

2012-12-20 - GNSO Council Recommendations IRTP Part C

- **Category:** gTLDs
- **Topic:** Approval of Inter-Registrar Transfer Policy Part C
- **Board meeting date:** 20 December 2012
- **Resolution number:** 2012.12.20.10 – 2012.12.20.11
- **URL for Board minutes/resolution:** <http://www.icann.org/en/groups/board/documents/resolutions-20dec12-en.htm#2.a>
- **Status:** Ongoing

Summary

Board adopts the GNSO Council Policy Recommendations amending the Inter-Registrar Transfer Policy and directs the CEO to develop an implementation plan.

Text

Whereas on 22 September 2011, the GNSO Council launched a Policy Development Process (PDP) on the Inter-Registrar Transfer Procedure Part C (IRTP Part C) addressing three charter questions, set forth at <https://community.icann.org/display/gnsoirtpdpwg/3.+WG+Charter>;

Whereas the PDP followed the prescribed PDP steps as stated in the Bylaws, resulting in a Final Report delivered on 9 October 2012;

Whereas the IRTP Part C Working Group (WG) reached full consensus on the recommendations in relation to each of the three issues outlined in the Charter;

Whereas the GNSO Council reviewed, and discussed the recommendations of the IRTP Part C WG, and adopted the Recommendations on 17 October 2012 by a unanimous vote (see: <http://gnso.icann.org/en/resolutions#20121017-4>);

Whereas the GNSO Council vote met and exceeded the required supermajority voting threshold to impose new obligations on ICANN contracted parties.

Whereas after the GNSO Council vote, a public comment period was held on the approved recommendations, and the comments have been summarized and considered (<http://www.icann.org/en/news/public-comment/irtp-c-recommendations-22oct12-en.htm>).

Resolved (2012.20.12.10) the Board adopts the GNSO Council Policy Recommendations amending the Inter-Registrar Transfer Policy set forth at <http://www.icann.org/en/transfers/policy-en.htm>.

Resolved (2012.20.12.11) the CEO is to develop and complete an implementation plan for these Recommendations and continue communication with the community on such work.

Implementation Actions

- Develop and complete an implementation plan for the Recommendations
 - Responsible entity: CEO
 - Due date: None provided
 - Completion date: Ongoing
- Communicate with the community regarding the plan
 - Responsible entity: CEO
 - Due date: None provided
 - Completion date: Ongoing

Rationale

Why the Board is addressing the issue now?

The Inter-Registrar Transfer Policy (IRTP) is a consensus policy that was adopted in 2004 which provides for a straightforward process for registrants to transfer domain names between registrars. The GNSO Council established a series of five Working Groups (Parts A through E) to review and consider various revisions to this policy.

The IRTP Part C PDP is the third in a series of five scheduled PDPs addressing areas for improvements in the existing policy. The IRTP Part C Working Group has addressed three issues focusing on change of registrant; time-limiting FOAs, and; IANA Registrar IDs. The IRTP Part C PDP Final Report received unanimous consensus support from the IRTP Part C Working Group as well as the GNSO Council. Following the closing of the public comment period, the next step as outlined in Annex A of the ICANN Bylaws is consideration by the ICANN Board of the recommendations.

What is the proposal being considered?

The following recommendations are being considered:

- Recommendation #1: The adoption of change of registrant consensus policy, which outlines the rules and requirements for a change of registrant of a domain name registration. Such a policy should follow the requirements and steps as outlined in the section 'proposed change of registrant process for gTLDs' in the IRTP Part C Final Report.
- Recommendation #2: Forms of Authorization (FOAs), once obtained by a registrar, should be valid for no longer than 60 days. Following expiration of the FOA, the registrar must re-authorize (via new FOA) the transfer request. Registrars should be permitted to allow registrants to opt-into an automatic renewal of FOAs, if desired.

In addition to the 60-day maximum validity restriction, FOAs should expire if there is a change of registrant, or if the domain name expires, or if the transfer is executed, or if there is a dispute filed for the domain name. In order to preserve the integrity of the FOA, there cannot be any opt-in or opt-out provisions for these reasons for expiration of the FOA.

