

Initial Report on the Transfer Policy Review Policy Development Process

4

5 Status of This Document

6 This is the Initial Report of the GNSO Transfer Policy Review Policy Development Process
7 Working Group that has been posted for public comment.

8 Preamble

9 The objective of this Initial Report is to document the working group's (i) deliberations on
10 charter questions, (ii) preliminary recommendations, and (iii) additional identified issues to
11 consider before the working group issues its Final Report.

12 Readers may notice this Initial Report differs in structure from a standard GNSO Initial Report.
13 The differences are described below in the Prologue, but the structural reformatting ultimately
14 aims to make the report more digestible and reader friendly.

15 After the working group reviews public comments received in response to this report, the
16 working group will submit its Final Report to the GNSO Council for its consideration. In previous
17 work, the working group submitted a prior initial report and public comment in June 2022.

18

19

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42 Prologue

43 The Initial Report serves as a formal record of the Working Group’s work, discussions, proposed
44 recommendations, and outstanding questions for the ICANN community. The Transfer Policy
45 Review Working Group began its work in 2021; the past 3.5 years have included numerous
46 discussions, agreements, and disagreements, which the Working Group has documented
47 thoroughly within this report.

48 As readers may imagine, however, three years of discussions equates to a very long report, and
49 the first iteration of the Initial Report, which was populated in the standard GNSO template,
50 included over 100 pages of deliberations and recommendations, making it difficult for any
51 reader to digest and respond within the time allotted during a standard public comment period
52 of forty (40) days. The Working Group noted this potential difficulty and is publishing this Initial
53 Report with a few important structural changes described below.

- 54 1. This **prologue** has been added to explain the changes to the standard Initial Report
55 format.
- 56 2. The opening **executive summary** has been replaced by three shorter summaries before
57 each grouping of recommendations, in an effort to make the distinct topics from the
58 policy recommendation groups, i.e., Group 1A, 1B, and 2 more understandable.
- 59 3. The main body of the report includes a **table for each policy recommendation**, which
60 includes:
 - 61 a. **Recommendation # & Title**
 - 62 b. **Recommendation Text**: the specific consensus recommendations proposed by
63 the WG.
 - 64 c. **Policy Impact Indicator**: a new feature to help the reader understand the degree
65 of change being proposed by the Working Group, i.e., how much does this
66 recommendation differ from the current Transfer Policy.
 - 67 d. **Recommendation Rationale**: an explanation provided by the Working Group to
68 explain and justify the proposed recommendation.
 - 69 e. **Implementation Guidance**: where applicable, the Working Group included a
70 brief explanation to assist in the implementation phase of the policy
71 recommendations.
 - 72 f. **Links to Charter Questions & Summary Deliberations**: The extensive summary
73 deliberations and charter questions are now included in an annex to the report,
74 which significantly reduces the length of the Initial Report body but allows
75 interested readers who desire further historical context to easily toggle between
76 the recommendation’s tables and the annex where the deliberations can be
77 found.

78 Lastly, for the avoidance of doubt, the Policy Impact Indicator, Recommendation Rationale,
79 Implementation Guidance, and the Linked Summary Deliberations are neither binding nor
80 authoritative. These have been provided as supplementary text in an effort to help readers
81 understand the context of the policy recommendations. Only the policy recommendation text
82 itself is meant to be considered authoritative.
83

84 **POLICY IMPACT ASSESSMENT (NEW feature)**

85 In addition to developing, at a minimum, an Initial Report and Final Report detailing the
86 Working Group’s responses to its charter questions and accompanying policy
87 recommendations, the Working Group is required to conduct and deliver a policy impact
88 analysis. Specifically, the Working Group’s [charter](#) provides, “If the WG concludes with any
89 recommendations, the WG shall (or recommend the subsequent policy Implementation Review
90 Team to) conduct a policy impact analysis.” Historically, the impact analysis was left to the
91 Implementation Review Team, a group that generally serves as an advisory body to ICANN org
92 as ICANN org works to update an existing policy or creates a new policy, depending on the
93 respective working group’s recommendations, and inadvertently neglects to conduct this
94 analysis.

95 Recognizing the importance of this analysis, this updated format of this report is an effort to
96 provide a policy impact analysis, which is designed to indicate how much the recommendation
97 differs from the status quo, or existing Transfer Policy. The policy impact assessment first
98 includes a policy impact level, or the degree (low, medium, high) that the Working Group has
99 used to indicate the degree of change the specific policy recommendation introduces.

100 **"Policy Impact Level" (Low, Medium, High)**

- 101 • An example of a **LOW** impact represents a small degree of change such as a definitional
102 change rather than a substantive change to policy requirements, e.g., “Change of
103 Registrant” to “Change of Registrant Data.”
- 104 • An example of a **MEDIUM** impact represents a substantive change to the policy, such as
105 a change to an existing requirement or the inclusion of a new requirement.
- 106 • An example of a **HIGH** impact would be a significant change to the current policy, such
107 as the removal of a previous policy requirement, such as the removal of the Post Change
108 of Registrant 60-day transfer restriction.
109

110 When reviewing the policy impact level, it is important to note that the designated level is not a
111 qualitative analysis of the policy recommendation. In other words, a recommendation classified
112 as HIGH IMPACT does not mean the recommendation is bad or negative. Similarly, a
113 recommendation classified as LOW IMPACT does not mean the recommendation is good or
114 positive.

115

116 When considering the policy impact levels, the Working Group used the following non-
117 exhaustive criteria:

- 118 • *Degree of change from existing requirement, e.g., no change or confirmation of existing*
119 *requirement, modification to existing requirement, or new requirement)*
- 120 • *Security enhancement or removal of existing security requirement*
- 121 • *Level of technical change and corresponding impact to Contracted Parties*
- 122 • *ICANN Contractual Compliance enforcement capability*
- 123 • *Impact to Registered Name Holders (such as increased or reduced protections; level of*
124 *confusion)*

125

126

127

Overview of Recommendation Groupings

128

129

Short Overview of Recommendation Grouping

130

The Working Group's [charter](#) divided the policy work into three distinct phases in recognition of the distinct topic areas and the significant time associated with each topic area.

131

132

- **Group 1(a):** Form of Authorization (including EPDP Phase 1, Recommendation 27, Wave 1 FOA issues), AuthInfo Codes, Denying (NACKing) transfers,

133

134

- **Group 1(b):** Change of Registrant (including EPDP Phase 1, Recommendation 27, Wave 1 Change of Registrant issues)

135

136

- **Group 2:** Transfer Emergency Action Contact and reversing inter-Registrar transfers, Transfer Dispute Resolution Policy (including EPDP Phase 1, Recommendation 27, Wave 1 TDRP issues), ICANN-approved transfers

137

138

139

140

Each group of recommendations will include an introduction to provide a high-level overview of the topic area before proceeding to the tables for each policy recommendation.

141

142

Lastly, the Working Group considers these recommendations to be interdependent, and, as a result, recommends the recommendations be considered as one package by the GNSO Council and subsequently the ICANN Board.

143

144

145

Policy Recommendations and Impact Analysis - Group 1(a)

146

147 Introduction to Group 1(a) Recommendations:

148 The Transfer Policy, formerly referred to as the Inter-Registrar Transfer Policy (IRTP), is an
149 ICANN consensus policy that went into effect on 12 November 2004. The policy governs the
150 procedure and requirements for registrants to transfer their domain names from one Registrar
151 to another, also referred to as an inter-Registrar transfer. The goal of the Transfer Policy was to
152 provide for enhanced domain name portability, resulting in greater consumer and business
153 choice and enabling registrants to select the Registrar that offers the best services and price for
154 their needs.

155

156 The Group 1(a) recommendations cover many of the technical aspects of an inter-registrar
157 transfer, including, et al., the Gaining and Losing Form of Authorization, the Auth-Info Code,
158 and other notifications associated with inter-registrar transfers.

159

160 The ordering of the Group 1(a) recommendations corresponds to the approximate steps of an
161 inter-registrar transfer, which are visually depicted in the swimlane graph below. Within the
162 diagram, there is a label for the corresponding recommendation number; however, please note
163 that not all steps of the diagram contain a recommendation number.

164

In order to synchronize the recommendation numbers with the swimlane graph, the previous numbering from the first Initial Report has been changed. The original Initial Report numbering corresponded to the order of the charter questions, and the previous recommendation ordering can be found in this [annex](#).

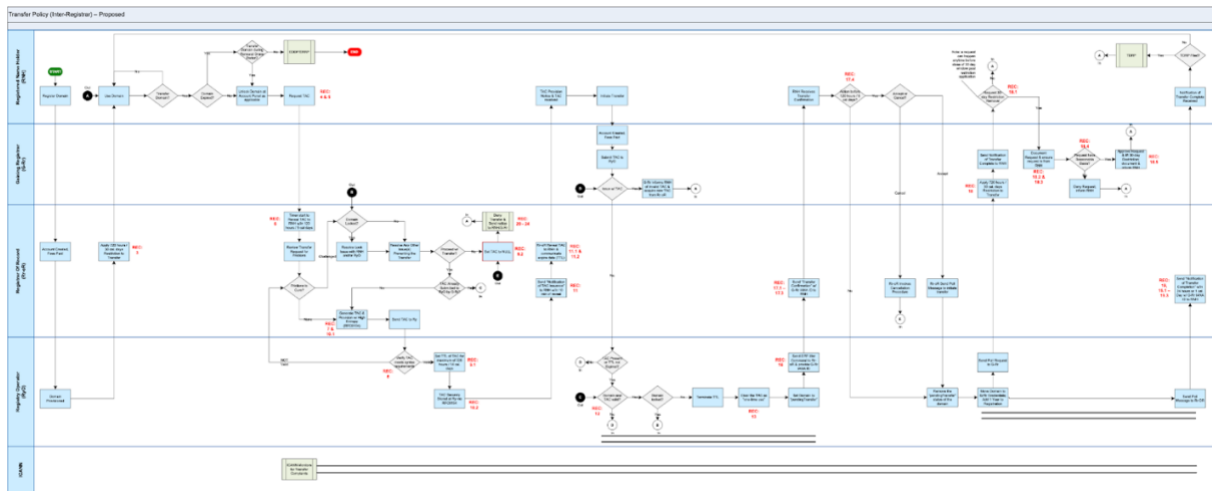
165

166 Disclaimers about the swimlane:

- 167 1. The swimlane is a conceptual representation of the proposed transfer process and
168 serves as a guide to assist readers in understanding the proposed Group 1A
169 recommendations. The swimlane is NOT a policy requirements document, and,
170 accordingly, should not be treated as such.
- 171 2. The swimlane is constructed at a very high-level. It does not account for all variations of
172 possible transfer transactions, especially considering the varying business models and
173 procedures across contracted parties.
- 174 3. Where a process step box does not have a recommendation label, it is NOT specific to
175 any proposed recommendation or a policy requirement. These process steps are only
176 used to maintain logical continuity of a transfer transaction from beginning to end.

- 177 4. A deficiency of the swimlane model is it does NOT accurately represent time scales. This
- 178 conceptual model blends system processes that occur in seconds vs. business
- 179 procedures that could occur over several calendar days.

180
181 The following diagram is presented only as a reference to its existence, please refer to this [link](#)
182 for a more consumable version of the swimlane or you can find an embedded version in the last
183 [annex](#) of this report.



184
185
186

187 Recommendation #1: Terminology Updates: Whois

188 The working group recommends the following specific terminology updates to the Transfer
189 Policy and the Transfer Dispute Resolution Policy:

190 (i) The term "Whois data" SHALL have the same meaning as "Registration Data".

191 (ii) The term "Whois details" SHALL have the same meaning as "Registration Data".

192 (iii) The term "Publicly accessible Whois" SHALL have the same meaning as "RDDS".

193 (iv) The term "Whois" SHALL have the same meaning as "RDDS".

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

200

201 Policy Impact:

202

203 **LOW** - Terminology changes only.

204

205 Recommendation Rationale:

206 This recommendation is consistent with the EPDP Team's Phase 1 Recommendation 24. The
207 working group additionally notes that for purposes of the Transfer Policy, Registration Data
208 means the contact data collected by a Registrar from a legal or natural person in conjunction
209 with the registration of a domain name. It is not meant to include additional customer data
210 such as credit card details and email correspondence.

211

212 Implementation Guidance:

213 N/A

214

215 Links to Charter Question(s) & Summary of Deliberations:

216 [c1](#), [c2](#), [j1](#)

217

218

219

220

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

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

225

226 Policy Impact:

227

228 **LOW** - Terminology changes only.

229

230 Recommendation Rationale:

231 Under the upcoming Registration Data Policy, Administrative Contact data is no longer required
232 to be collected by the Registrar, and therefore cannot be relied upon for Transfer Policy
233 requirements. Accordingly, the Registered Name Holder would be the only authorized transfer
234 contact.

235

236 Implementation Guidance:

237 N/A

238

239 Links to Charter Question(s) & Summary of Deliberations:

240 [c1](#), [c2](#), [j1](#)

241

242

243

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245

246 Recommendation #3: Transfer Restriction After Initial Registration

247 The Registrar **MUST** restrict the RNH from transferring a domain name to a new Registrar within
248 30 calendar days / 720 hours of the initial registration date.¹ To the extent that a Registry
249 and/or Registrar has an existing policy and/or practice of restricting the RNH from transferring a
250 domain name to a new Registrar for a different period of time following initial registration, all
251 policies and practices **MUST** be updated to be consistent with this new requirement.²

252

¹ The initial registration date referenced in this recommendation corresponds to the Creation Date in the RDDs.

² 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.

Policy Impact:

253

254

255 **LOW** - Restriction changed from an inconsistent use of 60 days, via Registry-Registrar
256 agreements to a consistent use of 30 calendar days/ 720 hours as part of a Consensus Policy
257 recommendation.

258

Recommendation Rationale:

259 The working group believes that a single requirement across the industry will result in a better
260 experience for registrants. The working group recommends that 30 days is the appropriate
261 period for this requirement because:
262

263

- 264 ● It provides a window of opportunity to identify issues associated with credit card
265 payments, including unauthorized use of a credit card. This may assist with addressing
266 criminal activity and deterring fraud.
- 267 ● It provides a window of opportunity for a complainant to file a Uniform Domain Name
268 Dispute Resolution Policy (UDRP) proceeding without the domain being transferred to a
269 new registrar. Once the proceeding is underway, the domain will be locked in relation to
270 the dispute.
- 271 ● For registrants who legitimately want to transfer a domain shortly after registration, the
272 working group believes that 30 days is a reasonable period of time to wait.

273

274 To clarify, use of the term “lock” is not intended to imply or require a specific technical solution
275 for implementation. Rather, it is used as shorthand meaning that the domain is ineligible for
276 inter-Registrar transfer for a period of time.

277

Implementation Guidance:

278 N/A

279

Links to Charter Question(s) & Summary of Deliberations:

281 This recommendation does not have a direct link to any charter question as this issue only
282 surfaced through further analysis of transfer “locks” being applied at different stages of the
283 domain lifecycle.
284

285

286

287

288

289

290

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

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

296
297 Policy Impact:

298
299 **LOW** - Terminology changes only.

300
301 Recommendation Rationale:

302 The Working Group believes it is clearer for all parties, and particularly the Registered Name
303 Holder, if a single term is used universally. “Transfer Authorization Code” (TAC) provides a
304 straightforward description of the code’s function.

305
306 Implementation Guidance:

307 ICANN’s publications and webpages should also be updated to reflect the recommended
308 terminology change described in Recommendation 4.

309
310 Links to Charter Question(s) & Summary of Deliberations:

311 [b1](#)

312

313

314

315

316 Recommendation #5: TAC Definition

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

- 323
- 324 • “Designated representative” means an individual or entity that the Registered Name Holder explicitly authorizes to request and obtain the TAC on their behalf.

³ Note: This definition draws on elements included in Recommendation 10.

325 In the event of a dispute, the RNH’s authority supersedes that of the designated
326 representative.

327

328 **Policy Impact:**

329

330 **LOW** - Clarification of definition.

331

332 **Recommendation Rationale:**

333 This definition is a revision of a text included on the [ICANN.org](https://www.icann.org) website, updated to make clear
334 that the TAC’s function is to verify that the Registered Name Holder (RNH) requesting the
335 transfer is the same RNH who holds the domain. For the avoidance of doubt, the term
336 “designated representative” introduced by the working group in Recommendation 5 is distinct
337 from the concept of a “designated agent,” which is defined in Transfer Policy Section I.A.1.2.

338

339 **Implementation Guidance:**

340 N/A

341

342 **Links to Charter Question(s) & Summary of Deliberations:**

343 [b1](#)

344

345

346

347

348

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

350 The working group confirms that the Transfer Policy MUST continue to require **the** Registrar to
351 set the TAC at the Registry and issue the TAC to the RNH or their designated representative
352 within five calendar days of a request, although the working group recommends that the policy
353 state the requirement as 5 calendar days/120 hours rather than 5 calendar days to reduce any
354 risk of confusion. The working group further recommends that the policy MUST make clear that
355 5 calendar days/120 hours is the maximum and not the standard period in which the TAC is to
356 be issued.

357

358 **Policy Impact:**

359

360 **LOW** - Clarification of status quo.

361

362 **Recommendation Rationale:**

363 The working group did not identify a compelling reason to change the five-day response time
364 frame but believes that it is clearer to express the time frame in both hours and calendar days.
365 In updating the timing, the working group also wished to make clear that 5 calendar days/120
366 hours is the maximum time rather than the standard time in which the TAC is to be issued. This
367 highlights that quicker turnaround time is possible and desirable in many cases.

368

369

370 Implementation Guidance:

371 N/A

372

373 Links to Charter Question(s) & Summary of Deliberations:

374 [b3](#)

375

376

377

378

379

380 Recommendation #7: TAC Composition

381 The working group recommends that the minimum requirements for the composition of a TAC
382 MUST be as specified in RFC 9154, including all successor standards, modifications or additions
383 thereto relating to Secure Authorization Information for Transfer. The requirement in section
384 4.1 of RFC 9154 regarding the minimum bits of entropy (i.e., 128 bits) should be a MUST in the
385 policy until a future RFC approved as “Internet Standards” (as opposed to Informational or
386 Experimental standards) through the applicable IETF processes updates the security
387 recommendation.

388

389 Policy Impact:

390

391 **MEDIUM** - Updated security requirements to the TAC will involve planning and system changes
392 for registrars and enhanced security for registrants.

393

394 Recommendation Rationale:

395 The working group supports the statement in RFC 9154 section 4.1 that “For authorization
396 information to be secure, it MUST be generated using a secure random value.”

397 Recommendation 7 brings requirements for the composition of the TAC in line with RFC 9154,
398 including all successor standards, modifications or additions thereto relating to Secure
399 Authorization Information for Transfer.

400

Implementation Guidance:

402 N/A

403

Links to Charter Question(s) & Summary of Deliberations:405 [a4](#), [b2](#)

406

407

408

409

Recommendation #8: Verification of TAC Composition

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

414

Policy Impact:

416

417 **MEDIUM** - New requirements for registries will require planning and system changes.

418

Recommendation Rationale:

420 Registry verification provides a check on the randomness of the authorization information
421 generated by the Registrar.

422

Implementation Guidance:

424 N/A

425

Links to Charter Question(s) & Summary of Deliberations:427 [a4](#), [b2](#)

428

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430

431

Recommendation #9: TAC Time to Live (TTL)

433 The working group recommends that:

434

435 9.1: The TAC MUST be valid for 14 calendar days / 336 hours from the time it is set at the
436 Registry, enforced by the Registry.

437

438 9.2: The Registrar of Record MAY reset the TAC to null⁴ prior to the end of the 14th calendar day
439 / 336 hours by agreement by the Registrar of Record and the RNH.

440

441 **Policy Impact:**

442

443 **MEDIUM** - New requirements for both registries and registrars will require planning and system
444 changes.

445

446 **Recommendation Rationale:**

447 The purpose of the standard Time to Live (TTL) is to enforce security around unused TACs (e.g.,
448 requested/received but not used), in a situation where the TAC may be stored in a registrant's
449 email or other communications storage. The working group arrived at the conclusion that the
450 TAC TTL must be no more than 14 calendar days / 336 hours and notes that a 14-day / 336 hour
451 period is appropriate in order to accommodate transfer-related business processes associated
452 with different registrar models.

453

454 The working group extensively discussed whether the Registry or Registrar should enforce the
455 14-day TTL and requested community input on this question through public comment on the
456 Phase 1A Initial Report. The working group recommends enforcement by the Registry for the
457 following reasons:

- 458 ● For accuracy: If the sponsoring Registrar is required to expire the TAC by updating it to
459 null, there is a possibility that at the time when the TAC is set to expire, either the
460 Registrar or Registry systems have an outage (or there is a communication interruption).
461 This means that the TAC expiration would be delayed until the transaction could be
462 completed, opening a window for possible usage of a TAC that the sponsoring Registrar
463 had deemed expired.
- 464 ● For consistency: Having a centralized approach at the Registry allows **the** prospective
465 Gaining Registrar to know that every TAC will expire at 14 days / 336 hours regardless of
466 the sponsoring/provisioning Registrar.
- 467 ● For security: Every TAC in a Registry has a maximum lifetime that is enforced
468 consistently. This prevents the existence of any long-lived TAC, which could be used as
469 part of an unauthorized or unintended inter-Registrar transfer.

⁴ 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.

470
471 With respect to 9.2, the working group acknowledged that there may be a variety of
472 circumstances in which the Registrar of Record and the Registered Name Holder may want to
473 mutually agree to reset the TAC to NULL prior to the end of the 14th calendar day. The working
474 group included this language to ensure that the Registrar of Record is permitted to do so under
475 relevant circumstances.

476

Implementation Guidance:477
478 N/A

479

Links to Charter Question(s) & Summary of Deliberations:480
481 [b4](#)

482

483

484

485

486

Recommendation #10: TAC Generation, Storage, and Provision487
488 The working group recommends that:

489

490 10.1: The TAC MUST only be generated by the Registrar of Record upon request by the
491 RNH or their designated representative.

492

493 10.2: When the Registrar of Record sets the TAC at the Registry, the Registry MUST store
494 the TAC securely, at least according to the minimum standard set forth in RFC 9154 (or
495 its successors).

496

Policy Impact:

497

498
499 **MEDIUM** - Recommendation adds new TAC security requirements for both registrars and
500 registries and will involve planning and system changes.

501

Recommendation Rationale:

502
503 Currently, it can be the case that a TAC exists and is stored over an extended period of time and
504 therefore can be at risk of breach or theft, for example at the Registrar of Record or via an
505 RNH's email account. This recommendation seeks to reduce the risk of unintended disclosure of
506 the TAC by ensuring that the TAC is only generated at the point that it is needed to initiate an
507 inter-Registrar transfer, reducing the risk of the TAC getting in the wrong hands once it is

508 generated (Recommendation 10.1). This recommendation further protects against breach or
509 theft at the Registry by ensuring that the Registry stores the TAC in a secure manner
510 (Recommendation 10.2).

511

512 **Implementation Guidance:**

513 RFC 9154 recommends using a strong one-way cryptographic hash with at least a 256-bit hash
514 function, such as SHA-256 [FIPS-180-4], and with a per-authorization information random salt
515 with at least 128 bits.⁵

516

517 **Links to Charter Question(s) & Summary of Deliberations:**

518 [a4](#)

519

520

521

522

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

524 The working group recommends that the Registrar of Record MUST send a “Notification of TAC
525 Issuance”⁶ to the RNH without undue delay but no later than 10 minutes after the Registrar of
526 Record issues the TAC.⁷ For the purposes of sending the notification, the Registrar of Record
527 MUST use contact information as it was in the registration data at the time of the TAC request.

528

529 11.1: This notification MUST be provided in English and in the language of the registration
530 agreement and MAY also be provided in other languages.

531

532 11.2: The following elements MUST be included in the “Notification of TAC Issuance”:

- 533
- Domain name(s)

⁵ [FIPS-180-4] National Institute of Standards and Technology, U.S. Department of Commerce, "Secure Hash Standard, NIST Federal Information Processing Standards (FIPS) Publication 180-4", DOI10.6028/NIST.FIPS.180-4, August 2015, <<https://csrc.nist.gov/publications/detail/fips/180/4/final>>.

⁶ 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.

⁷ 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.

- 534
- Explanation that the TAC will enable the transfer of the domain name to another registrar
- 535
- Date and time that the TAC was issued and information about when the TAC will expire
- 536
- Instructions detailing how the RNH can take action if the request is invalid (how to invalidate the TAC)
- 537
- If the TAC has not been issued via another method of communication, this communication will include the TAC
- 538
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544 **Policy Impact:**

545

546 **MEDIUM** - This recommendation requires a new notification. Implementation of this feature will require planning and system updates for registrars, and the RNH will experience changes from the current transfer policy.

547

548

549

550 **Recommendation Rationale:**

551 This recommendation seeks to ensure that the RNH consistently receives the necessary information with respect to an inter-Registrar transfer. If the RNH receives the notice and determines that the action on the account is unauthorized or unintended, the RNH may seek to invalidate the TAC before the transfer completes. The working group has recommended additional security enhancements to the inter-registrar transfer process, including these changes to the TAC, in recognition of the removal of the Gaining FOA and the importance of ensuring inter-registrar transfers remain secure under the new domain name landscape. Additional details regarding the working group's thinking can be found in the discussions section of Annex A.

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561 **Implementation Guidance:**

562 In cases where a customer uses a Privacy/Proxy service and the contact information associated with the underlying customer is known to the Registrar of Record, the Registrar of Record MAY send the notification directly to the underlying customer.

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566 **Links to Charter Question(s) & Summary of Deliberations:**

567 [a4](#), [a7](#), [a8](#)

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572 Recommendation #12: Verification of TAC Validity

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

575
576 Policy Impact:

577
578 **LOW** - This recommendation confirms the status quo under the Temporary Specification, i.e.,
579 no significant change is involved.

580
581 Recommendation Rationale:

582 This recommendation is consistent with Appendix G: Supplemental Procedures to the Transfer
583 Policy contained in the Temporary Specification for gTLD Registration Data.

584
585 Implementation Guidance:

586 N/A

587
588 Links to Charter Question(s) & Summary of Deliberations:

589 [b2](#)

591
592 Recommendation #13 TAC is One-Time Use

593 The working group recommends that the TAC as created by the Registrar of Record according
594 to Recommendation **10** MUST be “one-time use.” In other words, it MUST be used no more
595 than once per domain name. The Registry Operator MUST reset the TAC to null⁸ when it
596 accepts a valid TAC from the Gaining Registrar.

597
598 Policy Impact:

599
600 **MEDIUM** - New requirements for registrars will involve planning and system changes.

601
602 Recommendation Rationale:

603 The one-time use principle limits the number of transactions that can be completed using a
604 single password to one, reducing the damage that can be caused by a bad actor. The working
605 group believes that it is good practice to manage the TAC following the one-time use principle.

606

⁸ 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.

Implementation Guidance:

608 N/A

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Links to Charter Question(s) & Summary of Deliberations:611 [b1](#)

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Recommendation #14 Maintenance of Records

617 The Registrar MUST retain all records pertaining to the provision of the Transfer Authorization
618 Code (TAC)⁹ to a Registered Name Holder, as well as all notifications sent per the requirements
619 under the Transfer Policy. At a minimum, the records retained MUST document the date/time,
620 means, and contact(s) to whom the TAC and notifications are sent. The Registrar MUST
621 maintain these records for the shorter of 15 months or the longest period permitted by
622 applicable law, and during such period MUST provide such records to ICANN upon reasonable
623 notice.

624

Policy Impact:

625

627 **LOW** - Registrars must already maintain relevant records; this recommendation seeks to make
628 the retention period consistent with the Registration Data Policy, because it also processes
629 personal data of the RNH.

630

Recommendation Rationale:

632 This recommendation seeks to ensure that the necessary information is available to ICANN org
633 in the case of a Compliance investigation related to an inter-Registrar transfer. The 15-month
634 retention period specified in this recommendation is consistent with requirements in the
635 Registration Data Policy.

636

Implementation Guidance:

638 N/A

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Links to Charter Question(s) & Summary of Deliberations:641 [a5](#)

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⁹ Details about the Transfer Authorization Code (TAC) are discussed in earlier in this Report.

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Recommendation #15: Gaining Form of Authorization (FOA)

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

650

Policy Impact:

652

653 **LOW** - Since the introduction of the Temporary Specification for gTLD Registration Data,
654 compliance enforcement of the Gaining FOA has been placed on hold, and registrars do not use
655 the Gaining FOA to confirm transfers. Accordingly, this recommendation does not change the
656 current practice.

657

Recommendation Rationale:

659 As discussed in detail in the working group's response to charter question a1, the inter-
660 Registrar transfer process has functioned without the Gaining FOA since the GDPR went into
661 force and the Temporary Specification modified ICANN obligations, and the working group has
662 not encountered any evidence that there has been an increase in unauthorized transfers since
663 the Gaining FOA was functionally eliminated. It has not found any other indications that the
664 transfer process is malfunctioning without the Gaining FOA requirement. Therefore, the
665 working group sees no evidence that the Gaining FOA is needed for the purpose of facilitating
666 the transfer or protecting the RNH from unauthorized transfers.

667

Implementation Guidance:

669 N/A

670

Links to Charter Question(s) & Summary of Deliberations:672 [a1](#), [j1](#)

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

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

681

Policy Impact:

683

MEDIUM - This recommendation involves a new requirement for registries, which will involve planning and system updates.

686

Recommendation Rationale:

Currently, not all Registry Operators use the Gaining Registrar's IANA ID when notifying a Losing Registrar of a pending transfer request. Instead, some Registry Operators use a separate, internal client ID that does not correspond to the IANA ID. This recommendation enables the Losing Registrar to consistently provide the IANA ID in the Transfer Confirmation and Notification of Transfer Completion. In the case of a legitimate transfer, this information allows the RNH to confirm that the desired action was completed as requested. If the transfer is not consistent with the RNH's intent, the IANA ID is an important data point to assist the RNH with investigating the issue.

696

Implementation Guidance:

698 N/A

699

Links to Charter Question(s) & Summary of Deliberations:701 [a7](#)

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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:

711

17.1: The term "Transfer Confirmation" MUST be used in place of "Standardized Form of Authorization (FOA)."

714

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.

718

719 17.3: The Transfer Confirmation MUST be provided in English and the language of the
720 registration agreement and MAY also be provided in other languages.

721
722 17.4: The timeframe of five (5) calendar days specified in section I.A.3.5 of the policy
723 MUST be expressed in both calendar days and hours: “Failure by the Registrar of Record
724 to respond within five (5) calendar days / 120 hours to a notification from the Registry
725 regarding a transfer request will result in a default "approval" of the transfer.”

726

727 **Policy Impact:**

728

729 **LOW** - Status quo largely remains unchanged.

730

731 **Recommendation Rationale:**

732 Please see response to charter question a7 for a summary of the working group’s deliberations
733 on the Transfer Confirmation. Regarding the minor modifications recommended by the working
734 group:

- 735 • The term “Losing Form of Authorization” may be confusing to the RNH, and therefore
736 the working group recommends an update in terminology to “Transfer Confirmation,”
737 which more accurately describes the function that is served.
- 738 • With inclusion of the IANA ID in the Transfer Confirmation, the RNH can confirm that the
739 Gaining Registrar matches the Registrar to whom the RNH intends to transfer to
740 domain. If the pending transfer is not consistent with the RNH’s intent, the IANA ID is an
741 important data point to assist the RNH with investigating the issue.
- 742 • Providing the Transfer Confirmation in English and the language of the registration
743 agreement improves accessibility for the RNH.

744 Consistent with the other recommendations in this report, the working group recommends
745 specifying timeframes in both calendar days and hours for greater clarity.

