

IRTP PDP

Clarification of Denial Reasons

Drafting Group Outcome

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Overview

- The ongoing PDP on Clarification of Transfer Denial Reasons addresses denial reasons 5, 7, 8, 9 in the IRTP
- The PDP has reached the deliberation stage, following the Final Report of 9 April 2008
- On 17 April, the Council launched a drafting group to seek agreement on new clarifying texts
- The drafting group started with an email list, established a Wiki and held four conference calls.
 - Chair: Mike O'Connor , BCUC
 - 17 subscribers to mailing list (plus staff)
 - 5-6 participants per call (plus staff)
- The group reached agreement on:
 - Proposed new texts for reasons #8 and #9
 - Suggested ways forward for reasons #5 and #7

Denial Reason #8

- Current text:
“A domain name is in the first 60 days of an initial registration period”
- Proposed text:
” The transfer was requested within 60 days of the creation date as shown in the registry Whois record for the domain name”
- The proposed wording clarifies the meaning of the expression “initial registration date”, that has proven prone to different interpretations
- The proposed text enjoys full support from the drafting group

Denial Reason #9

- Current text:
“A domain name is within 60 days (or a lesser period to be determined) after being transferred (apart from being transferred back to the original Registrar in cases where both Registrars so agree and/or where a decision in the dispute resolution process so directs)”
- Proposed text:
” A domain name is within 60 days (or a lesser period to be determined) after being transferred (apart from being transferred back to the original Registrar in cases where both Registrars so agree and/or where a decision in the dispute resolution process so directs). “Transferred” shall only mean that an inter-registrar transfer, or transfer to the Registrar of Record has occurred in accordance with the procedures of this policy”
- The proposed wording clarifies the meaning of the expression “transferred”, that has been interpreted in different ways
- The proposed text enjoys full support from the drafting group

Denial Reason #5

- Current text:
“No payment for previous registration period (including credit-card chargebacks) if the domain name is past its expiration date or for previous or current registration periods if the domain name has not yet expired. In all such cases, however, the domain name must be put into "Registrar Hold" status by the Registrar of Record prior to the denial of transfer”
- Although there seems to be agreement on the intent of this provisions, ancillary concerns were raised in the group:
 - text connected to other IRTP provisions, adding complexity
 - "registration period" not clearly linked to Registration Agreement
 - uncertainty regarding ARGP in relation to posted Advisory
 - very limited timeframe for the group
- Drafting group's recommendation:
 - include this issue in PDP C to ensure consistency between provisions (preferred)or...
 - extend charter and scope to a WG in the current PDP

Denial Reason #7

- Current text:
“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”
- Initial discussions on “readily accessible and reasonable means” revealed additional complexities:
 - how to avoid risk for increased difficulties with other changes
 - how to keep current opt-in security solutions
 - how to keep registrant’s choice of security vs. convenience
 - very limited timeframe for the group
- Drafting group’s recommendation:
 - include this issue in PDP C, given the close link to issue 5 (use of Registrar Lock status) in that PDP (preferred)or...
 - extend charter and scope to a WG in the current PDP

Conclusions

- The outcome of the drafting group raises issues for discussion and decision regarding both substance and procedure
- The drafting group did not proceed with posting a partial result on proposed texts for public comments.
- The main overall options are:
 - a) post 8 and 9 for public comments, finalize the PDP on those, while including 5 and 7 in PDP C (as preferred by the drafting group)
 - b) pursue the work in the current PDP with a WG on 5 and 7, post all for public comments once ready and then finalize the PDP for all four