

Inter Registrar Transfer Policy Changes

Contractual Compliance Outreach

June 2012

Objectives:

To provide an overview of the policy
changes

To promote better awareness

To improve registrar compliance

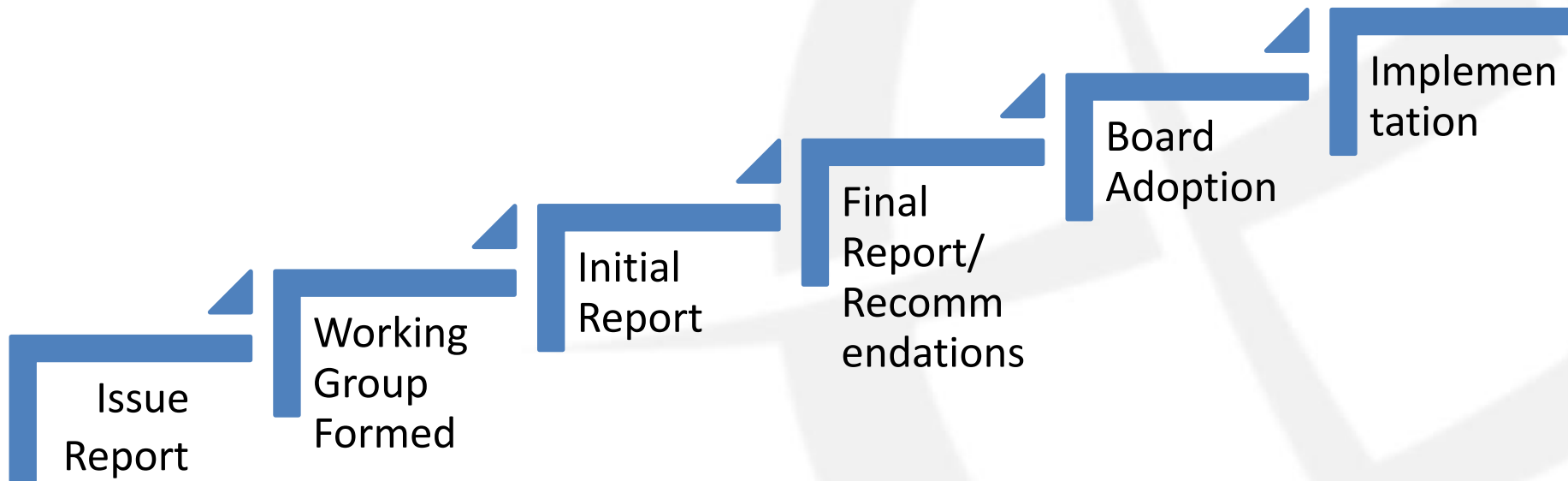
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One Internet

Topics

- ☐ Policy Development Process
- ☐ Policy Changes Effective 1 June 2012
- ☐ Other Changes Coming Soon
- ☐ “Culture of Compliance”
- ☐ Contractual Compliance Approach

ICANN

Policy Development Process



ICANN Board Resolution adopted WG Recommendations on 25 August 2011

Summary of Changes

1. **Transfer Emergency Action Contact (TEAC) (new requirement & obligations)**
2. **Registrar of Record to send FOA to Registered Name Holder to confirm intent (optional → mandatory)**
3. **Add clarity to reason for denial #6 (express written objection from Transfer Contact and mandatory obligation to unlock)**
4. **Delete reason for denial #7 (domain in “lock” status)**

TEAC - Registrars' Perspective

- Must establish a TEAC in RADAR for urgent communications
- Must be a non-automated response by a human representative of the Gaining Registrar capable and authorized to investigate and address urgent transfer issues
- Must respond within 4 hours
- Must retain records of communications in accordance with Section 3.4 of the RAA
- The losing registrar will report failures to respond to a TEAC communication to ICANN Compliance and the registry operator

TEAC - ICANN's Perspective

- Will verify whether all registrars have a TEAC in RADAR by 1 June 2012 and follow up with non-compliant registrars
- When received non-compliance reports from Losing Registrars or other users of the TEAC communication channel:
 - ✓ Will follow up with reported non-compliant registrars in accordance with established process
 - ✓ Will take appropriate compliance action against the non-compliant registrars

TEAC - Registries' Perspective

- A new ground to undo a transfer if the Registry Operator receives:
 - ✓ Documentation provided by the Registrar of Record prior to transfer that the Gaining Registrar has not responded to a message via the TEAC within 4 hours

Other existing grounds to undo transfers still remain:

- ✓ Agreement of the Registrar of Record and the Gaining Registrar
- ✓ The final determination of a dispute resolution body having jurisdiction over the transfer
- ✓ Order of a court having jurisdiction over the transfer.

