group recommends that:

- 10.1: The TAC MUST only be generated by the Registrar of Record upon request by the RNH or their designated representative.
  - 10.2: When the Registrar of Record sets the TAC at the Registry, the Registry MUST store the TAC securely, at least according to the minimum standard set forth in RFC 9154 (or its successors).
- 

### **End-User Impact: LOW**

Page 17 of the TPR PDP Initial Report

1. Please choose your level of support for Recommendation #10:

Support Recommendation as written

Support Recommendation intent with wording change

Significant change required: changing intent and wording

Recommendation should be deleted

No Opinion

2. If your response requires an edit or deletion of Recommendation #10, please indicate the revised wording and rationale here.

## (HIGH) Recommendation #11: Notification of TAC Issuance

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### **Recommendation #11:** Notification of TAC Issuance

The working group recommends that the Registrar of Record **MUST** send a “Notification of TAC Issuance”<sup>5</sup> to the RNH without undue delay but no later than 10 minutes after the Registrar of Record issues the TAC.<sup>6</sup> 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.

- 11.1: This notification **MUST** be provided in English and in the language of the registration agreement and **MAY** also be provided in other languages.
- 11.2: The following elements **MUST** be included in the “Notification of TAC Issuance”:
  - Domain name(s)
  - Explanation that the TAC will enable the transfer of the domain name to another Registrar
  - Date and time that the TAC was issued and information about when the TAC will expire
  - Instructions detailing how the RNH can take action if the request is invalid (how to invalidate the TAC)
  - If the TAC has not been issued via another method of communication, this communication will include the TAC

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### **End-User Impact: HIGH**

Page 18 of the TPR PDP Initial Report

#### 1. Please choose your level of support for Recommendation #11:

Support Recommendation as written

Support Recommendation intent with wording change

Significant change required: changing intent and wording

Recommendation should be deleted

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<sup>5</sup> The working group recognizes that this notification **MAY** be sent via email, SMS, or a secure messaging system determined by the Registrar. These examples are not intended to be limiting, and it is understood that additional methods of notification **MAY** be created that were not originally anticipated by the working group.

<sup>6</sup> The working group recognizes that from a security perspective, it is best for the “Notification of TAC Issuance” to be delivered by a method of communication that is different from the method used to deliver the TAC. If this is not possible, and the same method of communication is used, the Registrar of Record **MAY** choose to send the "Notification of TAC Issuance" and the TAC together in a single communication.



(  ) No Opinion

2. If your response requires an edit or deletion of Recommendation #11, please indicate the revised wording and rationale here.

## (LOW) Recommendation #12: Verification of TAC Validity

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### **Recommendation #12:** Verification of TAC Validity

The working group recommends that Registry Operator **MUST** verify that the TAC provided by the Gaining Registrar is valid in order to accept an inter-Registrar transfer request.

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### **End-User Impact: LOW**

Page 19 of the TPR PDP Initial Report

1. Please choose your level of support for Recommendation #12:

Support Recommendation as written

Support Recommendation intent with wording change

Significant change required: changing intent and wording

Recommendation should be deleted

No Opinion

2. If your response requires an edit or deletion of Recommendation #12, please indicate the revised wording and rationale here.

## (LOW) Recommendation #13:TAC is One-Time Use

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### **Recommendation #13:** TAC is One-Time Us

The working group recommends that the TAC as created by the Registrar of Record according to Recommendation 10 MUST be “one-time use.” In other words, it MUST be used no more than once per domain name. The Registry Operator MUST reset the TAC to null<sup>7</sup> when it accepts a valid TAC from the Gaining Registrar.

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### **End-User Impact: LOW**

Page 20 of the TPR PDP Initial Report

1. Please choose your level of support for Recommendation #13:

Support Recommendation as written

Support Recommendation intent with wording change

Significant change required: changing intent and wording

Recommendation should be deleted

No Opinion

2. If your response requires an edit or deletion of Recommendation #13, please indicate the revised wording and rationale here.

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<sup>7</sup> In the context of this recommendation, “reset the TAC to null” is to have the opposite meaning of setting the TAC. In other words, Recommendation 10.2 provides that the Registrar of Record sets the TAC at the Registry; here, the Registry is reversing that action.

## (MEDIUM) Recommendation #14: Maintenance of Records

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### **Recommendation #14: Maintenance of Record**

The Registrar MUST retain all records pertaining to the provision of the Transfer Authorization Code (TAC)<sup>8</sup> to a Registered Name Holder, as well as all notifications sent per the requirements under the Transfer Policy. At a minimum, the records retained MUST document the date/time, means, and contact(s) to whom the TAC and notifications are sent. The Registrar MUST maintain these records for the shorter of 15 months or the longest period permitted by applicable law, and during such period MUST provide such records to ICANN upon reasonable notice.

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### **End-User Impact: MEDIUM**

Page 20 of the TPR PDP Initial Report

1. Please choose your level of support for Recommendation #14:

Support Recommendation as written

Support Recommendation intent with wording change

Significant change required: changing intent and wording

Recommendation should be deleted

No Opinion

2. If your response requires an edit or deletion of Recommendation #14, please indicate the revised wording and rationale here.

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<sup>8</sup> Details about the Transfer Authorization Code (TAC) are discussed in earlier in this Report.

## (MEDIUM) Recommendation #15: Maintenance of Records

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### **Recommendation #15: Maintenance of Records**

The working group recommends eliminating from the Transfer Policy the requirement that the Gaining Registrar send a Gaining Form of Authorization. This requirement is detailed in section 1.A.2 of the Transfer Policy.