746

747 **Implementation Guidance:**

748 **N/A**

749

750 **Links to Charter Question(s) & Summary of Deliberations:**

751 [a7](#)

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756 **Recommendation #18 - Transfer Restriction After Inter-Registrar Transfer**

757 The Registrar MUST restrict the RNH from transferring a domain name to a new Registrar within
758 30 calendar days / 720 hours of the completion of an inter-Registrar transfer. To the extent that
759 a Registry and/or Registrar has an existing policy and/or practice of restricting the RNH from
760 transferring a domain name to a new Registrar for a different period of time following an inter-
761 Registrar transfer, all policies and practices MUST be updated to be consistent with this new
762 requirement. However, the working group recognizes that there may be situations where early
763 removal of the 30-day restriction described in Recommendation 18 is appropriate. Accordingly,
764 the Registrar MAY remove the 30-day inter-registrar transfer restriction early only if all of the
765 below conditions are met:

766
767 18.1: The Registrar MUST be able to demonstrate that it received a specific request to
768 remove the 30-day restriction from the Registered Name Holder;

769 18.2: The Registrar MUST ensure the request to remove the restriction was requested
770 by the Registered Name Holder;

771 18.3: The specific request includes a reasonable basis for removal of the restriction; and

772 18.4: The Registrar MUST maintain a record demonstrating the request to remove the
773 restriction (regardless of outcome) for a period of no fewer than fifteen (15) months
774 following the end of the Registrar's sponsorship of the registration.

775

776 **Policy Impact:**

777

778 **MEDIUM** - New post-transfer restriction is reduced from an inconsistently-applied 60 days to a
779 consistently-applied 30 days via Consensus Policy. NOTE: The working group discussed the
780 mandatory 30-day post-inter-registrar transfer restriction and noted the mandatory restriction
781 gave the group more comfort with the inability to send the Gaining FOA and other previous
782 security features.

783

784 **Recommendation Rationale:**

785 The working group believes that a single requirement across the industry will result in a better
786 experience for registrants and will also consistently prevent the transfer of a domain multiple
787 times in rapid succession, a practice associated with domain theft. The working group
788 recommends that 30 days is the appropriate period for this requirement because:

- 789
- It provides a window of opportunity to identify issues associated with credit card payments, including unauthorized use of a credit card. This may assist with addressing criminal activity and deterring fraud.
- 790
- For registrants who legitimately want to transfer a domain again shortly after an inter-registrar transfer has taken place, 30 days is a reasonable period of time to wait.
- 791
- 792
- 793
- 794

Implementation Guidance:

796 The working group notes that the 30-day post-transfer restriction is an important security mechanism to prevent registrar hopping and potential domain theft, however the working group also recognizes that there may be situations where early removal of the 30-day post-transfer restriction is necessary. Such situations identified by the working group may include, but are not limited to:

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- Well informed, documented, clearly intentional request by the registrant
 - Mutual agreement between the prior and current registrar of a transfer back to the prior registrar
 - Legitimate circumstances surrounding an escrow intermediary affecting the completion of the acquisition of the involved registered domain name
 - To complete documented registered domain name acquisition (aftermarket purchase, portfolio consolidation, or bona fide purchase)
 - Intentional release of the registered domain name that had transferred to the registrar where it becomes evident the domain name use would be in violation of the registrar's Acceptable Use Policy (AuP), Terms of Service (ToS), or local law or other similar governance.
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Links to Charter Question(s) & Summary of Deliberations:

813 [a6](#), [h1](#)

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Recommendation #19 Notification of Transfer Completion

820 The working group recommends that the Losing Registrar¹⁰ MUST send a "Notification of Transfer Completion"¹¹ to the RNH without undue delay but no later than 24 hours after the

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¹⁰ This is the Registrar of Record at the time of the transfer request.

¹¹ The footnote on Recommendation 11 regarding the method by which notifications are sent equally applies to the "Notification of Transfer Completion."

823 transfer is completed. For the purposes of sending the notification, the Losing Registrar MUST
824 use contact information as it was in the registration data at the time of the transfer request.

825

826 19.1: This notification MUST be provided in English and in the language of the registration
827 agreement and MAY also be provided in other languages.

828

829 19.2: To the extent that multiple domains have been transferred to the same Gaining
830 Registrar or to multiple Gaining Registrars at the same time, and the RNH listed in the
831 Registration Data at the time of the transfer is the same for all domains, the Registrar of
832 Record MAY consolidate the “Notifications of Transfer Completion” into a single
833 notification.

834

835 19.3: The following elements MUST be included in the “Notification of Transfer
836 Completion”:

837

- 838 ● Domain name(s)
- 839 ● IANA ID(s) of Gaining Registrar(s) and link to ICANN-maintained webpage
840 listing accredited Registrars and corresponding IANA IDs. If available, the
841 name of the Gaining Registrar(s) may also be included.
- 842 ● Text stating that the domain was transferred
- 843 ● Date and time that the transfer was completed
- 844 ● Instructions detailing how the RNH can contact the Losing (Prior)
845 Registrar for support if they believe the transfer was invalid, and any
846 deadlines or policies which may be relevant.

846

847 **Policy Impact:**

848

849 **MEDIUM** - This recommendation requires a new notification, which will require planning and
850 system updates for registrars.

851

852 **Recommendation Rationale:**

853 This recommendation seeks to ensure that the RNH consistently receives the necessary
854 information with respect to an inter-Registrar transfer. If the RNH receives the notice and
855 determines that the transfer is unauthorized or unintended, the RNH may seek the appropriate
856 remedy.

857

858 **Implementation Guidance:**

859 In cases where a customer uses a Privacy/Proxy service and the contact information associated
860 with the underlying customer is known to the Registrar of Record, the Registrar of Record MAY
861 send the notification directly to the underlying customer.

862

863 For this recommendation and others, the following definitions from the Transfer Dispute
864 Resolution Policy reflect the accurate meaning of the terms referenced throughout this Initial
865 Report:

866

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

869

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

872

873 **Registrar of Record:**

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

875 **Links to Charter Question(s) & Summary of Deliberations:**

876 [a7](#), [a8](#)

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

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

891

892 **Policy Impact:**

893

894 **LOW** - This recommendation is meant to clarify the status quo.

895

896 **Recommendation Rationale:**
 897 The addition of the words “upon request” to the first sentence is intended to clarify that while
 898 the Registrar of Record always provides the reason for denial to the RNH, the Registrar of
 899 Record only provides the reason for denial to the Gaining Registrar upon request. There is no
 900 automated process to provide the reason for denial to the Gaining Registrar. This is currently
 901 the case and is expected to continue to be the case in the future. The two sentences of I.A.3.7
 902 express two distinct concepts and therefore should be separated into two different provisions.

904 **Implementation Guidance:**
 905 N/A

907 **Links to Charter Question(s) & Summary of Deliberations:**
 908 [h1](#)

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

914 The working group recommends revising the following reasons that the Registrar of Record
 915 **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

			<p>either a) prevent a transfer arbitrarily or b) prevent an RNH from transferring a domain from a 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>
<p>I.A.3.7.2</p>	<p>Reasonable dispute over the identity of the Registered Name Holder or Administrative Contact.</p>	<p>Reasonable dispute over the identity of concern that the transfer was not requested by the Registered Name Holder or Administrative Contact.</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. 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 Contact data is no longer collected by the Registrar, therefore this term has been removed. This update is consistent with Preliminary 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</p>

			covered by the revised language in I.A.3.7.2.
I.A.3.7.3	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.	Nonpayment for previous registration period (including payment disputes or credit card charge-backs) if the domain name is past its expiration date at the current Registrar of Record 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>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 "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 ICANN DNSO Transfers Task Force Final Report & Recommendations. The working group believes that the Expired Registration Recovery Policy now provides the necessary guidance on treatment of domains post-expiration and that this sentence is unnecessary in the Transfer Policy text.</p>

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918 **Policy Impact:**

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920 **LOW** - Clarification of existing text.

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Recommendation Rationale:

The Working Group reviewed the text and proposed the above edits for clarity. The rationale for the proposed changes are described within the table above.

Implementation Guidance:

N/A

Links to Charter Question(s) & Summary of Deliberations:

[h1](#)

Recommendation #22 Revised 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	Express objection to the transfer by the authorized Transfer Contact Registered Name Holder . Objection could take the form of specific request (either by paper or electronic means) by the authorized Transfer Contact Registered Name Holder 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 Registered Name Holder on an opt-in basis and upon request by the authorized Transfer Contact Registered Name	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 Preliminary Recommendation 15.

	Transfer Contact to remove the lock within five (5) calendar days.	Holder , the Registrar must remove the lock or provide a reasonably accessible method for the authorized Transfer Contact Registered Name Holder 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 60 30 days of the creation date as shown in the registry Whois RDDS record for the domain name.	Per working group Preliminary Recommendation 3 , the Registrar MUST 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 Preliminary 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 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. 18.1-18.4 are met.

940

Policy Impact:

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942 **LOW** - Textual changes for clarity and consistency with other policy recommendations in this report.

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Recommendation Rationale:

944 The Working Group believes changing MAY to MUST allows for increased consistency across the industry and provides more predictability to registrants.

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Implementation Guidance:

N/A

Links to Charter Question(s) & Summary of Deliberations:

[h1](#)

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.	A Pending UDRP proceeding that the Registrar has been informed notified of by the Provider in accordance with the UDRP Rules.	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 related to a previous transfer, pursuant to under 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.	Pending URS proceeding or URS suspension that the Registrar has been informed notified of by the Provider in accordance with the URS Procedure.	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.	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).

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Policy Impact:

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967 **LOW** - Textual changes for clarity.

968

Recommendation Rationale:

969 The Working Group reviewed the reasons a Registrar MUST deny an inter-registrar transfer request and proposed textual edits for clarity to both registrars and registrants.

970

Implementation Guidance:

971 N/A

972

Links to Charter Question(s) & Summary of Deliberations:

973 [h1](#), [h2](#)

974

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

975 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:

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Reference	Current Text	Revision	Rationale
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<p>I.A.3.9.1</p>	<p>Nonpayment for a pending or future registration period.</p>	<p><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.</p>	<p>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 Registrar Advisory 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.”</p>
<p>I.A.3.9.2</p>	<p>No response from the Registered Name Holder or Administrative Contact.</p>	<p>No response from the Registered Name Holder. or Administrative Contact</p>	<p>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 Preliminary Recommendation 1.</p>
<p>I.A.3.9.3</p>	<p>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.</p>	<p>A registrar-applied inter-registrar transfer lock is in place on the Domain name in Registrar Lock Status, for reasons other than those specified in I.A.3.7 and I.A.3.8 unless 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.</p>	<p>The updates are primarily intended to improve clarity of the provision, use terminology that will be commonly understood, and refer to the relevant provisions that should be referenced alongside I.A.3.9.3.</p>
<p>I.A.3.9.4</p>	<p>Domain name registration period time constraints, other than during the first 60 days of initial registration, during the first 60 days after a registrar</p>	<p>Domain name registration period time constraints, other than as defined in I.A.3.7.5 and I.A.3.7.6¹² during the first 60 days of initial registration,</p>	<p>The working group updated the language to reference the applicable provisions of the</p>

¹² In implementation, to the extent that there is renumbering of applicable provisions, this reference should be updated accordingly.

	transfer, or during the 60-day lock following a Change of Registrant pursuant to Section II.C.2.	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.	policy rather than repeating the details of those provisions.
I.A.3.9.5	General payment defaults between Registrar and business partners / affiliates in cases where the Registered Name Holder for the domain in question has paid for the registration.	General payment defaults between Registrar and Reseller, as defined in the RAA, business partners / affiliates in cases where the Registered Name Holder for the domain in question has paid for the registration.	The update is not intended to change the meaning of the provision, but rather to update legacy language to be consistent with currently used and defined terminology.

986

987 **Policy Impact:**

988

989 **LOW** - Textual changes for clarity.

990

991 **Recommendation Rationale:**

992 The Working Group reviewed the reasons a Registrar MUST DENY an inter-registrar transfer
 993 request and proposed textual edits for clarity.

994

995 **Implementation Guidance:**

996 N/A

997

998 **Links to Charter Question(s) & Summary of Deliberations:**

999 [h1](#)

1000

1001

1002

Policy Recommendations and Impact Analysis - Group 1(b)

1004 Introduction to Group 1(b) Recommendations

1005 Change of Registrant (CoR) requirements were recommended by the [IRTP Working Group C](#) to
1006 ensure that certain changes to registrant information have been authorized by requiring
1007 registrars to obtain confirmation from the Prior Registrant¹³ and New Registrant¹⁴ before these
1008 changes are made. Specifically, CoR policy requirements are applicable under the Transfer
1009 Policy when a material change¹⁵ is made to one or more of the following: the Prior Registrant
1010 name, Prior Registrant organization, Prior Registrant email address, and/or Administrative
1011 Contact email address, if there is no Prior Registrant email address (Section II.A.1.1).

1012 In practice, this means that CoR provisions apply when a domain is transferred from one
1013 registrant to another registrant, as well as when there is no inter-registrant transfer but the
1014 registrant updates certain registration information. The Working Group comprehensively
1015 reviewed the CoR requirements and is proposing the following changes.

1016

Recommendation #25: Change of Registrant Data

1017 The working group recommends that the Transfer Policy and all related policies MUST use the
1018 term “Change of Registrant Data” in place of the currently-used term “Change of Registrant”.
1019 This recommendation is for an update to terminology only and does not imply any other
1020 changes to the substance of the policies.

1021

1022 **25.1:** “Change of Registrant Data” is defined as a Material Change to the Registered
1023 Name Holder’s name or organization, or any change to the Registered Name Holder’s
1024 email address, subject to the language in 25.3.

1025

1026 **25.2:** The working group affirms that the current definition of “Material Change”
1027 remains applicable and fit for purpose.

1028

¹³ According to Section II.A.1.4 of the Transfer Policy, "Prior Registrant" means the Registered Name Holder at the time a Change of Registrant is initiated.

¹⁴ According to Section 11.A.1.5 of the Transfer Policy, "New Registrant" means the entity or person to whom the Prior Registrant proposes to transfer its domain name registration.

¹⁵ Section II.A.1.3 of the Transfer Policy defines Material Change to mean a non-typographical correction. Additional guidance in this regard is provided in the notes to the Transfer Policy.

1029 **25.3:** A “Change of Registrant Data” does not apply to the addition or removal of
1030 Privacy/Proxy Service Provider (P/P) data in RDDS when such P/P services are provided
1031 by the Registrar or its Affiliates.
1032

1033 **Policy Impact:**

1034
1035 25: **LOW** - Update to terminology only.
1036 25.1: **LOW** - Confirms status quo.
1037 25.2: **LOW** - Confirms status quo.
1038 25.3: **MEDIUM** - Provides new guidance on the addition/removal of privacy/proxy services, i.e.,
1039 the addition or removal of a P/P service does not constitute a Change of Registrant Data.
1040

1041 **Recommendation Rationale:**

1042 The Working Group believes this updated terminology and text related to exceptions more
1043 clearly denotes the purpose of the policy, and helps ensure that it is followed where relevant
1044 and appropriate. In discussing the addition and removal of Privacy/Proxy data, the working
1045 group decided to exclude this from the definition of Change of Registrant Data because these
1046 changes were not considered relevant or appropriate for a Change of Registrant Data.
1047

1048 **Implementation Guidance:**

1049 N/A
1050

1051 **Links to Charter Question(s) & Summary of Deliberations:**

1052 [d2](#), [d3](#), [d9](#), [d10](#), [e2](#), [j1](#)
1053
1054
1055
1056

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

1057 The Working Group recommends eliminating Section II from the Transfer Policy; instead, the
1058 Working Group recommends that a standalone “Change of Registrant Data” policy MUST be
1059 established, existing outside of the revised Transfer Policy. For the avoidance of doubt, the
1060 Working Group is not recommending a new PDP to establish this standalone policy; instead, the
1061 Working Group is recommending the Change of Registrant Data Policy be created as part of the
1062 implementation of these policy recommendations. As part of the implementation of the new
1063 standalone Change of Registrant Data Policy, the Working Group recommends the following
1064 changes from the existing policy language in Section II of the Transfer Policy.
1065

1066 **26.1:** The Working Group recommends that the role and definition of “Designated
1067 Agent” is no longer fit for purpose. Accordingly, the working group recommends all
1068 references to Designated Agent MUST be eliminated from the future standalone Change
1069 of Registrant Data Policy.

1070
1071 **26.2** The Working Group recommends eliminating Section II.B “Availability of Change of
1072 Registrant” from the future standalone Change of Registrant Data Policy.

1073
1074 **26.3** The Working Group recommends eliminating from the future Change of Registrant
1075 Data Policy the requirement that the Registrar request and obtain confirmation from
1076 both the Prior Registrant and the New Registrant prior to processing a Change of
1077 Registrant Data as detailed in Sections II.C.1.2 and II.C.1.4 of the Transfer Policy.

1078
1079 **26.4:** The Working Group recommends eliminating from the future Change of Registrant
1080 Data Policy the requirement that the Registrar impose a 60-day inter-registrar transfer
1081 lock following a Change of Registrant. This requirement is detailed in section II.C.2 of the
1082 Transfer Policy. Additionally, the Working Group recommends eliminating from the
1083 Transfer Policy the text regarding opting out of the 60-day lock, as this text has been
1084 overtaken by the removal of the lock requirement from the Transfer Policy.

1085
1086 **Policy Impact:**

1087
1088 **26:** **LOW**- Recommendation suggests separation of policies only.

1089 **26.1 MEDIUM** - Change from status quo, which will require planning and system changes for
1090 registrars. This recommendation is not meant to explicitly prohibit the use of designated agents
1091 or representatives in other contexts where this is allowable.

1092 **26.2 LOW** - Current requirements under Section II.B are largely duplicative of existing policies
1093 and therefore do not need to be restated.

1094 **26.3 HIGH** - Removal of requirements to obtain confirmation from Prior and New Registrant

1095 **26.4 HIGH** - Removal of post-Change of Registrant Data transfer restriction (AKA 60-day lock)

1096
1097 **Recommendation Rationale:**

1098 The Working Group believes separating the two policies is the best way to ensure that the
1099 Change of Registrant Data (CORD) process is clearly documented and defined. The CORD is not
1100 a registrar transfer and, accordingly, the requirements should reside in a standalone policy.
1101 Additionally, the Working Group believes the CORD process should be available at any time
1102 during a domain’s registration period. Rationale regarding the working group’s proposed
1103 elimination of the 60-day lock can be found in its responses to Charter Questions d4-d8.

1104

Implementation Guidance:

1106 N/A

1107

Links to Charter Question(s) & Summary of Deliberations:1109 [d2](#), [d3](#), [d6](#), [d7](#), [d8](#), [d12](#), [d13](#), [d14](#), [d15](#), [d16](#), [d17](#), [e2](#), [j1](#)

1110

1111

1112

1113

Recommendation #27: Change of Registrant Data Notification

1114 As part of the implementation of the new standalone Change of Registrant Data Policy, the
1115 working group recommends that, following a Change of Registrant Data and ***subject to the opt***
1116 ***out requirements described in Recommendation 28***, the Registrar MUST send a Change of
1117 Registrant Data notification to the Registered Name Holder without undue delay, but no later
1118 than 24 hours after the Change of Registrant Data occurred. (emphasis added)

1119

1120 **27.1:** This notification MUST be written in the language of the registration agreement
1121 and MAY also be provided in English or other languages.

1122

1123 **27.2:** The Registrar MUST include the following elements in the Change of Registrant
1124 Data notification:

1125

- 1126 ● Domain name(s)
- 1127 ● Text stating which registrant data field(s) were updated
- 1128 ● Date and time that the Change of Registrant Data was completed
- 1129 ● Instructions detailing how the registrant can take action if the change was invalid
(how to initiate a reversal)

1130

1131 **27.3:** The Registrar MUST send the notification via email, SMS, or other secure
1132 messaging system. These examples are not intended to be limiting, and it is understood
1133 that additional methods of notification may be created that were not originally
1134 anticipated by the working group.

1135

1136 **27.4:** When a change to the Registered Name Holder's email address occurs, and subject
1137 to the opt out requirements described in Recommendation 28:

- 1138 a. the Registrar MUST send the Change of Registrant Data notification to the RNH's
1139 prior email address (the email address that was on file with the Registrar
1140 immediately prior to the change).
- 1141 b. the Registrar MAY send the Change of Registrant Data notification to the RNH's
1142 new email address.
- 1143 c. the Registrar MAY additionally send the Change of Registrant Data notification to
1144 the RNH via SMS or other secure messaging system.
- 1145

1146 **27.5:** The Registrar MAY send additional notifications resulting from changes to the
1147 Registered Name Holder's phone number, postal address, Account Holder information,
1148 or other contact information used by the Registrar to associate the RNH with their
1149 domain name or relevant account.

1150

1151 **27.6:** To the extent that the Change of Registrant Data is requested for multiple
1152 domains, and the Registered Name Holder is the same for all domains, the Registrar of
1153 Record MAY consolidate the Change of Registrant Data notifications into a single
1154 notification.

1155

1156 **27.7:** To the extent that the Change of Registrant Data may incur a verification request
1157 to be sent to the Registered Name Holder pursuant to the RDDS Accuracy Program
1158 Specification, the Registrar of Record MAY consolidate the optional Change of Registrant
1159 Data notification and the verification request into a single notification, where applicable.

1160

1161

1162 **Policy Impact:**

1163 **HIGH** - Read together with Recommendation 28, these two recommendations (Rec. 27 and Rec.
1164 28) have a high impact, in that a mandatory notification is now a notification that registrants
1165 may opt out of.

1166

1167 **Recommendation Rationale:**

1168 The Working Group believes that notifying the RNH of the CORD update helps to ensure that
1169 unintended or unexpected changes are caught and addressed promptly. Further, many RNHs
1170 prefer not to receive this type of notification, so the Working Group recommends they be
1171 permitted to opt out of having their registration data used for this purpose (See
1172 Recommendation 28). With regard to the language and required elements of the CORD
1173 notification, the Working Group wants to ensure the RNH understands the language of the
1174 notification and is empowered with full context of the update.

1175

1176 The Working Group believes it is important to ensure that the RNH receives this information.
1177 The group also recognizes that communications methods change with time and technological
1178 advances, and that registrars may have different preferred paths for communication based on
1179 their relationships with their registrants. The working group understands that the registrar
1180 should be able to determine the best communication method and experience for the RNH.

1181
1182 With regard to the RDDS Accuracy Program Specification (RAPS), the working group recognizes
1183 that these two processes are related and may be used together for the best registrant
1184 experience.

1185

1186 **Implementation Guidance:**

1187 N/A

1188

1189 **Links to Charter Question(s) & Summary of Deliberations:**

1190 [d5](#), [d8](#)

1191

1192

1193

1194

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

1195 The Working Group recommends that **the** Registrar MAY provide Registered Name Holders with
1196 the option to opt out of receiving Change of Registrant Data notifications. IF the Registrar
1197 chooses to provide the Change of Registrant Data notification opt-out option to the Registered
1198 Name Holder, THEN the following recommendations apply:

1199

1200 **28.1:** The Registrar MUST enable Change of Registrant Data notifications by default (i)
1201 when a domain name is initially registered AND (ii) when a domain name is transferred
1202 in from another Registrar.

1203

1204 **28.2:** If the Registered Name Holder elects to opt out of Change of Registrant Data
1205 notifications, the Registrar MAY disable Change of Registrant Data notifications,
1206 provided the opt out occurs AFTER initial domain name registration or the completion of
1207 an inter-registrar transfer.

1208

1209 **28.3:** The Registrar MUST provide clear instructions for how the Registered Name
1210 Holder can opt out of (and opt back in to) Change of Registrant Data notifications.
1211 Additionally, the Registrar MUST provide warning of the consequences associated with

1212 opting out of these notifications, enabling the RNH to make an informed decision
1213 whether to opt out.

1214

1215 **28.4:** The Registrar MUST maintain a record demonstrating that the Registrar validated
1216 that the opt-out was requested by the Registered Name Holder. The Registrar MUST
1217 retain this record for a period of no fewer than fifteen (15) months following the end of
1218 the Registrar’s sponsorship of the registration.

1219

1220 **28.5:** The Change of Registrant Data notification opt-out option does not apply to any
1221 verification notices sent pursuant to the RDDS Accuracy Program Specification.

1222

1223 **28.6:** The Registrar MAY modify their opt-out option at the data field level. For example,
1224 a Registrar may choose to offer an opt out for material changes to the Registrant Name
1225 or Registrant Organization but not allow an opt out for a change to the Registered Name
1226 Holder’s email address.

1227

1228 **Policy Impact:**

1229 **HIGH** - Read together with Recommendation 27, these two recommendations (Rec. 27 and Rec.
1230 28) have a high impact, in that a mandatory notification is now a notification that registrants
1231 may opt out of.

1232

1233 **Recommendation Rationale:**

1234 The Working Group believes it is beneficial to ensure that the RNH is notified of changes to
1235 their domain registration data, in case the change was inadvertent (e.g., they thought they
1236 were updating a different domain) or unauthorized (e.g., someone accessed their account
1237 without permission), while the RNH should also be empowered to turn off these notices.

1238

1239 The Working Group understands that these notifications are a personal data processing activity
1240 which may not be deemed absolutely necessary, and so the working group recommends the
1241 RNH be able to decide if they want to receive these notices or not. Since the notification is sent
1242 for security purposes, it should be required by default with the option to turn it off provided.

1243 The Working Group also believes the mandatory provision of the consequences associated with
1244 opting out of these notifications will help the RNH understand their options which have security
1245 benefits.

1246

1247 With regard to the RDDS Accuracy Program Specification (RAPS), the Working Group believes
1248 RAPS is for a different purpose and should not be affected by this CORD process.

1249

1250 **Implementation Guidance:**

1251 N/A

1252

1253 **Links to Charter Question(s) & Summary of Deliberations:**

1254 [d8](#)

1255

1256

1257

1258 Policy Recommendations and Impact Analysis - Group 2

1259 Introduction to Group 2 Recommendations

1260 *Transfer Emergency Action Contact (TEAC)*

1261 According to Section I. A.4.6 of the Transfer Policy, registrars are required to designate a
1262 Transfer Emergency Action Contact (TEAC) to facilitate urgent communications relating to inter-
1263 Registrar transfers with the goal of quickly establishing a real-time conversation between
1264 registrars in case of an emergency.

1265 *Transfer Dispute Resolution Policy (TDRP)*

1266 In any dispute relating to inter-registrar domain name transfers, registrars are encouraged to
1267 first attempt to resolve the problem among the registrars involved in the dispute. In cases
1268 where this is unsuccessful and where a registrar elects to file a dispute, the Transfer Dispute
1269 Resolution Policy (TDRP) details the requirements and process to do so.

1270 *ICANN-Approved Transfers*

1271 Section I.B of the Transfer Policy provides requirements related to an ICANN-approved bulk
1272 transfer of a registrar's gTLD domain names, or a portion thereof, to another registrar.

1273 During discussions on the Group 2 topics, the Working Group reviewed the TEAC, TDRP, and
1274 ICANN-approved transfers and is proposing the following changes.

1275

1276

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

1277 Section I.A.4.6.3 of the Transfer Policy states, “Messages sent via the TEAC communication
1278 channel must generate a non-automated response by a human representative of the Gaining
1279 Registrar. The person or team responding must be capable and authorized to investigate and
1280 address urgent transfer issues. Responses are required within 4 hours of the initial request,
1281 although final resolution of the incident may take longer.” The working group recommends that
1282 the policy must be revised to update the required timeframe for initial response from 4 hours
1283 to 24 hours / 1 calendar day.

1284

Policy Impact:

1285

1286 **LOW** - Time for responding to communications via the TEAC communication channel has been
1287 extended from 4 hours to 24 hours, reducing the operational burden on registrars while still
1288 requiring timely response to issues.

1289

Recommendation Rationale:

1291 The working group agreed that a longer timeframe for initial response to a TEAC request is
1292 warranted due to concerns around the tight 4-hour timeframe and the significant
1293 consequences associated with missing the deadline. The working group noted that the RAA
1294 provides a 24-hour deadline for Registrars to provide an initial, non-automated response to
1295 reports of illegal activity, although final resolution of the underlying issue may take longer. The
1296 working group observed that communication to a TEAC could be considered an analogous use
1297 case and agreed that a 24-hour time frame for initial response is acceptable for handling
1298 emergencies, while addressing concerns raised by Registrars about the operational impacts of
1299 TEAC requirements and associated risks of misuse.

1300

Implementation Guidance:

1301 N/A

1302

Links to Charter Question(s) & Summary of Deliberations:1303 [f2](#), [f3](#)

1304

1305

1309

Recommendation #30: Timing for Additional Interactions with the TEAC

1310 Section I.A.4.6.2 of the Transfer Policy states in part, “. . . Communications to a TEAC must be
1311 initiated in a timely manner, within a reasonable period of time following the alleged
1312 unauthorized loss of a domain.” The working group recommends that the Transfer Policy must
1313 be updated to state that the initial communication to a TEAC is expected to occur no more than
1314 30 days following the alleged unauthorized loss of a domain. If the initial communication to the
1315 TEAC occurs more that 30 days following the alleged unauthorized loss of a domain, the Losing
1316 Registrar must provide a detailed written explanation to the Gaining Registrar’s TEAC justifying
1317 why this is an emergency situation that must be addressed through the TEAC **communication**
1318 channel and providing information about why earlier contact to the TEAC was not possible.

Policy Impact:

1320

1321 **LOW** - Sets a new outer bound for communications to a TEAC. The majority of initial
1322 communications to the TEAC already occur within this outer bound, making this a low impact
1323 change.

1324

Recommendation Rationale:

1326 The text of this recommendation sets clear and consistent expectations regarding a “reasonable
1327 period of time” while allowing flexibility to use the **TEAC communication** channel outside of this
1328 timeframe under exceptional circumstances that may still constitute an emergency. Under such
1329 circumstances, the Gaining Registrar must provide the Losing Registrar with a written
1330 justification. As discussed in the working group’s response to charter question f4, the 30-day
1331 timeframe for initial contact aligns with the 30-day transfer restriction following initial
1332 registration and inter-Registrar transfer, detailed in recommendations 16 and 17.

1333

Implementation Guidance:

1335 N/A

1336

Links to Charter Question(s) & Summary of Deliberations:1338 [f4](#)

1339

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1342

Recommendation #31: Additional Communications with TEAC

1343 Once a Gaining Registrar has provided an initial non-automated response to a TEAC
1344 communication as described in Section I.A.4.6.3 of the Transfer Policy, the Gaining Registrar
1345 must provide additional, substantive updates by email to the Losing Registrar at least every 72
1346 hours / 3 calendar days until work to resolve the issue is complete. These updates must include
1347 specific actions taken by the Gaining Registrar to work towards resolution.

Policy Impact:

1349

1350 **MEDIUM** - New requirement for response time for registrars, which will require planning and
1351 system changes.

1352

Recommendation Rationale:

1354 The working group agreed that it is important for a Gaining Registrar to demonstrate progress
1355 towards resolving an issue raised through the TEAC **communication** channel. The working group
1356 further agreed the policy needs to provide some degree of flexibility with respect to timeframe
1357 for resolution, given that each case is unique. A requirement to provide regular updates
1358 introduces transparency and accountability, without setting strict deadlines that may not be
1359 appropriate or feasible to meet, even when both Registrars are working diligently towards
1360 resolution of the issue. In determining the frequency of updates, the working group agreed that
1361 it is appropriate to require updates every 72 hours / 3 calendar days. Updates at this cadence
1362 provide clear indication to the Losing Registrar as to whether resolution is proceeding while not
1363 being excessively burdensome to the Gaining Registrar who is required to provide the updates.

1364

Implementation Guidance:

1366 N/A

1367

Links to Charter Question(s) & Summary of Deliberations:1369 [f4](#)

1370

1371

1372

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1374

Recommendation #32: Method of Communication with TEAC

1375 The working group recommends that initial communication to the TEAC described in Section
1376 I.A.4.6.2 of the Transfer Policy must either be in the form of email or, if the primary TEAC
1377 communication channel is designated as a phone number or other method, the verbal/non-
1378 email communication MUST be accompanied by an email communication to the TEAC. This
1379 email “starts the clock” for the 24-hours response timeframe specified in Recommendation 29.
1380 The Gaining Registrar receiving the TEAC communication must respond by email within 24
1381 hours.