TEAC Use

Who When How & Why

- By registrars, gTLD registry operators and ICANN staff, not available to registrants
- When urgent communications may be required. For example, domain hijacking incidents
- There is no existing contact or response via normal means or non-response via normal means
- Not intended to resolve the issue, but just to establish a line of communication

Registrar of Record to Notify RNH

- Registrar of Record must send an FOA to RNH confirm the intent of the RNH when a notice of a pending transfer is received from the Registry
- Intended to alert or prevent unauthorized transfer but no affirmative confirmation is needed from the RNH

Reminder:

- ✓ Registrars should ensure RNH's contact information is up to date to avoid disputes about non-receipt of FOA
- ✓ Existing requirements remain unchanged and still apply to Registrars of Record (24 hours, English...)

Registrar of Record to Notify RNH

ICANN's Perspective

- Assess whether Registrar of Record sent an FOA to RNH if a complaint concerning a transfer issue occurred on or after 1 June 2012
- May request copy of FOA from Registrar of Record under Section 4 of IRTP or Section 3.4.2 of RAA
- Follow up with alleged non-compliant Registrar of Record in accordance with process
- Take appropriate compliance action against non-compliant registrars

Reason for Denial #6

Registrars' Perspective

- Still a valid ground for denying (NACKing) a transfer request
- Objection could be by paper or electronic means, and for denying a particular transfer request or a general objection to all transfer requests temporarily or indefinitely
- Objection must be provided with the express and informed consent on an opt-in basis
- Upon request by the authorized Transfer Contact, 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

Reason for Denial #6

Registrars' Perspective

- Still a valid ground for denying a transfer request
- Objection could be by paper or electronic means; for denying a particular transfer request or a general objection to all transfer requests; temporarily or indefinitely
- Objection must be provided with the express and informed consent on an opt-in basis
- Upon request by the authorized Transfer Contact, 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

Reason for Denial #6

ICANN's Perspective

- Assess whether the Transfer Contact was provided with the express and informed consent on an opt-in basis
- Assess whether registrar removed the lock or provided a reasonably accessible method for the authorized Transfer Contact to remove the lock within five (5) calendar days, upon request by the authorized Transfer Contact,
- Follow up with alleged non-compliant Registrar of Record in accordance with process
- Take appropriate compliance action against non-compliant registrars

When and how domains may be locked...

A new provision (adopted by the ICANN Board but yet to be implemented):

- ✓ Registrar may only impose a lock if it includes in its registration agreement the terms and conditions for imposing such lock and obtains express consent from the Registered Name Holder
- ✓ Registrar must remove the "Registrar Lock" status within five (5) calendar days of the Registered Name Holder's initial request, if the Registrar does not provide facilities for the Registered Name Holder to remove the "Registrar Lock" status.

Last Recommendation by WG...

Just adopted by the ICANN Board but yet to be implemented
<http://www.icann.org/en/groups/board/documents/resolutions-06may12-en.htm#1.5>

- ✓ Registrars required to display a link to information on each status code directly next to the status in the WHOIS output, for example: "Status: ClientLock <http://www.internic.net/status/html/clientlock>" .
- ✓ This link would then direct to an ICANN controlled web page where the relevant status code information as described in the 'EPP Status Codes, what do they mean and why should I know?' is posted
- ✓ ICANN will also post translations of the status information