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### **End-User Impact: MEDIUM**

Page 21 of the TPR PDP Initial Report

1. Please choose your level of support for Recommendation #15:

Support Recommendation as written

Support Recommendation intent with wording change

Significant change required: changing intent and wording

Recommendation should be deleted

No Opinion

2. If your response requires an edit or deletion of Recommendation #15, please indicate the revised wording and rationale here.

## (MEDIUM) Recommendation #16: Registry Transmission of IANA ID to Losing Registrar

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### **Recommendation #16:** Registry Transmission of IANA ID to Losing Registrar

The Registry Operator MUST provide the Gaining Registrar's IANA ID to the Losing Registrar in the notification of a pending transfer request, which will enable the Losing Registrar to provide this information in the Transfer Confirmation and Notification of Transfer Completion.

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### **End-User Impact: MEDIUM**

Page 22 of the TPR PDP Initial Report

1. Please choose your level of support for Recommendation #16:

Support Recommendation as written

Support Recommendation intent with wording change

Significant change required: changing intent and wording

Recommendation should be deleted

No Opinion

2. If your response requires an edit or deletion of Recommendation #16, please indicate the revised wording and rationale here.

## (HIGH) Recommendation #17: Losing Form of Authorization (FOA)

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### **Recommendation #17: Losing Form of Authorization (FOA)**

The working group did not reach agreement to eliminate or substantially change the Obligations of the Registrar of Record described in Section I.A.3.1 - I.A.3.6 of the Transfer Policy. Therefore, the working group recommends that these requirements will largely remain in place. The working group recommends the following minor modifications:

- 17.1: The term “Transfer Confirmation” MUST be used in place of “Standardized Form of Authorization (FOA).”
- 17.2: The Transfer Confirmation language MUST include the Gaining Registrar’s IANA ID and a link to ICANN-maintained webpage listing accredited Registrars and corresponding IANA IDs. If available, the name of the Gaining Registrar MAY also be included.
- 17.3: The Transfer Confirmation MUST be provided in English and the language of the registration agreement and MAY also be provided in other languages.
- 17.4: The timeframe of five (5) calendar days specified in section I.A.3.5 of the policy MUST be expressed in both calendar days and hours: “Failure by the Registrar of Record to respond within five (5) calendar days / 120 hours to a notification from the Registry regarding a transfer request will result in a default "approval" of the transfer.”

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### **End-User Impact: HIGH**

Page 23 of the TPR PDP Initial Report

1. Please choose your level of support for Recommendation #17:

Support Recommendation as written

Support Recommendation intent with wording change

Significant change required: changing intent and wording

Recommendation should be deleted

No Opinion

2. If your response requires an edit or deletion of Recommendation #17, please indicate the revised wording and rationale here.

## (HIGH) Recommendation #18: Transfer Restriction After Inter-Registrar Transfer

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### **Recommendation #18:** 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 interRegistrar 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 18 is appropriate. Accordingly, the Registrar MAY remove the 30-day inter-Registrar transfer restriction early only if all of the below conditions are met:

- 18.1: The Registrar MUST be able to demonstrate that it received a specific request to remove the 30-day restriction from the Registered Name Holder;
- 18.2: The Registrar MUST ensure the request to remove the restriction was requested by the Registered Name Holder;
- 18.3: The specific request includes a reasonable basis for removal of the restriction; and
- 18.4: 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.

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### **End-User Impact: HIGH**

Page 24 of the TPR PDP Initial Report

1. Please choose your level of support for Recommendation #18:

Support Recommendation as written

Support Recommendation intent with wording change

Significant change required: changing intent and wording

Recommendation should be deleted

No Opinion



2. If your response requires an edit or deletion of Recommendation #18, please indicate the revised wording and rationale here.

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## (HIGH) Recommendation #19: Notification of Transfer Completion

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### **Recommendation #19:** Notification of Transfer Completion

The working group recommends that the Losing Registrar<sup>9</sup> MUST send a “Notification of Transfer Completion”<sup>10</sup> 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.

- 19.1: This notification MUST be provided in English and in the language of the registration agreement and MAY also be provided in other languages.
- 19.2: 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.
- 19.3: 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 contact the Losing (Prior) Registrar for support if they believe the transfer was invalid, and any deadlines or policies which may be relevant.

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### **End-User Impact: HIGH**

Page 26 of the TPR PDP Initial Report

1. Please choose your level of support for Recommendation #19:

( X ) Support Recommendation as written

( \_ ) Support Recommendation intent with wording change

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<sup>9</sup> This is the Registrar of Record at the time of the transfer request.

<sup>10</sup> The footnote on Recommendation 11 regarding the method by which notifications are sent equally applies to the “Notification of Transfer Completion.”

Significant change required: changing intent and wording

Recommendation should be deleted

No Opinion

2. If your response requires an edit or deletion of Recommendation #19, please indicate the revised wording and rationale here.

## (MEDIUM) Recommendation #20: Format of Transfer Policy Section I.A.3.7

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### **Recommendation #20:** Format of Transfer Policy Section I.A.3.7

I.A.3.7 of the Transfer Policy currently reads, “Upon denying a transfer request for any of the following reasons, the Registrar of Record must provide the Registered Name Holder and the potential Gaining Registrar with the reason for denial. The Registrar of Record MAY deny a transfer request only in the following specific instances:” The working group recommends the following revision, in bold, to the first sentence: “Upon denying a transfer request for any of the following reasons, the Registrar of Record must provide the Registered Name Holder and, **upon request**, the potential Gaining Registrar with the reason for denial.” The working group further recommends expressing the two sentences of this provision as two distinct provisions of the policy.

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### **End-User Impact: MEDIUM**

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1. Please choose your level of support for Recommendation #20:

Support Recommendation as written

Support Recommendation intent with wording change

Significant change required: changing intent and wording

Recommendation should be deleted

No Opinion

2. If your response requires an edit or deletion of Recommendation #20, please indicate the revised wording and rationale here.

