

# **Proposed Final Report on the Inter-Registrar Transfer Policy - Part B Policy Development Process Executive Summary**

## **STATUS OF THIS DOCUMENT**

This is the Executive Summary of the proposed Final Report on IRTP Part B PDP, prepared by ICANN staff. A Final Report will be prepared following public comment on this proposed Final Report.

## TABLE OF CONTENTS

<b>1. EXECUTIVE SUMMARY</b>	<b>3</b>
-----------------------------	----------

# 1. Executive Summary

## 1.1 Background

- The [Inter-Registrar Transfer Policy](#) (IRTP) aims to provide a straightforward procedure for domain name holders to transfer their names from one ICANN-accredited registrar to another should they wish to do so. The policy also provides standardized requirements for registrar handling of such transfer requests from domain name holders. The policy is an existing community consensus policy that was implemented in late 2004 and is now being reviewed by the GNSO.
- The IRTP Part B Policy Development Process (PDP) is the second in a series of five PDPs that address areas for improvements in the existing transfer policy.
- The GNSO Council [resolved at its meeting on 24 June 2009](#) to launch a PDP to address the following five issues:
  - a. Whether a process for urgent return/resolution of a domain name should be developed, as discussed within the SSAC hijacking report (<http://www.icann.org/announcements/hijacking-report-12jul05.pdf>; see also <http://www.icann.org/correspondence/cole-to-tonkin-14mar05.htm>);
  - b. 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;
  - c. Whether special provisions are needed for a change of registrant near a change of registrar. The policy does not currently deal with change of registrant, which often figures in hijacking cases;
  - d. Whether standards or best practices should be implemented regarding use of Registrar Lock status (e.g., when it may/may not, should/should not be applied);
  - e. Whether, and if so, how best to clarify denial reason #7: A domain name was already in "lock status" provided that the Registrar provides a readily accessible and reasonable means for the Registered Name Holder to remove the lock status.

- The IRTP Part B Working Group published its [Initial Report](#) on 29 May 2010 in conjunction with the opening of a public comment forum (see section 6 for further details).
- As, based on the review of the public comments and further deliberations, the WG has made substantial changes to the proposed recommendations, the WG is putting forward this proposed Final Report for Community consideration prior to submitting it to the GNSO Council.
- Following review of the public comments and additional consideration on some of the items as outlined in the report, the WG intends to finalize the report for submission to the GNSO Council.

## 1.2 Deliberations of the Working Group

- The IRTP Part B Working Group started its deliberations on 25 August 2009 where it was decided to continue the work primarily through first bi-weekly and then weekly conference calls, in addition to e-mail exchanges.
- Chapter 5 provides an overview of the deliberations of the Working Group conducted both by conference call as well as e-mail threads.

## 1.3 Proposed Recommendations of the Working Group

- Proposed Recommendations for Issue A  
**Recommendation #1** – The WG is considering recommending requiring registrars to provide an Emergency Action Channel (as described in [SAC007](#)). The WG recognizes that there are further details that would need to be worked out in relation to this proposal such as:
  - Within what timeframe should a response be received after an issue has been raised through the Emergency Action Channel (for example, 24 hours – 3 days has been the range discussed by the WG)?
  - What qualifies as ‘a response’? Is an auto-response sufficient?
  - Should there be any consequences when a response is not received within the required timeframe?
  - Is there a limited time following a transfer during which the Emergency Action Channel can be used?

- Which issues may be raised through the Emergency Action Channel?
- How/who should document the exchanges of information on the Emergency Action Channel?
- Who is entitled to make use of the Emergency Action Channel?

The WG is requesting input from the ICANN Community on these questions and the recommendation itself, so this can be factored into the WG deliberations going forward.

**Recommendation #2** - The WG notes that in addition to reactive measures such as outlined in recommendation #1, proactive measures to prevent hijacking are of the utmost importance. As such, the WG strongly recommends the promotion by ALAC and other ICANN structures of the measures outlined in the recent report of the Security and Stability Advisory Committee on A Registrant's Guide to Protecting Domain Name Registration Accounts (SAC 044). In particular, the IRTP WG recommends that registrants consider the measures to protect domain registrar accounts against compromise and misuse described in SAC044, Section 5. These include practical measures that registrants can implement "in house", such as ways to protect account credentials and how to incorporate domain name registrations into employee or resource management programs typically found in medium and large businesses. It suggests ways that registrants can use renewal and change notifications from registrars as part of an early warning or alerting system for possible account compromise.

