

GNSO's Transfer Policy Review (GNSO_TPR)

Webinar #2 - TPR Group 1B & 2 Initial Report Recommendations



Event Date:
09 September 2024

Transfer Policy Review - Agenda

- 1. WG Chair Introduction**
- 2. Transfer Policy and Initial Report Overview**
 - a. Background on the Transfer Policy
 - b. New PDP report format, structure, and features
 - c. Overview of Groups 1A, 1B, & 2 scope
- 3. Review of Group 1B Proposed Recommendations (Inter-Registrant Transfers)**
 - a. CORD Swimlane diagram introduction
 - b. Review of Group 1B recommendations
- 4. Review of Group 2 Proposed Recommendations (TEAC, TDRP, ICANN-Approved Transfers)**
- 5. Question and Answer segments available throughout the webinar**
- 6. Closing comments**

Background on the Transfer Policy and improvements

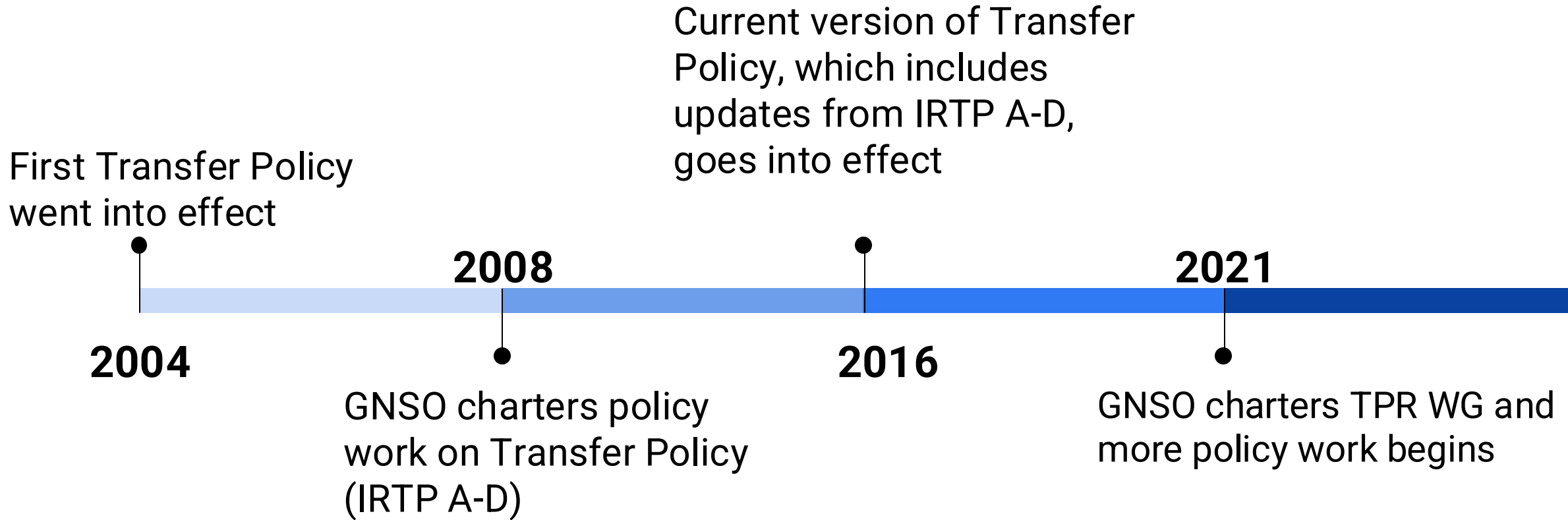
The Transfer Policy is a consensus policy that governs the process for transferring a gTLD domain name from one registrar to another.



Overarching goals of Transfer Policy and Previous Policy Improvements

- 1 Enable RNH to change registrar, thereby increasing competition and choice
- 2 Ensure policy includes sufficient protections to prevent fraudulent transfers and domain name hijacking;
- 3 Clarify policy language so that ICANN-accredited registrars consistently interpret and apply the policy