**(HIGH) Recommendation #21: Revised Reasons that a Registrar of Record MAY Deny a Transfer**

**Recommendation #21:** Revised Reasons that a Registrar of Record MAY Deny a Transfer

The working group recommends revising the following reasons that the Registrar of Record MAY deny a transfer request as follows:

Reference	Current Text	Revision	Rationale
I.A.3.7.1	Evidence of fraud.	Evidence of (a) fraud or (b) DNS Abuse as defined in Section 3.18.1 of the Registrar Accreditation Agreement.	ICANN’s Contractual Compliance Department has observed difficulties from Registrars tying transfer denials involving domain names suspended for abusive activities to the denial instances contemplated by the Transfer Policy. The working group considered several possible revisions to I.A.3.7.1, including those submitted through public comment on the Phase 1(a) Initial Report, to appropriately address the issue identified while ensuring that the text is clear and narrowly-tailored. The working group wanted to avoid recommending broad language that might enable a Registrar to either a) prevent a transfer arbitrarily or b) prevent an RNH from transferring a domain from a

Reference	Current Text	Revision	Rationale
			<p>jurisdiction where certain content or activity is illegal or restricted to another jurisdiction where that same content or activity is considered legitimate speech. The working group’s proposed revision seeks to strike this balance. The WG intentionally points to an ICANN-maintained webpage in the text to allow for changes in the specific threats that may be considered a DNS Security Threat in the ICANN context.</p>
I.A.3.7.2	<p>Reasonable dispute over the identity of the Registered Name Holder or Administrative Contact.</p>	<p><del>Reasonable dispute over the identity of</del> <b>concern that the transfer was not requested by the Registered Name Holder or Administrative Contact.</b></p>	<p>The working group believes that the term “identity” is not appropriate in this context, in part due to concerns regarding data privacy implications.</p> <p>Because the issue at hand is more precisely about authority over the domain, the working group refined the text to focus on the key underlying concern, namely that the transfer request was made by a party other than the Registered Name Holder.</p> <p>Under the Registration Data Policy, Administrative</p>

Reference	Current Text	Revision	Rationale
			<p>Contact data is no longer collected by the Registrar, therefore this term has been removed. This update is consistent with Recommendation 15.</p> <p>The working group considered adding language to address other types of invalid requests or disputes by other parties. The working group determined that the use cases they discussed are appropriately covered by the revised language in I.A.3.7.2.</p>
I.A.3.7.3	<p>No payment for previous registration period (including credit card charge-backs) if the domain name is past its expiration date or for previous or current registration periods if the domain name has not yet expired. In all such cases, however, the domain name must be put into "Registrar Hold" status by the Registrar of Record prior to the denial of transfer.</p>	<p>Nonpayment for previous registration period (including <b>payment disputes</b> or credit card charge-backs) if the domain name is past its expiration date <b>at the current Registrar of Record</b> or for previous or current registration periods if the domain name has not yet expired. <del>In all such cases, however, the domain name must be put into "Registrar Hold" status by the Registrar of Record prior to the denial of transfer.</del></p>	<p>The working group has added the term "payment disputes" to reflect problems related to payments other than a credit card charge-back.</p> <p>The working group received input from ICANN's Contractual Compliance Department that the term "expiration date" in this provision is not sufficiently precise, because during the Auto-Renew Grace Period, the domain will not show as expired at the Registry level, but will show as expired at the Registrar of Record. By adding</p>

Reference	Current Text	Revision	Rationale
			<p>“at the current Registrar of Record” the working group has clarified that if the domain name is past its expiration date at the current Registrar of Record and the RNH has not paid for the registration period prior to that expiration date, the Registrar of Record may deny the transfer.</p> <p>The working group notes that the sentence beginning “In all such cases. . .” dates back as early as the 2002 <a href="#">ICANN DNSO Transfers Task Force Final Report &amp; Recommendations</a>. The working group believes that the Expired Registration Recovery Policy now provides the necessary guidance on treatment of domains postexpiration and that this sentence is unnecessary in the Transfer Policy text.</p>

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**End-User Impact: HIGH**

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1. Please choose your level of support for Recommendation #21:



Support Recommendation as written

Support Recommendation intent with wording change

Significant change required: changing intent and wording

Recommendation should be deleted

No Opinion

2. If your response requires an edit or deletion of Recommendation #21, please indicate the revised wording and rationale here.

**(HIGH) Recommendation #22: New Reasons that a Registrar of Record MUST Deny a Transfer**

**Recommendation #22:** New Reasons that a Registrar of Record MUST Deny a Transfer

The working group recommends changing the following reasons that the Registrar of Record currently MAY deny a transfer into reasons that the Registrar of Record MUST deny a transfer and revising the text as follows:

Reference	Current Text	Revision	Rationale
I.A.3.7.4	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.	Express objection to the transfer by the <del>authorized Transfer Contact</del> <b>Registered Name Holder</b> . Objection could take the form of specific request (either by paper or electronic means) by the <del>authorized Transfer Contact</del> <b>Registered Name Holder</b> 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 <del>authorized Transfer Contact</del> <b>Registered Name Holder</b> on an opt-in basis and upon request by the <del>authorized Transfer Contact</del> <b>Registered Name Holder</b> , the Registrar must remove the lock or provide a reasonably accessible method	Under the Registration Data Policy, Administrative Contact data is no longer collected by the Registrar. Accordingly, the RNH would be the only authorized transfer contact. The working group believes that it is logical that the Registrar of Record must deny a transfer if the Registered Name Holder expressly objects to the transfer. This update is consistent with Recommendation 15.

		for the <del>authorized Transfer Contact</del> <b>Registered Name Holder</b> to remove the lock within five (5) calendar days.	
I.A.3.7.5	The transfer was requested within 60 days of the creation date as shown in the registry Whois record for the domain name.	The transfer was requested within <del>60</del> <b>30</b> days of the creation date as shown in the registry <del>Whois</del> <b>RDDS</b> record for the domain name.	Per working group Recommendation 3, the Registrar <b>MUST</b> restrict the RNH from transferring a domain name to a new Registrar within 30 days of the initial registration date.  "Whois" has been updated to "RDDS" consistent with Recommendation 1.
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 <del>60</del> <b>30</b> 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 Recommendation 19, the Registrar <b>MUST</b> 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. 18.1-18.4 are met.