Policy Impact:

1383

1384 **MEDIUM** - Policy change to initial communication with TEAC, which may involve planning and
1385 system changes for registrars.

1386

Recommendation Rationale:

1387 As described in the WG’s response to Charter Question f5, requiring the initial TEAC exchange
1388 by email ensures that there is a paper trail associated with each initial TEAC contact without
1389 creating complex new requirements for a system of record that may be seldom used.

1391

Implementation Guidance:

1392 N/A
1393
1394

1395

Links to Charter Question(s) & Summary of Deliberations:

1396 [f5](#)
1397

1398

1399

1400

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

1401 The working group recommends the GNSO request an Issues Report or other suitable
1402 mechanism to further research and explore the pros and cons of (i) expanding the TDRP to
1403 registrant filers and (ii) creating a new standalone dispute resolution mechanism for registrants
1404 who wish to challenge improper transfers, including compromised and stolen domain names. In
1405 making this recommendation, the working group recognizes that if such an effort were
1406 ultimately adopted by the GNSO Council, this request could be resource-intensive and will
1407 require the Council to consider the appropriate timing and priority against other policy efforts.

1408

Policy Impact:

1409

1410

1411 **LOW/HIGH** - The changes, or lack of changes, to the TDRP results in a low impact to the policy;
1412 however, the high indication denotes the potential future policy work in completing an Initial
1413 Report on the requested issues.

1414

Recommendation Rationale:

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Implementation Guidance:

N/A

Links to Charter Question(s) & Summary of Deliberations:[g3](#)

1445

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

1446 **34.1:** The Working Group recommends that a Registry Operator MAY charge a fee to implement
1447 a full domain name portfolio transfer¹⁶ of 50,000 or more domain names from one ICANN-
1448 accredited registrar to another ICANN-accredited registrar(s)¹⁷, provided the conditions
1449 described in sections I.B.1.1 and I.B.1.2 are satisfied.

1450 **34.2:** The Registry MAY waive the fee associated with full portfolio transfers; however, in full
1451 portfolio transfers resulting from an involuntary registrar termination, i.e., where a registrar is
1452 terminated by ICANN due to non-compliance with the Registrar Accreditation Agreement, the
1453 Working Group recommends the Registry MUST waive any fee associated with a full portfolio
1454 transfer.

Policy Impact:

1455

1456 **LOW** -Retention of status quo. (34.1)

1457

1458 **LOW** - Involuntary full portfolio transfers, resulting from registrar or RRA terminations AND
1459 involving greater than 50,000 names are very rare, and, accordingly, this recommendation has a
1460 low impact. (34.2)

1461

Recommendation Rationale:

1462
1463 The Working Group deliberated the required fee in I.B.2 at length, and Registry Representatives
1464 noted that the fee is in recognition of the administration and coordination required to
1465 implement a full portfolio transfer. Accordingly, the working group agreed that in the case of a
1466 voluntary full portfolio transfer, the Registry may charge a fee, but the Registry may not charge
1467 a fee in the event of an involuntary full portfolio transfer. The working group noted the
1468 challenges in securing a Gaining Registrar for involuntary full portfolio transfers, as described by
1469 ICANN org, and agreed the fee should be waived in these limited instances.

1470

Implementation Guidance:

1471

1472

¹⁶ 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

¹⁷ 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.

1473 N/A

1474

1475 **Links to Charter Question(s) & Summary of Deliberations:**

1476 [i1](#)

1477

1478

1479

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

1480 The Working Group recommends retaining both (i) the current minimum number of domain
1481 names that trigger the fee at 50,000 names and (ii) the current price ceiling of USD \$50,000. If
1482 the full portfolio transfer involves multiple Registry Operators, the affected Registry Operators
1483 MUST ensure the collective fee does not exceed the recommended ceiling of USD \$50,000, and
1484 the fee MUST be apportioned based on the number of domain names transferred.

Policy Impact:

1486

1487 **HIGH** - The recommendation, in combination with Recommendations 36-38 introduces the idea
1488 of a collective fee and various requirements associated with this new calculus. Specifically,
1489 rather than a threshold of 50,000 domain names PER TLD, this involves a threshold of 50,000
1490 domain names across all TLDs, which significantly increases the amount of full portfolio
1491 transfers where fees are involved. Additionally, these recommendations create new
1492 coordination requirements for registrars, registries, and ICANN org.

1493

Recommendation Rationale:

1495 The Working Group has noted retaining a price ceiling promotes transparency and has
1496 recommended keeping the status quo; however, the Working Group believes it is important to
1497 specify the price ceiling encompasses a collective fee. In other words, the USD \$50,000 fee is
1498 the total amount a registrar would pay for a voluntary full portfolio transfer. The Working
1499 Group made this update in recognition of the changes to the industry that have occurred since
1500 this policy was first drafted, i.e., the number of Registry Operators and TLDs has increased
1501 significantly, which could result in unintended high fees.

1502

Implementation Guidance:

1504 The recommendation notes that the fee must be apportioned based on the number of domain
1505 names transferred. In practice, this means that if there are 60,000 total domain names
1506 transferred and 30,000 domain names are .example names, and 30,000 domain names are
1507 .illustration names, the .example registry could charge up to USD \$25,000 and the .illustration
1508 registry could charge up to USD \$25,000. This is because the two registries each transferred

1509 50% of the domain names; accordingly, each registry may charge 50% of USD \$50,000, which is
1510 the price ceiling referenced in Recommendation 35.

1511
1512

1513 **Links to Charter Question(s) & Summary of Deliberations:**

1514 [i1](#)

1515
1516

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

1517 The Working Group recommends that if the full portfolio transfer involves multiple Registry
1518 Operators, and one or more affected Registry Operators chooses to waive its portion of the
1519 collective fee, the remaining Registry Operators MUST NOT adjust their fees to a higher
1520 percentage due to another Registry Operator’s waiver.

1521

1522 **Policy Impact:**

1523

1524 **HIGH** - The recommendation, in combination with Recommendations 35, 37-38, introduces the
1525 idea of a collective fee and various requirements associated with this new calculus. Specifically,
1526 rather than a threshold of 50,000 domain names PER TLD, this involves a threshold of 50,000
1527 domain names across all TLDs, which significantly increases the amount of full portfolio
1528 transfers where fees are involved. Additionally, these recommendations create new
1529 coordination requirements for registrars, registries, and ICANN org.

1530

1531 **Recommendation Rationale:**

1532 The Working Group notes the fee apportionment was designed to be equitable, and this
1533 recommendation aims to ensure a voluntary fee waiver does not result in an unintended
1534 consequence or gaming.

1535

1536 **Implementation Guidance:**

1537 N/A

1538

1539 **Links to Charter Question(s) & Summary of Deliberations:**

1540 [i1](#)

1541

1542

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1545

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

1546 The Working Group recommends that following the completion of the transfer, the Registry
1547 Operator(s) MUST provide notice to ICANN that the transfer is complete, and the notice to
1548 ICANN MUST include the number of domain names transferred.

1549

Policy Impact:

1551

1552 **HIGH** - The recommendation, in combination with Recommendations 35-36, 38, introduces the
1553 idea of a collective fee and various requirements associated with this new calculus. Specifically,
1554 rather than a threshold of 50,000 domain names PER TLD, this involves a threshold of 50,000
1555 domain names across all TLDs, which significantly increases the amount of full portfolio
1556 transfers where fees are involved. Additionally, these recommendations create new
1557 coordination requirements for registrars, registries, and ICANN org.

1558

Recommendation Rationale:

1560 As the entity responsible for effecting the transfer, the Registry Operator is responsible for
1561 providing the official number of domain names transferred to ICANN.

1562

Implementation Guidance:

1564 N/A

1565

Links to Charter Question(s) & Summary of Deliberations:

1567 [i1](#)

1568

1569

1570

1571

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

1572 The Working Group recommends that following receipt of notices from all affected Registry
1573 Operators, ICANN MUST send a notice to affected Registry Operators with the reported
1574 numbers and corresponding percentages of domain names involved in the bulk transfer, e.g.,
1575 26% of names for .ABC and 74% of names for .DEF. The Registry Operators MAY then charge
1576 the Gaining Registrar a fee pursuant to the requirements in Recommendation #35 and
1577 associated Implementation Guidance.

1578

1579 Policy Impact:

1580

1581 **HIGH** - The recommendation, in combination with Recommendations 35-37, introduces the
1582 idea of a collective fee and various requirements associated with this new calculus. Specifically,
1583 rather than a threshold of 50,000 PER TLD, this involves a threshold of 50,000 across all TLDs,
1584 which significantly increases the amount of full portfolio transfers where fees are involved.
1585 Additionally, these recommendations create new coordination requirements for registrars,
1586 registries, and ICANN org.

1587

1588 Recommendation Rationale:

1589 The Working Group noted that ICANN org is the appropriate entity to notify affected Registry
1590 Operators of the numbers transferred after receiving notice from the affected Registries. The
1591 Working Group provided example percentages for clarity of implementation.

1592

1593 Implementation Guidance:

1594 N/A

1595

1596 Links to Charter Question(s) & Summary of Deliberations:1597 [i1](#)

1598

1599

1600

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

1601 The Working Group recommends that the Gaining Registrar **MUST** be responsible for paying
1602 **any** relevant Registry **fees related to any voluntary full portfolio transfer that it initiated and**
1603 **approved.**

1604

1605 Policy Impact:

1606

1607 **LOW** - Maintains but clarifies the status quo.

1608

1609 Recommendation Rationale:

1610 The Working Group recognizes that a voluntary request to transition a domain name portfolio
1611 to another registrar will require internal coordination and work from the relevant Registry
1612 Operator, and accordingly, the Registry Operator may charge a fee for this process. Due to the
1613 voluntary nature of the portfolio transfer request, the Gaining Registrar should be responsible
1614 for paying this fee to the Registry Operator as (i) the Gaining Registrar, through the transfer, is

1615 inheriting new customers, and (ii) the Losing Registrar may be going out of business and,
1616 accordingly, may be unable to pay the fee.

1617

1618 **Implementation Guidance:**

1619 N/A

1620

1621 **Links to Charter Question(s) & Summary of Deliberations:**

1622 [i1](#)

1623

1624

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

1625 The Working Group recommends updating the Transfer Policy to include the Bulk Transfer After
1626 Partial Portfolio Acquisition (BTAPPA) directly into the Transfer Policy, which would apply to all
1627 Registry Operators.¹⁸

1628

1629 **Policy Impact:**

1630

1631 **HIGH** - This recommendation involves a significant expansion of the BTAPPA service.

1632

1633 **Recommendation Rationale:**

1634 The Working Group believed this creates more consistency across all registries.

1635

1636 **Implementation Guidance:**

1637 N/A

1638

1639 **Links to Charter Question(s) & Summary of Deliberations:**

1640 [i2](#)

1641

1642

1643

1644

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

¹⁸ 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.

1645 The working group recommends that the standard Bulk Transfer After Partial Portfolio
1646 Acquisition (BTAPPA) be expanded to include circumstances where an agent of the Registrar,
1647 such as a Reseller or service provider, elects to transfer its portfolio of domain names to a new
1648 gaining registrar, and the registration agreement explicitly permits the transfer.

1649

1650 **Policy Impact:**

1651

1652 **HIGH** - This recommendation involves a significant expansion of the BTAPPA service.

1653

1654 **Recommendation Rationale:**

1655 The Working Group supported an expansion of the BTAPPA to allow for additional partial bulk
1656 transfers, such as Resellers or service providers to transfer their names to a different
1657 sponsoring registrar. The Working Group recognized there are situations where this may be
1658 necessary, such as when Registrar's agent (such a reseller) may need to change its sponsoring
1659 registrar due to data privacy concerns within a particular jurisdiction, and there is currently not
1660 a way to do this that does not involve a significant manual effort.

1661

1662 **Implementation Guidance:**

1663 N/A

1664

1665 **Links to Charter Question(s) & Summary of Deliberations:**

1666 [i2](#)

1667

1668

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Recommendation #42: Required Registrar Notification of BTAPPA

1671 In the event of a BTAPPA, **the Registrar** shall either notify or ensure **its** Resellers (where
1672 applicable) notify affected Registrants approximately one month¹⁹ / at least 30 calendar days
1673 before the change of sponsorship is expected to occur. This notification²⁰ must provide
1674 instructions on (i) how to opt out (if applicable), (ii) how to transfer the name to a registrar
1675 other than the Gaining Registrar before the date of the sponsorship change, if desired, (iii) the

¹⁹ 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.

²⁰ 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.

1676 expected date of the change of sponsorship, (iv) the name of the Gaining Registrar, and (v) a
1677 link to the Gaining Registrar’s (or their Reseller’s) terms of service.

1678

1679 **Policy Impact:**

1680

1681 **MEDIUM** - New notice requirement for Registrars.

1682

1683 **Recommendation Rationale:**

1684 Advance notice will give affected registrants the ability to transfer their name elsewhere if they
1685 so desire or opt out of the transfer if that option is available. In some instances, such as a
1686 registrar consolidation where a registrar will cease to exist upon the transfer, the option to opt
1687 out may not be available. Clarifying when the transfer will take place, to which registrar it will
1688 transfer, and what their terms of service are enables registrants to familiarize themselves with
1689 the new registrar and their terms before the change of sponsorship takes place.

1690

1691 **Implementation Guidance:**

1692 N/A

1693

1694 **Links to Charter Question(s) & Summary of Deliberations:**

1695 [i2](#)

1696

1697

1698

1699

Recommendation #43: Domain Name Expiration Dates During BTAPPA

1700 The Working Group recommends that for a change of sponsorship, the expiration dates of
1701 transferred registrations are not affected, and, therefore, there are no ICANN fees. Once the
1702 change of sponsorship is complete, the Working Group recommends that there is no grace
1703 period to reverse a transfer.

1704

1705 **Policy Impact:**

1706

1707 **LOW** - Status quo (current boilerplate language in BTAPPA).

1708

1709 **Recommendation Rationale:**

1710 The working group reviewed the language in the BTAPPA boilerplate and noted this is an
1711 important provision to include in the Transfer Policy. Because this is a transfer initiated by the
1712 registrar rather than the registrant, there is no change to the expiration date.

1713

Implementation Guidance:

1715 N/A

1716

Links to Charter Question(s) & Summary of Deliberations:1718 [i2](#)

1719

1720

1721

1722

Recommendation #44: Permitted Rejection of BTAPPA Request

1723 The Working Group recommends a Registry Operator MUST reject a change of sponsorship
1724 request if there is reasonable evidence that the change of sponsorship is being requested in
1725 order to avoid fees otherwise due to the Registry Operator or ICANN. A Registry Operator has
1726 discretion to reject a change of sponsorship request if a registrar with common ownership or
1727 management or both has already requested a change of sponsorship within the preceding six-
1728 month period.

Policy Impact:

1730

1731 **LOW** - Status quo (current boilerplate language in BTAPPA).

1732

Recommendation Rationale:

1734 The working group reviewed the language in the BTAPPA boilerplate and noted this is an
1735 important provision to include in the Transfer Policy because it allows discretion for Registry
1736 Operators to reject BTAPPA requests under certain circumstances.

1737

Implementation Guidance:

1739 N/A

1740

Links to Charter Question(s) & Summary of Deliberations:1742 [i2](#)

1743

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1747

Recommendation #45: Required Registration Agreement Language for BTAPPA

1748 The Working Group recommends the Losing Registrar’s existing Registration Agreement with
1749 customers MUST permit the transfer of domain names in the event of the scenarios described
1750 in the Transfer Policy with respect to a change of sponsorship. Additionally, the Losing
1751 Registrar’s Registration Agreement MUST inform registrants that in the event of a change of
1752 sponsorship, the affected registrants will be deemed to have accepted the new registrar’s
1753 terms, unless the registrant transfers their domain name(s) to a different registrar prior to the
1754 change of sponsorship.

Policy Impact:

1755
1756
1757 **LOW** - This may require changes to some registrars’ registration agreement to allow for these
1758 transfers.

Recommendation Rationale:

1760
1761 The working group added this language to ensure registrants receive notice via their
1762 registration agreements.

Implementation Guidance:

1763
1764
1765 N/A
1766

Links to Charter Question(s) & Summary of Deliberations:

1767 [i2](#)
1768
1769
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Recommendation #46: Notice of Registry Fees for BTAPPA

1773 The Working Group recommends that a Registry Operator MAY charge a fee for a change of
1774 sponsorship, but Registry Operators MUST provide notice to Registrars of any fees associated
1775 with a change of sponsorship upon request and prior to the initiation of the transfer. How
1776 Registry Operators choose to provide notice of fees will be up to the Registry to decide, i.e.,
1777 password protected portal, website, written notice, etc.

Policy Impact:

1778
1779

1780 **MEDIUM** - May involve changes for registries, which could include planning and system
1781 changes.

1782

1783 **Recommendation Rationale:**

1784 The policy language clarifies that registries may charge a fee; however, in order to do so, they
1785 must provide notice to registrars.

1786

1787 **Implementation Guidance:**

1788 N/A

1789

1790 **Links to Charter Question(s) & Summary of Deliberations:**

1791 [i2](#)

1792

1793

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1795

Recommendation #47: Prohibition on Post-BTAPPA Transfer Restriction

1796 The Working Group recommends that in the case of a change of sponsorship, the Gaining
1797 Registrar MUST NOT impose a new inter-registrar transfer lock preventing affected registrants
1798 from transferring their domains to another Registrar.

1799 **Policy Impact:**

1800

1801 **MEDIUM** - New requirements may trigger planning and system changes for registrars.

1802

1803 **Recommendation Rationale:**

1804 The Working Group notes that a change of sponsorship is not initiated by registrants and does
1805 not affect their domain name expiration dates; therefore, the transfer lock that would
1806 otherwise follow a typical inter-registrar transfer should not apply in this instance. Transfer
1807 locks that are triggered by other means set out in the Transfer Policy would still apply.

1808

1809 **Implementation Guidance:**

1810 N/A

1811

1812 **Links to Charter Question(s) & Summary of Deliberations:**

1813 [i2](#)

1814

1815

Annex 1 – Original Working Draft Recommendation Order

1816

1817 As noted in the introduction, the working group initially used a recommendation order based
1818 on the order of the charter questions. To reduce size and complexity in the core of the Final
1819 Report, the recommendations were re-ordered to allow for easier readability and
1820 comprehension. The list below acts as a reference to the older numbering system. Only Group
1821 1A recommendation numbers were affected. The remaining recommendations numbers for
1822 Groups 1B & 2 are not listed here.

- 1823 **Rec 1 (6):** Terminology Updates: Whois
1824 **Rec 2 (17):** Terminology Updates: Administrative Contact and Transfer Contact
1825 **Rec 3 (18):** Transfer Restriction After Initial Registration
1826 **Rec 4 (7):** Update Term “AuthInfo Code” to “Transfer Authorization Code (TAC)”
1827 **Rec 5 (8):** TAC Definition
1828 **Rec 6 (14):** Service Level Agreement (SLA) for TAC Provision
1829 **Rec 7 (9):** TAC Composition
1830 **Rec 8 (10):** Verification of TAC Composition
1831 **Rec 9 (15):** TAC Time to Live (TTL)
1832 **Rec 10 (11):** TAC Generation, Storage, and Provision
1833 **Rec 11 (4):** Notification of TAC Issuance
1834 **Rec 12:** Verification of TAC Validity
1835 **Rec 13** TAC is One-Time Use
1836 **Rec 14 (2):** Maintenance of Records
1837 **Rec 15 (1):** Gaining FOA
1838 **Rec 16 (6):** Registry Transmission of IANA ID to Losing Registrar
1839 **Rec 17 (3):** Losing FOA
1840 **Rec 18 (19):** Transfer Restriction After Inter-Registrar Transfer
1841 **Rec 19 (5):** Notification of Transfer Completion
1842 **Rec 20:** Format of Transfer Policy Section I.A.3.7
1843 **Rec 21:** Revised Reasons that a Registrar of Record MAY Deny a Transfer
1844 **Rec 22:** New Reasons that a Registrar of Record MUST Deny a Transfer
1845 **Rec 23:** Revised Reasons that a Registrar of Record MUST Deny a Transfer
1846 **Rec 24:** Revised Reasons that a Registrar of Record MUST NOT Deny a Transfer
1847 **Rec 25:** Change of Registrant Data
1848 **Rec 26:** Standalone Policy and Updates to Section II of Transfer Policy
1849 **Rec 27:** Change of Registrant Data Notification
1850 **Rec 28:** Opt out of Change of Registrant Notification

1851

1852 Return to [Group 1A Introduction](#)

Annex 2 – Group 1(a) Charter Questions and WG Summary Deliberations

1853

1854

[Link](#) to TPR WG Charter.

1855

Gaining Registrar FOA and Losing Registrar FOA

1856

Charter Question: Gaining FOA and Losing FOA

1857

a1) Is the requirement of the Gaining FOA still needed? What evidence did the Working Group rely upon in making the determination that the Gaining FOA is or is not necessary to protect registrants?

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1859

1860

1861

Summary of Deliberations:

1862

The Inter-Registrar Transfer Policy - Part D Policy Development Process Working Group (IRTP WG D), previously examined the question of “Whether the universal adoption and implementation of Extensible Provisioning Protocol (EPP) AuthInfo codes has eliminated the need of FOAs.” The IRTP WG D ultimately determined to retain the FOA until more evidence was gathered. The Transfer Policy Review Working Group was asked to revisit the same question and has determined there is now strong evidence that the Gaining FOA can be eliminated from the Transfer Policy without negatively affecting the security of inter-Registrar transfers. The working group further believes that requirements for a Gaining FOA or a similar replacement are unjustified under data protection law and no longer necessary from a practical perspective to facilitate the transfer. The working group recognizes that this is a significant departure from existing policy and has therefore provided a detailed rationale for its conclusion.

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Prior to the General Data Protection Regulation (GDPR) coming into force, the Gaining Registrar was required to confirm the Registered Name Holder’s (RNH) intent to transfer by sending an email to the RNH asking for confirmation to proceed. In order for the Gaining Registrar to be able to send the Gaining FOA, it needed to obtain the RNH’s contact information from the publicly available Registration Data Directory Services (RDDS). With the introduction of the GDPR, Gaining Registrars were no longer able to obtain this information via RDDS, as personally identifiable information was largely redacted within RDDS. In recognition of this new obstacle, ICANN org deferred Contractual Compliance enforcement on Gaining FOA requirements. While still a requirement on paper, in practice the Gaining FOA does not currently exist and cannot exist.

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1887 The working group considered that it could recommend some form of replacement for the
1888 Gaining FOA to be included in future policy requirements. If it did so, there would need to be a
1889 method and a justification for the Registrar of Record to transfer the RNH's contact information
1890 to the Gaining Registrar.

1891
1892 The working group considered that it is likely possible from a technical perspective to facilitate
1893 the transfer of the RNH's contact information from the Registrar of Record to the Gaining
1894 Registrar for the purposes of confirming the RNH's intent to transfer. However, the working
1895 group did not pursue specific methods for doing so because it did not believe this transfer is
1896 feasible from a legal perspective.

1897
1898 In its deliberations on applicable law, the working group considered the principles of data
1899 minimization and privacy by design. Under these principles, in order to justify the transfer of
1900 personally identifiable information (PII) from the Registrar of Record to the Gaining Registrar
1901 and the subsequent processing of this data (in order to send the Gaining FOA) by the Gaining
1902 Registrar, one would have to demonstrate that this transfer and processing of PII is necessary
1903 to facilitate the transfer. The working group noted that the transfer process has functioned
1904 without the Gaining FOA since the GDPR went into force, and the working group has not
1905 encountered any evidence that there has been an increase in unauthorized transfers since the
1906 Gaining FOA was functionally eliminated. It has not found any other indications that the
1907 transfer process is malfunctioning without the Gaining FOA requirement. Therefore, the
1908 working group sees no evidence that the Gaining FOA is needed for the purpose of facilitating
1909 the transfer or protecting the RNH from unauthorized transfers.

1910
1911 The working group notes that the recommendations in this report should be viewed as a
1912 package. The recommendations include adjustments and enhancements that seek to provide
1913 an appropriate level of security for the inter-Registrar transfer process while also taking into
1914 account the customer experience, applicable law, and operational considerations for Registries
1915 and Registrars.

1916
1917 The working group looked at the value that the Gaining FOA provided to ensure that equivalent
1918 value is covered by newly-added elements of the process going forward, as appropriate.

1919
1920 The working group noted that when the Gaining FOA requirements were in place, the transfer
1921 could only proceed once the RNH had responded to the Gaining FOA. This meant that the RNH
1922 always actively confirmed the intent to transfer before the transfer took place. The Gaining FOA
1923 therefore served a notification function and also a confirmation function. To the extent that the
1924 party obtaining the Transfer Authorization Code (TAC) and requesting the transfer was an

1925 individual other than the RNH, the RNH had the opportunity to confirm that they were aware of
1926 the request and wanted it to proceed.

1927

1928 The working group notes that in the current transfer process, the Losing Registrar must send
1929 the Registered Name Holder a notice of the pending transfer to confirm the Registered Name
1930 Holder’s intent to transfer the domain name. This notice is also referred to as the Losing
1931 Registrar FOA or Losing FOA. If after five calendar days, the Registry Operator has not received
1932 any objection to the inter-Registrar transfer, it will process the transfer request. As detailed in
1933 Recommendation 2, the working group anticipates that this element of the transfer process will
1934 remain in place, although the working group recommends using the term “Transfer
1935 Confirmation” in place of Losing FOA. While the Transfer Confirmation does not require
1936 affirmative consent, the working group believes that it does provide an important notification
1937 function and also gives the RNH an opportunity to take action prior to completion of the
1938 transfer if the transfer is unwanted.

1939

1940 In addition, the working group believes that the new notifications detailed in Preliminary
1941 Recommendations 3-4 ensure that the RNH receives the necessary information with respect to
1942 an inter-Registrar transfer. These notifications provide instructions on what to do if the RNH
1943 wants to either stop or reverse the process because the action on the account is unauthorized
1944 or unintended.

1945

1946 The working group noted that while it was in use, the Gaining FOA provided a record to assist
1947 ICANN’s Contractual Compliance department in investigating complaints, especially those
1948 related to unauthorized transfers. It also supported the resolution of disputes. The working
1949 group noted that records associated with provision of the TAC, the Transfer Confirmation, and
1950 new notifications detailed in Preliminary Recommendations 3-4, will provide the necessary
1951 paper trail for this purpose. Preliminary Recommendation yy provides specific guidance of
1952 record keeping.

1953

1954 The working group recalled that the Gaining FOA pre-dated the Transfer Authorization Code
1955 (TAC), formerly referred to as the AuthInfo Code, and that prior to the introduction of the TAC,
1956 the Gaining FOA was an essential element for facilitating the transfer and also provided a
1957 function that was important to prevent the unauthorized transfer of domains. With the
1958 introduction of the TAC, an additional layer of security was added to the process, and the
1959 Gaining FOA became less essential. The recommendations in this report further evolve the
1960 security model for the transfer process, including with respect to the TAC. The working group
1961 believes that the security model presented in the package of recommendations offers the

- 1962 appropriate elements to reduce the risk of unauthorized transfer to the extent possible within
1963 the bounds of the Transfer Policy. Key elements of the model include the following:
- 1964 ● The issuance of the TAC is the means of confirming that the RNH intends to transfer the
1965 domain. The first and most important line of defense and the primary point of control is
1966 logging into the account at the Registrar. This is the “affirmative consent” to initiate the
1967 transfer. The working group understands that certain threat vectors, including hacking
1968 of the RNH’s email or unauthorized access to the RNH’s account at the Registrar, are
1969 legitimate concerns. At the same time, the working group considers them outside the
1970 scope of the Transfer Policy and therefore outside the scope of this working group.
 - 1971 ● Acknowledging the role that the TAC plays as a token to enable the transfer process, the
1972 working group has recommended specific enhancements related to TAC security:
 - 1973 ○ Minimum requirements for composition to the TAC (Recommendation 7), seek
1974 to reduce the risk of an unauthorized party guessing the TAC to initiate an
1975 unauthorized transfer.
 - 1976 ○ Limiting when, where, and for how long the TAC may be vulnerable to theft once
1977 generated. The TAC is only generated at the point that it is needed to initiate an
1978 inter-Registrar transfer (Recommendation 9.1). It is stored securely at the
1979 Registry (Recommendation 9.2). The TAC has a maximum lifetime of 14 days,
1980 preventing the existence of a long-lived TAC, which could be used as part of an
1981 unauthorized or unintended inter-registrar transfer (Recommendation 13).
 - 1982 ● Once a domain is transferred, the Registrar must restrict the RNH from transferring a
1983 domain name to a new Registrar within 30 days. To the extent that the transfer is
1984 unauthorized, this restriction will consistently prevent the transfer of a domain multiple
1985 times in rapid succession, a practice associated with domain theft that makes it difficult
1986 to recover the domain.

1988 **Recommendations: [#15](#)**

1991 **Charter Question: Gaining FOA and Losing FOA**

1992 a2) If the Working Group determines the Gaining FOA should still be a requirement, are any
1993 updates (apart from the text, which will likely need to be updated due to the gTLD Registration
1994 Data Policy) needed for the process? For example, should additional security requirements be
1995 added to the Gaining FOA (two-factor authentication)?

1997 **Summary of Deliberations:**

1999 As described in the above response to charter question a1, the working group has determined
2000 that the Gaining FOA should no longer be a requirement.

2001

2002 **Recommendations: N/A**

2003

2004

2005 **Charter Question: Gaining FOA and Losing FOA**

2006 a3) The language from the Temporary Specification provides, “[u]ntil such time when the RDAP
2007 service (or other secure methods for transferring data) is required by ICANN to be offered, if
2008 the Gaining Registrar is unable to gain access to then-current Registration Data for a domain
2009 name subject of a transfer, the related requirements in the Transfer Policy will be superseded
2010 by the below provisions...”. What secure methods (if any) currently exist to allow for the secure
2011 transmission of then-current Registration Data for a domain name subject to an inter-registrar
2012 transfer request?

2013

2014 **Summary of Deliberations:**

2015

2016 As noted in the response to charter question a1, the working group considered that it is likely
2017 possible from a technical perspective to facilitate the transfer of the RNH’s contact information
2018 from the Registrar of Record to the Gaining Registrar for the purposes of confirming the RNH’s
2019 intent to transfer. However, the working group did not pursue specific methods for doing so
2020 because it did not believe this data transfer is feasible from a legal perspective.

2021

2022 **Recommendations: N/A**

2023

2024

2025

2026 **Charter Question: Gaining FOA and Losing FOA**

2027 a4) If the Working Group determines the Gaining FOA is no longer needed, does the AuthInfo
2028 Code provide sufficient security? The Transfer Policy does not currently require specific security
2029 requirements around the AuthInfo Code. Should there be additional security requirements
2030 added to AuthInfo Codes, e.g., required syntax (length, characters), two-factor authentication,
2031 issuing restrictions, etc.?

2032

2033 **Summary of Deliberations:**

2034

2035 As described in the response to charter question a1, the working group believes that the
2036 package of recommendations presented in this report provides for a transfer process with
2037 appropriate levels of security within the bounds of the Transfer Policy, including enhancements
2038 to the security of the Transfer Authorization Code. Please see the response to charter question
2039 a1 for additional details.

2040

2041 **Recommendations: [#7](#), [#8](#), [#10](#), [#11](#)**

2042

2043

2044

2045 **Charter Question: Gaining FOA and Losing FOA**

2046 a5) If the Working Group determines the Gaining FOA is no longer needed, does the
2047 transmission of the AuthInfo Code provide for a sufficient “paper trail” for auditing and
2048 compliance purposes?