As recommended and approved as a result of the IRTP Part B PDP, Losing Registrars under IRTP-B are now required to send an FOA to a Prior Registrant. It is advised that Losing Registrars have the option to send a modified version of this FOA to a Prior Registrant in the event that the transfer is automated where the FOA would be advisory in nature.

- Recommendation #3: All gTLD Registry Operators be required to publish the Registrar of Record's IANA ID in the TLD's WHOIS. Existing gTLD Registry operators that currently use proprietary IDs can continue to do so, but they must also publish the Registrar of Record's IANA ID. This recommendation should not prevent the use of proprietary IDs by gTLD Registry Operators for other purposes, as long as the Registrar of Record's IANA ID is also published in the TLD's Whois.

Which stakeholders or others were consulted?

Public comment forums were held on the initiation of the PDP, the Initial Report, and the recommendations subject to Board Consideration, in addition to regular updates to the GNSO Council as well as workshops to inform and solicit the input from the ICANNCommunity at ICANN meetings (see for example, Prague Meeting and Costa Rica Meeting). Constituency / Stakeholder Group Statements were requested, and one submission was received from the gTLD Registries Stakeholder Group (see https://community.icann.org/x/_ovbAQ). All comments received were reviewed and considered by the IRTP Part C PDP WG (see section 6 of the IRTP Part C Final Report).

What concerns or issues were raised by the community?

No Community concerns have been raised in relation to the Final Report and its recommendations.

What significant materials did the Board review?

The Board reviewed the GNSO Council Report to the Board, as well as the summary of public comments and Staff's response to those comments.

What factors the Board found to be significant?

The recommendations were developed following the GNSO Policy Development Process as outlined in Annex A of the ICANN Bylaws and have received the unanimous support from the GNSO Council. As outlined in the ICANN Bylaws, the Council's unanimous (supermajority) support for the motion obligates the Board to adopt the recommendation unless by a vote of more than 66%, the Board determines that the policy is not in the best interests of the ICANN community or ICANN. In addition, transfer related issues are the number one area of complaint according to data from ICANN Compliance. Improvements to the IRTP have the potential to reduce the number of complaints, in addition to providing clarity and predictability to registrants as well as registrars.

Are there positive or negative community impacts?

Improvements to the IRTP have the potential to reduce the number of complaints, in addition to providing clarity and predictability to registrants as well as registrars. Adoption of the recommendations will require significant changes in processes for registrars as well as registrars and therefore it is expected that the implementation of these recommendations will require time and resources, but these are considered necessary in order to address the issues that are part of this Policy Development Process. The recommendations, if implemented, are expected to usefully clarify and enhance the IRTP, to the advantage of all parties concerned.

Are there fiscal impacts or ramifications on ICANN (strategic plan, operating plan, budget); the community; and/or the public?

In addition to those changes required in process for registrars as outlined above, there will likely be fiscal impacts related to implementation of the policy, but these costs are anticipated to be within the current budget.

Are there any security, stability or resiliency issues relating to the DNS?

There are no security, stability, or resiliency issues related to the DNS if the Board approves the proposed recommendations.

This action arises out of the GNSO's defined policy development process in Annex A of the ICANN Bylaws.

Other Related Resolutions

- Resolution 2008.11.07.04 Board Approves Revisions to Inter-Registrar Transfer Policy, available at http://www.icann.org/en/minutes/resolutions-07nov08.htm#_Toc87682553.
- Other resolutions TBD

Additional Information

- On 22 September 2011, the GNSO Council launched a Policy Development Process (PDP) on the Inter-Registrar Transfer Procedure Part C (IRTP Part C), outlined at <https://community.icann.org/display/gnsoirtpdpwg/Home>
- Public comment regarding the Recommendations available at <http://www.icann.org/en/news/public-comment/irtp-c-initial-report-04jun12-en.htm>
- The GNSO tracking of this item is available at <http://gnsso.icann.org/en/group-activities/active/irtp-c>
- The resolution does not address funding for the items identified therein.

Explanatory text does not modify or override Resolutions. See [Board Resolutions Page](#) for more information.

Note: The "Add Comment" box below is for sharing information about implementation of this resolution. Off-topic comments will be removed.