**End-User Impact: HIGH**

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1. Please choose your level of support for Recommendation #22:

Support Recommendation as written

Support Recommendation intent with wording change

Significant change required: changing intent and wording

Recommendation should be deleted

No Opinion

2. If your response requires an edit or deletion of Recommendation #22, please indicate the revised wording and rationale here.

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**(HIGH) Recommendation #23: Revised Reasons that a Registrar of Record MUST Deny a Transfer**

**Recommendation #23:** Revised Reasons that a Registrar of Record MUST Deny a Transfer

The working group recommends revising the reasons that the Registrar of Record MUST deny a transfer request as follows:

Reference	Current Text	Revision	Rationale
I.A.3.8.1	A pending UDRP proceeding that the Registrar has been informed of.	<del>A</del> Pending UDRP proceeding that the Registrar has been <del>informed</del> <b>notified of by the Provider in accordance with the UDRP Rules.</b>	The working group has refined the current text in an effort to clarify that Registrars must deny inter-Registrar transfer requests that are received after a Registrar has been notified by a UDRP Provider of a UDRP proceeding in accordance with the UDRP Rules.
I.A.3.8.2	Court order by a court of competent jurisdiction.	N/A	The working group believes that this provision continues to be appropriate and that the language is sufficiently clear.
I.A.3.8.3	Pending dispute related to a previous transfer, pursuant to the Transfer Dispute Resolution Policy.	Pending dispute <del>related to a previous transfer, pursuant to</del> <b>under</b> the Transfer Dispute Resolution Policy	This revision is editorial in nature. It is not intended to change the meaning of the provision.
I.A.3.8.4	URS proceeding or URS suspension that the Registrar has been informed of.	<b>Pending</b> URS proceeding or URS suspension that the Registrar has been <del>informed</del> <b>notified of by the Provider in accordance with the URS Procedure.</b>	The term “pending” has been added for consistency with language in I.A.3.8.1 and I.A.3.8.3. In addition, the working group has refined the current text in an effort to clarify that Registrars must deny

			inter-Registrar transfer requests that are received after a Registrar has been notified by a URS Provider of a URS proceeding or URS suspension in accordance with the URS Procedure.
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.	<del>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.</del>	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).

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**End-User Impact: HIGH**

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1. Please choose your level of support for Recommendation #23:

Support Recommendation as written

Support Recommendation intent with wording change

Significant change required: changing intent and wording

Recommendation should be deleted

No Opinion

2. If your response requires an edit or deletion of Recommendation #23, please indicate the revised wording and rationale here.

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**(HIGH) Recommendation #24: Revised Reasons that a Registrar of Record MUST NOT Deny a Transfer**

**Recommendation #24:** Revised Reasons that a Registrar of Record MUST NOT Deny a Transfer

The working group recommends changing the following reasons that the Registrar of Record currently MAY NOT deny a transfer into reasons that the Registrar of Record MUST NOT deny a transfer and revising the text as follows:

Reference	Current Text	Revision	Rationale
I.A.3.9.1	Nonpayment for a pending or future registration period.	<u>Implementation Guidance Regarding the Auto-Renew Grace Period:</u> Registrars are prohibited from denying domain name transfer requests based on non-payment of fees for pending or future registration periods during the Auto-Renew Grace Period, provided that any auto-renewal costs borne by the Registrar are reversible for future period.	The working group has provided Implementation Guidance in response to input from ICANN’s Contractual Compliance Department that it would be helpful to provide additional guidance consistent with the <a href="#">Registrar Advisory</a> dated 3 April 2008 which states, “Pursuant to the Transfer Policy, registrars are prohibited from denying domain name transfer requests based on non-payment of fees for pending or future registration periods during the Auto-Renew Grace Period.”
I.A.3.9.2	No response from the Registered Name Holder or Administrative Contact.	No response from the Registered Name Holder. <del>or Administrative Contact</del>	Under the Registration Data Policy, Administrative Contact data is no longer collected by the registrar. Accordingly, the RNH would be the



			only authorized transfer contact. This update is consistent with Recommendation 1.
I.A.3.9.3	Domain name in Registrar Lock Status, unless the Registered Name Holder is provided with the reasonable opportunity and ability to unlock the domain name prior to the Transfer Request.	A Registrar-applied interRegistrar transfer lock is in place on the <del>Domain name in Registrar Lock Status</del> , for reasons other than those specified in I.A.3.7 and I.A.3.8 <del>unless</del> and the Registered Name Holder is not provided with the reasonable opportunity and ability to unlock the domain name prior to the Transfer Request pursuant to the requirements in sections I.A.5.1 - I.A.5.4.	The updates are primarily intended to improve clarity of the provision, use terminology that will be understood, and refer to the relevant provisions that should be referenced alongside I.A.3.9.3.
I.A.3.9.4	Domain name registration period time constraints, other than during the first 60 days of initial registration, during the first 60 days after a Registrar transfer, or during the 60-day lock following a Change of Registrant pursuant to Section II.C.2.	Domain name registration period time constraints, other than as defined in I.A.3.7.5 and I.A.3.7.6 <sup>11</sup> <del>during the first 60 days of initial registration; during the first 60 days after a registrar transfer; or during the 60-day lock following a Change of Registrant pursuant to Section II.C.2</del>	The working group updated the language to reference the applicable provisions of the policy rather than repeating the details of those provisions.
I.A.3.9.5	General payment defaults between Registrar and business partners /	General payment defaults between Registrar and Reseller, as defined	The update is not intended to change the meaning of the provision, but rather