2049

2050 **Summary of Deliberations:**

2051

2052 The Working Group acknowledges that with the elimination of the Gaining FOA requirement,
2053 the AuthInfo code becomes even more important for the transaction and for any Compliance
2054 investigation related to it. The Working Group further agrees that it is important to properly
2055 document and retain all notifications related to the transfer sent by the Losing Registrar, so that
2056 information about such records can be sent to ICANN Compliance when investigating a
2057 complaint, as needed. Therefore, the Working Group is providing a specific recommendation on
2058 requirements regarding the retention of these records and provision to ICANN upon reasonable
2059 notice.

2060

2061 **Recommendations: [#14](#)**

2062

2063

2064

2065 Additional Security Measures**2066 Charter Question: Additional Security Measures**

2067 a6) Survey respondents noted that mandatory domain name locking is an additional security
2068 enhancement to prevent domain name hijacking and improper domain name transfers. The
2069 Transfer Policy does not currently require mandatory domain name locking; it allows a registrar
2070 to NACK an inter-registrar transfer if the transfer was requested within 60 days of the domain
2071 name's creation date as shown in the registry RDDS record for the domain name or if the
2072 domain name is within 60 days after being transferred. Is mandatory domain name locking an
2073 additional requirement the Working Group believes should be added to the Transfer Policy?
2074

2075 Summary of Deliberations:

2076 The working group understands that this charter question refers to a lock that some Registrars
2077 apply by default to protect their customers from accidental or malicious inter-Registrar
2078 transfers. Registrants may, however, request lock removal, and Registrars must remove the lock
2079 within five days per requirements of the Transfer Policy. Charter question a6 asks whether this
2080 lock, which some Registrars choose to apply today, should become a policy requirement for ALL
2081 Registrars. For the avoidance of doubt, the lock addressed in this charter question is distinct
2082 from potential requirements for a Registrar to restrict the RNH from transferring a domain
2083 name to a new Registrar within 30 days of the initial registration date and within 30 days of the
2084 completion of an inter-Registrar transfer. Unlike Preliminary Recommendations 3 and 18
2085 regarding inter-Registrar transfer restrictions, the lock discussed in this charter question is a
2086 default lock that is generally removable upon the request of the registrant, while the
2087 restrictions discussed in Preliminary Recommendations 3 and 18 are triggered by a specific
2088 event and are not removable upon the request of the registrant.
2089

2090 The working group does not believe that mandatory domain name locking as presented above
2091 should be added to the Transfer Policy. The working group believes that the security model
2092 presented in response to charter question a1 provides for a transfer process with appropriate
2093 levels of security within the bounds of the Transfer Policy. It is the working group's view that
2094 Registrars are in the best position to determine whether locking a domain by default upon
2095 registration is appropriate for their customers in combination with other security features
2096 implemented by the Registrar. The working group expects that Registrars will continue to use
2097 their own discretion to implement any additional measures that may be appropriate for their
2098 business model and customer base.
2099

2100 Recommendations: [#18](#)

2101

2102 **Losing FOA**

2103 **Charter Question: Losing FOA**

2104 a7) Is the Losing FOA still required? If yes, are any updates necessary?

2105

2106 **Summary of Deliberations:**

2107 The working group extensively discussed the function and utility of the Losing FOA, which the
2108 working group recommends re-naming the Transfer Confirmation, both in initial deliberations
2109 leading up to publication of the Initial Report and in the context of reviewing public comments
2110 on the Initial Report. Ultimately, the working group did not reach agreement to eliminate or
2111 substantially change the Obligations of the Registrar of Record described in Section I.A.3.1 -
2112 I.A.3.6 of the Transfer Policy, and therefore anticipates that these requirements will largely
2113 remain in place with the minor modifications presented in Recommendation 2.

2114

2115 Early working group deliberations revealed that a number of working group members
2116 supported eliminating the Transfer Confirmation in light of other working group
2117 recommendations that sought to increase security and improve efficiency of the transfer
2118 process. Those advocating for this approach raised the following points:

2119

- 2120 • The working group is recommending that the Registrar of Record must send a
2121 Notification of TAC Issuance to the RNH when the TAC is issued and a Notification of
2122 Transfer Completion to the RNH following completion of the transfer. These
2123 notifications largely fulfill the notification function that is currently provided by the
2124 Transfer Confirmation.
- 2125 • It is not necessary to give the RNH an opportunity to confirm or deny the transfer via the
2126 Transfer Confirmation, because the act of logging into the control panel at the Registrar
2127 of Record in order to request the TAC is, in itself, an indication of consent. If the
2128 registrant has a high-value domain, the registrant should select a Registrar of Record
2129 that offers extra features and services to protect the security of the account and domain
2130 transactions. It is outside of the scope of the Transfer Policy to address Registrar
2131 account security.
- 2132 • The registrant always has the opportunity to select a Registrar of Record who conducts
2133 additional due diligence after the TAC is requested and before the Registrar of Record
2134 issues the TAC. The working group has recommended that, as is the case in the current
2135 Transfer Policy, the Registrar of Record must have up to 5 days to issue the TAC. If
2136 notifications replace the Transfer Confirmation, and the RNH selects a Registrar who
2137 takes extra time for due diligence, the RNH will also have additional time to receive and

- 2138 respond to Notification of TAC Issuance, allowing them to stop the transfer process if it
2139 is unwanted.
- 2140 ● The current Transfer Confirmation process can delay the transfer for up to an additional
2141 five calendar days. By eliminating the Transfer Confirmation, the working group reduces
2142 the overall maximum time of the transfer process, making it possible to transfer a
2143 domain almost instantaneously, which is beneficial for some registrants.
 - 2144 ● The working group is recommending additional security features, which will reduce the
2145 security risks associated with transfers. In particular, the working group has
2146 recommended that the TAC must be generated on demand, reducing the window of
2147 time in which the TAC is vulnerable to theft. In addition, the recommended 30-day post-
2148 transfer lock helps to ensure that if a domain is stolen, domain hopping will be slowed,
2149 allowing the Losing and Gaining Registrars to work together to resolve the problem.
 - 2150 ● In the current process, the Transfer Confirmation has limited utility in a common attack
2151 scenario. Specifically, if an attacker obtains access to the control panel, the attacker can
2152 change the recipient of the Transfer Confirmation to the attacker’s own email address,
2153 thereby eliminating the utility of the Transfer Confirmation.

2154

2155 In line with the above points, the working group’s Phase 1(a) Initial Report included a
2156 recommendation to eliminate the Transfer Confirmation and replace it with a Notification of
2157 TAC Issuance and a Notification of Transfer Completion. In its review of public comments and
2158 subsequent deliberations, the working group extensively discussed key concerns that were
2159 raised:

- 2160 ● Domains are important and valuable assets. It is important for registrants to have a
2161 genuine opportunity to approve or reject a transfer before the transfer takes place. In
2162 some cases under the procedure recommended in the Initial Report, the transfer will
2163 have already taken place by the time the registrant has received the Notice of TAC
2164 Issuance and wants to take action to stop the transfer. This process takes agency away
2165 from the registrant. It increases the risk of a domain being stolen without the
2166 knowledge of the registrant, in particular where an unauthorized party has accessed the
2167 TAC to initiate a transfer that the registrant doesn’t want.
- 2168 ● Some working group members indicated that the working group could introduce a “fast
2169 undo” process during the discussion of Group 2 topics to more quickly reverse an
2170 unauthorized transfer. The working group was ultimately unable to reach agreement on
2171 a process for a “fast undo” process. Even if such a mechanism is recommended and
2172 ultimately implemented, transfer reversal is less desirable than the ability to reject a
2173 transfer before it occurs. Once the domain is transferred away, there has been a
2174 disruption. The DNS has changed and service may have stopped. It requires a higher
2175 level of effort to remedy the situation and more parties will need to be involved.

2176

2177 While there was disagreement among working group members about the utility of the Transfer
2178 Confirmation from a security perspective, it was understood that from a RNH perspective,
2179 elimination of the Transfer Confirmation results in a sense among some RNH's that they have
2180 lost an important element of agency in the process. Working group members acknowledged
2181 that in many cases of theft, the email and/or Registrar account is hacked, eliminating the value
2182 of the Transfer Confirmation, but this is not true in every case. If the TAC is stolen once it has
2183 been generated, the Transfer Confirmation can assist the RNH in stopping an unwanted
2184 transfer.

2185

2186 Some working group members advocated for an alternative means to provide additional agency
2187 to the registrant while reducing the overall maximum timeline of the transfer process.
2188 Specifically, they proposed that the Registrar of Record must be required to send a notification
2189 to the RNH once a TAC is requested. The RNH can respond to the notice by either accepting or
2190 rejecting the release of the TAC. If there is no response by a given period of time (a period of
2191 less than 5 days), the Registrar proceeds to issue the TAC. Those advocating for this approach
2192 noted that the proposal provides notice and opportunity to accept or reject at the moment the
2193 RNH is thinking about the transfer, shortly after they have requested the TAC.

2194

2195 Those opposing the proposal noted the following concerns:

2196

- The proposal can stop the initiation of a transfer but does not stop a transfer that is pending. The TAC is vulnerable to theft once it is generated, and if the TAC is stolen once created, the RNH does not have a way to NACK the transfer as it does with the Transfer Confirmation.

2197

2198

2199

2200

- The proposal creates a need for system updates, process updates, and user education and may not fully satisfy those who want to keep the Transfer Confirmation. Therefore, the change is not worth the effort.

2201

2202

2203

2204 Ultimately, the working group did not come to an agreement to pursue this proposal further. As
2205 a default, the Transfer Confirmation will be maintained.

2206

2207

Recommendations: [#11](#), [#16](#), [#17](#), [#19](#)

2208

2209

2210

2211

Charter Question: Losing FOA

2213 a8) Does the CPH Proposed Tech Ops Process represent a logical starting point for the future
2214 working group or policy body to start with? If so, does it provide sufficient security for
2215 registered name holders? If not, what updates should be considered?

2216

Summary of Deliberations:

2217

2218
2219 The CPH Tech Ops Group, “agreed that the requirement to notify the Registrant about a
2220 transfer request should be mandatory. As general business practices of Registrars and
2221 individual transfer scenarios vary, the group concluded that such notification does not have to
2222 be an email, but rather may incorporate other means of more modern communication.”²¹

2223

2224 The working group agreed with Tech Ops that it is important to notify the RNH when a transfer
2225 is expected to take place and has recently taken place. The working group further supported
2226 the idea that given variations in Registrar business models and individual transfer scenarios,
2227 different secure means of communication may be appropriate for the provision of notifications.

2228

Recommendations: [#11](#), [#19](#)

2229

Charter Question: Losing FOA

2232 a9) Are there additional inter-registrar transfer process proposals that should be considered in
2233 lieu of or in addition to the CPH TechOps Proposal? For example, should affirmative consent to
2234 the Losing FOA be considered as a measure of additional protection?

2235

Summary of Deliberations:

2236

2237
2238 The working group appreciates proposals received during the Public Comment period on the
2239 Phase 1(a) Initial Report and considered these proposals in its review of Public Comments.
2240 Please see [Public Comment review working documents](#) on the working group’s wiki for
2241 additional details.

2242

Recommendations: N/A

2243

2244

²¹ Full text of the CPH Tech Ops proposal can be found in Annex B of the [TPR Final Issue Report](#).

2245 **Auth-Info Code Management**

2246 **Charter Question: Auth-Info Code Management**

2247 b1) Is AuthInfo Code still a secure method for inter-registrar transfers? What evidence was used
2248 by the Working Group to make this determination?

2249

2250 **Summary of Deliberations:**

2251

2252 The working group agreed that it should first establish clarity around the function and definition
2253 of the AuthInfo Code and ensure that terminology is clear before addressing specific security
2254 requirements. The working group used the following text on [ICANN.org](https://www.icann.org) as a starting point for
2255 discussion on the definition of the Transfer Authorization Code (TAC): “An Auth-Code (also
2256 called an Authorization Code, Auth-Info Code, or transfer code) is a code created by a Registrar
2257 to help identify the Registered Name Holder of a domain name in a generic top-level domain
2258 (gTLD). An Auth-Code is required for a Registered Name Holder to transfer a domain name from
2259 one Registrar to another.” The working group agreed that the term “identify” is inappropriate
2260 in this context, because the code does not verify identity in practice. Instead, the TAC is used to
2261 verify that the Registered Name Holder (RNH) requesting the transfer is the same RNH who
2262 holds the domain.

2263

2264 The working group considered that a number of different terms currently apply to the same
2265 concept, including AuthInfo Code, Auth-Info Code, Auth-Code, Authorization Code, and transfer
2266 code. None of these terms clearly describe the function of the code. The working group
2267 believes that it is clearer for all parties, and particularly the RNH, if a single term is used
2268 universally. The working group believes that “Transfer Authorization Code” (TAC) provides a
2269 straightforward description of the code’s function, and therefore should serve as the standard
2270 term in place of the alternatives.

2271

2272 Regarding the security of the TAC, the working group agreed that metrics could support
2273 deliberations on charter question b1. In particular, working group members were interested to
2274 see if there has been a change in the number of unauthorized transfers following adoption of
2275 the Temporary Specification for gTLD Registration Data. ICANN’s Contractual Compliance
2276 Department provided the working group with updated metrics regarding complaints received,
2277 which covered the periods both before and after the Temporary Specification went into
2278 effect.²² Contractual Compliance subsequently shared additional metrics that included the

²²Available at:

https://community.icann.org/download/attachments/181307054/Compliance_Transfer%20Data_presented%2029%20June%202021.xlsx?version=1&modificationDate=1638449700087&api=v2

2279 “closure codes” associated with complaints about unauthorized transfers.²³ While the working
2280 group agreed that it is difficult to draw conclusions from the data, the working group noted that
2281 there was no notable increase in complaints following the date that the Temporary
2282 Specification went into effect.

2283
2284 The working group considered that in addition to examining metrics regarding past
2285 performance, it is important to consider future-state objectives for the TAC. The working group
2286 agreed that from this perspective, additional security features are appropriate to protect the
2287 RNH, drawing on elements of RFC 9154. In considering potential security enhancements, the
2288 working group considered the benefits of requiring these measures, while also taking into
2289 account usability considerations and operational impacts on contracted parties in implementing
2290 new requirements.

2291

2292 **Recommendations:** [#4](#), [#5](#), [#13](#)

2293

2294

2295

2296 **Charter Question: Auth-Info Code Management**

2297 b2) The registrar is currently the authoritative holder of the AuthInfo Code. Should this be
2298 maintained, or should the registry be the authoritative AuthInfo Code holder? Why?

2299

2300 **Summary of Deliberations:**

2301

2302 In considering this charter question, the working group focused on evaluating and defining
2303 specific roles and responsibilities of Registries and Registrars in the transfer process, noting that
2304 each party has an important role to play in the transfer process. While some working group
2305 members expressed the view that Registry management of the TAC would be more uniform,
2306 standardized, and transparent, others noted that standards will be set through policy and
2307 enforced by ICANN Contractual Compliance regardless of whether the authoritative holder is
2308 the Registry or Registrar; therefore, it is not clear why it would be better to have the Registry be
2309 the authoritative holder.

2310

²³Available at:

https://community.icann.org/download/attachments/181307054/Compliance_Unauthorized%20Transfer%20Data%20Aug%202020-Sept%202021_presented%209%20November%202021.xlsx?version=1&modificationDate=1638449975000&api=v2

2311 The working group ultimately did not identify a compelling reason to shift ownership of the TAC
2312 to the Registry and therefore determined that the Registrar must continue to generate the TAC,
2313 set the TAC in the Registry platform, and issue the TAC to the RNH or their designated
2314 representative. The working group further agreed that the Registry should continue to verify
2315 the validity of the TAC and in addition, going forward, the Registry must verify that the TAC
2316 meets the syntax requirements specified in Preliminary Recommendation 7. The working group
2317 provided preliminary recommendations to improve security practices with respect to the TAC
2318 to be implemented at the Registry. The working group has also recommended that the Registry
2319 enforce the 14-day validity of the TAC.

2320

2321 **Recommendations: [#7](#), [#8](#), [#12](#)**

2322

2323

2324 **Charter Question: Auth-Info Code Management**

2325 b3) The Transfer Policy currently requires registrars to provide the AuthInfo Code to the
2326 registrant within five business days of a request. Is this an appropriate SLA for the registrar's
2327 provision of the AuthInfo Code, or does it need to be updated?

2328

2329 **Summary of Deliberations:**

2330

2331 The working group agreed that the Transfer Policy should continue to require Registrars to
2332 issue the TAC to the RNH or their designated representative within a specified period of time
2333 following a request. While some working group members felt that the standard time frame for
2334 issuance of the TAC should be shorter than five calendar days, working group members noted
2335 that exceptions may be necessary to accommodate specific circumstances. The working group
2336 did not identify a compelling reason to change the five-day response timeframe but believes
2337 that it is appropriate to update the policy language to highlight that five calendar days is the
2338 maximum and not the standard period in which the TAC is to be issued. The working group also
2339 agreed that it is more clear to express the time frame in hours rather than calendar days.

2340

2341 **Recommendations: [#6](#)**

2342

2343

2344

Charter Question: Auth-Info Code Management

2345
2346 b4) The Transfer Policy does not currently require a standard Time To Live (TTL) for the
2347 AuthInfo Code. Should there be a standard Time To Live (TTL) for the AuthInfo Code? In other
2348 words, should the AuthInfo Code expire after a certain amount of time (hours, calendar days,
2349 etc.)?
2350

Summary of Deliberations:

2351
2352
2353 The working group clarified its understanding that the Time to Live (TTL) is the period of time
2354 that the TAC is valid once the TAC has been created. The working group noted that there are no
2355 existing policy requirements regarding TTL. The working group believes that it is good security
2356 practice to have a standard TTL for the TAC, because old, unused TACs are vulnerable to
2357 exploitation.
2358

2359 The purpose of the standard Time to Live (TTL) is to enforce security around unused TACs
2360 (e.g., requested/received but not used), in a situation where the TAC may be stored in a
2361 registrant's email or other communications storage. The working group arrived at the
2362 conclusion that the TAC TTL must be no more than 14 calendar days / 336 hours and
2363 notes that a 14-day / 336 hour period is appropriate in order to accommodate transfer-
2364 related business processes associated with different registrar models.
2365

2366 The working group extensively discussed whether the Registry or Registrar should enforce
2367 the 14-day TTL and requested community input on this question through public comment
2368 on the Phase 1A Initial Report. The working group recommends enforcement by the
2369 Registry for the following reasons:

- 2370 ● For accuracy: If the sponsoring Registrar is required to expire the TAC by
2371 updating it to null, there is a possibility that at the time when the TAC is set to
2372 expire, either the Registrar or Registry systems have an outage (or there is a
2373 communication interruption). This means that the TAC expiration would be
2374 delayed until the transaction could be completed, opening a window for possible
2375 usage of a TAC that the sponsoring Registrar had deemed expired.
- 2376 ● For consistency: Having a centralized approach at the Registry allows prospective
2377 Gaining Registrars to know that every TAC will be expired at 14 days / 336 hours
2378 regardless of the sponsoring/provisioning Registrar.
- 2379 ● For security: Every TAC in a Registry has a maximum lifetime that is enforced
2380 consistently. This prevents the existence of any long-lived TAC, which could be
2381 used as part of an unauthorized or unintended inter-Registrar transfer.
2382

2383 With respect to 13.2, the working group acknowledged that there may be a variety of
2384 circumstances in which the Registrar of Record and the Registered Name Holder may
2385 want to mutually agree to reset the TAC to NULL prior to the end of the 14th calendar
2386 day. The working group included this language to ensure that Registrars are permitted to
2387 do so under relevant circumstances.
2388

2389 **Recommendations: #9**

2391

2392 **Bulk Use of Auth-Info Codes**

2393 **Charter Question: Bulk Use of Auth-Codes**

2394 b5) Should the ability for registrants to request AuthInfo Codes in bulk be streamlined and
2395 codified? If so, should additional security measures be considered?
2396

2397 **Summary of Deliberations:**

2398
2399 As a general rule, the working group believes that one randomly generated TAC should be
2400 provided per domain name, because this is a good security practice (see Preliminary
2401 Recommendation 13). The Working Group recognizes that for cases where multiple domains
2402 are being transferred, it would be more convenient to have a streamlined approach for
2403 requesting and using TACs. Some working group members suggested a carveout to the
2404 standard TAC requirements that would allow use of the same TAC for multiple domains if
2405 specific additional requirements were met to ensure security of the transaction. The working
2406 group did not agree on specific conditions under which this should be possible. Therefore, the
2407 working group is not making any recommendations with respect to exceptions for multi-domain
2408 transfers.
2409

2410 **Recommendations: N/A**

2412

2413

Charter Question: Bulk Use of Auth-Codes

2415 b6) Does the CPH TechOps research provide a logical starting point for future policy work on
2416 AuthInfo Codes, or should other options be considered?

2417

Summary of Deliberations:

2418

2419
2420 The working group carefully reviewed the TechOps proposal²⁴ and considered input from those
2421 involved in development of the proposal. The working group appreciated the expertise and
2422 relevant experience of those who developed the proposal and therefore considered it a logical
2423 starting point for discussion. The working group agreed, however, that it is important to
2424 consider (i) the range of views and interests that may not have been represented in the
2425 development of the proposal, and (ii) any new information or interests that have come to light
2426 since the development of the proposal. Therefore, in developing its preliminary
2427 recommendations, the working group deliberated on each of the charter questions, taking into
2428 account both the relevant elements of the TechOps paper as well as all other available
2429 information and inputs, including proposals submitted during the Public Comment period on
2430 the Phase 1(a) Initial Report.

2431

Recommendations: N/A

2432

2433

Charter Question: Bulk Use of Auth-Codes

2434

2435 b7) Should required differentiated control panel access also be considered, i.e., the registered
2436 name holder is given greater access (including access to the auth code), and additional users,
2437 such as web developers would be given lower grade access in order to prevent domain name
2438 hijacking?
2439

2440

Summary of Deliberations:

2441

2442 The working group does not believe that there should be any new policy requirements in this
2443 regard.
2444

2445

Recommendations: N/A

2446

2447

²⁴ Available in Annex B of the TPR [Final Issue Report](#).

2449 **Wave 1, Recommendation 27**

2450 **Charter Question: Wave 1, Recommendation 27**

2451 c1) How should the identified issues be addressed?

2452

2453 **Summary of Deliberations:**

2454

2455 The working group reviewed the Transfer Policy-related issues from Section 3.11 of the Wave 1
2456 Report and noted seven (7) of the ten (10) “key issues” were relevant to the current phase
2457 (Phase 1(a)) of its work.²⁵ The working group reviewed and discussed these seven issues and
2458 has provided a response to each issue. The detailed responses can be found in Annex 8 of this
2459 report.

2460

2461 **Recommendations: [#1](#), [#2](#)**

2462

2463

2464 **Charter Question: Wave 1, Recommendation 27**

2465 c2) Can the FOA-related Transfer Policy issues (identified in paragraphs 5 and 9 of Wave 1
2466 Report),²⁶ as well as the proposed updates to the Gaining and Losing FOAs, be discussed and
2467 reviewed during the review of FOAs?

2468

2469 **Summary of Deliberations:**

2470

2471 As noted above, the working group reviewed the seven key issues from Section 3.11 of the
2472 Wave 1 Report that are directly related to Group 1(a) of its work, including the issues related to
2473 the Gaining and Losing FOAs. The working group determined these specific issues are in scope

²⁵ Key Issues 4, 6, and 7 related to Change of Registrant, and, accordingly, the working group agreed to discuss these issues during Phase 1(b) of its work.

²⁶ Paragraph 5: Section I.A.5.6 provides that the "AuthInfo" codes must be used solely to identify a Registered Name Holder, whereas the Forms of Authorization (FOAs) still need to be used for authorization or confirmation of a transfer request, as described in Sections I.A.2, I.A.3, and I.A.4 of the policy. Where registrant contact data is not published, and absent an available mechanism for the Gaining Registrar to obtain such contact data, it is not feasible for a Gaining Registrar to send an FOA to the registrant contact data associated with an existing registration, as required by the policy. However, the requirement for the Registrar of Record to send an FOA confirming a transfer request (covered in section I.A.3) is still achievable as the registrar does not need to rely on publicly available data. Paragraph 9: The EPDP Team’s Phase 1 Recommendation 24 recommends that the following requirements apply to the Transfer Policy until superseded by recommendations from the Transfer Policy review being undertaken by the GNSO Council (redacted for brevity).

2474 for it to address during Group 1(a) and discussed and reviewed these issues during its plenary
2475 meetings. For the detailed responses on the key issues, please refer to Annex 8 of this report.

2476

2477 The working group noted many key issues alluded to terminology inconsistencies, which are the
2478 direct result of the EPDP Phase 1 recommendations. For example, EPDP Phase 1,
2479 Recommendation #5 provides an updated list of data elements to be collected by Registrars.
2480 Notably, the administrative contact field, which was a required data field under the 2013 RAA,
2481 is no longer a required data element for Registrar collection and subsequent processing.
2482 Because the administrative contact field is referenced many times within the Transfer Policy,
2483 the working group noted those references should be removed.²⁷ Similarly, the working group
2484 observed that the multiple references to “Whois” need to be updated.

2485

2486 **Recommendations: [#1](#), [#2](#)**

2487

2488

2489

2490 **Charter Question: Denying Transfers (Inter-Registrar Transfers)**

2491 h1) Are the current reasons for denying or NACK-ing a transfer sufficiently clear? Should
2492 additional reasons be considered? For instance, ICANN Contractual Compliance has observed
2493 difficulties from registrars tying transfer denials involving domain names suspended for abusive
2494 activities to the denial instances contemplated by the Transfer Policy; or should any reasons be
2495 removed?

2496

2497 **Summary of Deliberations:**

2498

2499 The working group conducted a thorough review of the reasons for denying or NACKing a
2500 transfer and has provided a series of preliminary recommendations detailed below. Please see
2501 the rationale for each proposed change for additional information about why these updates are
2502 being recommended.

2503

2504 While discussing sections I.A.3.7 through I.A.3.9 of the Transfer Policy, the working group spent
2505 a significant amount of time considering I.A.3.7.5 and I.A.3.7.6 and the fact that in some cases, a
2506 domain is locked against inter-Registrar transfer for 60 days following the registration of the
2507 domain name or the transfer of the domain name to a new Registrar. Requirements regarding

²⁷ Additional context from the working group’s discussion can be found in Annex 8 of this report.

2508 post-registration and post-transfer locks appear in some Registry Agreements and are reflected
2509 in corresponding Registry-Registrar Agreements. This practice is neither required nor prohibited
2510 in the Transfer Policy and is applied inconsistently across the industry.

2511
2512 The working group considered that this inconsistent practice may cause confusion among
2513 registrants and may lead to poor registrant experience. The working group supported
2514 establishing a standard set of requirements that apply across the industry. While some
2515 members also supported opportunities for opt-outs or flexibility in the requirements (for
2516 example a minimum lock period with an option to implement a longer lock period), the working
2517 group ultimately agreed that consistency needs to be maintained.

2518
2519 In the course of deliberations, the working group discussed three possible time periods for
2520 post-registration and post-transfer locks: 10 days, 30 days, and 60 days. Working group
2521 members supported maintaining consistency between the period that a transfer is prohibited
2522 following registration and following inter-Registrar transfer. Some working group members
2523 have advocated for establishing a “fast undo” process along the lines of the Expedited Transfer
2524 Reverse Process (ETRP) considered in Inter-Registrar Transfer Policy (IRTP) Part B Policy
2525 Development Process. The IRTP Part B Working Group ultimately did not adopt the ETRP
2526 proposal. The Working Group discussed the process of a “fast undo” or transfer reversal
2527 process but was ultimately unable to come to an agreement. Many working group members
2528 observed that registrars generally work together informally to undo an improper transfer,
2529 where appropriate, and introducing strict policy requirements around this may limit this ability.

2530

2531 **Recommendations: [#18](#), [#20](#), [#21](#), [#22](#), [#23](#), [#24](#)**

2532

2533

2534 **Charter Question: Denying Transfers (Inter-Registrar Transfers)**

2535 h2) Should additional guidance around cases subject to a UDRP decision be provided to ensure
2536 consistent treatment by all registrars? If so, is this something that should be considered by the
2537 RPMs PDP Working Group’s review of the UDRP, or should it be conducted within a Transfer
2538 Policy PDP?

2539

2540 **Summary of Deliberations:**

2541

2542 The working group reviewed the World Intellectual Property Organization’s (WIPO) [detailed](#)
2543 [comment](#) in response to the [Transfer Policy Status Report](#) and has noted two concerns
2544 involving a UDRP proceeding vis-à-vis the Transfer Policy. Specifically, WIPO has noted issues

2545 related to: (i) the locking of a domain name subject to a UDRP proceeding (in order to prevent
2546 an inter-Registrar transfer during the pendency of the proceeding),²⁸ and (ii) the
2547 implementation of a UDRP Panel’s order to transfer a domain name to a complainant.²⁹

2548

2549 Domain Name Locking

2550

2551 UDRP Rule 4(b) provides, in part, “Within two (2) business days of receiving the Provider’s
2552 verification request, the Registrar shall [. . .] confirm that a Lock³⁰ of the domain name has
2553 been applied. [. . .] The Lock shall remain in place through the remaining Pendency of the
2554 UDRP proceeding. [. . .].” Additionally, Paragraph I.A.3.8.1 of the Transfer Policy requires
2555 registrars to deny any requests for inter-registrar transfers during “a pending UDRP proceeding
2556 that the Registrar has been informed of.”

2557

2558 Within its preliminary recommendations, the working group has proposed to update the
2559 current Transfer Policy language to:

2560

2561 “The Registrar of Record MUST deny a transfer request in the following circumstances:

- 2562 • Pending UDRP proceeding that the Registrar has been notified of by the Provider in
2563 accordance with the UDRP Rules.”

2564

2565 The working group is proposing a slight refinement to the current text in an effort to clarify that
2566 **a Registrar** must deny inter-Registrar transfer requests that are received after **the Registrar** has
2567 been notified by a UDRP Provider of a UDRP Proceeding in accordance with the UDRP Rules.

2568

2569 In response to WIPO’s related concern that “the ambiguity associated with ‘locking’ a domain
2570 name has resulted in many improper domain name transfers,” the working group notes that
2571 the definition of Locking is part of the UDRP Rules, and, accordingly, appears out of scope for
2572 this working group to address. The working group does note, though, that the proposed
2573 updates to the Transfer Policy endeavor to make clear that Registrars are forbidden from
2574 implementing inter-Registrar transfer requests received following a notification from a UDRP
2575 Provider of a pending UDRP proceeding.

2576

²⁸ For specific policy requirements, please see [UDRP Rule 1](#) (definitions of Lock and Pendency, respectively), [UDRP Rule 4\(b\)](#), and Paragraph I.A.3.8.1 of the [Transfer Policy](#).

²⁹ For specific policy requirements, please see [UDRP Section 4\(i\)](#), [4\(k\)](#), [UDRP Rule 16\(a\)](#).

³⁰ [UDRP Rule 1](#) defines Lock as “a set of measures that a Registrar applies to a domain name, which prevents at a minimum any modification to the registrant and Registrar information by the Respondent, but does not affect the resolution of the domain name or the renewal of the domain name.”

2577 In the event a Registrar mistakenly or purposefully effects an inter-Registrar transfer during the
2578 pendency of a UDRP proceeding, this would be a clear violation of the Transfer Policy and
2579 should be referred to ICANN org Contractual Compliance for review. The working group will flag
2580 the definitional issue of “locking” with the Rights Protection Mechanisms (RPMs) Phase 2
2581 Working Group, who will be closely reviewing the UDRP, and will be in a better position to
2582 determine if updates are needed.

2583

2584 Implementation of UDRP Panel Decisions

2585

2586 The working group also discussed WIPO’s noted concern regarding the reported refusal of some
2587 Registrars to effect a UDRP Panel’s decision to transfer a disputed domain name(s) to the
2588 Complainant.