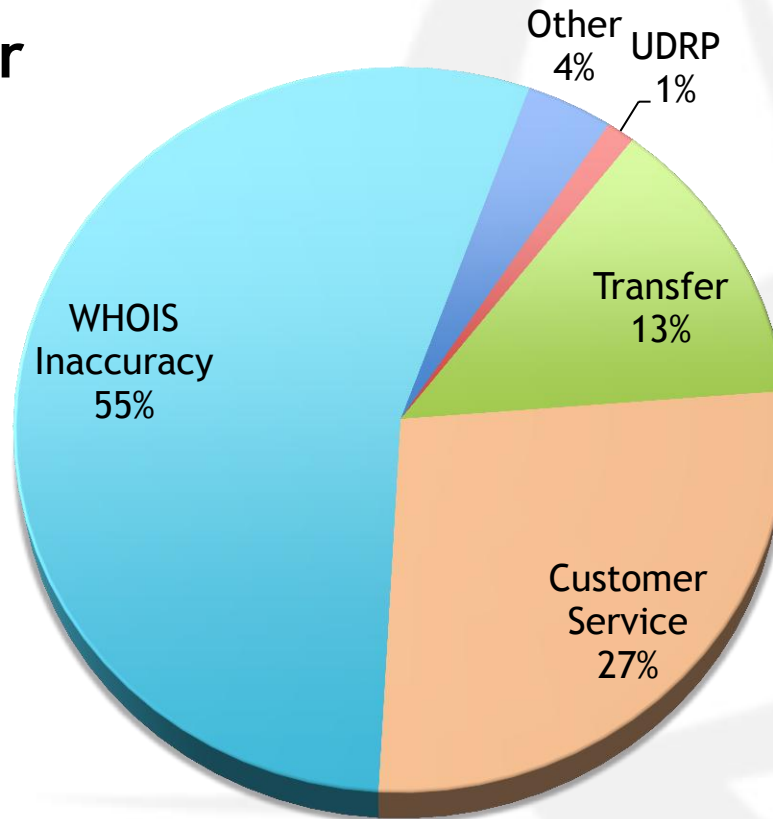
Culture of Compliance

(Prevention is the key)

- ✓ Understand what these changes mean for your registrar
- ✓ Train your staff
- ✓ Educate your resellers
- ✓ Inform your customers (registrants)
- ✓ Pay attention to customer complaints
- ✓ Respond to ICANN correspondence
- ✓ Work with ICANN to resolve issues timely