<sup>11</sup> In implementation, to the extent that there is renumbering of applicable provisions, this reference should be updated accordingly.

	affiliates in cases where the Registered Name Holder for the domain in question has paid for the registration.	in the RAA, <del>business partners/ affiliates</del> in cases where the Registered Name Holder for the domain in question has paid for the registration.	to update legacy language to be consistent with currently used and defined terminology.
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**End-User Impact: HIGH**

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1. Please choose your level of support for Recommendation #24:

Support Recommendation as written

Support Recommendation intent with wording change

Significant change required: changing intent and wording

Recommendation should be deleted

No Opinion

2. If your response requires an edit or deletion of Recommendation #24, please indicate the revised wording and rationale here.

## Part B:TPR PDP Initial Report - Group 1(b)Recommendations #25–28

### (HIGH) Recommendation #25: Change of Registrant Data

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#### **Recommendation #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.
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#### **End-User Impact: HIGH**

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1. Please choose your level of support for Recommendation #25:

Support Recommendation as written

Support Recommendation intent with wording change

Significant change required: changing intent and wording

Recommendation should be deleted

No Opinion

2. If your response requires an edit or deletion of Recommendation #25, please indicate the revised wording and rationale here.

## (HIGH) Recommendation #26: Standalone Policy and Updates to Section II of Transfer Policy

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### **Recommendation #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.

- 26.1: The working group recommends that the role and definition of “Designated Agent” is no longer fit for purpose. Accordingly, the working group recommends all references to Designated Agent MUST be eliminated from the future standalone Change of Registrant Data Policy
- 26.2 The working group recommends eliminating Section II.B “Availability of Change of Registrant” from the future standalone Change of Registrant Data Policy.
- 26.3 The working group recommends eliminating from the future Change of Registrant Data Policy the requirement that the Registrar request and obtain confirmation from both the Prior Registrant and the New Registrant prior to processing a Change of Registrant Data as detailed in Sections II.C.1.2 and II.C.1.4 of the Transfer Policy.
- 26.4: The working group recommends eliminating from the future Change of Registrant Data Policy the requirement that the Registrar impose a 60-day inter-Registrar transfer lock following a Change of Registrant. This requirement is detailed in section II.C.2 of the Transfer Policy. Additionally, the working group recommends eliminating from the Transfer Policy the text regarding opting out of the 60-day lock, as this text has been overtaken by the removal of the lock requirement from the Transfer Policy.

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### **End-User Impact: HIGH**

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1. Please choose your level of support for Recommendation #26:

(  ) Support Recommendation as written

- Support Recommendation intent with wording change
- Significant change required: changing intent and wording
- Recommendation should be deleted
- No Opinion

2. If your response requires an edit or deletion of Recommendation #26, please indicate the revised wording and rationale here.

At-Large is in favour of establishing a “Standalone Policy” for Change of Registrant Data (CORD). The notification details as proposed in Recommendation #27 will give both the RNH and the Registrar a process that ensures that the CORD request is valid.

However, At-Large does not recommend removing an inter-Registrar transfer lock after a “Material Change” of registered Registrant Data. In line with the recommended locks after initial registration of a domain name and after a successful transfer, At-large believe that there should be a lock of 30-days due to a “Material Change” of Registrant Data.

## (HIGH) Recommendation #27: Change of Registrant Data Notification

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### **Recommendation #27:** Change of Registrant Data Notification

As part of the implementation of the new standalone Change of Registrant Data Policy, the working group recommends that, following a Change of Registrant Data and *subject to the opt out requirements described in Recommendation 28*, the Registrar MUST send a Change of Registrant Data notification to the Registered Name Holder without undue delay, but no later than 24 hours after the Change of Registrant Data occurred. (emphasis added)

- 27.1: This notification MUST be written in the language of the registration agreement and MAY also be provided in English or other languages.
- 27.2: The Registrar MUST include the following elements in the Change of Registrant Data notification:
  - Domain name(s)
  - Text stating which registrant data field(s) were updated
  - Date and time that the Change of Registrant Data was completed
  - Instructions detailing how the registrant can take action if the change was invalid (how to initiate a reversal)
- 27.3: The Registrar MUST send the notification via email, SMS, or other secure messaging system. These examples are not intended to be limiting, and it is understood that additional methods of notification may be created that were not originally anticipated by the working group.
- 27.4: When a change to the Registered Name Holder's email address occurs, and subject to the opt out requirements described in Recommendation 28:
  - a. the Registrar MUST send the Change of Registrant Data notification to the RNH's prior email address (the email address that was on file with the Registrar immediately prior to the change).
  - b. the Registrar MAY send the Change of Registrant Data notification to the RNH's new email address.
  - c. the Registrar MAY additionally send the Change of Registrant Data notification to the RNH via SMS or other secure messaging system.
- 27.5: The Registrar MAY send additional notifications resulting from changes to the Registered Name Holder's phone number, postal address, Account Holder information, or other contact information used by the Registrar to associate the RNH with their domain name or relevant account.
- 27.6: To the extent that the Change of Registrant Data is requested for multiple domains, and the Registered Name Holder is the same for all domains, the Registrar of Record MAY consolidate the Change of Registrant Data notifications into a single notification.
- 27.7: To the extent that the Change of Registrant Data may incur a verification request to be sent to the Registered Name Holder pursuant to the RDDS Accuracy Program Specification, the Registrar of Record MAY consolidate the optional Change of Registrant Data notification and the verification request into a single notification, where applicable.