2589

2590 Paragraph 4(i) of the UDRP provides that a UDRP Complainant may request the following
2591 remedies in its UDRP Complaint, “the cancellation of [a disputed] domain name or the *transfer*
2592 of [a disputed] domain name registration to the complainant.” (emphasis added). Paragraph
2593 4(k) goes on to provide, in part, “if an Administrative Panel decides that [the disputed] domain
2594 name registration should be canceled or transferred, [the Registrar of Record] will wait ten (10)
2595 business days [. . .] before *implementing* that decision [to cancel or transfer the disputed
2596 domain name].” (emphasis added)

2597

2598 Registrar representatives within the working group noted various methods their companies use
2599 to implement UDRP decisions, including, for example, providing the AuthInfo Code to the
2600 Complainant to effect the inter-Registrar transfer, setting up an account for the Complainant
2601 and transferring the name to the new account, et. al. The working group discussed that so long
2602 as the Registrar of Record effects the Panel’s decision by allowing transfer of the domain name,
2603 the Registrar would be in compliance with the UDRP, and the working group was reluctant to
2604 recommend specific implementation restrictions.

2605

2606 The working group noted that a Registrar refusal to implement a UDRP Panel’s decision to
2607 cancel or transfer the disputed domain name to the Complainant, absent official
2608 documentation of a court proceeding,³¹ would be a violation of the UDRP, and, accordingly,
2609 should be referred to ICANN org Contractual Compliance for review. The working group noted
2610 that it will refer this reported issue of UDRP decision implementation to the RPMs Phase 2
2611 Working Group, as the working group believed the specific implementation around UDRP
2612 decisions to be out of scope for the Transfer Policy.

³¹ See UDRP, Paragraph 4(k).

2613

2614

Recommendations: [#23](#)

2615

Annex 3 – Group 1(b) Charter Questions and WG Summary Deliberations

Annex 3 - Group 1(b) Charter Questions and WG Summary Deliberations

Change of Registrant

For context on this topic and the associated charter questions, please see pages 20-32 of the [Final Issue Report](#).

[Link](#) to TPR WG Charter.

Charter Question: Change of Registrant

d1) According to the Transfer Policy Review Scoping Team Report, the Change of Registrant policy “does not achieve the stated goals” and “is not relevant in the current & future domain ownership system.” To what extent is this the case and why? Are the stated goals still valid? If the Change of Registrant policy is not meeting the stated goals and those goals are still valid, how should the goals be achieved?

Summary of Deliberations:

The working group discussed the following original goals associated with Change of Registrant:

- Standardization across registrars, creating a better/easier experience for registrants.
- Security improvements through ensuring the changes are authorized.
- Manage instances of domain theft/hijacking (especially with respect to the 60-day post Change of Registrant lock or inter-registrar transfer restriction).
- Consistent with Transfer Policy B.1. "In general, registrants must be permitted to update their registration/Whois data and transfer their registration rights to other registrants freely."

In considering the question of whether the goals are still valid, the working group noted that a number of circumstances have changed since the IRTP-C working group completed its work:

- The registrar landscape had changed. From one perspective, security measures are more robust, especially as registrars work to meet obligations under GDPR.
- When Change of Registrant was drafted, email addresses were available in the public RDDS, which was a significant attack vector for domain name hijacking. This is no longer an issue.

- 2649
- From one perspective, protection of registrant data against unwanted changes is even
- 2650 more important with GDPR, because the registrant cannot monitor the RDDS for such
- 2651 changes, and therefore needs to be informed by other means.
- 2652

2653 Working group members noted that while the [Transfer Policy Status Report \(PSR\)](#) provides a

2654 number of metrics, the data does not definitively provide an answer to whether the goals are

2655 being met, and specifically whether the policy requirements have an impact on security issues

2656 related to unauthorized activity. Survey results associated with the PSR and anecdotal

2657 information provide some evidence that adjustments to Change of Registrant are appropriate

2658 from a usability perspective, as the current requirements are perceived as confusing and

2659 cumbersome. The working group considered that it might be beneficial to recommend

2660 additional data collection and tracking in the future so that there are better metrics to leverage

2661 in future policy development related to the Transfer Policy.

2662

2663 Ultimately, working group members supported having Change of Registrant policy

2664 requirements in some form, but noted that changes were needed to those requirements. The

2665 recommended changes are noted in response to the additional charter questions below.

2666

2667 **Recommendations: N/A**

2668

2669

2670

2671 **Charter Question: Change of Registrant**

2672 d2) Data gathered in the Transfer Policy Status Report indicates that some registrants find

2673 Change of Registrant requirements burdensome and confusing. If the policy is retained, are

2674 there methods to make the Change of Registrant policy simpler while still maintaining

2675 safeguards against unwanted transfers?

2676

2677 d3) The Transfer Policy Review Scoping Team Report suggests that there should be further

2678 consideration of establishing a standalone policy for Change of Registrant. According to the

2679 Scoping Team, the policy should take into account the use case where a Change of Registrar

2680 occurs simultaneously with a Change of Registrant. To what extent should this issue be

2681 considered further? What are the potential benefits, if any, to making this change? To what

2682 extent does the policy need to provide specific guidance on cases where both the registrar and

2683 registrant are changed? Are there particular scenarios that need to be reviewed to determine

2684 the applicability of COR?

2685

Summary of Deliberations:

2687

2688 In initial discussions, some working group members expressed support for having two distinct
2689 policies, which those members noted may be a “tidier” approach.

2690 The working group noted the two processes are distinct with two different purposes, histories,
2691 and sets of needs. They may, but often do not, happen at the same time. They should not be
2692 conflated. From this perspective, the working group noted it would be cleaner to keep the
2693 discussions separate.

2694

2695 The working group reviewed Section II of the Transfer Policy in its entirety to see if it was in
2696 need of changes, simplifications, or additional explanatory language. In addition to
2697 recommending a standalone policy, the working group recommended additional changes
2698 described in recommendations #25 and #26.

2699

Recommendations: [#25](#), [#26](#)

2701

2702

2703

Charter Question: Change of Registrant

2704 d4) Survey responses and data provided by ICANN’s Global Support Center indicate that
2705 registrants do not understand the 60-day lock and express frustration when it prevents them
2706 from completing an inter-registrar transfer. Does the 60-day lock meet the objective of
2707 reducing the incidence of domain hijacking? What data is available to help answer this
2708 question? Is the 60-day lock the most appropriate and efficient mechanism for reducing the
2709 incidence of hijacking? If not, what alternative mechanisms might be used to meet the same
2710 goals? Are there technical solutions, such as those using the control panel or two-factor
2711 authentication, or other alternatives that should be explored?

2712

Summary of Deliberations:

2714 The working group reviewed the complaint metrics from ICANN Global Support and Contractual
2715 Compliance and, after discussing the metrics at length, has determined that the 60-day lock
2716 following a Change of Registrant appears to be a greater source of registrant frustration than
2717 proven registrant security. Furthermore, available data suggests that valid reports of domain
2718 hijacking are not as numerous as may be expected. For example, according to complaint
2719 metrics shared by ICANN Contractual Compliance, from September 2020 to October 2023
2720 ICANN Compliance received:
2721

- 2722 ● 205 complaints regarding Unauthorized Changes of Registrant
- 2723 ○ 169 were closed as invalid (without addressing with the Contracted Party)
- 2724 ○ 42 were sent to the Contracted Party
- 2725 ● 780 complaints regarding Unauthorized Inter-Registrar Transfers
- 2726 ○ 679 were closed as invalid (without addressing with the Contracted Party)
- 2727 ○ 88 were sent to the Contracted Party

2728

2729 The working group considered the number of complaints received by ICANN Compliance and
2730 sent to Contracted Parties to be relatively low, particularly when considering the vast number
2731 of domain names, changes of registrant, and inter-registrar transfers that occur worldwide.
2732 While most complaints of domain hijacking may be addressed internally with Registrars and are
2733 not escalated to ICANN Compliance, such issue tracking and reporting across Registrars may not
2734 be consistent or readily available and was not provided to the Working Group when requested.

2735

2736 Based on available data, it is not clear that the 60-day lock demonstrably reduces instances of
2737 domain hijacking. However, the working group noted that from the perspective of registrars, it
2738 is often difficult, if not impossible, to determine whether a registrant's email address or account
2739 login credentials have been compromised until after a complaint is received. While the 60-day
2740 lock temporarily prevents the registrant (and possible hijacker) from transferring the domain to
2741 another Registrar (also assuming the transfer lock was not opted-out of by the hijacker prior to
2742 the change of registrant), the lock does not prevent any initial hijacking of the registrant's
2743 credentials or account.

2744

2745 The working group discussed various ways that Registrars could address domain hijacking
2746 proactively rather than reactively, such as through additional requirements around accounts,
2747 control panels, and multifactor authentication. However, the working group noted that given
2748 the variety of Registrars and their business models, there is no one-size-fits-all security
2749 apparatus, and that flexibility should be given to Registrars to secure registrant data and
2750 accounts in ways that work best for them and their customers. That being said, the working
2751 group has proposed several preliminary recommendations within this Initial Report which
2752 would increase the security of inter-registrar transfers and help registrants catch and combat
2753 domain hijacking (such as required notifications to the RNH, instructions for how an RNH may
2754 reverse an invalid transfer, additional TAC requirements, implementation of a 30-day post-
2755 transfer restriction, etc.).

2756

2757 **Recommendations: N/A**

2758

2759

Charter Question: Change of Registrant

2761 d5) Survey responses and data provided by ICANN’s Global Support Center and Contractual
2762 Compliance Department indicate that registrants have expressed significant frustration with
2763 their inability to remove the 60-day lock. If the 60-day lock is retained, to what extent should
2764 there be a process or options to remove the 60-day lock?

2765

Summary of Deliberations:

2767 Rather than retaining the 60-day inter-registrar transfer lock following a Change of Registrant,
2768 the working group recommends eliminating it from the future Change of Registrant Data Policy
2769 (See Preliminary Recommendation 26.4). The working group has noted several reasons why this
2770 60-day post Change of Registrant inter-registrar transfer restriction/lock should be eliminated.

2771

2772 1. The working group discussed at length about the confusion and frustration from registrants
2773 around this restriction. Input from the Transfer Policy Survey, which was administered as part
2774 of the [Transfer Policy Status Report](#), also noted the inconsistency with which this lock is applied.
2775 Specifically, the language provides that registrars MAY offer an opt-out, but not all registrars
2776 choose to offer this, which ultimately leads to confusion among Registered Name Holders.
2777 Additionally, the working group noted that the common occurrence of a Registrar acting as the
2778 Designated Agent and opting out of the lock on behalf of the RNH, which is permitted in the
2779 COR policy, has rendered the security value of the 60-day lock meaningless or of negligible
2780 value.

2781

2782 2. In recognition of the diminished security value of the 60-day post-COR lock, the working
2783 group instead recommends requiring a 30-day post inter-registrar transfer restriction, which is
2784 detailed in Preliminary Recommendation 19. Barring an exception as described in
2785 Recommendation 19, domain names will remain at a registrar for 30 days following an inter-
2786 registrar transfer, allowing for any fraudulent changes to be unwound during this restriction
2787 period.

2788

2789 3. The working group notes that the “clientTransferProhibited” status can be applied to a
2790 domain name at any time to prevent unwanted transfer. The 60-day COR lock is an unnecessary
2791 trigger, as such a lock is already available without additional requirements.

2792

2793 4. The working group further notes that it has recommended a series of measures to increase
2794 the security of the Transfer Authorization Code (TAC) and reduce the risk that the TAC is
2795 obtained by an unauthorized party, as detailed in Preliminary Recommendations 2-15. With the

2796 added security measures, the TAC becomes a stronger means to demonstrate that the TAC
2797 holder is an appropriate party to request the transfer, which makes the post-COR transfer
2798 restriction less important.

2799
2800 5. The working group notes that when a Material Change to specified registration data
2801 elements occurs, the Registrar MUST send notifications to the Registered Name Holder further
2802 to Recommendation 27.

2803
2804 **Recommendations: [#27](#)**

2805

2806

2807

2808 **Charter Question: Change of Registrant**

2809 d6) Due to requirements under privacy law, certain previously public fields, such as registrant
2810 name and email may be redacted by the registrar. Is there data to support the idea that the lack
2811 of public access to this information has reduced the risk of hijacking and has therefore obviated
2812 the need for the 60-day lock when underlying registrant information is changed?

2813
2814 **Summary of Deliberations:**

2815 The working group believes that the widespread removal of public access to registrant data has
2816 indeed reduced the risk of hijacking. Working group members anecdotally observed that since
2817 2018 and the redaction of registrant data from public lookup tools, there has been a noticeable
2818 drop in reports of domain data theft. This increased security of registrant data was a factor the
2819 working group considered when developing its recommendation to eliminate the 60-day lock
2820 from the future Change of Registrant Data Policy (See Preliminary Recommendation 26.4).

2821
2822 **Recommendations: [#26.4](#)**

2823

2824

2825

2826 **Charter Question: Change of Registrant**

2827 d7) In its survey response, the Registrar Stakeholder Group indicated that the 60-day lock
2828 hinders corporate acquisitions, consolidations, and divestitures of large lists of domains to new
2829 legal entities. To what extent should this concern be taken into consideration in reviewing the
2830 60-day lock?

2831

Summary of Deliberations:

2833 The working group considered the 60-day lock’s hindrance on legitimate domain transfers,
2834 including transfers resulting from corporate acquisitions, consolidations, and divestitures of
2835 large domain portfolios. In such circumstances, it is not uncommon that a Registrar transfer
2836 request follows a recent change of registrant, triggering the 60-day transfer lock much to the
2837 registrant’s frustration. Having considered the concerns of registrants and the situations where
2838 it is necessary to readily transfer Registrars following a change of registrant, the working group
2839 recommends eliminating the 60-day lock from the future Change of Registrant Data Policy (See
2840 Preliminary Recommendation 26.4).

2841

Recommendations: [#26.4](#)

2842

2843

2844

Charter Question: Change of Registrant

2847 d8) If the policy is retained, are there areas of the existing policy that require clarification? For
2848 example, based on complaints received by ICANN Contractual Compliance, the following areas
2849 of the policy may be appropriate to review and clarify:

- 2850 ● There have been different interpretations of footnote 4 in the Transfer Policy, which
2851 states: “The Registrar may, but is not required to, impose restrictions on the removal of
2852 the lock described in Section II.C.2. For example, the Registrar will only remove the lock
2853 after five business days have passed, the lock removal must be authorized via the Prior
2854 Registrant’s affirmative response to email, etc.” Is the language in footnote 4 sufficiently
2855 clear as to whether registrars are permitted to remove the 60-day lock once imposed
2856 under the existing policy? If not, what revisions are needed?
- 2857 ● Should additional clarification be provided in Section II.C.1.3, which addresses how the
2858 information about the lock must be provided in a clear and conspicuous manner? Does
2859 the policy contemplate enough warning for registrants concerning the 60-day lock
2860 where they are requesting a COR?
- 2861 ● Should clarification be provided in Section II.C.2 that the option to opt-out is provided
2862 only to the Prior Registrant? For example, would the following revision be appropriate:
2863 “The Registrar must impose a 60-day inter-registrar transfer lock following a Change of
2864 Registrant, provided, however, that the Registrar may allow the Prior Registrant to opt
2865 out of the 60-day inter-registrar transfer lock prior to any Change of Registrant
2866 request.”?

2867

Summary of Deliberations:

2869 The working group recommends eliminating from the future Change of Registrant Data Policy
2870 the requirement that the Registrar impose a 60-day inter-registrar transfer lock following a
2871 Change of Registrant. Additionally, the working group recommends eliminating the option to
2872 opt-out of the 60-day lock, as there would no longer be a 60-day lock to opt-out of (See
2873 Preliminary Recommendation 26.4). This elimination obviates the need to further clarify the 60-
2874 day lock and opt-out policy text.

2875

2876 However, the working group has identified other areas of the existing change of registrant
2877 policy (namely concerning notifications of a change of registrant) that it believes should be
2878 clarified and expanded on within the new standalone Change of Registrant Data Policy. The
2879 working group's recommendations are provided below.

2880

Recommendations: [#26.4](#), [#27](#), [#28](#)

2882

2883

2884

Charter Question: Change of Registrant

2886 d9) A Change of Registrant is defined as "a Material Change to any of the following: Prior
2887 Registrant name, Prior Registrant organization, Prior Registrant email address Administrative
2888 Contact email address, if there is no Prior Registrant email address." Registrars have taken the
2889 position that the addition or removal to a privacy/proxy service is not a Change of Registrant;
2890 however, there is not currently an explicit carve-out for changes resulting from the addition or
2891 removal of privacy/proxy services vs. other changes. To what extent should the Change of
2892 Registrant policy, and the 60-day lock, apply to underlying registrant data when the registrant
2893 uses a privacy/proxy service?

- 2894 ● Registrars have identified a series of specific scenarios to consider in clarifying the
2895 application of COR policy requirements where the customer uses a privacy/proxy
2896 service. Are there additional scenarios that need to be considered that are not included
2897 in this list?

2898

Summary of Deliberations:

2900 The working group reviewed the current definition of Change of Registrant at length.
2901 Ultimately, the working group generally agreed that the correct data fields were implicated, e.g,
2902 Registrant Name, Registrant Organization, and Registrant Email. The working group, however,

2903 noted that changes to these fields do not often equate to an actual Change of Registrant.
2904 Instead, the changes may only be to the same registrant's data, i.e., a change to email, name
2905 change due to marriage, etc. Accordingly, the working group has recommended referring to
2906 these changes as Change of Registrant Data instead of Change of Registrant (See Preliminary
2907 Recommendation 25).

2908
2909 The working group also discussed whether the addition or removal of privacy/proxy services
2910 constitutes a change of registrant data. It determined that a Change of Registrant Data is
2911 intended to reference the underlying registrant data on file with the Registrar and not
2912 necessarily what is always displayed in public RDDS lookups.

2913
2914 For example, if a registrant uses their Registrar's privacy service to ensure their personal
2915 information in RDDS is not displayed publicly, and the registrant updates their email address on
2916 file with the Registrar, this would constitute a change of registrant data even though the RDDS
2917 record remains unchanged. Similarly, if a registrant decides to remove their Registrar's privacy
2918 service, but their underlying registrant data on file with the Registrar remains unchanged, this
2919 would not constitute a change of registrant even though the RDDS record may change to reflect
2920 the registrant's unmasked data.

2921
2922 The working group also acknowledged that some registrants choose to use privacy/proxy
2923 services outside of the sponsoring Registrar or their Affiliates (e.g., a registrant employing a
2924 trusted friend or business to manage the domain name on their behalf). In such circumstances,
2925 Registrars would not necessarily know that the registrant data provided to them belongs to a
2926 third-party P/P provider and not the true registrant. Ultimately, the working group decided that
2927 a change of registrant data refers to a material change of the registrant's name, organization, or
2928 email address on file with the Registrar, and not the addition or removal of known P/P services
2929 from the Registrar or its Affiliate. (See Preliminary Recommendation 25.3).

2930

2931 **Recommendations: [#25](#)**

2932

2933

2934

2935 **Charter Question: Change of Registrant**

2936 d10) Should the policy be the same regardless of whether the registrant uses a privacy service
2937 or a proxy service? If not, how should these be treated differently?

2938

2939 **Summary of Deliberations:**

2940 In its discussions, the working group ultimately determined that privacy or proxy service data
2941 was not the focus of the Change of Registrant Data Policy, and updates related to P/P data are
2942 not considered a Change of Registrant Data.

2943

2944 **Recommendations: [#25](#)**

2945

2946

2947 **Charter Question: Change of Registrant**

2948 d11) Are notifications provided to privacy/proxy customers regarding COR and changes to the
2949 privacy/proxy service information sufficient? For example, should there be additional
2950 notifications or warnings given to a privacy/proxy customer if the privacy/proxy service
2951 regularly changes the privacy/proxy anonymized email address?

2952

2953 **Summary of Deliberations:**

2954 In its discussions, the working group ultimately determined that privacy or proxy service data
2955 was not the focus of the Change of Registrant Data Policy, and updates related to P/P data are
2956 not considered a Change of Registrant Data.

2957

2958 **Recommendations: N/A**

2959

2960

2961 **Charter Question: Change of Registrant**

2962 d12) In its survey response, the Registrar Stakeholder Group indicated that, "There is. . .
2963 overuse of the Designated Agent, which has basically circumvented the policy." To what extent
2964 is this the case? What is the impact?

2965

2966 **Summary of Deliberations:**

2967 In its discussions, the working group noted that there does appear to be overuse of the
2968 Designated Agent. While the Designated Agent function was critical to the early survival of
2969 wholesale Registrars, which interact regularly with resellers acting on behalf of registrants,

2970 today it is often used by resellers and Registrars to approve change of registrant requests for
2971 registrants who, at times unknowingly, delegate certain managerial responsibilities of their
2972 domain name data.

2973

2974 **Recommendations: [#26](#)**

2975

2976

2977

2978 **Charter Question: Change of Registrant**

2979 d13) If the Designated Agent function is not operating as intended, should it be retained and
2980 modified? Eliminated?

2981

2982 **Summary of Deliberations:**

2983 The working group believes that the Designated Agent role is not operating as intended and is
2984 also no longer fit for purpose, as the working group recommends eliminating from the future
2985 Change of Registrant Data Policy the requirement that the Registrar request and obtain
2986 confirmation from both the Prior Registrant and the New Registrant (see Preliminary
2987 Recommendation 26.3).

2988

2989 Accordingly, without the need for a registrant to confirm a change of registrant data request
2990 (instead the RNH would be notified of any change they requested), the working group believes
2991 the Designated Agent role should be eliminated from the new standalone Change of Registrant
2992 Data Policy (See Preliminary Recommendation 26.1). The working group also notes that while
2993 the Designated Agent function is no longer defined within the Change of Registrant Data Policy,
2994 this should not preclude or prevent Registrars from using third parties elsewhere if permitted
2995 by applicable policy.

2996

2997 **Recommendations: [#26](#)**

2998

2999

3000 **Charter Question: Change of Registrant**

3001 d14) Are there alternative means to meet the objectives of the Designated Agent role?

3002

3003 **Summary of Deliberations:**

3004 The working group considered some alternative means to the Designated Agent, such as
3005 granting registrants the ability to waive some of their management rights directly to their

3006 Registrar. However, with the working group’s removal of the confirmation requirement in lieu
3007 of additional notification requirements, the role of the Designated Agent remains unfit for
3008 purpose within the new Change of Registrant Data Policy (See Preliminary Recommendation
3009 26.1).

3010

3011 **Recommendations: [#26](#)**

3012

3013 **Charter Question: Change of Registrant**

3014 d15) Based on complaints received by ICANN’s Contractual Compliance Department, there
3015 appear to be different interpretations of the role and authority of the Designated Agent. If the
3016 Designated Agent function remains, should this flexibility be retained? Does the flexibility
3017 create the potential for abuse?

3018

3019 **Summary of Deliberations:**

3020 The working group recommends that the role and definition of Designated Agent is no longer fit
3021 for purpose, and therefore all references to Designated Agent must be eliminated from the
3022 future standalone Change of Registrant Data Policy (See Preliminary Recommendation 26.1).

3023

3024 **Recommendations: [#26](#)**

3025

3026 **Charter Question: Change of Registrant**

3027 d16) If the role of the Designated Agent is to be clarified further, should it be narrowed with
3028 more specific instructions on when it is appropriate and how it is to be used?

- 3029
- 3030 ● Should the Designated Agent be given blanket authority to approve any and all CORs?
3031 Or should the authority be limited to specific COR requests? Does the authority to
3032 approve a COR also include the authority to request/initiate a COR without the
3033 Registered Name Holder requesting the COR?

3033

3034 **Summary of Deliberations:**

3035 The working group recommends that the role and definition of Designated Agent is no longer fit
3036 for purpose, and therefore all references to Designated Agent must be eliminated from the
3037 future standalone Change of Registrant Data Policy (See Preliminary Recommendation 26.1).

3038

3039 **Recommendations: [#26](#)**

3040

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3042

Charter Question: Change of Registrant

d17) The Registrar Stakeholder Group recommended the following in its survey response: “For a Change of Registrant, both the gaining and losing registrants should be notified of any requests, and should have the option accept or reject, over EPP notifications.” Should this proposal be pursued further? Why or why not?

3048

Summary of Deliberations:

In its discussions, the working group found that the current requirement of receiving confirmation from both the prior registrant and new registrant before implementing a change of registrant presented data protection concerns which necessitated changes. It was determined that this confirmation was a data processing activity without true purpose, and that if confirmation is required it can be assumed from the registrant’s act of updating their data in the first place. Further, the confirmation requirement is often a confusing or disrupting event for registrants rather than presenting the intended benefit of notifying them of the update.

3057

Recommendations: [#26](#)

3059

3060

EPDP Phase 1, Recommendation 27, Related to Change of Registrant**Charter Question: EPDP Phase 1, Recommendation 27, Related to Change of Registrant**

e1) How should the identified issues be addressed?

3064

Summary of Deliberations:

The working group reviewed the two key issues from Section 3.11 of the Wave 1 Report that are directly related to Group 1(b) of its work, including the issues related to the Change of Registrant. The working group determined these specific issues are in scope for it to address during Group 1(b) and discussed and reviewed these issues during its plenary meetings. For the detailed responses on the key issues, please refer to Annex 8 of this report.

3071

Recommendations: N/A

3073

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3075

3076

3077 **Charter Question: EPDP Phase 1, Recommendation 27, Related to Change of Registrant**
3078 e2) Can the Change of Registrant-related issue (identified in paragraph 6 of the Wave 1 report)
3079 be discussed and reviewed during the review of the Change of Registrant Process?
3080

3081 **Summary of Deliberations:**

3082 The working group reviewed Section II.B.1 of the Transfer Policy, which was identified in
3083 paragraph 6 of the Wave 1 report as needing further clarification. While the working group
3084 recommends eliminating Section II.B “Availability of Change of Registrant” from the future
3085 standalone Change of Registrant Data Policy (See Preliminary Recommendation 26.2), the
3086 working group also clarified that a change of registrant data does not necessarily entail a
3087 change to the data that is displayed publicly in RDDS (See Preliminary Recommendation 25.3).
3088 For further details, please refer to Annex 8 of this report.
3089

3090 **Recommendations: [#25](#), [#26](#)**
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Annex 4 – Group 2 Charter Questions and WG Summary Deliberations

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3097

Annex 4 - Group 2 Charter Questions and WG Summary Deliberations

3098

[Link](#) to TPR WG Charter.

3099

Transfer Emergency Action Contact (Inter-Registrar Transfers)

3100

For context on this topic and the associated charter questions, please see pages 33-37 of the

3101

[Final Issue Report](#).

3102

3103

Charter Question: Transfer Emergency Action Contact (Inter-Registrar Transfers)

3104

f1) Is additional data needed to support evaluation of the effectiveness of the TEAC

3105

mechanism? If so, what data is needed?

3106

3107

Summary of Deliberations:

3108

To support discussion on whether adjustments may be needed to the TEAC **communication**

3109

channel and associated policy requirements, the working group first reviewed relevant

3110

information in the Transfer Policy Status Report. In particular, the working group considered

3111

responses to the Registrar survey that describe pain points with respect to the TEAC

3112

communication channel. The working group noted the relevance of specific comments as they

3113

relate to charter questions under this topic. Specifically:

3114

- Survey responses regarding the 4-hour time frame for Registrars to provide an initial,

3115

non-automated response to communications via the TEAC **communication** channel. The

3116

working group considered these comments during deliberations on Charter Questions f2

3117

and f3.

3118

- Comments regarding the need for more accountability in reaching a resolution after the

3119

issue has been raised through the TEAC **communication** channel. The working group

3120

considered these comments during deliberations on Charter Question f4.

3121

3122

The working group reviewed metrics in the [Transfer Policy Status Report](#)³² reflecting ICANN

3123

Contractual Compliance Complaints received between August 2017 and July 2018 with the

3124

Transfer Complaint Category “Transfer Emergency Action Contact.” The working group noted

3125

that there were a total of three complaints in the relevant category during that period.

³² See p. 30 of the [Transfer Policy Status Report](#).

3126

3127 The working group requested that ICANN’s Contractual Compliance department provide more
3128 recent metrics regarding complaints, which might help to determine if there are notable trends
3129 in the number of complaints. ICANN’s Contractual Compliance department provided the
3130 working group with metrics covering the period from 1 September 2020 to 31 December 2022.
3131 During that period, there were five Compliance cases that were validated and confirmed to
3132 refer to TEAC obligations described in the Transfer Policy. Compliance further shared with the
3133 working group that in those five cases, the reported issue was that the TEAC did not provide an
3134 initial response within the required 4-hour time frame. In all cases, there was a time zone
3135 difference between the involved parties. All cases were closed after the reported Registrars
3136 took corrective action, such as allocating 24x7 staffing to the TEAC **communication** channel. The
3137 working group made note of this additional input in discussions related to charter questions f2
3138 and f3.

3139

3140 The working group observed that survey responses and Contractual Compliance metrics
3141 provide some insight into pain points but also noted that additional information would be
3142 useful to support an assessment of the TEAC mechanism. In early input on the charter
3143 questions provided by **Stakeholder Groups/Constituencies**, the following data points were
3144 identified as potentially useful:

- 3145 • Number of times TEAC **communication** channel is used
- 3146 • Modes of contact to TEAC, and whether these are satisfactory
- 3147 • Steps taken before contacting TEAC
- 3148 • Quality of initial response by TEAC
- 3149 • Whether the timeframe for response is satisfactory
- 3150 • Circumstances prompting use of TEAC
- 3151 • Number of cases where there are problems associated with use of the TEAC, including
3152 abuse of the **TEAC communication** channel
- 3153 • Circumstances of issues experienced with the TEAC
- 3154 • Type of resolution of case raised through TEAC
- 3155 • Level of satisfaction with final resolution

3156

3157 The working group further recalled that the working group charter identified the following
3158 additional metrics as potential data points to measure whether policy goals are achieved:

- 3159 • Number of TEAC requests responded to within the required timeframe vs. number of
3160 TEAC requests NOT responded to within the required timeframe
- 3161 • Number of TEAC requests resulting in a “transfer undo”

3162

3163 The working group agreed that the decentralized nature of the TEAC mechanism makes it
3164 difficult to consistently track information about utilization of the **TEAC communication** channel
3165 and that in practice, potentially useful data points are not readily available. The working group
3166 considered that if a centralized system of record were to be used for TEAC communications in
3167 the future, it would be easier to track certain information, such as the total number of TEAC
3168 requests and the timeframe for initial response. As discussed in the working group's response
3169 to Charter Question f5, the working group decided not to recommend that ICANN pursue a
3170 centralized system of record for TEAC communications.

3171
3172 The working group considered whether to recommend that either Registrars or ICANN must
3173 track and analyze additional information regarding the TEAC **communication** channel to support
3174 future review of the mechanism. **After discussing the reported low volumes of occurrence,** the
3175 working group concluded that any such effort would be resource intensive and logistically
3176 difficult given the decentralized nature of the mechanism.

3177
3178 The working group concluded that survey results, metrics from ICANN's Contractual Compliance
3179 department, and anecdotal input from Registrar and Registry representatives in the working
3180 group provide a sufficient basis to respond to the Charter Questions regarding the TEAC
3181 mechanism.

3182
3183 **Recommendations: N/A**

3184
3185

3186 **Charter Question: Transfer Emergency Action Contact (Inter-Registrar Transfers)**

3187 f2) The time frame (4 hours) for registrars to respond to communications via the TEAC channel
3188 has been raised as a concern by the Transfer Policy Review Scoping Team and in survey
3189 responses. Some have expressed that registries must, in practice, have 24x7 coverage by staff
3190 members with the appropriate competency to meet this requirement and the language skills to
3191 respond to communications from around the world. Is there merit to concerns that the
3192 requirement disproportionately impacts certain registrars, namely:

- 3193 i. Registrars located in regions outside of the Americas and Europe, because of
3194 significant time zone differences?
- 3195 ii. Small and medium-sized registrars, which may not have a sufficiently large team
3196 to have 24x7 staff coverage with the necessary competency? iii. Registrars in
3197 countries where English is not the primary language, who may, in practice, need to
3198 have English-speaking TEAC contacts to respond to requests in English?

