

IRTP Part D PDP – Background information in relation to Charter Question ‘C’

Whether additional provisions should be included in the TDRP (Transfer Dispute Resolution Policy) on how to handle disputes when multiple transfers have occurred.

In light of the Working Group’s discussion on the subject of conflicts between the registered domain name holder (registrant) and administrative contact of a domain name registration, the Group might want to refer back to the discussions and recommendations of the IRTP Part A and IRTP Part B PDPs.

Charter Question 1 of IRTP A PDP WG

Whether there could be a way for registrars to make Registrant Email Address data available to one another. Currently there is no way of automating approval from the Registrant, as the Registrant Email Address is not a required field in the registrar Whois. This slows down and/or complicates the process for registrants, especially since the Registrant can overrule the Admin Contact.

The IRTP Part A WG discussed the following issues:

1. One idea discussed in the context of issue I was to extend or modify the Poll Message facility of the Extensible Provisioning Protocol (EPP) for this function. The Poll Message system has the advantage of being both an authenticated and secure channel of communication between the Registry and Registrar, but it is currently mostly unidirectional (Registrar does not create messages for Registry) and there is no means for registrars to communicate with each other. The Working Group considered whether EPP could be extended to allow registrars to create Poll Messages for each other, for those situations which require the sharing of registrant information. Issues such as security, costs of implementation and feasibility would need to be addressed in order to determine whether this is a suitable option, but overall the Working Group considers this a possible avenue to be further explored.
2. The Group noted that the RFC3730 - Extensible Provisioning Protocol (EPP) did not foresee the potential use of poll messages in this way which may mean that a modification of the RFC would be required in order to consider this as an option. Such a modification could take a substantial amount of time. In addition, the implementation of a modified EPP would bring with it certain costs. Both elements would need to be considered prior to making a recommendation.
3. In relation to the security of EPP, it was noted that no security incidences with EPP have been reported to date (or at least not to the knowledge of the Working Group members).
4. The Group considered requiring registrant approval before a transfer occurs which would normally avoid most disputes.
5. Another option the Group considered was to give the admin contact the ultimate transfer authority. However, this, it was noted, might result in additional security / hijacking risks as the admin contact details are part of the public Whois.
6. Similarly, the registrant could be given the sole transfer authority. However, this does not solve the question of how to make the registrant e-mail address available to the gaining registrar in order to confirm a transfer request.
7. Those registrars participating in the IRTP Part A Working Group confirmed that normally the Gaining Registrar sends the confirmation of a transfer to the admin contact since that is the contact that they have on file. It could be considered to make it a requirement,

instead of optional, that the Registrar of Record confirms the transfer with the Registrant (instead of the admin contact). This would add another approval into the process that could enable a losing registrar to delay or prevent a transfer. When combined with other transfer process items that a losing registrar controls and can use to cause difficulties and delay, registrar lock removal and auth code retrieval, adding a requirement for the losing registrar to confirm the transfer has the potential of causing insurmountable difficulty and delay for registrants especially when trying to transfer a large domain name portfolio. However it would resolve the problem of Registrant e-mail not being publicly available and it would resolve the problem of domain transfers being authorized by the admin contact without the Registrant's consent.

8. The Group noted that "Thick" registries are not obliged to include the registrant e-mail address in Whois data, so requiring all "Thin" registries to become "Thick" registries would not change anything for the particular issue at hand, unless the inclusion of the registrant e-mail address would be mandated. However, if the registrant email address would be required for inclusion in Whois data, it should not even matter whether it is the registry or the registrar that is required to maintain Whois data.
9. The Working Group also discussed whether the AuthInfo code, which is currently being used to authenticate a transfer in EPP based registries, could be used as a means to authenticate the transfer instead of the registrant or admin contact e-mail address.
10. It was noted that this would not solve the issue at hand as the registrant could still challenge a transfer, even if the AuthInfo code would be provided by the admin contact, unless the submission of a valid AuthInfo code would be the only requirement to initiate a transfer. However, this was not deemed a secure and viable solution compared to the current system.
11. One suggestion made in the public comments on the Initial Report was to consider using the AuthInfo code to retrieve information from the domain:info or contact:info operation in the EPP protocol; this would only work for thick registries

The IRTP Part A WG came to the following conclusion:

1. It recognized that it is not specifically in the remit of this Working Group to make any recommendations for Whois modification. The Group supports further assessment of whether IRIS would be a viable option for the exchange of registrant email address data between registrars and recommends an analysis of IRIS' costs, time of implementation and appropriateness for IRTP purposes.
2. The WG noted that, in the absence of a simple and secure solution for providing the gaining registrar access to the registrant email address, future IRTP working groups should consider the appropriateness of a policy change that would prevent a registrant from reversing a transfer after it has been completed and authorized by the admin contact. This option would not change the current situation whereby a losing registrar can choose to notify the registrant and provide an opportunity to cancel a transfer before the process is completed.