No.2 Complaints in 2011

- 45,185 Complaints
- 5,872 transfer related

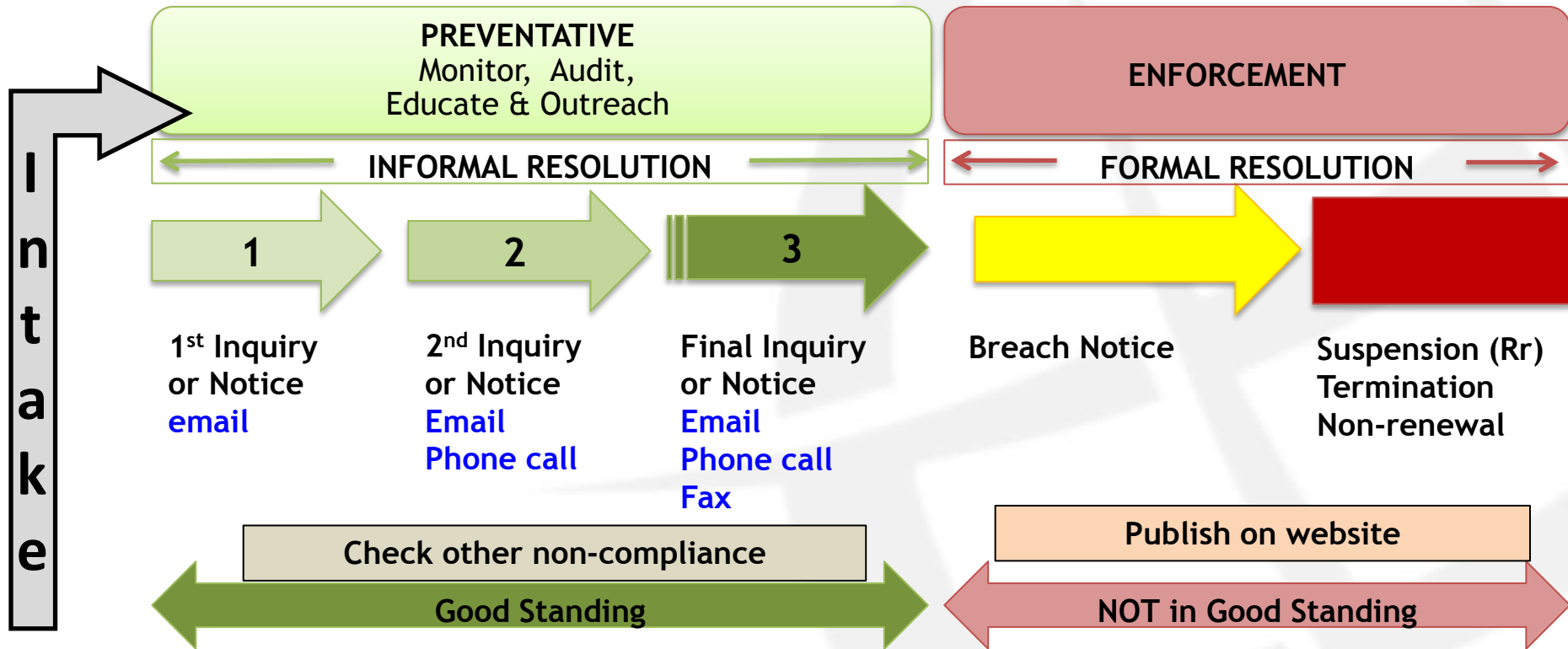


FY12 T2 Top 10 Registrars

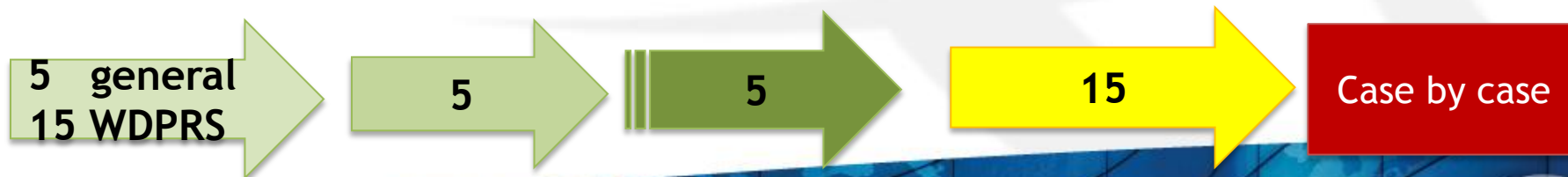
Registrar	Country	# Tickets	Common Issues
1	China	454	Auth Code (ID /Transfer Fees)
2	China	234	Auth Code (ID/Transfer Fees)
3	China	134	Auth Code (ID/Transfer Fees)
4	China	98	Auth Code (ID/Transfer Fees)
5	USA	86	Reason for denial #6
6	China	68	Auth Code (ID/Transfer Fees)
7	China	65	Auth Code (ID/Transfer Fees)
8	India	58	Reseller
9	USA	55	Unauthorized Transfers
10	Denmark	20	Reseller

“Registrars must provide the Registered Name Holder with the unique "AuthInfo" code within five (5) calendar days of the Registered Name Holder's initial request...”

General Approach & Turn Around Time



Turn Around Time in Business days



Additional Resources

- Amended transfer policy
<http://www.icann.org/en/general/consensus-policies.htm>
- Inter-Registrar Transfer Information
<http://www.icann.org/en/resources/registrars/transfers>
- Learn more about ICANN Compliance
<http://www.icann.org/en/resources/compliance>

Attachment

- Old vs. new text on changes

TEAC

Current

- None

New Text added to Section 4

- Registrars must establish a TEAC for urgent communications relating to transfers.
- Communications to TEACs is reserved for use by Registrars, gTLD Registry Operators and ICANN Staff.
- Messages sent via the TEAC communication channel must generate a non-automated response by a human representative of the Gaining Registrar. The person or team responding must be capable and authorized to investigate and address urgent transfer issues.
- Responses are required within 4 hours of the initial request, although final resolution of the incident may take longer.

TEAC

Current

- None

New text added to Section 4

- The losing registrar will report failures to respond to a TEAC communication to ICANN Compliance and the registry operator.
- Failure to respond to a TEAC communication may result in a transfer-undo in accordance with Section 6 of this policy and may also result in further action by ICANN, up to and including non-renewal or termination of accreditation.
- Both parties will retain correspondence in written or electronic form of any TEAC communication and responses, and share copies of this documentation with ICANN and the registry operator upon request.
- This documentation will be retained in accordance with Section 3.4 of the RAA.
- Users of the TEAC communication channel should report non-responsive Registrars to ICANN.

TEAC

Current

- None
- The Registry Operator shall undo a transfer if, after a transfer has occurred, the Registry Operator receives one of the notices as set forth below. In such case, the transfer will be reversed and the domain name reset to its original state.

New or revised text Section 4

- 6.iv Documentation provided by the Registrar of Record prior to transfer that the Gaining Registrar has not responded to a message via the TEAC within the timeframe specified in Section A.4.
- The Registry Operator shall undo a transfer if, after a transfer has occurred, the Registry Operator receives one of the notices as set forth below. In such case, the transfer will be reversed and the Registrar of Record field reset to its original state.

Registrar of Record to Notify RNH

Current

A Registrar of Record can choose independently to confirm the intent of the Registered Name Holder when a notice of a pending transfer is received from the Registry. The Registrar of Record must do so in a manner consistent with the standards set forth in this agreement pertaining to Gaining Registrars.

...

The FOA should be sent by the Registrar of Record to the Transfer Contact as soon as operationally possible, but must be sent not later than twenty-four (24) hours after receiving the transfer request from the Registry Operator.

New Text, Section 4

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. The Registrar of Record must do so in a manner consistent with the standards set forth in this agreement pertaining to Gaining Registrars.

...

The FOA should be sent by the Registrar of Record to the Registered Name Holder as soon as operationally possible, but must be sent not later than twenty-four (24) hours after receiving the transfer request from the Registry Operator.

Reason for Denial #6

Current

Express written objection to the transfer from the Transfer Contact. (e.g. - email, fax, paper document or other processes by which the Transfer Contact has expressly and voluntarily objected through opt-in means)

New Text

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.

Other Minor Changes

Current

- Reasons for denial 8
- Reason for denial 9

New

- Reasons for denial 7
- Reasons for denial 8