Background on the Transfer Policy

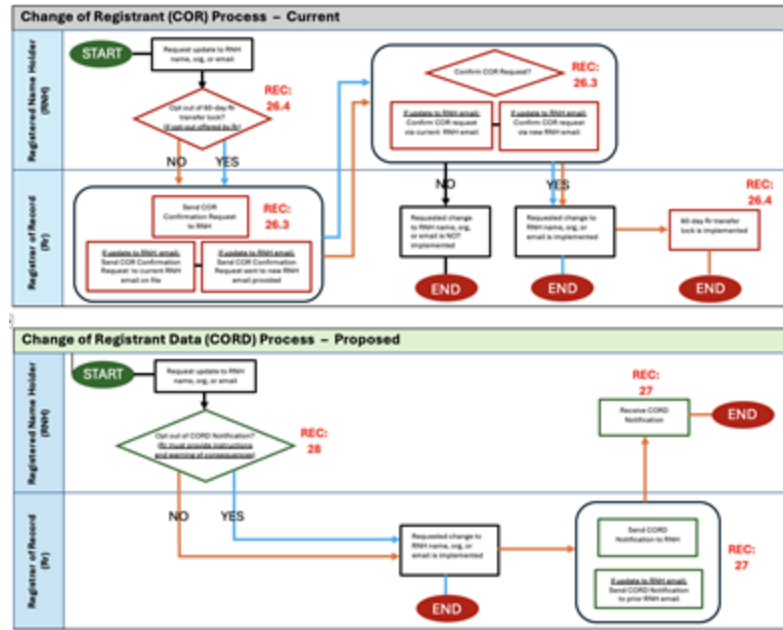


TPR WG - Group 1B Recommendations

Overview of CORD Swimlane diagram

Review of proposed recommendations

Change of Registrant [Data] Swimlanes - Overview and Disclaimers



Benefits the swimlane:

1. Helps define higher level stages of the Change of Registrant [Data] process from beginning to end
2. Serves as a visual guide to assist readers in understanding the proposed recommendations
3. Helps maintain logical continuity of a CORD when considering the recommendations as a package
4. Helps understanding of the roles and tasks involved and at what stage
5. Helps to validate impacts and rationale of the recommendations

Disclaimers about the swimlane:

1. The swimlane is a conceptual representation of the proposed change of registrant data process
2. The swimlane is NOT a policy requirements document
3. The swimlane is constructed at a high-level. It does not account for all variations of transactions, especially considering the varying business models and procedures across contracted parties
4. Where a process step box does not have a recommendation label, it is NOT specific to any proposed recommendation or a policy requirement
5. A deficiency of the swimlane model is it does NOT accurately represent time scales. It blends system processes occurring in seconds vs. business procedures that may occur over several calendar days.

TPR WG - Group 1B Recommendations

Rec # 25 - Change of Registrant Data

RECOMMENDATION OVERVIEW



- 25:** “Change of Registrant” to be replaced with “Change of Registrant Data”
- 25.1:** CORD = Material Change to RNH name or organization, or any change to RNH email address
- 25.2:** “Material Change” remains fit for purpose
- 25.3:** CORD ≠ addition or removal of P/P data in RDDS (when P/P provided by the Registrar or its Affiliates)

IMPACT



LOW



MEDIUM



HIGH

- 25: Terminology changes
- 25.1-.2: Confirms status quo
- 25.3: New guidance on the addition/removal of privacy/proxy services

RATIONALE



- Updated terminology and exceptions more clearly denotes the purpose of the policy
- Helps ensure the policy is followed where relevant and appropriate

TPR WG - Group 1B Recommendations

Rec # 26 - Standalone Policy and Updates to Section II of Transfer Policy

RECOMMENDATION OVERVIEW



- 26:** Create a standalone “Change of Registrant Data” policy, existing outside of the Transfer Policy
- 26.1:** Remove “Designated Agent” from CORD policy
- 26.2:** Remove Section II.B “Availability of Change of Registrant” from CORD policy
- 26.3:** Remove requirement that both the Prior Registrant and the New Registrant confirm COR
- 26.4:** Remove 60-day post-COR Registrar transfer restriction (and opt-out)

IMPACT



LOW



MEDIUM



HIGH



- 26: Only a separation of policies
- 26.1: Term removal alters status quo, requires Rr planning/system changes
- 26.2: Requirements under Section II.B are largely duplicative of other policies
- 26.3: Removal of current confirmation requirement
- 26.4: Removal of inter-registrar transfer restriction

RATIONALE



- CORD is not a Registrar transfer
- Separation ensures CORD process is clearly documented and defined
- CORD process should be available at any time during a domain’s registration period
- 60-day post-COR lock causes registrant frustration and not demonstrably prevented domain hijacking
- Other WG recommendations provide more security (ex: TAC, 30-day post-transfer lock, CORD notice)

TPR WG - Group 1B Recommendations

Rec # 27 - Change of Registrant Data Notification

RECOMMENDATION OVERVIEW



27: Registrar **MUST** send a Change of Registrant Data notification to the RNH no later than 24 hours after CORD occurred (subject to Rec 28)

27.1-.7: CORD notification requirements (language, elements, medium, email specifications, consolidation)

IMPACT



LOW

MEDIUM

HIGH



- Requires Rr planning/system changes
- Read together with Rec 28, registrants may opt out of this mandatory notification

RATIONALE



- Notifications help ensure that unintended or unexpected changes are caught and addressed promptly
- Empowers RNH with full context and understanding of the update