**End-User Impact: HIGH**

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1. Please choose your level of support for Recommendation #27:

Support Recommendation as written

Support Recommendation intent with wording change

Significant change required: changing intent and wording

Recommendation should be deleted

No Opinion

2. If your response requires an edit or deletion of Recommendation #27, please indicate the revised wording and rationale here.

## (MEDIUM) Recommendation #28: Opt out of Change of Registrant Data Notification

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### **Recommendation #28:** Opt out of Change of Registrant Data Notification

The working group recommends that the Registrar MAY provide Registered Name Holders with the option to opt out of receiving Change of Registrant Data notifications. IF the Registrar chooses to provide the Change of Registrant Data notification opt-out option to the Registered Name Holder, THEN the following recommendations apply:

- 28.1: The Registrar MUST enable Change of Registrant Data notifications by default (i) when a domain name is initially registered AND (ii) when a domain name is transferred in from another Registrar.
- 28.2: If the Registered Name Holder elects to opt out of Change of Registrant Data notifications, the Registrar MAY disable Change of Registrant Data notifications, provided the opt out occurs AFTER initial domain name registration or the completion of an inter-Registrar transfer.
- 28.3: The Registrar MUST provide clear instructions for how the Registered Name Holder can opt out of (and opt back in to) Change of Registrant Data notifications. Additionally, the Registrar MUST provide warning of the consequences associated with opting out of these notifications, enabling the RNH to make an informed decision whether to opt out.
- 28.4: The Registrar MUST maintain a record demonstrating that the Registrar validated that the opt-out was requested by the Registered Name Holder. The Registrar MUST retain this record for a period of no fewer than fifteen (15) months following the end of the Registrar's sponsorship of the registration.
- 28.5: The Change of Registrant Data notification opt-out option does not apply to any verification notices sent pursuant to the RDDS Accuracy Program Specification.
- 28.6: The Registrar MAY modify their opt-out option at the data field level. For example, a Registrar may choose to offer an opt out for material changes to the Registrant Name or Registrant Organization but not allow an opt out for a change to the Registered Name Holder's email address.

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### **End-User Impact: MEDIUM**

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1. Please choose your level of support for Recommendation #28:

( X ) Support Recommendation as written

( \_ ) Support Recommendation intent with wording change



Significant change required: changing intent and wording

Recommendation should be deleted

No Opinion

2. If your response requires an edit or deletion of Recommendation #28, please indicate the revised wording and rationale here.

## **Part C:TPR PDP Initial Report - Group 2 Recommendations**

### **#29–47**

#### **(LOW) Recommendation #29: Timing for Responding to Contact from a Transfer Emergency Action Contact (TEAC)**

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**Recommendation #29:** Timing for Responding to Contact from a Transfer Emergency Action Contact (TEAC)

Section I.A.4.6.3 of the Transfer Policy states, “Messages sent via the TEAC communication channel must generate a non-automated response by a human representative of the Gaining Registrar. The person or team responding must be capable and authorized to investigate and address urgent transfer issues. Responses are required within 4 hours of the initial request, although final resolution of the incident may take longer.” The working group recommends that the policy must be revised to update the required timeframe for initial response from 4 hours to 24 hours / 1 calendar day.

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**End-User Impact: LOW**

Page 45 of the TPR PDP Initial Report

1. Please choose your level of support for Recommendation #29:

Support Recommendation as written

Support Recommendation intent with wording change

Significant change required: changing intent and wording

Recommendation should be deleted

No Opinion

2. If your response requires an edit or deletion of Recommendation #29, please indicate the revised wording and rationale here.

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## (LOW) Recommendation #30: Timing for Additional Interactions with the TEAC

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### **Recommendation #30:** Timing for Additional Interactions with the TEAC

Section I.A.4.6.2 of the Transfer Policy states in part, “. . . Communications to a TEAC must be initiated in a timely manner, within a reasonable period of time following the alleged unauthorized loss of a domain.” The working group recommends that the Transfer Policy must be updated to state that the initial communication to a TEAC is expected to occur no more than 30 days following the alleged unauthorized loss of a domain. If the initial communication to the TEAC occurs more than 30 days following the alleged unauthorized loss of a domain, the Losing Registrar must provide a detailed written explanation to the Gaining Registrar’s TEAC justifying why this is an emergency situation that must be addressed through the TEAC communication channel and providing information about why earlier contact to the TEAC was not possible.

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### **End-User Impact: LOW**

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1. Please choose your level of support for Recommendation #30:

Support Recommendation as written

Support Recommendation intent with wording change

Significant change required: changing intent and wording

Recommendation should be deleted

No Opinion

2. If your response requires an edit or deletion of Recommendation #30, please indicate the revised wording and rationale here.

## (LOW) Recommendation #31: Additional Communications with TEAC

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### **Recommendation #31:** Additional Communications with TEAC

Once a Gaining Registrar has provided an initial non-automated response to a TEAC communication as described in Section I.A.4.6.3 of the Transfer Policy, the Gaining Registrar must provide additional, substantive updates by email to the Losing Registrar at least every 72 hours / 3 calendar days until work to resolve the issue is complete. These updates must include specific actions taken by the Gaining Registrar to work towards resolution.

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### **End-User Impact: LOW**

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1. Please choose your level of support for Recommendation #31:

Support Recommendation as written

Support Recommendation intent with wording change

Significant change required: changing intent and wording

Recommendation should be deleted

No Opinion

2. If your response requires an edit or deletion of Recommendation #31, please indicate the revised wording and rationale here.