3199

3200 f3) To what extent should the 4-hour time frame be revisited in light of these concerns? Are
3201 there alternative means to address the underlying concerns other than adjusting the time
3202 frame?

3203

3204 **Summary of Deliberations:**

3205 The working group reviewed survey responses from the Transfer Policy Status report and
3206 concerns raised by the Transfer Policy Scoping Team with respect to the 4-hour time frame for
3207 a Gaining Registrar to provide an initial response to communications via the TEAC
3208 **communication** channel. Registrar representatives in the working group confirmed that the
3209 burden of this requirement can be especially acute when Registrars are working across time
3210 zones and languages and for Registrars with smaller teams.

3211

3212 Registrar representatives in the working group further observed that the consequences of
3213 failing to respond to a TEAC communication within 4 hours can be significant. As detailed in
3214 Section I.A.6.4 of the Transfer Policy, a Losing Registrar may ask the Registry Operator to
3215 “undo” the transfer in cases where the Gaining Registrar fails to respond within the 4-hour time
3216 frame. Registrar representatives in the working group have observed situations where a Losing
3217 Registrar reaches out to a TEAC in the middle of the night or during a holiday period in the
3218 Gaining Registrar’s country, understanding that the TEAC may be slower to respond than usual.
3219 The Losing Registrar takes this action with expectation that the TEAC may miss the 4-hour
3220 deadline, enabling the Losing Registrar to ask the Registry Operator to “undo” the transfer.
3221 While the frequency of such occurrences is unknown, the working group agreed that such
3222 misuse of the TEAC **communication** channel should be a factor in reconsidering the timeline.

3223

3224 In light of concerns about the tight timeline for initial response to a TEAC request and
3225 significant consequences for missing the deadline, some working group members suggested
3226 that there should be a different set of requirements when two Registrars are based in distant
3227 time zones. Other working group members suggested that the consequences for missing the
3228 timeline should be less severe than a transfer “undo.” The working group did not come to
3229 agreement on either of these proposals.

3230

3231 Ultimately, the working group agreed that a longer timeframe for initial response, universally
3232 applied, is the simplest solution to addressing the concerns raised. The working group noted
3233 that the RAA provides a 24-hour deadline for Registrars to provide an initial, non-automated
3234 response to reports of illegal activity, although final resolution of the underlying issue may take
3235 longer. The working group observed that communication to a TEAC could be considered an
3236 analogous use case and agreed that a 24-hour time frame for initial response is acceptable for

3237 handling emergencies, while addressing concerns raised by Registrars about the operational
3238 impacts of TEAC requirements and associated risks of misuse.

3239

3240 **Recommendations: [#29](#)**

3241

3242

3243

3244

Charter Question: Transfer Emergency Action Contact (Inter-Registrar Transfers)

3246 f4) Section I.A.4.6.2 of the Transfer Policy states that “Communications to a TEAC must be
3247 initiated in a timely manner, within a reasonable period of time following the alleged
3248 unauthorized loss of a domain.” The Transfer Policy Review Scoping Team noted that this
3249 timeframe should be more clearly defined. Is additional guidance needed to define a
3250 “reasonable period of time” after which registrars should be expected to use a standard dispute
3251 resolution process?

3252

Summary of Deliberations:

3254 The working group reviewed Section 1.A.4.6.2 of the Transfer Policy and agreed with the
3255 Scoping Team’s assessment that “timely manner” and “within a reasonable period of
3256 time following the alleged unauthorized loss of a domain” are open to different interpretations
3257 and need to be better defined. The working group agreed that clear policy language will ensure
3258 that all Registrars have a common understanding of the expected parameters within which the
3259 TEAC **communication** channel may be used.

3260

3261 The working group considered a suggestion from RrSG early written input that the timeframe
3262 for an initial communication to the TEAC should be aligned with the point in time at which the
3263 Registrar is made aware of the **alleged** unauthorized transfer, rather than the alleged
3264 unauthorized loss of a domain. The working group agreed that it is difficult to validate when a
3265 Registrar has become aware of an unauthorized transfer, and determined that it is more
3266 appropriate to keep the objective point of reference currently included in the policy.

3267

3268 The working group considered whether it may be appropriate to define a specific period of time
3269 after which the TEAC may no longer be used. The policy could state, for example,
3270 “Communications to a TEAC must be initiated in a timely manner, within **a** x days following the
3271 alleged unauthorized loss of a domain.” Some working group members provided the
3272 perspective that if an extended period of time passes following alleged unauthorized loss of a
3273 domain and the registrant fails to notice and alert the Registrar, this may be an indication that
3274 the situation is not a true emergency, and therefore TEAC is not the appropriate channel for
3275 resolution. Other working group members expressed that there may be extenuating
3276 circumstances in which a long period of time has passed following the alleged unauthorized loss
3277 of a domain but resolution is an emergency nonetheless. It was noted that the definition of an
3278 “emergency” can be subjective and dependent on circumstances.

3279

3280 The working group agreed that the most appropriate path forward is to set a clear expectation
3281 for a “reasonable period of time” while also providing an opportunity to use the TEAC

3282 **communication** channel after a longer period under extenuating circumstances. In considering
3283 how to define “reasonable period of time,” the working group noted that recommendations 16
3284 and 17 provide for a 30-day transfer restriction following registration or an inter-Registrar
3285 transfer. The purpose of these recommendations is to provide an opportunity for the registrant
3286 and Registrar to identify and act on unwanted or unauthorized activity before a subsequent
3287 inter-Registrar transfer can take place. The working group agreed that a 30-day period is also an
3288 appropriate standard timeframe **limit for the registrant and prior sponsoring Registrar** to
3289 identify and **initiate action** on an emergency associated with a transfer.

3290
3291 In reviewing survey responses included in the Transfer Policy Status Report, the working group
3292 identified a second issue to consider under this charter question. The policy specifies a
3293 timeframe by which the TEAC must provide an initial, non-automated response, but in many
3294 cases, additional steps are required to resolve the issue raised through the TEAC
3295 **communication** channel. Some working group members and survey respondents indicated that
3296 more structure and guidance is needed regarding the expected timeframe for reaching a final
3297 resolution on an issue raised through the TEAC **communication** channel. Currently, the policy
3298 has no such requirements.

3299
3300 Registrar representatives in the working group shared that in some cases, a TEAC will provide a
3301 timely initial response that is not substantive, but will then take an extended period of time to
3302 follow up and work towards resolution of the issue. Some Registrar representatives expressed
3303 concern that absent any policy requirements, there is no penalty for a Registrar who delays or
3304 fails to follow through on resolution of an emergency request.

3305
3306 Working group members considered whether it could be possible to define a deadline or set
3307 timeframe by which resolution of an issue raised through the TEAC **communication** channel
3308 must be resolved. Working group members considered that there may be many different types
3309 of issues raised through the TEAC **communication** channel and different resolution paths.
3310 Absent data on the types of issues that Registrars handle through the TEAC **communication**
3311 channel and standard timeframes for resolution, it is difficult to set standard requirements and
3312 deadlines. In addition, it was noted that rigid requirements might result in a Registrar being
3313 penalized for missing a deadline, even though the Registrar is working diligently to resolve a
3314 particularly complex issue.

3315
3316 Ultimately, the working group determined that it is not appropriate to set fixed deadlines for
3317 resolution of an issue raised through the TEAC **communication** channel. Instead, the working
3318 group agreed that there should be requirements for greater transparency and accountability
3319 with respect to resolution of issues raised through the TEAC **communication** channel. Namely,

3320 the working group agreed that the Gaining Registrar must provide regular updates to the Losing
3321 Registrar who initiated the TEAC request and must demonstrate progress towards resolution of
3322 the issue as detailed in Recommendation 31.

3323

3324 **Recommendations: [#30](#), [#31](#)**

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3327

3328 **Charter Question: Transfer Emergency Action Contact (Inter-Registrar Transfers)**

3329 f5) According to section I.A.4.6.2 of the Transfer Policy, the TEAC may be designated as a
3330 telephone number, and therefore some TEAC communications may take place by phone. The
3331 Transfer Policy Review Scoping Team flagged this provision as a potential item for further
3332 consideration. Do telephone communications provide a sufficient “paper trail” for registrars
3333 who may later wish to request a transfer “undo” based on failure by a TEAC to respond? Such a
3334 request would require the registrar to provide evidence that a phone call was made and not
3335 answered, or a call back was not received within 4 hours. Noting this requirement, should the
3336 option to communicate by phone be eliminated? Is an authoritative “system of record” for
3337 TEAC communications warranted? If so, what are the requirements for such a system?

3338

3339 **Summary of Deliberations:**

3340 The working group observed that the paper trail associated with telephone communications
3341 may be less robust than records associated with other forms of communication, such as email.
3342 This limited paper trail may make it more difficult to verify the sequence of events associated
3343 with a TEAC communication when the Losing Registrar:

3344

3345 • Reports to ICANN Contractual Compliance Department that the Losing Registrar called
3346 the Gaining Registrar’s TEAC and the TEAC did not pick up the call or call back within the
3347 required timeframe.

3348 • Requests that the Registry Operator “undo” a transfer because the Losing Registrar
3349 called the Gaining Registrar’s TEAC and the TEAC did not pick up the call or call back
3350 within the required timeframe.

3351

3352 It was noted that while it is technically possible to extract call logs to use as evidence, this type
3353 of investigation can be time-consuming and labor-intensive in practice. The working group
3354 observed that it may be beneficial to establish a consistent means of documenting the initial
3355 communication exchange involving the TEAC **communication** channel.

3356

3357 The working group considered the potential merits of establishing an “authoritative system of
3358 record” for TEAC communications. Working group members noted, for example, that ICANN
3359 could explore whether the Naming Services Portal could be modified to allow Registrars to
3360 send, receive, and respond to TEAC communications through the portal. Such a system could
3361 potentially provide a clear record of communications with associated timestamps. An additional
3362 benefit would be the possibility of collecting and tracking metrics about use of the TEAC in the
3363 aggregate across Registrars. Some working group members envisioned a model in which one
3364 Registrar could initiate a TEAC request in the system, which would transmit the request to
3365 another Registrar’s TEAC via the communications channel of the recipient’s (email, phone, text,
3366 etc), while capturing records centrally.

3367
3368 Some Registrar representatives in the working group opposed rigid requirements regarding the
3369 method of contact by which TEAC communications occur. From this perspective, when handling
3370 an emergency, it is beneficial to have flexibility. Working group members further noted that a
3371 centralized system of record could be costly to develop and burdensome for Registrars to
3372 adopt. While it is unknown how often Registrars contact one another via the TEAC
3373 communication channel, there is anecdotal evidence that the numbers are low. Some working
3374 group members expressed that if TEAC communications are limited in number, such a
3375 transition to an authoritative system of record may not be worth the effort. Working group
3376 members also noted that a centralized system creates a single point of failure, which may be
3377 undesirable when handling emergency situations.

3378
3379 The working group sought alternatives that would maintain flexibility for Registrars to continue
3380 to use the phone, where appropriate, while also creating a more robust paper trail. The working
3381 group agreed that Registrars should have the discretion to use the method of communication
3382 they choose, including text messages and phone calls, but if the initial contact occurs by means
3383 other than email, Registrars must supplement this communication with an email exchange. This
3384 email exchange is comprised of:

- 3385 1. The first email that the Losing Registrar sends to the Gaining Registrar’s TEAC, and
- 3386 2. The initial response that the TEAC provides.

3387
3388 The working group considered whether it would be desirable to copy ICANN org and the
3389 Registry on the initial email exchange. It was noted that doing so might create the expectation
3390 that ICANN org or the Registry is taking action on the exchange, when in fact, they are not. It
3391 was also noted that from a data privacy standpoint, it is likely inappropriate to copy additional
3392 parties on emails that contain personally identifiable information without a clear purpose for
3393 those parties to be collecting and retaining the information.

3394

3395 ICANN’s Contractual Compliance department and Registry representatives noted that org and
3396 registries have due diligence processes already in place to address reports that a Gaining
3397 Registrar has failed to respond to a TEAC request within the required timeframe. An email copy
3398 is not expected to eliminate the need for these due diligence steps, and therefore org and
3399 registries saw limited utility in being copied.

3400
3401 In light of these considerations, the working group determined that the Registry and ICANN org
3402 should not be copied on emails by default.

3403
3404 **Recommendations: [#32](#)**

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3408 **Charter Question: Transfer Emergency Action Contact (Inter-Registrar Transfers)**

3409 f6) The Transfer Policy Review Scoping Team indicated that there are several factors that make
3410 a Registry Operator’s obligation to “undo” a transfer under Section 6.4 of the Transfer Policy
3411 challenging:

- 3412
- 3413 i. Registry Operators do not have access to the designated TEACs for each Registrar,
3414 making validation of an undo request nearly impossible.
 - 3415 ii. There is no way for Registry Operators to independently verify that a Registrar did not
3416 respond within the required time frame or at all since Registry Operators are not a party
3417 to, or copied on, communications between the Registrar TEACs.
 - 3418 iii. Transfer “undo” requests associated with the failure of a TEAC to respond are
3419 unilateral so there is no validation required prior to a Registry Operator taking action.
3420 This has, on occasion, led to a “he said”, “she said” scenario.
 - 3421 iv. Follow on to f6 iii., if the policy were to be updated to allow for some level of
3422 validation by the Registry Operator prior to taking action, the requirement to “undo” a
3423 transfer within 5 calendar days of receiving an TEAC undo request leaves little to no
3424 time to attempt to validate the request prior to taking the action.

3425

3426 f7) To what extent are changes to the policy needed to address these concerns? Are there other
3427 pain points for Registry Operators that need to be considered in the review of the policy in this
3428 regard?

3429

3430 **Summary of Deliberations:**

3431 Following discussion with members of the Working Group, ICANN’s Global Domains & Strategy
3432 (GDS) Team looked into the issues described in Charter Questions f6 and f7, and was able to
3433 update their internal process to address the issue. Specifically, announcements of changes to
3434 Registrar contacts, which are sent on a weekly basis, now include all updates to TEAC contacts.
3435 Registry representatives from the working group have confirmed that this issue is now resolved
3436 without further discussion or intervention from the working group.

3437

3438 **Recommendations: N/A**

3439

3440

3441 **Transfer Dispute Resolution Policy**

3442 For context on this topic and the associated charter questions, please see pages 37-43 of the
3443 [Final Issue Report](#).

3444 **Charter Question: Transfer Dispute Resolution Policy**

3445 g1) Is there enough information available to determine if the TDRP is an effective mechanism
3446 for resolving disputes between registrars in cases of alleged violations of the IRTP? If not, what
3447 additional information is needed to make this determination?

3448

3449 **Summary of Deliberations:**

3450 The Working Group noted the limited data available to review the TDRP; however, the working
3451 group reviewed what was available, including published TDRP decisions and ICANN Compliance
3452 data related to the TDRP. In its review of this data, the Working Group noted that there is
3453 difficulty in making conclusions based on the available data since the majority of transfer-
3454 related disputes are handled outside of the TDRP, i.e., via the TEAC **communication** channel, via
3455 informal resolution between registrars, or the court system.

3456

3457 The Working Group noted that the small number of cases does not, alone, indicate that the
3458 TDRP is an ineffective mechanism for resolving disputes between registrars in cases of alleged
3459 violations of the Transfer Policy. The TDRP was designed to address violations of the Transfer
3460 Policy. The TDRP was not designed to address all tangential transfer issues of disgruntled
3461 registrants; for example, the TDRP cannot and was not designed to address instances of domain
3462 theft, human error, business disputes, etc.

3463

3464 In its analysis of the data, the working group noted that while the TDRP filings were limited, the
3465 Working Group felt the available data was sufficient to demonstrate the TDRP is an effective
3466 mechanism for resolving the types of disputes it was designed to address: alleged violations of
3467 the Transfer Policy.

3468

3469 **Recommendations: N/A**

3470

3471

3472

3473 **Charter Question: Transfer Dispute Resolution Policy**

3474 g2) The ADNDRC reported to the IRTP Part D Working Group that in some of the cases it
3475 processed, appellees and appellants failed to provide sufficient information to support
3476 arbitration. Is this an issue that needs to be examined further in the context of the policy?

3477 i. Are the existing informational materials about the TDRP sufficient to ensure that
3478 registrars understand the process and the requirements for filing a dispute, including
3479 the information they need to give to the dispute resolution provider?

3480

3481 **Summary of Deliberations:**

3482 The Working Group reviewed multiple sources as it formed its response to this question.

3483 Specifically, the Working Group reviewed (i) the text of the TDRP relating to the documentary
3484 information required to be provided by filing and responding parties, (iii) the specific cases
3485 published on the TDRP providers' websites, (iii) the existing information ICANN org provides on
3486 its web pages related to transfer disputes and transfer-related issues.

3487

3488 The Working Group noted that the TDRP's evidentiary requirements seem sufficiently clear;
3489 however, the Working Group further noted that the limited amount of TDRP filings makes it
3490 difficult to identify any clear pattern of deficiencies or problems with the current text related to
3491 required documentation. Accordingly, the WG did note that this specific question may need to
3492 be reviewed in the future to assess whether additional TDRP decisions indicate any gaps where
3493 further context could be provided.

3494

3495 Lastly, the Working Group noted that the information provided by complainants and
3496 respondents would likely be updated pursuant to EPDP Phase 1, Recommendation 27, and, to
3497 that end, any updates must be drafted clearly to aid the understanding of providers, parties,
3498 and panelists.

3499

3500 **Recommendations: N/A**

3501

3502

3503

3504

Charter Question: Transfer Dispute Resolution Policy

3505 g3) If the TDRP is considered to be insufficient: i. Are additional mechanisms needed to
3506 supplement the TDRP? ii. Should the approach to the TDRP itself be reconsidered?
3507

3508

Summary of Deliberations:

3509 The Working Group agreed that the Transfer Policy Dispute Resolution (TDRP) is currently
3510 insufficient in one important respect: it is exclusively for use by registrars and remains
3511 unavailable to domain name registrants.
3512

3513

3514 i. In reviewing this question, the Working Group reviewed the prior determination of the IRTP
3515 Working Group Part D. Following extensive discussion, the IRTP WG Part D determined the
3516 TDRP should not be made available to registrants. Specifically, IRTP WG D, in its Final Report,
3517 provided the following recommendation, “The WG recommends not to develop dispute options
3518 for registrants as part of the current TDRP.” That Working Group ultimately determined that
3519 allowing registrants to access the TDRP directly could potentially (i) overload the TDRP and lead
3520 to abusive filings, (ii) result in complications based on the TDRP payment schedule (the “loser
3521 pays” model), and (iii) pose an issue for documentary evidence, as the relevant registrars are
3522 generally in possession of the evidence needed to file a TDRP, not the registrant.

3523

3524 The Working Group discussed the above factors and also noted that many registrant concerns
3525 and issues with unauthorized inter-registrar transfers fall outside the limited scope the TDRP is
3526 designed to address. For example, a bad actor may compromise a registrant’s account, update
3527 contact details, retrieve the Transfer Authorization Code (TAC), and transfer a domain name to
3528 another registrar without the authorization of the registrant. This type of transfer may
3529 technically comply with the Transfer Policy, provided the required steps are followed, even
3530 though the domain name was compromised prior to the transfer.

3531

3532 With this in mind, the Working Group observed that it would be beneficial and timely for the
3533 GNSO to further research the advantages and disadvantages of creating a dispute resolution
3534 mechanism for registrant filers. At a minimum, the Working Group believes the option of
3535 rethinking registrant access to the TDRP should be further explored. The Working Group also
3536 recommends that the GNSO also explore, via an Issues Report or similar method, the pros and
3537 cons of a stand-alone dispute resolution mechanism for registrant filers. Specifically, the
3538 Working Group recommends exploring the feasibility of creating a narrowly-tailored dispute
3539 resolution mechanism similar to the Uniform Domain Name Dispute Resolution Policy, whereby
3540 a registrant pays a filing fee, provides documentary evidence showing an improper transfer has

3541 occurred, and a neutral panelist makes a determination whether to transfer a domain name or
3542 deny a complaint.

3543

3544 ii. As noted above, the Working Group discussed the pitfalls and disadvantages provided by the
3545 IRTP WG Part D with respect to registrant access to the TDRP. The Working Group noted that if
3546 a registrant believes an improper transfer has taken place, and its previous registrar of record is
3547 either unresponsive or unable to resolve the issue informally and/or the previous registrar is
3548 unwilling to file a TDRP complaint, the registrant is left with unfavorable options. The registrant
3549 could choose to file a complaint with ICANN compliance; however, ICANN compliance does not
3550 have the authority to reverse a transfer. The registrant could also choose to go to court;
3551 however, that option can be prohibitively expensive, especially compared to the cost of filing a
3552 TDRP complaint.

3553

3554 For these reasons, and the reasons noted in section (i), the Working Group is recommending
3555 the GNSO request an Issues Report on registrant dispute options for improper domain name
3556 transfers.

3557

3558 **Recommendations: #33**

3559

3560

3561

3562 **Charter Question: Transfer Dispute Resolution Policy**

3563 g4) Are requirements for the processing of registration data, as specified in the TDRP, compliant
3564 with data protection law?

3565

3566 g5) Are requirements for the processing of registration data, as specified in the TDRP,
3567 appropriate based on principles of privacy by design and data processing minimization?

3568

3569 **Summary of Deliberations:**

3570

3571 In reviewing this charter question, the Working Group reviewed the documentary evidence that
3572 is processed during the course of a TDRP proceeding, including data points that are provided by
3573 the Complainant to the Provider, the Respondent to the Provider, and the Provider to the
3574 Panelist.

3575

3576 The Working Group noted that some evidentiary requirements need to be updated based on
3577 outdated language that needs to change as a result of EPDP Phase 1, Rec. 27. The Working

3578 Group has provided draft updates to the TDRP in Annex 9. For further information, please refer
3579 to Annex 8, where the Working Group’s comprehensive review of the Rec. 27 updates is
3580 contained.

3581

3582 **Recommendations: N/A**

3583

3584

3585

3586 **ICANN-Approved Transfers**

3587 For context on this topic and the associated charter questions, please see pages 37-43 of the
3588 [Final Issue Report](#).

3589

3590 **Charter Question: ICANN-Approved Transfers**

3591 i1) In light of these challenges* described in section 3.1.7.2 of the Final Issue Report, should the
3592 required fee in Section I.B.2 of the Transfer Policy be revisited or removed in certain
3593 circumstances?

3594

3595 **Summary of Deliberations:**

3596 *Note: the challenges referenced in Section 3.1.7.2 of the [Final Issues Report](#) are provided
3597 below for ease of reference:

3598

3599 “In preparing this report, ICANN org Policy staff consulted with other departments within
3600 ICANN org. Colleagues from Global Domains and Strategy (GDS), who manage the De-
3601 Accredited Registrar Transition Procedure, have noted that the requirements in Section I.B.2 of
3602 the Transfer Policy have caused challenges in certain instances of de-accreditation. Specifically,
3603 the requirement for a gaining registrar to pay a one-time flat fee of \$50,000 can make it difficult
3604 to secure a gaining registrar. By way of example, when the pool of potential gaining registrars
3605 perceive the value of a domain portfolio to be minimal, where the terminating registrar’s
3606 domains are known or suspected to have a significant portion of abusive registrations, data
3607 escrow issues (the data in escrow is outdated or incomplete), or expectations of renewal rates
3608 are low (in the case of aggressive promotions), the requirement for a gaining registrar to pay a
3609 one-time flat fee of \$50,000 USD to the registry operator makes it difficult to secure a gaining
3610 registrar to accept the domains. This, in turn, poses a risk to the registrants who have utilized
3611 the services of the terminating registrar. Furthermore, ICANN has limited ability to determine
3612 the quality of the domains or make representations to potential gaining registrars as to the
3613 value of the domains.” - pp. 50-51 of [Final Issues Report](#)

3614

3615 In discussing this topic, the Working Group wished to clarify the various types of bulk transfers
3616 in order to elucidate the recommendation text. Specifically, Section I.B.2 of the Transfer Policy
3617 refers to “full portfolio transfers,” which the working group described as a Registrar transferring
3618 all of its domain names under management (due to termination of a Registrar Accreditation
3619 Agreement) or all of its domain names within a specific TLD(s) (due to termination of a Registry
3620 Registrar Agreement). Full Portfolio Transfers are distinct from partial bulk transfers, which the
3621 working group describes as “Change of Sponsorship”). The working group chose to use these
3622 references, Full Portfolio Transfers and Change of Sponsorship within this report to avoid
3623 confusion.

3624

3625 The Working Group deliberated the required fee in I.B.2 at length, and Registry representatives
3626 noted that the fee is in recognition of the administration and coordination required to
3627 implement a full portfolio transfer. Accordingly, the Working Group agreed that in the case of
3628 an involuntary transfer, the Registry may charge a fee, but the Registry may not charge a fee in
3629 the event of an involuntary full portfolio transfer. The working group noted the challenges in
3630 securing a Gaining Registrar for involuntary full portfolio transfers, described by ICANN org and
3631 agreed the fee should be waived in these instances.

3632

3633 In discussing this question, the Working Group reviewed the entirety of the policy language in
3634 I.B and noted that the language related to fees was outdated. The Working Group discussed at
3635 length the possibility of an updated process, noting that the DNS landscape has changed
3636 significantly with the addition of many more Registry Operators and TLDs than when the policy
3637 language in 1.B was first introduced. Recommendations #34 - #39 propose a new process for
3638 the fee associated with voluntary full portfolio transfers. The Working Group retained the
3639 current domain name ceiling of 50,000 names and the current fee of \$50,000; in other words, a
3640 potential fee is triggered when the full portfolio transfer involves 50,000 or more domain
3641 names. The Working Group, however, introduced the concept of a collective fee, which means
3642 the fee across all involved registry operators cannot exceed \$50,000 total. In other words, the
3643 fee is calculated by the total number of domain names involved in the full portfolio transfer,
3644 instead of per TLD. This is explained in more detail in the recommendation text of #34 - #39,
3645 which should be considered collectively.

3646

3647 **Recommendations: [#34](#), [#35](#), [#36](#), [#37](#), [#38](#), [#39](#)**

3648

3649

3650

3651

3652

Charter Question: ICANN-Approved Transfers

3654 i2) Should the scope of voluntary bulk transfers, including partial bulk transfers, be expanded
3655 and/or made uniform across all registry operators? If so, what types of rules and considerations
3656 should govern voluntary bulk transfers and partial bulk transfers?

3657

Summary of Deliberations:

3659 During the public comment period on Preliminary Issue Report, all three commenters
3660 recommended the topic of ICANN-approved transfers be further examined by the eventual
3661 working group. Accordingly, this charter question was added to the Working Group's charter.

3662

3663 Specifically, commenters raised concerns about the current scope of ICANN-approved bulk
3664 transfers being very limited, and requesting an eventual working group explore an updated
3665 policy that could accommodate bulk transfers not tied to an acquisition. One commenter
3666 noted, "although some registry operators utilize Bulk Transfer After Partial Portfolio Acquisition
3667 (BTAPPA), in order to provide this service, registry operators must first add it as an additional
3668 registry service through the Registry Services Evaluation Policy (RSEP). Because of these
3669 complicating factors, there may be differences between registry operators for bulk transfers,
3670 and not all registry operators may offer bulk transfers. The standardization of the bulk transfer
3671 process between registrars would allow registrars who are also acting as resellers to more
3672 efficiently consolidate their domains under management onto a single IANA credential, should
3673 they so desire. It may also harmonize divergent processes between registries, adding
3674 transparency and efficiency to the DNS ecosystem limits competition and free trade."

3675

3676 The Working Group received the following early input related to this topic:

3677

3678 **RySG:** In this context, the RySG is distinguishing a "voluntary bulk transfer" from "near-
3679 simultaneous, traditional inter-registrar transfers" by assuming that the former is intended to
3680 mean "a transfer that does not include term extension". The RySG supports an expansion of a
3681 RO's ability to provide a voluntary bulk transfer capability.

3682

3683 However, the RySG does not support enforced uniformity of voluntary bulk transfer across all
3684 ROs. The RySG believes that an RO should be able to use its bulk transfer capability as a
3685 competitive differentiator. The RySG supports an approach to voluntary/partial bulk transfers
3686 (i.e. multi-domain, batch-oriented transfers without term extension) that simply involves tri-
3687 party agreement between RO, Sponsoring Registrar, and Gaining Registrar.

3688

3689 **RrSG:** While this would be desirable for registrars, what is the frequency of these transfers? Is it

3690 common enough that a uniform set of rules should be established? This will require process
3691 changes for registries, so the cost to make the changes should be justified through common
3692 usage. With this additional information, the RrSG can provide better feedback.

3693

3694 The Working Group was presented with the below poll question to consider the future
3695 approach:

3696 Should the scope of voluntary bulk transfers, including partial bulk transfers, be expanded
3697 and/or made uniform across:

3698 1. all registry operators (via an update to the Transfer Policy)

3699 OR

3700 2. all registry operators who offer the BTAPPA (via recommended updates to the BTAPPA)

3701

3702 Working Group member noted:

- 3703 ● In cases where one registry uses BTAPPA but another does not, that can be a barrier to
3704 transferring (e.g. a normal transfer of 20,000 names can be expensive and inconvenient)
- 3705 ● A uniform approach can also include built-in flexibility.
- 3706 ● The [BTAPPA boilerplate](#) language could potentially be loosened to be more widely
3707 accessible while remaining a voluntary service.
- 3708 ● In some situations, a Registrar's agent (a reseller) may need to change the sponsoring
3709 registrar due to data privacy concerns, and there is currently not the ability to do this

3710

3711 The Working Group ultimately agreed to expand the BTAPPA to all Registry Operators via the
3712 Transfer Policy, agreed to expand the BTAPPA to Registrar agents to allow for greater flexibility
3713 (noting that the Registrar is ultimately responsible for compliance with the Transfer Policy), and
3714 the Working Group conducted a comprehensive review of the [BTAPPA boilerplate](#) and
3715 developed policy recommendations with that as a model.

3716

3717 **Recommendations: [#40](#), [#41](#), [#42](#), [#43](#), [#44](#), [#45](#), [#46](#), [#47](#)**

3718

3719

3720

3721 Wave 1, Recommendation 27 Report (Inter-Registrar and Inter-Registrant Transfers)**3722 Charter Question: Recommendation 27 Report (Inter-Registrar and Inter-Registrant Transfers)**

3723 j1) How should the identified issues be addressed?

3724

3725 Summary of Deliberations:

3726 The Working Group conducted a detailed analysis of the issues identified in the Wave 1,
3727 Recommendation 27 Report, and its analysis can be found in Annex 8. Where updated language
3728 is recommended, the recommendation references have been included below.

3729

3730 **Recommendations: [#1](#), [#2](#), [#15](#), [#25](#), [#26](#)**

3731

3732

3733

3734 Charter Question: Recommendation 27 Report (Inter-Registrar and Inter-Registrant Transfers)

3735 j2) Can the identified Transfer Policy Dispute Resolution Policy Issues (noted in TDRP questions
3736 1-5 of the Wave 1 report) be discussed and reviewed during the review of the TDRP?

3737

3738 Summary of Deliberations:

3739 The Working Group determined that yes, the TDRP-related issues from the Wave 1,
3740 Recommendation 27 Report could be reviewed during the Working Group's review of the TDRP.
3741 The Working Group provided its analysis in Annex 8 and proposed updated language for the
3742 TDRP in Annex 9.

3743

3744 **Recommendations: N/A**

3745

3746

3747

3748 Charter Question: Recommendation 27 Report (Inter-Registrar and Inter-Registrant Transfers)

3749 j3) Are there any Transfer Policy or Transfer Dispute Resolution Policy issues that were not
3750 captured in the Recommendation 27 Wave 1 Report that need to be considered?

