

GNSO Issues Report Inter-Registrar Transfer Policy Part B



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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?
- Discussed in SSAC hijacking report (July 05) which suggests that such a process such complement the existing Transfer Dispute Resolution Procedure (TDRP)
- 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.

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
- 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 consideration of the Issues Report and decision on initiation of PDP
- IRTP Part B Brainstorming Session at ICANN Meeting in Sydney (Sunday 21 June - 8.00 - 9.30)

Additional Information:

- IRTP Part B Issues Report -
<http://gns0.icann.org/issues/transfers/irtp-report-b-15may09.pdf>
- Inter-Registrar Transfer Policy -
<http://www.icann.org/en/transfers/policy-en.htm>

Questions?