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JULIE BISLAND:

Good morning, good afternoon, and good evening, everyone. Welcome to the Transfer Policy Review Working Group webinar, the second of two, taking place on Monday, the 9<sup>th</sup> of September 2024.

I would like to remind everyone to please state your name before speaking as this call is being recorded, and please keep your microphones muted to avoid background noise. All are welcome to ask questions in Zoom chat, or you may ask questions verbally during the Q&A portion of the webinar. Please note all sessions are being archived. And as a reminder, participation in ICANN, including this session, is governed by the ICANN Expected Standards of Behavior and the ICANN Community Anti-Harassment Policy. Thank you. Over to Roger Carney. Please begin, Roger.

ROGER CARNEY:

Thanks, Julie. Welcome, everyone. This is our second webinar of our introduction to our Initial Report. We're about halfway through our Public Comment period, so this is pretty good timing for our webinars to show up. If you missed the last webinar, you can find links to the Zoom and everything on the wiki. So have a look at that if you haven't seen the last webinar.

Today's webinar is going to be focused on our second big group of work. The first webinar covered the Inter-Registrar Transfer Policy issues. This webinar is going to cover the Change of Registrant and the TEAC and the TDRP, ICANN-approved transfer. The remainder, basically, of the current policy as it stands today. So there's quite a bit in this second group. So

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it'll be good to get a fresh set of eyes on this as we go through it. Also, if you were part of it last week, a reminder, but if you were, we made some slight changes to the report itself, hopefully for better readability. But we'll also cover that real briefly, but detailed again on our last call last week. So if you want to get into more of that, you can see that, but we'll go over how that's changed real quickly before we jump into the other stuff.

I think that's about it. So I think I will turn this over to Caitlin to take us through the update on the reports. Caitlin?

CAITLIN TUBERGEN:

Thank you very much, Roger, and hello, everyone. My name is Caitlin Tubergen, and I'm part of the staff team supporting the Transfer Policy Review Working Group. The slide will look familiar to those of you who attended the first webinar, but I'll quickly touch on some background information about why we're here, what the Transfer Policy is, and a general timeline on the Transfer Policy.

So the Transfer Policy, in essence, is the Consensus Policy that governs the process for when a registrant wants to transfer its name to a different registrar, and it goes over the rules associated with that. When the policy was first introduced, it was introduced to encourage competition and choice and allow registrants the freedom to change the registrar if they'd like to. And as the policy was in effect, there were some issues that the Generic Name Supporting Organization noticed, and therefore the policy has changed through the years, and some of the goals and those changes were to prevent fraudulent transfers and

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domain name hijacking. Also, there's been some language adjustments to the policy over the years to enable registrars to consistently apply and interpret the policy. We can move to the next slide, please. Thank you.

So the Transfer Policy, or some of you may have remembered it was once called the Inter-Registrar Transfer Policy or IRTP, initially went into effect in 2004, so it's been in effect for 20 years. Four years after the policy went into effect, the GNSO chartered the first group of working groups to look at some of the issues with the Transfer Policy. Those were IRTP, A, B, C, and D, which all looked at different parts of the Transfer Policy. And once all of that work concluded, the updated policy went into effect in 2016. That's currently the policy that all registrars are operating under. One of the recommendations coming out of IRTP A through D was once all of those changes went into effect for the policy to be looked at to see if those changes met their intention or their intended goal. And so that's one thing that the current working group has been looking at. So in 2021, the GNSO chartered the Transfer Policy Review Working Group, who is looking at a series of charter questions, aimed at the original goals of the Transfer Policy and some of those changes that have been affected over the years to see if they met their intended goal and how the policy might need adjustment. So that's what this working group has been working on for the past two and a half years. Next slide, please.

As Roger noted, we're just going to recap how this report looks a little bit different because this is relevant to how we're presenting the slides today. So we went over this in detail at the first webinar, as Roger noted, but the main change to the report is that, as we mentioned, this

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group has been working for two and a half years. They have, I think, approximately 40 something charter questions to work through, and because there's so many charter questions and discussions over the years, the account of the group's deliberations is quite long and lengthy, and so in recognition of that, this working group is trying something a little bit different in terms of shortening the body of the report, but still memorializing all of those deliberations into an annex of the report. So essentially, for each recommendation, you'll see a table which includes the following elements that are noted here in A through F, which is being highlighted, hopefully. So in that table, first you'll see the recommendation and the subject of that recommendation, then the actual text of the policy recommendation. Importantly, under the actual text of the recommendation is this new feature called the policy impact indicator, which shows the impact of the recommendation, whether that's a low, medium, or high impact, which we'll talk about a little bit in a minute, a short rationale as to why the working group is recommending this policy recommendation or change. Some recommendations include implementation guidance, which is to help the group that ultimately implements these policy recommendations into policy language. It helps with some of the intent or what the working group was thinking of the meaning of the recommendation. And then lastly, as I noted, the working group had extensive deliberations as to how it arrived at a policy recommendation. But all of that extensive deliberation is now linked to an annex where if the reader of the report is interested in reading a little bit more about how the group arrived to that recommendation, there is a hyperlink that the reader can go back and forth between the annex and the body of the

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report to gain a little bit more understanding about why the working group ended up where they did.