3751

3752 Summary of Deliberations:

3753 The Working Group did not identify any additional issues.

3754

3755 **Recommendations: N/A**

3756

3757

3758

3759 **Charter Question: Recommendation 27 Report (Inter-Registrar and Inter-Registrant Transfers)**

3760 j4) Should these issues, or a subset of these issues, be resolved urgently rather than waiting for
3761 the respective PDP Working Group?

3762

3763 **Summary of Deliberations:**

3764 The Working Group did not identify any issues that needed urgent resolution.

3765

3766 **Recommendations: N/A**

3767

Annex 5 – Working Group Approach

3768

3769 This section provides an overview of the working methodology and approach of the working
3770 group. The points outlined below are meant to provide the reader with relevant background
3771 information on the working group’s deliberations and processes and should not be read as
3772 representing the entirety of the efforts and deliberations of the working group.

3773

3774 **Project Plan**

3775 The working group’s first deliverable was to provide the GNSO Council with a Phase 1(a) project
3776 plan. To develop the project plan, the leadership team sought input from members about the
3777 sequence in which to address topics and the amount of time each topic would take to discuss.
3778 This input was used to develop the [project plan](#), which was delivered to the GNSO Council for
3779 its consideration during the [22 July 2021](#) Council meeting.

3780

3781 As deliberations progressed, the working group agreed that it was important to examine all
3782 elements of the security model for domain name transfers in a holistic manner as part of its
3783 Phase 1 deliberations. The working group determined that the topic denying (NACKing)
3784 transfers should be addressed in Phase 1(a) rather than Phase 2 as originally included in the
3785 charter. As a result, the working group leadership team submitted a Project Change Request to
3786 the GNSO Council, which Council [adopted](#) on 16 December 2021. The expanded scope did not
3787 impact its target delivery dates to which the working group committed.

3788

3789 During the course of its Phase 1(b) work, the working group recognized that certain Phase 2
3790 topics must be addressed before Phase 1 recommendations could be fully developed.
3791 Specifically, the working group observed that the charter questions related to the Transfer
3792 Dispute Resolution Policy (TDRP) and the Transfer Emergency Action Contract (TEAC), two
3793 Phase 2 topics, were dependencies for both Phase 1(a) and Phase 1(b) recommendations. As a
3794 result, the leadership team prepared a [Project Change Request \(PCR\)](#) to update its work plan to
3795 (i) consolidate all work into a single phase and (ii) change the order in which topics were to be
3796 considered. The GNSO Council [approved](#) the PCR during its meeting on 16 February 2023.
3797 Because the PDP was initially chartered in two phases, as a consequence of the approved PCR,
3798 the [charter](#) was updated to include minor revisions to remove references to phases.

3799

3800 **Early Community Input**

3801 In accordance with GNSO policy development process requirements, the working group [sought](#)
3802 [written input](#) on the charter topics from each Supporting Organization, Advisory Committee
3803 and GNSO Stakeholder Group / Constituency. The input received was incorporated into the
3804 working group’s deliberations as each topic was discussed. Since all groups that provided

3805 written input also had representative members or appointed subject matter experts in the
3806 working group, those members were well positioned to respond to clarifying questions from
3807 other members about the written input as it was considered.

3808

3809 **Methodology for Deliberations**

3810 The working group began its deliberations for Phase 1(a) on 14 May 2021. The working group
3811 agreed to continue its work primarily through conference calls scheduled weekly, in addition to
3812 email exchanges on its mailing list. The working group held sessions during [ICANN71](#), [ICANN72](#),
3813 [ICANN73](#), [ICANN74](#), [ICANN75](#), [ICANN76](#), [ICANN77](#), [ICANN78](#), [ICANN79](#), and [ICANN80](#). These
3814 sessions provided an opportunity for the broader community to contribute to the working
3815 group’s deliberations and provide input on the charter topics being discussed.

3816

3817 All of the working group’s work is documented on its [wiki workspace](#), including its meetings,
3818 mailing list, meeting notes, deliberation summaries, draft documents, background materials,
3819 [early input](#) received from ICANN org, and input received from ICANN’s Supporting
3820 Organizations and Advisory Committees, including the GNSO’s Stakeholder Groups and
3821 Constituencies.

3822

3823 To develop the content included in the Initial Report, the working group progressed through
3824 the charter questions by topic, following the sequence established in the project plan. Because
3825 the topics are closely interrelated, the working group took an iterative approach to producing
3826 and reviewing draft responses to charter questions and draft preliminary recommendations to
3827 ensure that the full package of outputs was coherent and comprehensive.

3828

3829 To ensure that all groups represented in the working group had ample opportunity to provide
3830 input to the deliberations, the leadership team opened each working group meeting with an
3831 invitation for members to step forward and provide any updates about discussions happening
3832 within their Supporting Organization/Advisory Committee/Stakeholder Group/Constituency
3833 regarding the charter topics, as well as any positions or interests members wanted to share on
3834 behalf of their groups. To further support fulsome discussion, the leadership team regularly
3835 deployed informal polls in the meeting Zoom room to get a better sense of the “temperature of
3836 the room” and to prompt the sharing of perspectives and viewpoints that may not otherwise be
3837 voiced through less structured interaction.

3838

3839 For those working group members who were less comfortable speaking on calls, the leadership
3840 team encouraged additional feedback on the mailing list and through written contributions to
3841 working group documents.

3842

3843 Use of Working Documents

3844 The working group used a series of working documents, organized per charter topic, to support
3845 its deliberations. Archives of the working documents are maintained on the working group [wiki](#).
3846 When a new charter topic was introduced, the leadership team provided a working document
3847 for the topic, including (i) charter questions related to that topic and for each charter question,
3848 (ii) context from the Transfer Policy Status Report, and (iii) relevant inputs received from
3849 community groups through early outreach. As the working group progressed through
3850 discussions, staff captured a summary of deliberations on the charter question and eventually
3851 populated the document with draft charter question responses and draft preliminary
3852 recommendations to support further discussion and refinement of the text.

3853
3854 Working documents were updated on an ongoing basis and working group members were
3855 encouraged to provide comments and input in the working documents between calls.

3856

3857 Diagrams

3858 To further support deliberations and document the expected impact of proposed
3859 recommendations, the working group developed a swim lane diagram to visually represent the
3860 possible future-state process flow for inter-Registrar transfers as it will exist if all
3861 recommendations are approved and implemented. The diagrams serve as a working document
3862 to support the deliberations process and are not intended to be authoritative, but are included
3863 in this Initial Report to demonstrate the working group's understanding of the
3864 recommendations' impact on the inter-Registrar transfer and Change of Registrant Data
3865 processes. The diagrams are included in the last Annex of this report.

3866

3867 Data and Metrics

3868 The [Transfer Policy Status Report](#) produced by ICANN org in 2019 served as the working group's
3869 primary resource for data and metrics related to inter-Registrar transfers. In the course of its
3870 deliberations, the working group identified additional data that would be valuable to support its
3871 work. The additional data provided by ICANN org's Contractual Compliance Department in
3872 response to these requests is available on the working group's [wiki](#).

3873

3874 ICANN org Interaction

3875 To help support a smooth transition from policy development to eventual implementation of
3876 GNSO Council adopted and ICANN Board approved recommendations, the working group has
3877 been supported by early and ongoing engagement with ICANN org subject matter experts.
3878 Liaisons from ICANN org's Global Domains and Strategy (GDS) and Contractual Compliance
3879 departments regularly attended working group calls, providing input and responding to
3880 questions where it was possible to do so in real time. The liaisons acted as a conduit for working

3881 group questions to ICANN org that required additional research or input. The liaisons also
3882 facilitated early review of working group draft outputs by ICANN org subject matter experts.

3883

3884 **Accountability to the GNSO Council**

3885 As is now the case with all GNSO working groups, the working group delivered monthly “project
3886 packages” to the GNSO Council to update the Council on the status of its work. An archive of
3887 these packages is available on the [wiki](#). The GNSO Council Liaisons, Greg DiBiase and Osvaldo
3888 Nova, ³³ served as additional points of connection between the Council and the working group.

3889

3890 **Conclusion and Next Steps**

3891 This Initial Report will be posted for public comment for 60 days. The working group will review
3892 the public comments received on this Initial Report and consider whether any changes need to
3893 be made to its Initial Report before submitting its Final Report to the GNSO Council.

3894

³³ On 19 January 2023, the GNSO Council voted to approve Osvaldo Nova as the new GNSO Council Liaison to the TPR Working Group. Osvaldo Nova took over for Greg DiBiase who served as the Liaison beginning in April 2021.

Annex 6 – Working Group Membership and Attendance

3895

[This section will be updated after last WG call(s) and prior to submission for PC]

3896

3897

The Working Group held its first meeting in April 2021. Recordings and transcripts of the group’s discussions can be found on its [wiki space](#). It has conducted its work primarily through weekly conference calls, in addition to email exchanges on its mailing list.

3898

3899

3900

3901

As instructed by the GNSO Council, the Working Group prepared a [work plan](#), which it reviewed on a regular basis. The Working Group Chair and the GNSO Council Liaison to the Working Group also provided regular reports to the GNSO Council regarding the status and progress of the group’s work. Details of the project schedule, attendance and action items can be found in the monthly project packages.

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The Working Group email archives can be found at <https://mm.icann.org/pipermail/gns0-tpr/>.

3908

3909

Plenary Meetings:

3910

- 50 Plenary calls (w/ 4 canceled) for 68.5 call hours for a total of 1506.0 person hours

3911

- 81.4% total participation rate

3912

3913

Small Team Meetings:

3914

- 8 Small team calls for 8.0 call hours for a total of 78.0 person hours

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- 100.0% total participation rate

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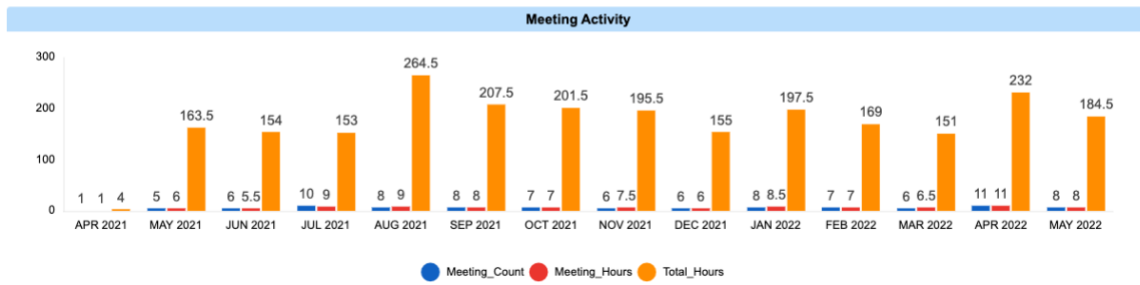
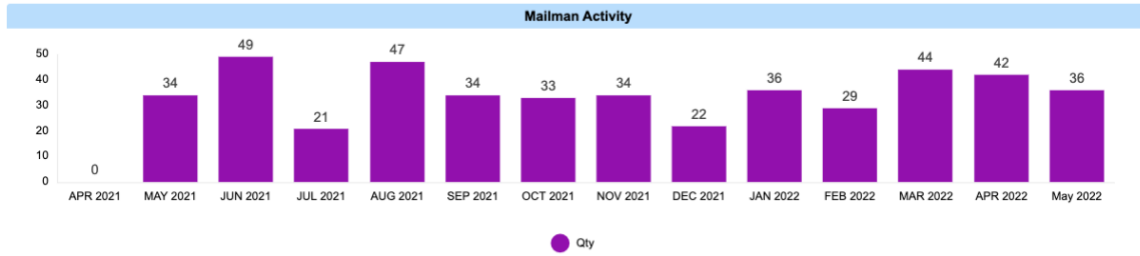
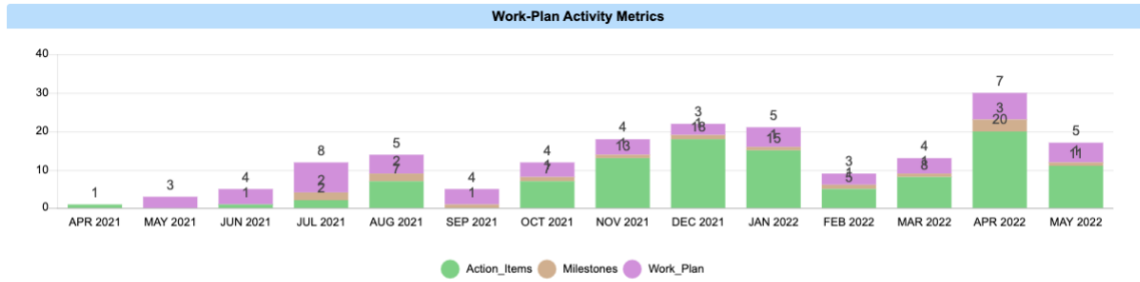
Leadership Meetings:

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- 49 Leadership calls (w/6 canceled) for 23.0 call hours for a total of 212.0 person hours

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3920 **Working Group Activity Metrics:**



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3925 The Members of the Working Group are:

Represented Group	SOI	Start Date	Depart Date	Attended %	Role
At-Large Advisory Committee (ALAC)				73.9%	
Nanghaka Daniel Khauka	SOI	5/4/2021		69.6%	
Steinar Grøtterød	SOI	5/5/2021		78.3%	
Commercial Business Users Constituency (BC)				91.3%	
Zak Muscovitch	SOI	4/23/2021		91.3%	
GNSO Council				86.4%	
Gregory DiBiase	SOI	6/4/2021		71.4%	Liaison
Roger Carney	SOI	4/23/2021		100.0%	Chair
Independent				23.9%	
Steve Crocker	SOI	4/26/2021		23.9%	
Intellectual Property Constituency (IPC)				32.6%	
Mike Rodenbaugh	SOI	4/21/2021		47.8%	
Salvador Camacho Hernandez	SOI	4/26/2021		17.4%	
Internet Service Providers and Connectivity Providers Constituency (ISPCP)				84.8%	
John Woodworth	SOI	4/14/2021		84.8%	
Non-Commercial Stakeholder Group (NCSG)				53.5%	
Farzaneh Badiei	SOI	6/1/2021		37.2%	
Wisdom Donkor	SOI	6/1/2021		69.8%	
Registrar Stakeholder Group (RrSG)				88.7%	
Antonia Nan Chu	SOI	5/6/2021		97.8%	
Catherine Merdinger	SOI	4/27/2021		80.4%	
Crystal Ondo	SOI	4/23/2021		76.1%	
Eric Rokobauer	SOI	4/26/2021		95.6%	
Keiron Tobin	SOI	6/7/2021		90.5%	
Owen Smigelski	SOI	4/27/2021		87.0%	
Prudence Malinki	SOI	4/27/2021		97.8%	
Richard Merdinger	SOI	5/5/2021	6/7/2021	100.0%	
Sarah Wyld	SOI	4/23/2021		87.0%	
Theo Geurts	SOI	4/23/2021		89.1%	
Thomas Keller	SOI	4/26/2021	9/27/2021	56.3%	
Volker Greimann	SOI	4/24/2021		97.4%	
Registry Stakeholder Group (RySG)				82.1%	
James Galvin	SOI	4/27/2021		80.4%	
Richard Wilhelm	SOI	3/4/2022		90.0%	
Totals:				75.8%	

3926 The Alternates of the Working Group are:

Represented Group	SOI	Start Date	Depart Date	Attended %	Role
At-Large Advisory Committee (ALAC)				90.7%	
Lutz Donnerhacke	SOI	5/8/2021		89.7%	
Raymond Mamattah	SOI	5/4/2021		92.0%	
Commercial Business Users Constituency (BC)				100.0%	
Arinola Akinyemi	SOI	8/12/2021		100.0%	
Non-Commercial Stakeholder Group (NCSG)				71.4%	
Akinremi Peter Taiwo	SOI	6/2/2021		71.4%	
Registrar Stakeholder Group (RrSG)				97.1%	
Andrew Reberry	-			0.0%	
Arnaud Wittersheim	SOI	5/5/2021		96.7%	
Essie Musailov	SOI	4/23/2021		100.0%	
Jacques Blanc	SOI	4/29/2021		66.7%	
Jody Kolker	SOI	5/7/2021		100.0%	
Jothan Frakes	SOI	4/23/2021		100.0%	
Min Feng	SOI	4/26/2021		50.0%	
Pam Little	SOI	4/26/2021		50.0%	
Richard Brown	SOI	4/26/2021		100.0%	
Registry Stakeholder Group (RySG)				97.0%	
Beth Bacon	SOI	5/4/2021		97.0%	
Totals:				95.8%	

3927 There are a total of 33 Observers to the Working group.

3928

3929 ICANN org Policy Staff Support for the Working Group:

Represented Group	SOI	Start Date	Depart Date	Attended %	Role
Internet Corporation for Assigned Names & Numbers (ICANN)					
Berry Cobb					
Caitlin Tubergen					
Devan Reed					
Emily Barabas					
Holida Yanik					
Isabelle Colas					
Julie Bisland					
Julie Hedlund					
Michelle DeSmyter					
Terri Agnew					

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3931 **Annex 7 – Community Input**

3932 **Request for Input**

3933 According to the GNSO’s PDP Manual, a PDP working group should formally solicit statements
3934 from each GNSO Stakeholder Group and Constituency at an early stage of its deliberations. A
3935 PDP working group is also encouraged to seek the opinion of other ICANN Supporting
3936 Organizations and Advisory Committees who may have expertise, experience or an interest in
3937 the issue. As a result, the working group reached out to all ICANN Supporting Organizations and
3938 Advisory Committees as well as GNSO Stakeholder Groups and Constituencies with a request
3939 for input at the start of its deliberations. In response, statements were received from:

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- 3941 ■ The GNSO Business Constituency (BC)
- 3942 ■ The Registries Stakeholder Group (RySG)
- 3943 ■ The At-Large Advisory Committee (ALAC)
- 3944 ■ The Security and Stability Advisory Committee (SSAC)

3945

3946 The full statements can be found on the working group wiki here:

3947 <https://community.icann.org/x/tIT8CQ>.

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3949 **Review of Input Received**

3950 All of the statements received were added to the relevant working documents (organized by
3951 topic) and considered by the working group in the context of deliberations on each topic.

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Annex 8 – EPDP Phase 1, Rec. 27, Wave 1 Analysis

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For context on this analysis, please see pages 52-56 of the [Final Issue Report](#).

Wave 1 Analysis Key Points	TPR Working Group Response
<p>1. Transfer Policy section I.A.1.1 provides that either the Registrant or <i>the Administrative Contact</i> can approve or deny a transfer request. (emphasis added) Under the Registration Data Policy, Administrative Contact data is no longer collected by the registrar. Accordingly, the registrant would be the only authorized transfer contact.</p>	<p>In its current set of preliminary recommendations, the TPR Working Group does not include the Administrative Contact as an entity that can approve an inter-Registrar transfer; instead, the preliminary recommendations only refer to the Registered Name Holder, or, in some instances, the “Registered Name Holder or their designated representative.”</p> <p>In light of the obsolescence of the Administrative Contact under the EPDP Phase 1 recommendations, any reference to an “Administrative Contact” or “Transfer Contact” within the Transfer Policy MUST be eliminated and replaced with “Registered Name Holder” unless specifically indicated, per Preliminary Recommendation 15. For example, Preliminary Recommendation 6, et. al., refers to the “Registered Name Holder or their designated representative”.</p>
<p>2. Transfer Policy section I.A.2.1, Gaining Registrar Requirements, relies on the specification of transfer authorities in section 1.1, defining either the Registrant and Administrative Contact as a “Transfer Contact.” Given that Administrative Contact data is no longer collected by the registrar, there may not be a need for “transfer contact” terminology, but such references can be replaced by “registrant” as the registrant is the only valid transfer authority. “Transfer Contact” terminology is referenced in part I (A) of the policy in sections 2.1, 2.1.1, 2.1.2, 2.1.2.1, 2.1.3.1(b), 2.1.3.3, 2.2.1, 3.2, 3.3, 3.6, 3.7.4, and 4.1.</p>	<p>As noted above in Key Point 1, the preliminary recommendations currently refer to the “Registered Name Holder” instead of the “Transfer Contact”, noting that the Registered Name Holder is the now the valid transfer authority, rather than the “Transfer Contact” or “Administrative Contact”.</p>
<p>3. Transfer Policy section I.A.3 enumerates the reasons a registrar of record may deny a transfer. These include section 3.7.2, “reasonable dispute over the identity of the Registered Name Holder or Administrative Contact.” The Administrative Contact reference may be eliminated as the Administrative</p>	<p>The working group is recommending that the reference to Administrative Contact in Section I.A.3.7.2 must be removed due to the EPDP recommendation for elimination of the Administrative Contact. See also TPR Preliminary Recommendation 15.</p>

<p>Contact data is no longer collected by the registrar. Section I.A.3 also enumerates the reasons a registrar of record may not use to deny a transfer request. These include section 3.9.2, “no response from the Registered Name Holder or Administrative Contact.” The Administrative Contact reference may be eliminated as the Administrative Contact data is no longer collected by the registrar.</p>	
<p>4. Transfer Policy section I.A.4.6.5 provides that both registrars will retain correspondence in written or electronic form of any Transfer Emergency Action Contact (TEAC) communication and responses, and share copies of this documentation with ICANN and the registry operator upon request. This requirement does not appear to be affected by the new Registration Data Policy, which provides for retention of data elements for a period of 18 months following the life of the registration.</p>	<p>The WG did not express an objection to the Wave 1 assertion that paragraph I.A.4.6.5 is likely not affected by the new Registration Data Policy. The WG did note that, in the event the WG proposes to further detail the requirements of TEAC processing and retention requirements (for example, by recommending these communications occur solely within the Naming Services Portal or its successor), the WG may need to revisit this item to ensure there is no conflict.</p> <p>The working group’s recommendations did not require revisiting its initial assertion that there is no conflict.</p>
<p>5. Transfer Policy section I.A.5.6 provides that the "AuthInfo" codes must be used solely to identify a Registered Name Holder, whereas the Forms of Authorization (FOAs) still need to be used for authorization or confirmation of a transfer request, as described in Sections I.A.2, I.A.3, and I.A.4 of the policy. Where registrant contact data is not published, and absent an available mechanism for the Gaining Registrar to obtain such contact data, it is not feasible for a Gaining Registrar to send an FOA to the registrant contact data associated with an existing registration, as required by the policy. However, the requirement for the Registrar of Record to send an FOA confirming a transfer request (covered in section I.A.3) is still achievable as the registrar does not need to rely on publicly available data.</p>	<p>In its preliminary recommendations, the working group is recommending eliminating the requirement that the Gaining Registrar send a Gaining Form of Authorization.</p> <p>For further rationale on the proposed elimination of the Gaining FOA, please see the working group’s response to charter question a1.</p> <p>With respect to the Losing FOA, the working group is recommending to retain the Losing FOA requirements with minor modifications, although the working group is recommending that the term “Transfer Confirmation” is used in place of the term Losing FOA. For further information, please see Preliminary Recommendation 2.</p>
<p>6. Transfer Policy section II.B.1, Availability of Change of Registrant, provides that “Registrants must be permitted to update their registration/Whois data and transfer their registration rights to other</p>	<p>The working group has updated the definition of Change of Registrant Data in Recommendation 25.</p>

<p>registrants freely.” This language may be updated to clarify what updating registration data means, i.e., whether requirements differ according to whether a change of registrant changes anything that is displayed.</p>	<p>Rec 25x: 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.</p> <p>Rec 25x.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.</p> <p>Rec 25x.2: The Working Group affirms that the current definition of “Material Change” remains applicable and fit for purpose.</p> <p>Rec 25x.3: A “Change of Registrant Data” does not apply to the addition or removal of Privacy/Proxy Service Provider data in RDDS when such P/P services are provided by the Registrar or its Affiliates.</p> <p>Rec 25x.3 provides that additions and/removals of P/P service Provider data do not amount to a Change of Registrant Data (CORD), so not all changes to the public RDDS will amount to a CORD.</p> <p>The working group also recommends eliminating Section II.B “Availability of Change of Registrant” as it is unnecessary and redundant of existing policies.</p> <p>Rec 26.2: The working group recommends eliminating Section II.B “Availability of Change of Registrant” from the future standalone Change of Registrant Data Policy.</p>
<p>7. Transfer Policy section II.B.1.1.4 references the Administrative Contact. The context of this provision is to define a change of registrant as a material change to certain fields, including “Administrative Contact email address, if there is no Prior Registrant</p>	<p>In recommendation 25.1, the working group recommends changing the definition of Change of Registrant to Change of Registrant Data, and the Administrative Contact field is no longer included in this definition.</p>

<p>email address.” This section may no longer be necessary, as, under the new Registration Data Policy, Administrative Contact data is no longer collected by the registrar.</p>	
<p>8. The Transfer Policy contains references to Whois in sections I.A.1.1, I.A.2.1.2, I.A.2.2.1, I.A.3.6, I.A.3.7.5, I.B.1, and the Notes section titled “Secure Mechanism.” If updates are considered to this policy as a result of GNSO policy work, it may be beneficial to consider replacing these references with RDDS. (The Temporary Specification, Appendix G, Section 2.2.4, on Supplemental Procedures to the Transfer Policy, provides that the term "Whois" SHALL have the same meaning as "RDDS." This is carried over in the EPDP Phase 1 recommendation 24) Transfer Policy section II.C.1.4 provides that a registrar must obtain confirmation of a Change of Registrant request from the Prior Registrant, or the Designated Agent of such, using a secure mechanism to confirm that the Prior Registrant and/or their respective Designated Agents have explicitly consented to the Change of Registrant. The footnote to this section notes that “The registrar may use additional contact information on file when obtaining confirmation from the Prior Registrant and is not limited to the publicly accessible Whois.” If changes are considered to this policy as a result of GNSO policy work, it may be beneficial to consider updating this footnote to eliminate the reference to Whois.</p>	<p>For terminology consistency, the working group is recommending replacing current references to Whois to RDDS throughout the Transfer Policy, including in the updated standalone Change of Registrant Data policy, for any references to Whois that remain. (Please see response to Key Item 9 below for more detail and Preliminary Recommendation 14.)</p> <p>Discussions related to Section II of the policy (Change of Registrant) will be deferred to Phase 1(b) of the PDP.</p>
<p>9. The EPDP Team’s Phase 1 Recommendation 24 recommends that the following requirements apply to the Transfer Policy until superseded by recommendations from the Transfer Policy review being undertaken by the GNSO Council:</p> <p>(a) Until such time when the RDAP service (or other secure methods for transferring data) is required by ICANN to be offered, if the Gaining Registrar is unable to gain access to then-current Registration Data for a domain name subject of a transfer, the</p>	<p>In its preliminary recommendations, the working group is recommending eliminating the requirement that the Gaining Registrar send a Gaining Form of Authorization (Preliminary Recommendation 1).</p> <p>In Preliminary Recommendation 14, the working group is recommending the terminology changes from EPDP Phase 1, Recommendation #24. Specifically:</p> <p>(b) As used in the Transfer Policy:</p>

<p>related requirements in the Transfer Policy will be superseded by the below provisions:</p> <p>(a1) The Gaining Registrar is not REQUIRED to obtain a Form of Authorization from the Transfer Contact.</p> <p>(a2) The Registrant MUST independently re-enter Registration Data with the Gaining Registrar. In such instance, the Gaining Registrar is not REQUIRED to follow the Change of Registrant Process as provided in Section II.C. of the Transfer Policy.</p> <p>(b) As used in the Transfer Policy:</p> <p>(b1) The term "Whois data" SHALL have the same meaning as "Registration Data".</p> <p>(b2) The term "Whois details" SHALL have the same meaning as "Registration Data".</p> <p>(b3) The term "Publicly accessible Whois" SHALL have the same meaning as "RDDS".</p> <p>(b4) The term "Whois" SHALL have the same meaning as "RDDS".</p> <p>(c) Registrar and Registry Operator SHALL follow best practices in generating and updating the "AuthInfo" code to facilitate a secure transfer process.</p> <p>(d) Registry Operator MUST verify that the "AuthInfo" code provided by the Gaining Registrar is valid in order to accept an inter-registrar transfer request.</p> <p>These requirements are being implemented as part of implementing the Registration Data Policy.</p>	<p>(b1) The term "Whois data" SHALL have the same meaning as "Registration Data".</p> <p>(b2) The term "Whois details" SHALL have the same meaning as "Registration Data".</p> <p>(b3) The term "Publicly accessible Whois" SHALL have the same meaning as "RDDS".</p> <p>(b4) The term "Whois" SHALL have the same meaning as "RDDS".</p> <p>With respect to (c) and (d), the working group has a list of very specific preliminary recommendations regarding generating and updating the TAC (formerly referred to as Auth-Info Code) that can be found in Section 3.2 of the Initial Report.</p>
<p>10. Feedback from some stakeholders in June 2019 during an ICANN65 session suggested an approach of starting from a clean slate rather than looking at specific transfer issues individually. This appears to</p>	<p>The working group has methodically worked through its charter questions, which has enabled it to review previously identified and longstanding issues in the</p>

<p>be the path the GNSO is taking, based on discussions at the September Council meeting.</p>	<p>Transfer Policy by proposing slight adjustments to specific transfer issues and/or proposing new methods.</p>
<p><i>Cross-reference: Transfer Policy section I.B.3.1 contains a footnote referencing the Expired Registration Recovery Policy. The context for this reference is a provision specifying when the Change of Registrant Procedure does not apply, in this case, when the registration agreement expires. The footnote provides that if registration and Whois details are changed following expiration of the domain name pursuant to the terms of the registration agreement, the protections of the Expired Registration Recovery Policy still apply.</i></p>	<p>In Preliminary Recommendation 1, the working group is recommending the terminology changes from EPDP Phase 1, Recommendation #24. Specifically:</p> <p>(b) As used in the Transfer Policy:</p> <p>(b1) The term "Whois data" SHALL have the same meaning as "Registration Data".</p> <p>(b2) The term "Whois details" SHALL have the same meaning as "Registration Data".</p> <p>(b3) The term "Publicly accessible Whois" SHALL have the same meaning as "RDDS".</p> <p>(b4) The term "Whois" SHALL have the same meaning as "RDDS".</p> <p>The terminology updates shall also apply to the new standalone Change of Registrant Data Policy.</p>
<p><i>Cross-reference: Transfer Policy section I.B.3.5 references the Expired Domain Deletion Policy. The context for this reference is a provision specifying when the Change of Registrant Procedure does not apply, in this case, when the Registrar updates the Prior Registrant's information in accordance with the Expired Domain Deletion Policy.</i></p>	<p>In Preliminary Recommendation 14, the working group is recommending the terminology changes from EPDP Phase 1, Recommendation #24. Specifically:</p> <p>(b) As used in the Transfer Policy:</p> <p>(b1) The term "Whois data" SHALL have the same meaning as "Registration Data".</p> <p>(b2) The term "Whois details" SHALL have the same meaning as "Registration Data".</p> <p>(b3) The term "Publicly accessible Whois" SHALL have the same meaning as "RDDS".</p> <p>(b4) The term "Whois" SHALL have the same meaning as "RDDS".</p>

	<p>The terminology updates shall also apply to the new standalone Change of Registrant Data Policy.</p>
<p>Transfer Dispute Resolution Policy</p>	
<p>1. TDRP section 2.2, Statute of Limitations, provides that a dispute must be filed within 12 months of the alleged violation. This is the stated basis for the EPDP Team’s Phase 1 recommendation 15 requiring registrars to retain only those data elements deemed necessary for the purposes of the TDRP, for a period of fifteen months following the life of the registration plus three months to implement the decision, as the TDRP has “the longest justified retention period of one year.” Accordingly, this provision can be maintained under the Registration Data Policy.</p>	<p>The working group agrees with the assertion that TDRP Section 2.2 can be maintained under the Registration Data Policy.</p>
<p>2. TDRP sections 3.1.2(ii), 3.2.1, and 3.5.2 specify complainant contact information to be included in the complaint, which may include personal data. Processing of personal data that is not registration data is expected to be covered in the data processing terms in EPDP recommendations 22 and 26.</p>	<p>The working group recognizes that the above-cited provisions of the TDRP specify TDRP complainant information that may include personal data. The working group notes that the implementation of EPDP recommendations 22 and 26, which recommend data protection agreements/arrangements between ICANN org and dispute resolution providers and data escrow providers, respectively, is currently ongoing. In the event the working group provides additional recommendations that require the processing of personal data that is not registration data, the WG notes that the appropriate parties, such as those implementing the EPDP recommendations, should be duly informed.</p>
<p>TDRP section 3.1.4 (i)(b) references a "copy of Whois output." The context for this provision is a listing of documentary evidence to be annexed to a complaint by the gaining registrar. This requirement may need to be further defined for clarity on what data the registrar must copy and include. Applying the definition of “Whois data” to have the same meaning as “Registration Data” as provided in EPDP recommendation 24, this would include all data elements that were collected by the registrar.</p>	<p>The working group noted that references to Whois data do indeed need to be updated.</p> <p>The working group made the following preliminary recommendation in its Phase 1(a) Initial Report:</p> <p>Preliminary Recommendation 14: The working group recommends the following specific terminology updates to the Transfer Policy:</p>

	<p>The term "Whois data" SHALL have the same meaning as "Registration Data".</p> <p>The term "Whois details" SHALL have the same meaning as "Registration Data".</p> <p>The term "Publicly accessible Whois" SHALL have the same meaning as "RDDS".</p> <p>The term "Whois" SHALL have the same meaning as "RDDS". For the avoidance of doubt, the terms referenced in above in Recommendation 14 (i) - (iv) are intended to correspond to the definitions in the Registrar Accreditation Agreement ("RAA"). In the event of any inconsistency, the 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.</p> <p>The WG notes similar updates will need to be made to the TDRP.</p>
<p>TDRP section 3.1.4(ii)(c) enumerates the materials to be annexed to a complaint by the losing registrar. This provision specifies that the losing registrar is expected to provide a history of any Whois registration data changes made to the applicable registration. This requirement may need to be further defined as to what constitutes Whois modifications i.e., changes to public and/or non-public data elements. This provision may also need to be revised to clarify the scope of history available to the registrar, as it can only go as far back as data is retained. If the relevant data retention policy and uses of registration data including TDRP were disclosed to the data subject at the time of registration, this should cover such disclosure within the applicable period.</p>	<p>The working group noted that this provision may implicate public, redacted, and/or privacy/proxy customer data. The working group also noted that relevant Whois modifications may include nameserver data, not just registrant contact data. Proposed updates have been made to the draft TDRP in Annex 9.</p>

TDRP section 3.2.4 provides that a panel appointed by a TDRP provider will “review all applicable documentation and compare registrant/contact data with that contained within the authoritative Whois database and reach a conclusion not later than thirty (30) days after receipt of Response.” This provision relies on comparison with the “authoritative Whois database,” which does not have a clear analogue in the new Registration Data Policy.