## (LOW) Recommendation #32: Method of Communication with TEAC

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### **Recommendation #32:** Method of Communication with TEAC

The working group recommends that initial communication to the TEAC described in Section I.A.4.6.2 of the Transfer Policy must either be in the form of email or, if the primary TEAC communication channel is designated as a phone number or other method, the verbal/nonemail communication **MUST** be accompanied by an email communication to the TEAC. This email “starts the clock” for the response timeframe specified in Recommendation 29.

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### **End-User Impact: LOW**

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1. Please choose your level of support for Recommendation #32:

Support Recommendation as written

Support Recommendation intent with wording change

Significant change required: changing intent and wording

Recommendation should be deleted

No Opinion

2. If your response requires an edit or deletion of Recommendation #32, please indicate the revised wording and rationale here.

## (HIGH) Recommendation #33: Request to GNSO for further work on Transfer Dispute Resolution Policy and Potential New Dispute Mechanism

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**Recommendation #33:** Request to GNSO for further work on Transfer Dispute Resolution Policy and Potential New Dispute Mechanism

The working group recommends the GNSO request an Issues Report or other suitable mechanism to further research and explore the pros and cons of (i) expanding the TDRP to registrant filers and (ii) creating a new standalone dispute resolution mechanism for registrants who wish to challenge improper transfers, including compromised and stolen domain names. In making this recommendation, the working group recognizes that if such an effort were ultimately adopted by the GNSO Council, this request could be resource-intensive and will require the Council to consider the appropriate timing and priority against other policy efforts.

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### End-User Impact: HIGH

Page 49 of the TPR PDP Initial Report

1. Please choose your level of support for Recommendation #33:

- Support Recommendation as written
- Support Recommendation intent with wording change
- Significant change required: changing intent and wording
- Recommendation should be deleted
- No Opinion

2. If your response requires an edit or deletion of Recommendation #33, please indicate the revised wording and rationale here.

At-Large has advocated for a domain name holder the possibility to initiate a dispute based on the reviewed Transfer Dispute Resolution Policy. At-Large has addressed this in the GNSO-TPR WG discussions and as comment to the Request for Early Input on GNSO-TPR PDP Phase 2 Topics<sup>12</sup>.

At-Large welcomes the understanding as given in the proposed Rec. #33 to see that the Registered Name Holder (RNH) is a natural part in a Transfer Dispute.

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<sup>12</sup> [AL-ALAC-CO-0423-01-00-EN](#)

However At-Large has the opinion that the Rec. #33 should be worded for a RNH to initiate a Transfer Dispute under the revised Transfer Policy. We believe this can be done without a time consuming PDP.

## (LOW) Recommendation #34: Fees Associated with Voluntary Full Portfolio Transfers over 50,000 domain names

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**Recommendation #34:** Fees Associated with Voluntary 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 transfer<sup>13</sup> of 50,000 or more domain names from one ICANN-accredited Registrar to another ICANN-accredited Registrar(s)<sup>14</sup>, 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.
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### End-User Impact:

Page 50 of the TPR PDP Initial Report

1. Please choose your level of support for Recommendation #34:

Support Recommendation as written

Support Recommendation intent with wording change

Significant change required: changing intent and wording

Recommendation should be deleted

No Opinion

2. If your response requires an edit or deletion of Recommendation #34, please indicate the revised wording and rationale here.

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<sup>13</sup> 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

<sup>14</sup> 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.



## (LOW) Recommendation #35: Retainment of Current Full Portfolio Transfer Fee Ceiling and Minimum Domain Name Threshold

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### **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.

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### **End-User Impact: (LOW)**

Page 51 of the TPR PDP Initial Report

1. Please choose your level of support for Recommendation #35:

Support Recommendation as written

Support Recommendation intent with wording change

Significant change required: changing intent and wording

Recommendation should be deleted

No Opinion

2. If your response requires an edit or deletion of Recommendation #35, please indicate the revised wording and rationale here.

## (LOW) Recommendation #36: Restriction of Fee Adjustments for Full Portfolio Transfers Involving Multiple Registry Operators

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

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**End-User Impact: LOW**

Page 52 of the TPR PDP Initial Report

1. Please choose your level of support for Recommendation #36:

Support Recommendation as written

Support Recommendation intent with wording change

Significant change required: changing intent and wording

Recommendation should be deleted

No Opinion

2. If your response requires an edit or deletion of Recommendation #36, please indicate the revised wording and rationale here.

## (LOW) Recommendation #37: Registry Operator Notice to ICANN of Full Portfolio Transfer Completion

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### **Recommendation #37:** Registry Operator Notice to ICANN of 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.

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### **End-User Impact: LOW**

Page 53 of the TPR PDP Initial Report

1. Please choose your level of support for Recommendation #37:

Support Recommendation as written

Support Recommendation intent with wording change

Significant change required: changing intent and wording

Recommendation should be deleted

No Opinion

2. If your response requires an edit or deletion of Recommendation #37, please indicate the revised wording and rationale here.

## (LOW) Recommendation #38: ICANN Notice to Affected Registry Operators of Associated Domain Name Numbers for Full Portfolio Transfers

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**Recommendation #38:** ICANN Notice to Affected Registry Operators of Associated DomainName 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 pursuant to the requirements in Recommendation #35 and associated Implementation Guidance.

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**End-User Impact: LOW**

Page 54 of the TPR PDP Initial Report

1. Please choose your level of support for Recommendation #38:

Support Recommendation as written

Support Recommendation intent with wording change

Significant change required: changing intent and wording

Recommendation should be deleted

No Opinion

2. If your response requires an edit or deletion of Recommendation #38, please indicate the revised wording and rationale here.

## (LOW) Recommendation #39: Gaining Registrar Responsibility for Payment of Fees Associated with Full Portfolio Transfer

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**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 any relevant Registry fees related to any voluntary full portfolio transfer that it initiated and approved.