For the complete discussions and recommendations see the [Final Report on IRTP Part A PDP](#)

Charter Question 2 of IRTP Part B PDP WG:

Whether additional provisions on undoing inappropriate transfers are needed, especially with regard to disputes between a Registrant and Admin Contact. The policy is clear that the Registrant can overrule the AC, but how this is implemented is currently at the discretion of the registrar.

The IRTP Part B WG discussed the following issues:

1. Impact of thin v thick WHOIS registries in relation to access to registered name holder's contact details
2. To required the gaining registrar to contact the registered name holder (via FAO) first and contact the admin contact only as a second option – problems with contacting the registered name holder in thin registries was also pointed out
3. Requiring the registrar of record to inform the registrant in case a transfer has been requested, which might prevent conflicts later on in the process
4. The WG also provided a list of Standard Use Cases in Annex E of the Final Report

The IRTP Part B WG made three recommendations:

1. It recommended an Issue Report for a PDP on the requirement of thick WHOIS for all incumbent gTLDs (the PDP is currently still in progress)
2. It recommended that IRTP Part C deals with the issues surrounding 'change of control', i.e. moving the domain name to a new Registered Name Holder (see below)

It recommended that the Losing Registrar be required to notify the Registered Name Holder of the transfer out. [N.B. This has been implemented; [Section 3. TDPR](#) states now: 'A Registrar of Record shall confirm the intent of the Registered Name Holder when a notice of a pending transfer is received from the Registry by notifying the Registered Name Holder of the transfer.']

For the complete discussions and recommendations see the [Final Report on IRTP Part B PDP](#)

Charter Question 3 of the IRTP Part B PDP WG:

Whether special provisions are needed for a change of registrant near the time of a change of registrar. The policy does not currently deal with change of registrant, which often figures in hijacking cases.

1. The Group discussed the practice that is currently applied by various registrar to lock a domain name registration for sixty days following the change of registrant to prevent hijacking and/or unauthorized transfers
2. ICANN Compliance pointed out that the 60-day lock applies only to a change of Registrant – if a 60-day lock is applied to the a change in Whois data, it would be inconsistent with the [Registrar Advisory Concerning the Inter-Registrar Registrant Change Policy](#). The Advisory, however, only addresses mandatory updates to Whois, not a transfer or assignment to a new registrant.
3. The WG entered discussion on whether to **make the 60-day lock mandatory** after a inter-registrar transfer as occurred. The working group lacked access to data on the number of hijacking cases with resolution problems due to the transfer hopping practice vs. the number of legitimate transfers benefitting of a less stringent locking policy and could therefore not come to consensus on the locking topic. Data on the frequency of hijacking cases is a pivotal part of this analysis. Mechanisms should be explored to develop accurate data around this issue in a way that meets the needs of registrars to protect proprietary information while at the same time providing a solid foundation for data-based policy-making. Data on legitimate transfer activity benefitting from the current locking policy wording needs to be collected.
4. The WG recommended in its deliberations that the issue of transfer 'hopping' after hijacking be considered in conjunction with the issue of the lacking "change of control" function while also taking a review of the domain locking options in IRTP into account.
5. There was agreement that a clear and concise definition needs to be developed of what constitutes a 'change of registrant'. Most agreed that a change of only the email address

does not consist of a registrant change, but it was noted that in some ccTLDs such as .uk any change to the registrant field is considered a change of registrant

6. The WG discussed how to prove the identity of the registrant and there were suggestions to have a consistent way across registrars to validate the identity of a registrant. Others pointed out that uniformity might not necessarily be a good thing from a security perspective as a single standard could result in unintended consequences. The WG debated how to go about avoiding minimum standards resulting in lowest common denominator while at the same time trying to raise the standard for those below par.
7. The WG concludes that a change of registrant near a change of registrar is a substantial "indicator" of fraudulent activity. However, it also concludes that the event per se is not a special event and is commonly performed by registrants moving domains between registrars immediately prior to a transfer.
8. Go-Daddy's solution to preventing transfers, where the registrant has elected to do so, in this scenario is applauded for best practice, but it would be overly onerous to impose the same model on the registrar base as a whole. Any move to implement policy to force use of this indicator or provide such information to the receiving registrar will be documented policy and therefore short lived fraud protection.

The IRTP Part B WG made one recommendation:

1. [...] It recommended to modify denial reason #6 as follows: Express objection to the transfer by the authorized Transfer Contact. Objection could take the form of specific request (either by paper or electronic means) by the authorized Transfer Contact to deny a particular transfer request, or a general objection to all transfer requests received by the Registrar, either temporarily or indefinitely. In all cases, the objection must be provided with the express and informed consent of the authorized Transfer Contact on an opt-in basis and upon request by the authorized Transfer Contact, the Registrar must remove the lock or provide a reasonably accessible method for the authorized Transfer Contact to remove the lock within five (5) calendar days. [N.B. denial reason 6 has been modified accordingly – see recent version of [TDRP Section 3](#).]

For the complete recommendations see the [Final Report on IRTP Part B PDP](#)