IRTP-D

Question Zero
- **Background session first?**
  - Maybe look to the slides in the Initial Report?
  - Maybe one of the registry reps could take a look at those and determine whether they would be a good basis for a session?
  - Maybe also reach out to some of the providers -- at least for TDRP?
  - Barbara Knight has stepped forward -- LARS gets to forward the slides to her
    - **Action:** Barbara to develop a process diagram of the current practice would be really helpful

Charter question discussion

- **a) Whether reporting requirements for registries and dispute providers should be developed, in order to make precedent and trend information available to the community and allow reference to past cases in dispute submissions;**
  - What has changed since this question was posed?
  - Poll stakeholders for their sentiment?

- **b) Whether additional provisions should be included in the TDRP (Transfer Dispute Resolution Policy) on how to handle disputes when multiple transfers have occurred;**
  - Sometimes called "domain laundering"
    - this would confound efforts of Registrars to work through this at their level -- thus only the Registries could address it
    - Use case -- during sunrise
    - When this was written, less-mature aftermarket -- which may make it easier to hijack/launder
    - Much of this may have been addressed in IRTP-C -- 30 day window, and owner-change rules
    - How is TDRP being used today -- often? only needed for very unusual events
    - TDRP applies to all gTLDs -- but registry operators can also put supplemental rules in place -- and registrars agree to those rules
      - **Action:** poll registries with regard to supplemental rules
  - This one is a good candidate for "more data" to determine whether there is really a problem
    - Anonymizing
    - Likely easier to get data from registrars "early" in the chain
    - Acknowledge that the data may be biased in this way
    - May be indicative but not complete, as its going to be harder to get data from "late in the chain" registrars
    - At the registry level, very few data points
    - Registrars also have a hard time identifying these -- because they tend to look like a transfer. So complaints are about the only way to tell
  - Questions to ask
    - How common is this?
      - Urgent/emergency issues tend to be handled before TDRP
      - Verisign is seeing less of this today than in the past
      - Two kinds of statistics -- how common for registries. how common for registrars
      - Don't leave 3rd party dispute resolution providers in the statistics-collection process — 3-5/month
    - What are the implications, from the reigstrants' point of view -- what would they do, how would they recover the money they've spent, what would their recourse be?
      - it will be hard for Ry/Rrs to determine whether transfers have been done in good faith
      - he problem exists when people come into possession of stolen merchandise in any scenario
  - Hard to recreate the scenarios that this question was posed to address

- **c) Whether dispute options for registrants should be developed and implemented as part of the policy (registrants currently depend on registrars to initiate a dispute on their behalf);**
  - Current situation: Registrar is the "gatekeeper" between registrants and this process
    - the only way for a registrant to proceed is through the courts -- maybe a better solution is to require all domain-service contracts to provide the path for the registrant to compel this -- maybe better to let them file a TDRP directly, paralleling UDRP
    - Goal: providing a mechanism for the registrant to participate int he process directly
    - Option: a mechanism for the registrant to start the process, which then leads to mechanisms to compel the other parties to participate in the process
    - Concern: authenticate the registrant
      - neither thin registries or 2nd level providers have a direct mechanism to do this directly
      - would need to get back to the registrar of record
  - 3rd party dispute resolution providers are seeing direct requests from registrants
    - provides another avenue for registrants to jump-start the process
    - contracts between registrant/registrar to deal with hijacking?
  - Do we know why Registrars are refusing?
    - Cost?
    - Maybe registrant could offer to pay the fee?
    - are Rr's in breach of the policy if they refuse? who adjudicates?
  - Implication: TDRP may need to be reengineered to accomodate the addition of a registrant "start point" — Perhaps a simpler approach would be a mechanism to compel the Rr to act

- **d) Whether requirements or best practices should be put into place for registrars to make information on transfer dispute resolution options available to registrants**
  - Key issue -- disclosure
    - What are current practices
    - Challenge: tradeoff between ease of understanding vs tight definitions of all use-cases
    - Is that the sort of information tht shouldd be in the Registrants Rights & Responsibilities

- **e) Whether existing penalties for policy violations are sufficient or if additional provisions/penalties for specific violations should be added into the policy**

- **f) Whether the universal adoption and implementation of EPP AuthInfo codes has eliminated the need of FOAs.**

- **New charter question?: Given the other changes, especially those arising from IRTP-C, has the nature of the TDRP changed in a fundamental way?**
  - Current language MAY be flexible enough, but it would be worth taking a look to ensure consistency of the policies

Additional IRTP issues identified during the WG discussion
- This is the last instance of IRTP
  - Risk of overload
  - But this is the last time
  - Requires balance
  - Caution is the watchword
- Question: whether registries should even be in the 1st-level resolution role? Maybe go to something like UDRP?
  - May tie to the "open to registrants" question -- smaller number of providers may be relevant
  - "Change of registrant" also needs dispute resolution - that may be another topic for this
  - Many of the charter questions deal with TDRP
  - Dramatic increase in the number of registries -- many of whom (eg brands) may not have much dispute resolution

Questions for next time
- actively recruit attendees in Beijing??