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**End-User Impact: LOW**

Page 54 of the TPR PDP Initial Report

1. Please choose your level of support for Recommendation #39:

Support Recommendation as written

Support Recommendation intent with wording change

Significant change required: changing intent and wording

Recommendation should be deleted

No Opinion

2. If your response requires an edit or deletion of Recommendation #39, please indicate the revised wording and rationale here.

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

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### **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.<sup>15</sup>

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### **End-User Impact: MEDIUM**

Page 55 of the TPR PDP Initial Report

1. Please choose your level of support for Recommendation #40:

Support Recommendation as written

Support Recommendation intent with wording change

Significant change required: changing intent and wording

Recommendation should be deleted

No Opinion

2. If your response requires an edit or deletion of Recommendation #40, please indicate the revised wording and rationale here.

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<sup>15</sup> For the avoidance of doubt, the working group is recommending that the BTAPPA would be 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.

## (MEDIUM) Recommendation #41: Inclusion of BTAPPA in Transfer Policy

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### **Recommendation #41:** Inclusion of BTAPPA in Transfer Policy

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. ‘

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### **End-User Impact: MEDIUM**

Page 56 of the TPR PDP Initial Report

1. Please choose your level of support for Recommendation #41:

Support Recommendation as written

Support Recommendation intent with wording change

Significant change required: changing intent and wording

Recommendation should be deleted

No Opinion

2. If your response requires an edit or deletion of Recommendation #41, please indicate the revised wording and rationale here.

## (HIGH) Recommendation #42: Required Registrar Notification of BTAPPA

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### **Recommendation #42:** Required Registrar Notification of BTAPPA

In the event of a BTAPPA, the Registrar shall either notify or ensure its Resellers (where applicable) notify affected Registrants approximately one month<sup>16</sup> / at least 30 calendar days before the change of sponsorship is expected to occur. This notification<sup>17</sup> 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.

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### **End-User Impact: HIGH**

Page 57 of the TPR PDP Initial Report

1. Please choose your level of support for Recommendation #42:

Support Recommendation as written

Support Recommendation intent with wording change

Significant change required: changing intent and wording

Recommendation should be deleted

No Opinion

2. If your response requires an edit or deletion of Recommendation #42, please indicate the revised wording and rationale here.

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<sup>16</sup> 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.

<sup>17</sup> 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.



## (MEDIUM) Recommendation #43: Domain Name Expiration Dates During BTAPPA

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### **Recommendation #43:** Domain Name Expiration Dates During BTAPPA

The working group recommends that 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, the working group recommends that there is no grace period to reverse a transfer.

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### **End-User Impact: MEDIUM**

Page 58 of the TPR PDP Initial Report

1. Please choose your level of support for Recommendation #43:

Support Recommendation as written

Support Recommendation intent with wording change

Significant change required: changing intent and wording

Recommendation should be deleted

No Opinion

2. If your response requires an edit or deletion of Recommendation #43, please indicate the revised wording and rationale here.

## (LOW) Recommendation #44: Permitted Rejection of BTAPPA Request

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### **Recommendation #44:** Permitted Rejection of BTAPPA Request

The working group recommends 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.

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### **End-User Impact: LOW**

Page 58 of the TPR PDP Initial Report

1. Please choose your level of support for Recommendation #44:

Support Recommendation as written

Support Recommendation intent with wording change

Significant change required: changing intent and wording

Recommendation should be deleted

No Opinion

2. If your response requires an edit or deletion of Recommendation #44, please indicate the revised wording and rationale here.

## (HIGH) Recommendation #45: Required Registration Agreement Language for BTAPPA

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### **Recommendation #45:** Required Registration Agreement Language for BTAPPA

The working group recommends 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.

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### **End-User Impact: HIGH**

Page 59 of the TPR PDP Initial Report

1. Please choose your level of support for Recommendation #45:

Support Recommendation as written

Support Recommendation intent with wording change

Significant change required: changing intent and wording

Recommendation should be deleted

No Opinion

2. If your response requires an edit or deletion of Recommendation #45, please indicate the revised wording and rationale here.

## (LOW) Recommendation #46: Notice of Registry Fees for BTAPPA

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### **Recommendation #46:** Notice of Registry Fees for BTAPPA

The working group recommends that a 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.

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### **End-User Impact: LOW**

Page 60 of the TPR PDP Initial Report

1. Please choose your level of support for Recommendation #46:

Support Recommendation as written

Support Recommendation intent with wording change

Significant change required: changing intent and wording

Recommendation should be deleted

No Opinion

2. If your response requires an edit or deletion of Recommendation #46, please indicate the revised wording and rationale here.

## (HIGH) Recommendation #47: Prohibition on Post-BTAPPA Transfer Restriction

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### **Recommendation #47:** Prohibition on Post-BTAPPA Transfer Restriction

The working group recommends that 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.

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### **End-User Impact: HIGH**

Page 60 of the TPR PDP Initial Report

1. Please choose your level of support for Recommendation #47:

Support Recommendation as written

Support Recommendation intent with wording change

Significant change required: changing intent and wording

Recommendation should be deleted

No Opinion

2. If your response requires an edit or deletion of Recommendation #47, please indicate the revised wording and rationale here.

### **Part D: Other Comments**

1. Are there any recommendations the TPR PDP Working Group has not considered? If yes, please provide details below.

While it is believed that no special provisions need to be made in this policy at this time for IDN variant transfers, please consult the IDN-EPDP for further information.

2. Did you find the updated format of the recommendations helpful in your review of the Initial Report?

3. Are there any other comments or issues you would like to raise pertaining to the Initial Report? If yes, please enter your comments here. If applicable, please specify the section or page number in the Initial Report to which your comments refer.

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