

# 2023-08-01 Transfer Policy Review PDP WG Call

The call for the Transfer Policy Review PDP Working Group will take place on **Tuesday, 01 August 2023 at 16:00 UTC for 90 minutes**.

For other places see: <https://tinyurl.com/ykezvzvw>



## PROPOSED AGENDA

1. Welcome and Chair updates
2. Continue discussion of Charter Question i1 ICANN-Approved Transfer (Bulk Transfers):

i1) In light of these challenges described in section 3.1.7.2 of the [Final Issue Report \[gnso.icann.org\]](#), should the required fee in Section I.B.2 of the [Transfer Policy](#) be revisited or removed in certain circumstances?

a. Recap of overarching themes from last call

- The WG noted that in the case of an ICANN-approved bulk transfer, the involved registry/ies MAY charge a fee for executing the bulk transfer. (Some noted that there may be instances where the registry chooses to waive the fee, so it should not be mandatory as it currently is in the policy.)
- The WG noted the entity requesting the voluntary bulk transfer (typically the current registrar of record) should be responsible for any fee charged by the Registry.
- In the case of an involuntary bulk transfer resulting from an involuntary RAA or RRA termination, the WG recommends that the relevant registry/ies must waive any required fee. [This is in recognition of the difficulty in procuring a gaining registrar to take on a failing or unresponsive registrar's domain name portfolio.]
- To enhance the predictability around the fees for bulk transfers, some working group members noted that the Registry should publish fees associated with bulk transfers.
- The WG expressed concern with a cost recovery model for bulk transfer fees, but the WG noted that there should be an upper bound on a registry's mandatory fee (if any) for the sake of predictability.

b. Continued discussion of preliminary agreements and proposals

3. Introduction to Charter Question i2

i2) Should the scope of voluntary bulk transfers, including partial bulk transfers, be expanded

and/or made uniform across all registry operators? If so, what types of rules and

considerations should govern voluntary bulk transfers and partial bulk transfers?

a. Recap of question origin

b. Discussion

4. AOB

## BACKGROUND DOCUMENTS



## PARTICIPATION

**Apologies:** Prudence Malinki (RrSG), Catherine Merdinger (RrSG)

**Alternates:**

[Attendance](#)



## RECORDINGS

[Audio Recording](#)

[Zoom Recording](#)

**Chat Transcript** - see Zoom recording chat tab

**GNSO transcripts** are located on the [GNSO Calendar](#)



**ACTION ITEMS/HOMEWORK: Re: Charter question i1 staff to create a working document with the preliminary agreements for WG members to review and suggest revisions.**

**1. Welcome and Chair updates**

- First August meeting and will continue through August.
- Work Plan: Currently at meeting #98, first of August. Five more meetings to discuss ICANN-approved transfers followed by a recap; then moving back to change of registrant.
- Are their boundaries want to set on bulk transfers? Need more discussion on the first charter question.

2. Continue discussion of Charter Question i1 ICANN-Approved Transfer (Bulk Transfers) – see attached slides, starting at slide #24:

**i1) In light of these challenges described in section 3.1.7.2 of the [Final Issue Report \[gnso.icann.org\]](https://www.icann.org/resources/documents/issue-report/2017/07/27-final-issue-report-en.pdf), should the required fee in Section I.B.2 of the [Transfer Policy](#) be revisited or removed in certain circumstances?**

a. Recap of overarching themes from last call

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b. Continued discussion of preliminary agreements and proposals – start on slide 26

**Preliminary Agreement #1**

The WG noted that in the case of an ICANN-approved bulk transfer, the involved registry/ies MAY charge a fee for executing the bulk transfer. (Some noted that there may be instances where the registry chooses to waive the fee, so it should not be mandatory.)

**Preliminary Agreement #2**

The WG noted the entity requesting the voluntary bulk transfer (typically the current registrar of record) MUST be responsible for any fee charged by the Registry.

**Preliminary Agreement #3**

In the case of an involuntary bulk transfer resulting from an involuntary RAA or RRA termination, the WG recommends that the relevant registry/ies MUST waive any required fee. [This is in recognition of the difficulty in procuring a gaining registrar to take on a failing or unresponsive registrar's domain name portfolio.]

**Preliminary Agreement #4**

To enhance the predictability around the fees for bulk transfers, the WG noted that the Registry must publish fees associated with bulk transfers within its [Registry Registrar Agreement/conspicuous place within the Registry portal.]