TPR WG - Group 1B Recommendations

Rec # 28 - Opt out of Change of Registrant Data Notification

RECOMMENDATION OVERVIEW



28: Registrar MAY provide RNH the option to opt out of receiving Change of Registrant Data notifications

28.1-.6: Opt out requirements (default activation, clear instructions and warning, records, data field options)

IMPACT



LOW

MEDIUM

HIGH



- Read together with Rec 27, registrants may opt out of this mandatory notification

RATIONALE



- Notifications are a personal data processing activity which may not be deemed absolutely necessary, so the working group recommends the RNH be able to decide if they want to receive these notices
- However, since the notification is sent for security purposes, it should be required by default
- Empowers RNH to know the consequences of disabling security option before opting out

Question & Answer Segment

TPR WG - Group 2 Recommendations

Review of proposed recommendations

Introduction to Group 2 Recommendations

Transfer Emergency Action Contact (TEAC)

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

Transfer Dispute Resolution Policy (TDRP)

In any dispute relating to inter-Registrar domain name transfers, Registrars are encouraged to first 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 Transfer Dispute Resolution Policy (TDRP) details the requirements and process to do so.

ICANN-Approved Transfers

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

TPR WG - Group 2 Recommendations

Rec # 29, 30, 31, 32: Transfer Emergency Action Contact (TEAC) Timing and Communication

RECOMMENDATION OVERVIEW



- 29. Update required timeframe for TEAC initial response, from 4 hours to 24 hours / 1 calendar day
- 30. Initial communication to TEAC within 30 days of unauthorized domain loss, or else written explanation
- 31. Gaining Registrar must update Losing Registrar at least every 72 hours, with specific actions taken
- 32. Initial communication to TEAC must be/include email (which “starts the clock”)

IMPACT



- | | | |
|---------------|---|---|
| LOW | ← | ● 29: Reduces operational burden on Rrs while still requiring timely response |
| MEDIUM | ← | ● 30: Sets a new outer bound for communications, mostly status quo |
| HIGH | | ● 31: New requirement, may involve Rr planning/system changes |
| | | ● 32: New requirement, may involve Rr planning/system changes |

RATIONALE



- Concerns about current 4-hour timeframe and significant consequences of missing the deadline
- 30-day timeframe aligns with 30-day transfer restriction
- Regular updates introduces transparency and accountability, while maintaining flexibility
- Requiring the initial TEAC exchange by email ensures that there is a clear, simple paper trail

TPR WG - Group 2 Recommendations

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

RECOMMENDATION OVERVIEW



33. Recommend the GNSO to request an Issues Report to explore expanding the TDRP to registrant filers and creating a new standalone dispute resolution mechanism for registrants to challenge improper transfers.

IMPACT



LOW



MEDIUM

HIGH



- Lack of changes to the TDRP
- Potential future policy work

RATIONALE



- Concern that many issues with unauthorized inter-Registrar transfers fall outside the limited scope of the TDRP, and registrants are left with unfavorable options if registrar is unresponsive or unwilling to file a TDRP complaint.

Question & Answer Segment

TPR WG - Group 2 Recommendations: ICANN-Approved Transfers

During this next section of Group 2 Recs, we will be using some explanatory icons to aid understanding.

There are three types of bulk transfers:



1. A registrar is transferring ALL of its gTLD domains to another registrar, because it will no longer operate as a registrar (on a voluntary or involuntary basis). This is akin to a farmer selling their entire farm to a buyer.



2. A registrar is transferring all of its names in a certain gTLD(s) because it will no longer offer those TLDs but will continue operating as a registrar with other approved TLDs, i.e., an RRA is voluntary or involuntarily terminated. This is akin to a farmer deciding to sell all of their cattle to an interested buyer (with no intent in raising cattle anymore), but the farmer will keep growing crops and raising other animals. **Note: there are no specific recommendations for this scenario, but is included for illustrative purposes only.**



3. A registrar is transferring a portion of its domain name portfolio to another registrar, but will continue offering all of the same TLDs. This is akin to a farmer selling one its cows, but still has cattle and continues to acquire new cattle.

TPR WG - Group 2 Recommendations

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

RECOMMENDATION OVERVIEW



34.1. Registry MAY charge a fee for a full portfolio transfer of 50,000 or more domain names.

34.2. Registry MUST waive the fee in cases of involuntary full portfolio transfer (ex. ICANN is terminating Rr due to noncompliance)

IMPACT



LOW



MEDIUM

HIGH

- Retention of status quo (50,000 is current threshold)
- Involuntary transfers involving greater than 50,000 domain names are very rare.