- Proposed Recommendations for Issue B

**Recommendation #3** - The WG recommends requesting an Issues Report on the requirement of 'thick' WHOIS for all incumbent gTLDs. The benefit would be that in a thick registry one could develop a secure method for a gaining registrar to gain access to the registrant contact information. Currently there is no standard means for the secure exchange of registrant details in a thin registry. In this scenario, disputes between the registrant and admin contact could be reduced, as the registrant would become the ultimate approver of a transfer. Such an Issue Report and possible subsequent Policy Development Process should not only consider a possible requirement of 'thick' WHOIS for all incumbent

gTLDs in the context of IRTP, but should also consider any other positive and/or negative effects that are likely to occur outside of IRTP that would need to be taken into account when deciding whether a requirement of 'thick' WHOIS for all incumbent gTLDs would be desirable or not.

**Recommendation #4:** The WG notes that the primary function of IRTP is to permit Registered Name Holders to move registrations to the Registrar of their choice, with all contact information intact. The WG also notes that IRTP is widely used in the domain name community to affect a "change of control," moving the domain name to a new Registered Name Holder. The discussions within the WG and with ICANN Staff have determined that there is no defined "change of control" function. Therefore, the IRTP-B WG recommends requesting an Issue Report to examine this issue, including an investigation of how this function is currently achieved, if there are any applicable models in the country-code name space, and any associated security concerns.

**Recommendation #5:** The WG recommends modifying section 3 of the IRTP to require that the Registrar of Record/Losing Registrar be required to notify the Registered Name Holder/Registrant of the transfer out. The Registrar of Record has access to the contact information for the Registrant and could modify their systems to automatically send out the Standardized Form for Losing Registrars ("Confirmation FOA") to the Registrant.

- Proposed Recommendation for Issue C

**Recommendation #6:** The WG does recognize that the current language of denial reason #6 is not clear and leaves room for interpretation especially in relation to the term 'voluntarily' and recommends therefore that this language is expanded and clarified to tailor it more to explicitly address registrar-specific (i.e. non-EPP) locks in order to make it clear that the registrant must give some sort of informed opt-in express consent to having such a lock applied, and the registrant must be able to have the lock removed upon reasonable notice and authentication. The WG recommends to modify denial reason #6 as follows:

Express objection to the transfer by the Transfer Contact. Objection could take the form of specific request (either by paper or electronic means) by the 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 Transfer Contact on an opt-in basis and upon request by the Transfer Contact, the Registrar must remove the lock or provide a reasonably accessible method for the Transfer Contact to remove the lock within five (5) calendar days.

- Proposed Recommendations for Issue D

**Recommendation #7:** The WG recommends that if a review of the UDRP is conducted in the near future, the issue of requiring the locking of a domain name subject to UDRP proceedings is taken into consideration.

**Recommendation #8:** The WG recommends standardizing and clarifying WHOIS status messages regarding Registrar Lock status. The goal of these changes is to clarify why the Lock has been applied and how it can be changed. Based on discussions with technical experts, the WG does not expect that such a standardization and clarification of WHOIS status messages would require significant investment or changes at the registry/registrar level. The WG recommends that ICANN staff is asked to develop an implementation plan for community consideration which ensures that a technically feasible approach is developed to implement this recommendation.

- Proposed Recommendation for Issue E

**Recommendation #9:** The WG recommends deleting denial reason #7 as a valid reason for denial under section 3 of the IRTP as it is technically not possible to initiate a transfer for a domain name that is locked, and hence cannot be denied, making this denial reason obsolete. Instead denial reason #7 should be replaced by adding a new provision in a different section of the IRTP on when and how domains may be locked or unlocked. The WG recommends that ICANN staff is asked to develop an implementation plan for community consideration including proposed changes to the IRTP to reflect this recommendation.

#### **1.4 Public Comment Period on the Initial Report**

- The public comment period on the Initial Report resulted in seventeen (17) community submissions from thirteen (13) different parties. The summary and analysis of the comments received can be found in section 6. The Working Group reviewed and discussed the public comments received using a [public comment review tool](#) that details the Working Group's responses to the public comment received and the actions taken as a result.

#### **1.5 Conclusions and Next Steps**

- The WG is posting this draft Final Report for public comment until 31 March 2011. Following review and analysis of the public comments received, the WG will finalize its report for submission to the GNSO Council.