**Preliminary Agreement #5**

In the event a registry establishes a mandatory fee, the fee MUST NOT exceed [\$50,000 or \$1 per domain name, whichever is less.]

Discussion:

PA#1:

- Under the current language of the policy is multiple RRAs are terminated that exceed 50K names each would need a fee; the language here notes that instead of current language, "will charge" it's changed to "MAY charge".
- When this was created over a decade ago there were fewer registries that had such large numbers of names, but still most would be under that threshold, so we may need to look at this holistically and also costs. Part of that money is making sure registrars aren't abusing the system.
- Question: what happens if you arrive at the names in aggregate? Perhaps provide the registrar/registry the opportunity to bundle (or not bundle) the TLDs under a given Registry Operator within the RRA.

PA#3:

- Don't recall that we agreed to this. Know we were having conversations around the fee, but "MUST" goes to far.
- This is one of the first agreements we discussed across a couple of meetings, but perhaps we need to continue to discuss – didn't get objections when discussed.
- When it is voluntary the registrar initiating it pays for it, but involuntary the receiving registrar pays.
- One thing that is important is to clearly partition between involuntary and voluntary bulk transfers – hard to keep this straight for these preliminary agreements.
- The requirement of a fee schedule would work against the competitive nature of the voluntary bulk transfer services esp. under BTAPPA.
- Doesn't state where to publish – could it be published privately between partners? Could we let registries and registrars come to that agreement so the registrar could know what it would be ahead of time.
- What we are talking about in this charter question is a registrar full portfolio move. BTAPPA doesn't fall into this discussion.
- Fees don't make sense. Break apart into finite pieces – looking at all the preliminary agreements.
- Think these agreements are that we won't have a fee listed in policy and giving the flexibility to set the fees and decide where to publish.
- Question: The missing preliminary agreement is that the fee is variable (no longer a flat fee). Answer: Agree that we can clarify that – that we remove the specific fee from the policy language.

**Re: Charter question i1 staff to create a working document with the preliminary agreements for WG members to review and suggest revisions.**

### 3.Introduction to Charter Question i2

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

a.Recap of question origin

b.Discussion

- Mentioned differentiating registrar-initiated for partial bulk transfer, some may not realize that it's not prohibited. As long as the transfer is allowed by the registrar's terms and conditions and notification to the registrant – we should tease out those types and make sure registrants are informed.
- Goes to the BTAPPA, a registrar chooses to get into business with a registry.
- When we talk about standardization we can come up with standard practices but not sure about technical requirements.
- Voluntary bulk transfers and partial bulk transfers work reasonable well now, but that will change under the new policy changes.
- We did add a lot of security features in inter-registrar transfers, could make partial bulk transfers more difficult.
- In looking at the fast-track RSEP language for BTAPPA it doesn't cover a reseller moving from one registrar to another. That is a shortcoming. Providing more flexibility to the BTAPPA boilerplate is important.
- We might have to replace BTAPPA with an ICANN-approved process that matches it in some respects but allows it to be expanded.
- BTAPPA --- we need something wider ranging; maybe it is okay for what it does.
- When we have these partial bulk transfer make sure the expiry date stays intact.
- We need to call that out and get agreement on.

Questions:

- What types of factors should be made uniform across registry operators with respect to bulk transfers?
  - Required availability of BTAPPA?
- Scrap BTAPPA.
- Keep it but create something more flexible.
  - Required criteria needed in order to initiate?

- New sponsor/registry to have the bulk mechanism in place.
- Need to document as we are building the process.
- Question: In some cases the registrant doesn't know who the registrar is – but for GDPR do they need to know? Answer: Depends on the scenario.
- Sarah (from the chat): 'd say yes, the data subject should know who holds their data. Under the GDPR they have the right to know who the Controller is, which may be the Registry, or I guess may not... they also have the right to know the recipients or categories of recipients of data, which is the registry (but maybe gives some room to not name specific registries).
  - Uniform Timelines?
  - Transparent pricing with upper bound?
- Don't think it's avoidable to set a limit – when eligible to do a partial bulk transfer, i.e., number of names.
- Complexity of doing a partial move. May be TLDs across registry operators.
  - Uniform communication requirements?
- This is a big one and one that we really need to think about. How is the registrant informed? Are there requirements for notification?
- Who is the best entity to do that? Shift the responsibility to the initiator of the bulk transfer and have binding requirements.
  - Requirements or uniform cure if issue occurs during partial transfers and cancellation is needed?
- Need to think about where cancellations can happen, how, when.

4.AOB