



Inter-Registrar Transfer Policy Part B Brainstorming Session

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Marika Konings

Policy Director, ICANN

Background

- Inter-Registrar Transfer Policy (IRTP) is a consensus policy adopted in 2004 to provide a straightforward procedure for domain name holders to transfer domain names between registrars
- As part of an overall review of this policy, a working group identified issues for improvement and clarification that were divided in to one (denials clarification) + five IRTP PDPs
- In order to be more efficient, the GNSO Council resolved on 16 April 2009 to combine the issues outlined under the original issue set B, addressing three issues on undoing IRTP transfers, and some of the issues outlined in issue set C, related to registrar lock status into one IRTP Part B
- The Issues Report was submitted to the GNSO Council on 15 May 2009

IRTP Part B

- a) Whether a process for urgent return/resolution of a domain name should be developed
- b) Whether additional provisions for undoing inappropriate transfers are needed, especially with regard to disputes between a Registrant and Admin Contact
- c) Whether special provisions are needed for a change of registrant when it occurs near to the time of a change of registrar
- d) Whether standards or best practices should be implemented regarding use of Registrar Lock status
- 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



a) Urgent return/resolution of a Domain Name

- Should an expedited handling process for fraud situations be developed?
- Suggestions included (from Staff Report - 2005):
 - Developing an expedited handling process for fraud situations
 - Automatically returning names that are subject to a dispute to be returned to the original registrar until the dispute has been resolved
 - Automatically rolling back the nameservers



a) Urgent return/resolution of a Domain Name (cont'd)

- Discussed in SSAC hijacking report (July 05) which suggests that such a process such complement the existing Transfer Dispute Resolution Procedure (TDRP). Possible elements of such a process include:
 - An emergency action channel
 - A companion policy to the emergency action channel
 - A public awareness campaign
- Questions that will need further consideration include: extend of the problem, how to ensure fair process, who would be decision-maker, which market solutions or best practices already exist

b) Additional provisions for undoing inappropriate transfers

- The IRTP is clear that the Registrant can overrule the Admin Contact, but how this is implemented is currently at the discretion of the registrar
- Return of inappropriate transfers is considered difficult and processes deemed unclear
- IRTP Part A WG recommended that the appropriateness of a policy change that would prevent a registrant from reversing a transfer after it has been completed and authorized by the admin contact should be considered.



b) Additional provisions for undoing inappropriate transfers (cont'd)

- From the public comment period (2005):
- *“We have seen more than a few cases where the gaining registrar has received appropriate confirmation of a transfer request from the current Administrative Contact of record for the domain name. After the transfer completed, the Registered Name Holder of record at the time of the transfer claims that they did NOT approve the transfer and want it reversed. The Policy states that the Registered Name Holder's authority supersedes that of the Administrative Contact. Although the transfer was valid based on the current Policy the registrars are left to work together to reverse the transfer or face a formal dispute or legal action. Is this the intent of the Policy?” (Go Daddy)*

c) Special provisions for change of registrant near change of registrar

- The IRTP does not currently deal with change of registrant which often figures in hijacking cases
- Liability for fraudulent transfers currently lies with losing registrar - some registrars have taken preventative measures e.g. (an optional) transfer prohibition period following a change of registrant
- ICANN did clarify that 'a registrant change to Whois information is not a valid basis for denying a transfer request'
- Some consider such measures unnecessarily restrictive



d) Standards or best practices on use of Registrar Lock Status

- Should standards or best practices be implemented regarding use of Registrar Lock Status e.g. when it may/may not, should/should not be applied
- Variations in use of lock statuses and variability across registrars has added level of complexity and imposes further burden because registrants do not understand locking mechanisms
- Consideration should be given to greater standardization of locking and unlocking functions or more precise definitions of appropriate use of lock status



e) Clarification of denial reason #7

- 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’
- Registrar policies and practices vary with regard to means available to registrants for removing Registrar Lock Status
- Consideration should be given to greater standardization of locking and unlocking functions or more precise definitions of appropriate use of lock status
- Issue was discussed in previous PDP, but the drafting group recommended dealing with this issue in conjunction with the question of standards / best practices regarding use of



Registrar Lock Status



Staff Recommendation

- The launch of a PDP limited to consideration of the issues outlined in the issues report has been confirmed by the General Counsel to be properly within the scope of the ICANN policy process and within the scope of the GNSO
- Staff considers enhancements of the IRTP beneficial to the community generally, particularly for registrants, as well as those parties (gTLD registries and registrars) who are obligated to comply with the policy provisions



Next Steps

- GNSO Council to consider the motion on the initiation of a Policy Development Process (PDP) on IRTP Part B
- If GNSO Council decides to initiate a PDP, consider the proposed Working Group Charter



Additional Information

- To join the IRTP Part B Working Group, please contact the GNSO Secretariat (gnso.secretariat@gnso.icann.org)
- IRTP Part B Issues Report - <http://gnso.icann.org/issues/transfers/irtp-report-b-15may09.pdf>
- Inter-Registrar Transfer Policy - <http://www.icann.org/en/transfers/policy-en.htm>
- IRTP Part B Wiki - https://st.icann.org/irtp-partb/index.cgi?irtp_part_b





Questions?