RATIONALE



- Implementing a full portfolio transfer requires coordination and administration, so the group recognized the ability to charge a fee was warranted.
- For involuntary full portfolio transfers, it is difficult for ICANN to procure a willing gaining registrar when a fee is involved.

TPR WG - Group 2 Recommendations

Rec # 35, 36, 37, 38: Full Portfolio Transfer Fees and Notices

RECOMMENDATION OVERVIEW



- 35:** Retain the current minimum 50,000 names for fee trigger and the current price ceiling of USD \$50,000 (if multiple ROs, collective fee **MUST NOT** exceed USD \$50,000, and **MUST** be apportioned)
- 36:** If RO opts to waive its portion of the collective fee, remaining ROs **MUST NOT** adjust their fees higher
- 37:** Upon transfer completion, RO(s) **MUST** provide notice to ICANN and include the number of domains
- 38:** Upon receipt of all RO notices, ICANN **MUST** provide affected ROs with the reported numbers and corresponding percentages of domains involved in the bulk transfer

IMPACT



LOW

MEDIUM

HIGH



- New coordination requirements for Registrars, Registries, and ICANN org
- Having threshold of 50,000 domain names across all TLDs (rather than per TLD), increases the amount of full portfolio transfers where fees are involved

RATIONALE



- Retaining a price ceiling promotes transparency and prevents unintentionally high fees
- Equitable fee apportionment ensures any voluntary fee waiver does not result in gaming
- ROs and ICANN org are the appropriate entities in this process

TPR WG - Group 2 Recommendations

Rec # 39: Gaining Registrar Responsibility for Payment of Fees for Full Portfolio Transfer

RECOMMENDATION OVERVIEW



39: Gaining Registrar **MUST** be responsible for paying any relevant Registry fees related to any voluntary full portfolio transfer that it initiated and approved.

IMPACT



LOW



MEDIUM

HIGH

- Maintains and clarifies status quo

RATIONALE



- The Gaining Registrar should be responsible for paying the fee to the Registry Operator as (i) the Gaining Registrar is voluntarily inheriting new customers, and (ii) the Losing Registrar may be going out of business and, accordingly, may be unable to pay the fee

Question & Answer Segment

TPR WG - Group 2 Recommendations

Rec # 40, 41: Inclusion of Bulk Transfer After Partial Portfolio Acquisition (BTAPPA)

RECOMMENDATION OVERVIEW



- 40:** Update Transfer Policy to include the Bulk Transfer After Partial Portfolio Acquisition (BTAPPA)
- 41:** Expand BTAPPA to allow for transfer when agent of Registrar (such as reseller) elects to transfer its portfolio of names to another registrar

IMPACT



LOW

MEDIUM

HIGH



- Represents significant expansion of BTAPPA service

RATIONALE



- Creates consistency and predictability across all Registries
- There are situations where resellers may need to move all of their names due to privacy concerns with a particular jurisdiction, and there is not currently a way to do this without significant manual effort.

TPR WG - Group 2 Recommendations

Rec # 42, 43, 44, 45: Requirements of BTAPPA

RECOMMENDATION OVERVIEW



- 42:** Registrar (or reseller) **MUST** notify affected registrants approximately one month before transfer is to occur.
- 43:** Expiration dates are not affected by BTAPPA; accordingly, no ICANN fees.
- 44:** Registry **MUST** reject BTAPPA request if there is reasonable evidence BTAPPA is requested to avoid paying fees. Registry **MAY** reject request if request occurs within six months of another BTAPPA request.
- 45:** Registrar's Registration Agreement must permit BTAPPA.

IMPACT



LOW



MEDIUM



HIGH

- 42: New notice requirement for Registrars
- 43, 44: Confirms status quo of current BTAPPA
- 45: May require changes to some Registrar's Registration Agreements

RATIONALE



- Advance notice will allow registrants to transfer their name elsewhere or opt out where applicable
- Because this is a transfer initiated by the registrar rather than the registrant, there is no change to the expiration date.
- Allows Registry to reject BTAPPA request under certain circumstances
- Ensure additional notice to registrants via registration agreements.

TPR WG - Group 2 Recommendations

Rec # 46, 47: BTAPPA Requirements continued

RECOMMENDATION OVERVIEW



46: ROs MAY charge a fee for a change of sponsorship, but ROs MUST provide notice to Registrars of any fees associated with a change of sponsorship upon request and prior to the initiation of the transfer

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

IMPACT



LOW

MEDIUM

HIGH



- 46: May require RO planning/system changes
- 47: May require Rr planning/system changes

RATIONALE



- Clarifies that ROs must provide notice to Registrars if charging a fee
- Change of sponsorship is not initiated by affected registrants and does not affect their expiration dates, therefore the lock follows a typical inter-registrar transfer should not apply in this instance

Question & Answer Segment

Engage with ICANN – Thank You and Questions



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