The purpose of this provision appears to be for the panel to validate the information provided to them by the registrars; however, it is not clear what source a panel would use as a basis for comparison with the registrar submissions under the new policy.

The TDRP provides for the panel to match what the registrars provide with its own lookup; this does not seem to be possible unless a) the panel requests non-public data from the registrar in a similar manner as a UDRP provider, which would result in duplicative data or b) the complaint only includes publicly accessible data, and the panel is able to request and obtain the non-public data from the registrar.

Registration data held by the registry operator is not referenced in this section except to note that in cases where the Registrar of Record's Whois is not accessible or invalid, the applicable Registry Operator's Whois should be used, except in the case of a thin Registry, in which case the dispute should be placed on hold. It may be necessary to establish what is authoritative and what sources the panel should use in considering a TDRP complaint.

Alternatively, the provisions of this section could be restated at a higher level to define what the panel is being asked to do. The specific steps regarding comparison of various registration data sources may not be the basis for the panel’s determination; rather, the panel is asked to consider the facts and circumstances and evidence presented by the parties to the dispute to

Some members of the WG noted that TDRP section 3.2.4 could be stated at a higher level to ask the Panel to review the documentation provided to determine whether a violation of the Transfer Policy has occurred. Support Staff has proposed updated language on what this could look like.

Other WG members noted that the Panel should request the redacted registration data from the Gaining Registrar, similar to how this is done in a UDRP proceeding. Support Staff has also proposed language so that the WG could see how this could look.

Outstanding: need to decide

determine whether a violation of the Transfer Policy has occurred.	
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Annex 9 – Draft Edits to Transfer Dispute Resolution Policy (EPDP Rec. 27)

Registrar Transfer Dispute Resolution Policy

NOTE: On 26 January 2020, the ICANN Board passed a resolution to defer contractual compliance enforcement of the Gaining Registrar's requirement to obtain express authorization of an inter-registrar transfer from the Transfer Contact via a Standardized Form of Authorization (FOA). ICANN Contractual Compliance has deferred and will continue to defer enforcement of Section I(A)(2.1) of the Transfer Policy until the matter is settled in the GNSO Council's Transfer Policy Review, which is currently ongoing. Accordingly, the absence of a Standardized Form of Authorization (FOA) from the Gaining Registrar shall not result in a decision of transfer reversal under Section 3.2.4(ii) of the Transfer Dispute Resolution Policy.

In any dispute relating to Inter-Registrar domain name transfers, Registrars are encouraged to first of all attempt to resolve the problem among the Registrars involved in the dispute. In cases where this is unsuccessful and where a registrar elects to file a dispute, the following procedures apply. It is very important for Registrars to familiarize themselves with the Transfer Dispute Resolution Policy (TDRP) as described in this document before filing a dispute. Transfer dispute resolution fees can be substantial. It is critical that Registrars fully understand the fees that must be paid, which party is responsible for paying those fees and when and how those fees must be paid.

This version of the TDRP and corresponding procedures will apply to all Complaints filed on or after 1 December 2016.

1. Definitions

1.1 Complainant

A party bringing a Complaint under the TDRP. A Complainant may be either a Losing Registrar (in the case of an alleged fraudulent transfer) or a Gaining Registrar (in the case of an improper NACK) under this Policy.

1.2 Complaint

3991 The initial document in a TDRP proceeding that provides the allegations and claims brought by
3992 the Complainant against the Respondent.

3993

3994 **1.3 Dispute Resolution Panel**

3995

3996 The Dispute Resolution Panel shall mean an administrative panel appointed by a Dispute
3997 Resolution Provider ("Provider") to decide a Complaint concerning a dispute under the TDRP.

3998

3999 **1.4 Dispute Resolution Provider**

4000

4001 The Dispute Resolution Provider must be an independent and neutral third party that is neither
4002 associated nor affiliated with the Respondent, Complainant, or the Registry Operator under
4003 which the disputed domain name is registered. ICANN shall have the authority to accredit one
4004 or more independent and neutral Dispute Resolution Providers according to criteria developed
4005 in accordance with the TDRP.

4006

4007 **1.5 Form of Authorization (FOA)**

4008

4009 The standardized form of consent that the Gaining Registrar and Losing Registrar are required
4010 to use to obtain authorization from the Registrant or Administrative Contact in order to
4011 properly process the transfer of domain name sponsorship from one Registrar to another.

4012

4013 **1.6 Gaining Registrar**

4014

4015 The registrar who seeks to become the Registrar of Record by submitting a transfer request.

4016

4017 **1.7 Invalid Transfer**

4018

4019 A transfer that is found non-compliant with the Transfer Policy.

4020

4021 **1.8 Losing Registrar**

4022

4023 The registrar who was the Registrar of Record at the time a request for the transfer of domain
4024 is submitted.

4025

4026 **1.9 NACK**

4027

4028 A denial of a request for transfer by the Losing Registrar.

4029

4030 1.10 Registrant

4031
4032 The individual, organization, or entity that holds the right to use a specific domain name for a
4033 specified period of time.

**4034
4035 1.11 Registrar of Record**

4036
4037 The Registrar who sponsors a domain name at the registry.

**4038
4039 1.12 Registry (Registry Operator)**

4040
4041 The organization authorized by ICANN to provide registration services for a given TLD to ICANN-
4042 accredited Registrars.

**4043
4044 1.13 Respondent**

4045
4046 A party against whom a Complaint is brought. Under the TDRP, the Respondent can be a Losing
4047 Registrar in the case of an improper (NACK), a Gaining Registrar in the case of an alleged
4048 fraudulent transfer, or the Registrar of Record.

**4049
4050 1.14 Supplemental Rules**

4051
4052 The Supplemental Rules shall mean those rules adopted by the Provider administering a
4053 proceeding to supplement the TDRP. Supplemental Rules shall be consistent with the TDRP and
4054 shall cover topics such as fees, word and page limits and guidelines, the means for
4055 communicating with the Provider, and the form of cover sheets.

**4056
4057 1.15 Transfer Policy**

4058
4059 The ICANN Consensus Policy governing the transfer of sponsorship of registrations between
4060 registrars as referenced in the Registry-Registrar Agreement executed between a Registrar and
4061 the Registry, as well as the Registrar Accreditation Agreement which is executed between
4062 ICANN and all ICANN-accredited registrars.

**4063
4064 2. Dispute Resolution Process****4065
4066 2.1 Filing a Complaint**

4067

4068 The Complainant may file a Complaint with a Dispute Resolution Provider. The decision of the
4069 Dispute Resolution Panel is final, except as it may be appealed to a court of competent
4070 jurisdiction in accordance with Section 3.4 of the TDRP.

4071

4072 **2.2 Statute of Limitations**

4073

4074 A dispute must be filed no later than twelve (12) months after the alleged violation of the
4075 Transfer Policy. In the case where a Losing Registrar alleges that a transfer was in violation of
4076 the Transfer Policy, the date the transfer was completed shall be deemed the date on which the
4077 "alleged violation" took place. In the case where a Gaining Registrar alleges that a transfer
4078 should have taken place, the date on which the NACK (as defined below) was received by the
4079 Registry, shall be deemed the date on which the "alleged violation" took place.

4080

4081 **3. Dispute Procedures**

4082

4083 **3.1 Registrar files a Request for Enforcement with a Dispute Resolution Provider**

4084

4085 3.1.1 Either the Gaining Registrar or Losing Registrar may submit a Complaint. This must be
4086 done in accordance with the Supplemental Rules adopted by the applicable Dispute Resolution
4087 Provider.

4088

4089 3.1.2 The Complaint shall be submitted to the Dispute Resolution Provider and to the
4090 Respondent in electronic form and shall:

4091

4092 i. Request that the Complaint be submitted for
4093 decision in accordance with the TDRP and the applicable Supplemental
4094 Rules;

4095

4096 ii. Provide the name, postal and e-mail
4097 addresses, and the telephone and fax numbers of the Complainant and
4098 those representatives authorized by the Complainant to act on behalf of
4099 the Complainant in the administrative proceeding;

4100

4101 iii. Provide the name of the Respondent and all
4102 information (including any postal and e-mail addresses and telephone and
4103 fax numbers) known to Complainant regarding how to contact Respondent
4104 or any representative of Respondent, including contact information based
4105 on pre-complaint dealings;

-
- 4106 iv. Specify the domain name(s) that is/are the
4107 subject of the Complaint;
4108
- 4109 v. Specify the incident(s) that gave rise to the
4110 dispute;
4111
- 4112 vi. Describe, in accordance with the Transfer
4113 Policy, the grounds on which the Complaint is based;
4114
- 4115 vii. State the specific remedy being sought
4116 (either approval or denial of the transfer);
4117
- 4118 viii. Identify any other legal proceedings that
4119 have been commenced or terminated in connection with or relating to any
4120 of the domain name(s) that are the subject of the Complaint;
4121
- 4122 ix. Certify that a copy of the Complaint, together
4123 with the cover sheet as prescribed by the Provider's Supplemental Rules,
4124 has been sent or transmitted to the Respondent; and
4125
- 4126 x. Conclude with the following statement
4127 followed by the signature of the Complainant or its authorized
4128 representative:
4129
- 4130 "<insert name of Complainant> agrees that its claims
4131 and remedies concerning the registration of the
4132 domain name, the dispute, or the dispute's
4133 resolution shall be solely against the Respondent
4134 and waives all such claims and remedies against the
4135 Dispute Resolution Provider as well as its directors,
4136 officers, employees, and agents, except in the case
4137 of deliberate wrongdoing or gross negligence."
4138
- 4139 "<insert name of Complainant> certifies that the
4140 information contained in this Complaint is to the
4141 best of Complainant's knowledge complete and
4142 accurate, that this Complaint is not being presented
4143 for any improper purpose, such as to harass, and
-

4144 that the assertions in this Complaint are warranted
4145 under the TDRP and under applicable law, as it now
4146 exists or as it may be extended by a good-faith and
4147 reasonable argument."
4148

4149 3.1.3 The Complaint may relate to more than one domain name, provided that the domain
4150 names involve the same Complainant and Respondent and that the claims arise out of the same
4151 or similar factual circumstances.

4152
4153 3.1.4 The Complaint shall annex the following documentary evidence (as applicable and
4154 available) in electronic form if possible, together with a schedule indexing such evidence:

4155
4156 i. For the Gaining Registrar:

4157
4158 a. ~~Completed Form of Authorization ("FOA")~~

4159
4160 ~~b. Copy of the Whois **RDDS** output for the date transfer was~~
4161 ~~initiated, which was used to identify the authorized Transfer~~
4162 ~~Contacts~~

4163
4164 ~~c. Copy of evidence of identity used~~

4165
4166 d. Copy of a bilateral agreement, final determination of a
4167 dispute resolution body or court order in cases when the
4168 Registrant of Record is being changed simultaneously with a
4169 Registrar Transfer **(where applicable)**

4170
4171 e. Copies of all communications made to the Losing Registrar
4172 with regard to the applicable transfer request along with any
4173 responses from the Losing Registrar

4174 ii. For the Losing Registrar:

4175
4176 a. Completed FOA from the Losing Registrar

4177
4178 b. Copy of the Whois **RDDS** output for the date the transfer
4179 was initiated

4180

- 4181 c. Relevant history of Whois Registration Data³⁴
4182 modifications made to the applicable registration
4183
4184 d. Evidence of one of the following if a transfer was denied:
4185 § fraud;
4186 § Pending UDRP proceeding that the Registrar has
4187 been informed of;
4188 § URS proceeding or URS Suspension that the
4189 Registrar has been informed of;
4190 § Pending dispute under the Transfer Dispute
4191 Resolution Policy;
4192 § court order by a court of competent jurisdiction;
4193 § Registrant or administrative contact identity
4194 dispute in accordance with Section 4 of the Transfer
4195 Policy [Registrar of Record Requirements]
4196 § applicable payment dispute along with evidence
4197 that the registration was put on HOLD status;
4198 § express written objection from the Registered
4199 Name Holder or Administrative Contact;
4200 § LOCK status along with proof of a reasonable
4201 means for the registrant to remove LOCK status as
4202 per Section __ of Exhibit __ to this Agreement;
4203 § ~~The Registrar imposed a 60-day inter-registrar~~
4204 ~~transfer lock following a Change of Registrant, and~~
4205 ~~the Registered Name Holder did not opt out of the~~
4206 ~~60-day inter-registrar transfer lock prior to the~~
4207 ~~Change of Registrant request.~~
4208 § domain name within 30 days of initial registration;
4209 or
4210 § domain name within 30 days of a prior transfer.

³⁴ For clarity, relevant Registration Data modifications may include relevant modifications to: (i) public RDDS, (ii) redacted Registration Data, and/or (iii) Privacy/Proxy Customer data from an Affiliated Privacy or Proxy Service Provider.

4211 e. Copies of all communications made to the Gaining
4212 Registrar with regard to the applicable transfer request along
4213 with any responses from the Gaining Registrar.
4214

4215 **[[DRAFT ADDED STEP: The Provider shall submit a verification request to the sponsoring**
4216 **Registrar. The verification request will include a request to Lock the domain name.]]**
4217

4218 **[[DRAFT ADDED STEP: Within two (2) business days of receiving the Provider's verification**
4219 **request, the sponsoring Registrar shall provide the information requested in the verification**
4220 **request and confirm that a Lock of the domain name has been applied. The Lock shall remain**
4221 **in place through the remaining Pendency of the TDRP proceeding.]]**
4222

4223 **3.2 The Respondent shall have seven (7) calendar days from receipt of the Complaint to**
4224 **prepare a Response to the Complaint ("Response").**
4225

4226 3.2.1 The Response shall be submitted in electronic form to both the Dispute Resolution
4227 Provider and Complainant and shall:

4228 i. Respond specifically to the statements and
4229 allegations contained in the Complaint (This portion of the response shall
4230 comply with any word or page limit set forth in the Dispute Resolution
4231 Provider's Supplemental Rules.);
4232

4233 ii. Provide the name, postal and e-mail
4234 addresses, and the telephone and fax numbers of the Respondent (non-
4235 filing Registrar);
4236

4237 iii. Identify any other legal proceedings that
4238 have been commenced or terminated in connection with or relating to any
4239 of the domain name(s) that are the subject of the Complaint;
4240

4241 iv. State that a copy of the Response has been
4242 sent or transmitted to the Complainant;
4243

4244 v. Conclude with the following statement followed by
4245 the signature of the Respondent or its authorized representative:
4246

4247 "Respondent certifies that the information
4248 contained in this Response is to the best of

4249 Respondent's knowledge complete and accurate,
4250 that this Response is not being presented for any
4251 improper purpose, such as to harass, and that the
4252 assertions in this Response are warranted under
4253 these Rules and under applicable law, as it now
4254 exists or as it may be extended by a good-faith and
4255 reasonable argument."; and

4256
4257 vi. Annex any documentary or other evidence upon
4258 which the Respondent relies, together with a schedule indexing such
4259 documents.

4260
4261 3.2.2 At the request of the Respondent, the Dispute Resolution Provider may, in exceptional
4262 cases, extend the period of time for the filing of the response, but in no case may the extension
4263 be more than an additional five (5) calendar days. The period may also be extended by written
4264 stipulation between the Parties, provided the stipulation is approved by the Dispute Resolution
4265 Provider.

4266
4267 3.2.3 If a Respondent does not submit a response, in the absence of exceptional circumstances,
4268 the Dispute Resolution Panel appointed by the Dispute Resolution Provider shall decide the
4269 dispute based upon the Complaint.

4270
4271 3.2.4 The Dispute Resolution Panel appointed by the Dispute Resolution Provider must review
4272 all applicable documentation and, where applicable, compare registrant/contact data with that
4273 contained within the RDDS. authoritative Whois database Following its review of all applicable
4274 documentation, the Dispute Resolution Paneland must determine whether a violation of the
4275 Transfer Policy occurred reach a conclusion not later than thirty (30) days after receipt of
4276 Response from the Respondent.

4277
4278 i. If the Dispute Resolution Panel is unable to
4279 determine whether a violation of the Transfer Policy occurred using the
4280 documentation provided, the registrant/contact data does not match the
4281 data listed in authoritative Whois RDDS, the Dispute Resolution Panel MAY
4282 **should** contact each Registrar and require additional documentation.

4283
4284 ii. ~~If the Gaining Registrar is unable to provide~~
4285 ~~a complete FOA with data matching that contained within the~~
4286 ~~authoritative Whois database RDDS at the time of the transfer request,~~

4287 then the Dispute Resolution Panel shall find that the transfer should be
4288 reversed. In the case of a thick Registry, if the Registrar of Record's
4289 Whois-RDDS is not accessible or invalid, the applicable Registry Operator's
4290 Whois-RDDS should be used. In the case of a thin Registry, if the Registrar
4291 of Record's Whois-RDDS is not accessible or is invalid, the Dispute
4292 Resolution Provider may place the dispute on hold until such time as the
4293 problem is resolved.

4294
4295 iii. In the case where a Losing Registrar NACKs
4296 a transfer, the Losing Registrar must provide evidence of one of the factors
4297 for which it is allowed to NACK as set forth in Section 3.1.4(ii)(d) of the
4298 TDRP. If the Losing Registrar cannot provide evidence that demonstrates
4299 any of the factors, and the Gaining Registrar is able to demonstrate
4300 compliance with the Transfer Policy, provides to the Dispute Resolution
4301 Provider a complete FOA with data matching that contained within the
4302 authoritative Whois database RDDS at the time of the transfer request,
4303 then the transfer should be approved.

4304
4305 iv. The Dispute Resolution Panel may not issue a
4306 finding of "no decision." It must weigh the applicable evidence in light of
4307 the Transfer Policy and determine, based on a preponderance of the
4308 evidence, which Registrar should prevail in the dispute and what
4309 resolution to the Complaint will appropriately redress the issues set forth
4310 in the Complaint.

4311
4312 v. Resolution options for the Dispute Resolution Panel
4313 are limited to the following:

4314
4315 a. Approve Transfer
4316 b. Deny the Transfer (This could include
4317 ordering the domain name be returned to the
4318 Losing Registrar in cases where a Transfer has
4319 already occurred.)

4320
4321 vi. Transfers from a Gaining Registrar to a third
4322 registrar, and all other subsequent transfers, are invalid if the Gaining
4323 Registrar acquired sponsorship of the domain name(s) at issue through an

4324 Invalid Transfer, as determined through the dispute resolution process set
4325 forth in this Transfer Dispute Resolution Policy.

4326
4327 vii. In the event the Dispute Resolution Panel
4328 determines that an Invalid Transfer occurred, the domain shall be
4329 transferred back to the registrar that was Registrar of Record immediately
4330 prior to the Invalid Transfer.

4331
4332 **3.3 Fees for Dispute Resolution Service**

4333
4334 3.3.1 The applicable Dispute Resolution Provider shall determine the applicable filing fee
4335 ("Filing Fees"). The specific fees along with the terms and conditions governing the actual
4336 payment of such fees shall be included in the Dispute Resolution Provider's Supplemental Rules.

4337
4338 3.3.2 In the event that the Complainant does not prevail in a dispute, the Filing Fees shall be
4339 retained by the Dispute Resolution Provider.

4340
4341 3.3.3 In the event that the Complainant prevails in a dispute, the Respondent, must submit to
4342 the Dispute Resolution Provider, the Filing Fees within fourteen (14) calendar days after such
4343 decision. In such an event, the Dispute Resolution Provider shall refund to the Complainant,
4344 whichever applicable, the Filing Fees, no later than fourteen (14) calendar days after it receives
4345 the Filing Fees from the Respondent. Such fees must be paid regardless of whether a court
4346 proceeding is commenced in accordance with Section 3.4 below. Failure to pay Filing Fees to
4347 the Dispute Resolution Provider may result in the loss of accreditation by ICANN.

4348
4349 **3.4 Availability of Court Proceedings**

4350
4351 The procedures set forth above shall not prevent a Registrar from submitting a dispute to a
4352 court of competent jurisdiction for independent resolution before such administrative
4353 proceeding is commenced or after such proceeding is concluded. If a Dispute Resolution Panel
4354 decides a domain name registration should be transferred (either to the Gaining Registrar, or
4355 alternatively, back from the Gaining Registrar to the Losing Registrar), such Registrar will wait
4356 fourteen (14) calendar days after it is informed of the decision before implementing that
4357 decision. The Registry will then implement the decision unless it has received from either of the
4358 parties to the dispute during that fourteen (14) calendar day period official documentation
4359 (such as a copy of a complaint, file-stamped by the clerk of the court) that a lawsuit has
4360 commenced with respect to the impacted domain name(s). If such documentation is received
4361 by the Registry, as applicable, within the fourteen (14) calendar day period, the decision will not

4362 be implemented until (i) evidence is presented that the parties have resolved such dispute; (ii)
4363 evidence is presented that the lawsuit has been dismissed or withdrawn; or (iii) a copy of an
4364 order from such court dismissing the lawsuit or ordering certain actions with respect to the
4365 domain name.

4366

4367 3.5 Decision Publication

4368

4369 3.5.1. The relevant Dispute Resolution Provider shall publish any decision made with respect to
4370 a transfer dispute initiated under the TDRP. All decisions under this Policy will be published in
4371 full over the Internet except when the Panel, convened by the Dispute Resolution Provider, in
4372 an exceptional case, determines to redact portions of its decision. In any event, the portion of
4373 any decision determining a complaint to have been brought in bad faith shall be published.

4374

4375 3.5.2. Decision reports shall include, at a minimum:

4376

i. The domain name under dispute;

4377

ii. The names of parties involved in the dispute;

4378

iii. The full decision of the case;

4379

iv. The date of the implementation of the decision.

4380

4381 3.5.3 If the Dispute Resolution Provider believes a decision should not be published, the Dispute
4382 Resolution Provider should confer with ICANN and publish the decision if so directed.

4383

4384 3.5.4. Publication does not apply to TDRP Complaints filed prior to 1 December 2016.

4385

4386

4387

4388 **Annex 10 – Draft edits to Section I.B.1 of the Transfer** 4389 **Policy (Bulk Transfers)**

4390 **Proposed edit to Section I.B.1** 4391

4392 Current language: I.B.1 Transfer of the sponsorship of all the registrations sponsored by one
4393 Registrar as the result of

4394 (i) a Registrar acquisition of that Registrar or its assets by another Registrar, or (ii) lack of
4395 accreditation of that Registrar or lack of its authorization with the Registry Operator,
4396 may be made according to the following procedure:

4397 Potential Update for consideration: [There are some instances that fall outside of the
4398 requirements in Section I(A) of the Transfer Policy. Specifically, ICANN org may authorize the
4399 transfer of a registrar’s domain names through an ICANN-approved bulk transfer without the
4400 prior approval of the Registered Name Holder in the following instances:

4401 (i) the Registrar or its assets are acquired by another ICANN-accredited Registrar;

4402 (ii) the Registrar is no longer accredited with ICANN org;

4403 (iii) the Registrar is no longer accredited with a Registry Operator(s) in a TLD(s), e.g.,
4404 termination of Registry-Registrar Agreement(s)*

4405 2. [Additional instances that fall outside of the requirements in Section I(A) of the Transfer
4406 Policy include partial bulk transfers pre-authorized by ICANN org and offered by some Registry
4407 Operators. Specifically, a Registry Operator MAY permit a consenting Registrar to transfer a
4408 portion but not all of its domain names to another consenting Registrar in the following
4409 instances:

- 4410 (i) one ICANN-accredited Registrar purchases, by means of a stock or asset
4411 purchase, merger or similar transaction, a portion but not all, of another ICANN-
4412 accredited Registrar's domain name portfolio in the TLD,
- 4413 (ii) a newly-accredited Registrar (Gaining Registrar) requests a transfer of all domain
4414 names from the losing Registrar for which the gaining Registrar has served as the
4415 Reseller, or
- 4416 (iii) [an agent of the Registrar, such as a Reseller or service provider, elects to
4417 transfer its portfolio of domain names to a new gaining registrar, and the
4418 registration agreement explicitly permits the transfer]
- 4419
4420

Annex 11 – Additional Topics Discussed

4421

4422 Transfer Fees

4423

4424 In the course of discussing the topic of Denying (NACKing) Transfers, the working group
4425 considered whether it is appropriate to make a recommendation with respect to transfer fees,
4426 a topic that NCSG representatives raised in working group deliberations, and also a subject that
4427 was raised in public comments on the Phase 1(a) Initial Report. The working group noted that
4428 some Registrars charge the RNH a fee for transferring a domain away to another Registrar. The
4429 Transfer Policy does not prohibit such fees.

4430

4431 From one perspective, transfer fees can be burdensome, particularly for non-commercial
4432 applicants, and should be prohibited or limited. From another perspective, there are scenarios
4433 where such fees correspond to value-added services from the Registrar, and therefore the fees
4434 are appropriate. Further from this perspective, regulating fees charged by Registrars is typically
4435 outside the scope of GNSO policy development.

4436

4437 The working group recalled that the Transfer Policy does not contain any provisions allowing
4438 the Registrar to deny a transfer for non-payment of transfer fees, and therefore in practice,
4439 these fees are not a barrier to transfer. The working group also noted that in Preliminary
4440 Recommendations 19 and 22, the working group has recommended clarifications to language
4441 specifying when a Registrar may and must not deny a transfer in relation to non-payment of
4442 registration fees.

4443

4444 Ultimately, the working group did not come to agreement to make recommendations on this
4445 topic, noting that it is important for Registrants to carefully review the registration agreement,
4446 which discloses any fees associated with transferring the domain to a new Registrar.

4447

4448 Sanctions

4449

4450 In working group deliberations and in public comment, the NCSG raised concerns that ordinary
4451 non-commercial registrants who are based in sanctioned countries or serving customers in
4452 sanctioned countries are sometimes prevented from transferring domains to a new Registrar,
4453 even in cases where the Registrar is not legally obligated to prevent the transfer under
4454 applicable law. In other cases, the RNH is given an insufficient notice period to find a new
4455 Registrar before the registration agreement is terminated. The NCSG requested that the
4456 working group consider whether these issues are in scope of the PDP.

4457

4458 The working group discussed the fact that Registrars are obligated to comply with national law
4459 and that it is up to each Registrar to determine how to do so. The working group considered
4460 that the issue of sanctions impacts many elements of the domain name lifecycle, including
4461 domain creation, renewal, suspension, and termination. To address this topic in isolation in the
4462 context of transfers could result in a fragmented approach to the issues presented. To the
4463 extent that the concerns are addressed through policy development, the working group
4464 believes that they should be addressed holistically.

4465
4466 The working group further noted that WS2 implementation is ongoing, which includes work
4467 related to specific concerns around sanctions. In particular, WS2 recommendation 4.1.3
4468 recommends that ICANN clarify to Registrars “that the mere existence of their RAA with ICANN
4469 does not cause them to be required to comply with OFAC sanctions. ICANN should also explore
4470 various tools to remind registrars to understand the applicable laws under which they operate
4471 and to accurately reflect those laws in their customer relationships.”³⁵ The working group
4472 understands that the implementation of this recommendation may reduce the risk of Registrar
4473 over-compliance.

4474

4475 Additional Topic Suggested by SSAC

4476

4477 In its [submission providing early input](#) to the PDP, the SSAC recommended that the working
4478 group address the issue of ensuring DNSSEC operational continuity in the transfer of DNS
4479 service:

4480

4481 *When a registrant bundles their DNS service with their registration, then it is*
4482 *essential that the transfer of DNS service be coordinated between the DNS service*
4483 *providers (who are most often the registrar when services are bundled) in order to*
4484 *ensure there is no discontinuity in DNS resolution (i.e., the registrant does not lose*
4485 *the ability to use their domain name).*

4486

4487 *When the domain name is DNSSEC-signed in the bundled scenario, there is an*
4488 *additional risk of failure to validate if the transfer is not properly coordinated. Best*
4489 *practice security principles would ordinarily treat a security failure more harshly*
4490 *than a non-existent domain, the consequences of which will vary by application.*

4491

4492 *These risks are substantially reduced during a registration transfer if a registrant*
4493 *uses a third party DNS service provider, one who is independent of the registration*

³⁵ <https://www.icann.org/en/system/files/files/ccwg-acct-ws2-final-24jun18-en.pdf>

4494 *service provider. It is important to note that these risks are not specific to*
4495 *registration transfers; they are present whenever there is a change in DNS service*
4496 *providers.*

4497
4498 *The SSAC recommends the Transfer Policy Review Team consider these concerns*
4499 *and seek the necessary enhancements to the current process that will ensure a*
4500 *secure, stable, and resilient transfer solution in the best interest of the registrant.*

4501
4502 The working group noted that this topic was not included in the Final Issue Report or the
4503 working group charter. While the working group acknowledges that it is an important subject
4504 area for additional work, the working group agreed that it is outside the scope of this PDP and
4505 is better addressed in another forum.

4506

4507 **Annex 12 – Group 1A Swimlane**

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4509

4510 Next page will display the swimlane legend and the following page will be a PDF version of the
4511 swimlane appended to this report. Please refer to this [link](#) for a more consumable version of
4512 the swimlane where the PDF can be downloaded from the wiki.