So if we can go down to the policy impact assessment or the policy impact indicator, you'll see in those colored highlights that the working group used this methodology to indicate to the reader the impact or the potential change of that recommendation. An example of a low impact would be a verbiage change or a terminology change. Many of you may know that terms such as WHOIS are being updated to Registration Data Directory Service, and so something like that where the language is being updated to be consistent with other policies that have changed over the years, that would be an example of a low impact. An example of a medium impact would represent an actual substantive change to the policy or the inclusion of a new requirement. And the example of a high impact is also a substantial change to the current policy, but this notes that perhaps there's going to be a lot of work for contracted parties over the registrant, and therefore, there's a high impact that it will take longer to implement.

So if we can scroll down just a little bit more, this page, page five shows the examples of what the working group used to arrive at that policy impact indicator. So if the degree of change from the existing policy, if it's really a confirmation of status quo, that would be a low impact. And they also looked at removing or enhancing the security of the policy, the level of technical change that would happen with contracted parties. So if it's a big technical change and requires a lot of system updating, that might be a high impact recommendation, also the level of ICANN Contractual Compliance enforcement capability. And lastly, the impact to Registered Name Holders. So if there's an increased protection or

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reduced protection or if there's some sort of confusion that might be part of the recommendation or caused by the recommendation, that would be indicated there.

The last thing I'll note is that the working group hopes this is helpful to readers, but there is an open question at the end of the Public Comment forum where if readers have additional suggestions or found it unhelpful, the group can or the public commenter can note that in their public comment. So with that, I am going to turn it back over to Christian who is going to talk about the Group 1B recommendations. But I'll pause quickly, just in case there's any questions over the report formatting. I don't see any hands raised. So, Christian, over to you.

CHRISTIAN WHEELER:

Thanks, Caitlin. Hello, everyone. I'm going to talk to you today about the Group 1B recommendations which pertain to inter-registrant transfers, also known as Change of Registrant. But before we get into that, I do just want to show some visualization that we have. Those who saw the first webinar might recognize the swim lane that we discussed. This is kind of a simplified version of that as well. But instead of going talking about inter-registrar transfers, this is more about a change of registrant. So this is just to help kind of visualize that process, and then also where these recommendations out of the working group, how that affects that process.

So before getting into it, I do just want to add some disclaimers that the swim lane, it's not actually in the Initial Report. It's not meant to be a policy document. It also is very much a simplification of the Change of

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Registrant process. So there are maybe some different processes that certain registrars might follow, but this is generally what's required by the policy. So there might be just some little nicks and things here that might be more detailed, but this is, again, very high level overview of it. And then also the swim lane doesn't actually quite capture the timeframes, the scales that might be a part of this process. So you'll see it's kind of a step A, B, C, D sort of thing. But some of these might go and concurrently might take seconds to actually implement these processes versus days. It doesn't really show that. This is, again, just kind of an overview of the process.

So let me just show you the current Change of Registrant process as required by the current Transfer Policy. Just that way, we know what we're talking about before we start talking about changes to it. So for now, you can kind of ignore this Rec 26.4. We can ignore these pieces for now. We'll get to that in a minute or two. But I really just want to focus right now on these boxes and these lines here. So you'll see that there's two swim lanes sort of here. There's Registered Name Holder, which represents these are the steps that the registrant would be responsible for. And then there's another column here that is the Registrar of Record. Those are the two entities that are mostly involved in a Change of Registrant action.

So let's just briefly go through the actual Change of Registrant process as it is today. So first, the Registered Name Holder would request a change to, say, their name, their organization, or their e-mail address that's on file for their domain names. Next, they would have an option to opt out of what would be the 60-day Change of Registrar transfer restriction. So there is a lock that would follow a Change of Registrant.

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It's required to follow Change of Registrant unless the registrar provides the domain holder the option to opt out. Now, this is an optional kind of step. Some registrars don't give their registrants an option to opt out. But if they do, then this would impact this very last step of implementing this lock. But that's why this is part of this process. So right now, the registrant requests a change, they choose to or they don't opt out of the transfer lock.

The next step would be for the registrar, whereby they would send a confirmation request to the Registered Name Holder. And if it's a change to their e-mail, it's kind of a two-part confirmation process, whereby they would send a confirmation request to the new e-mail that they're asking to change to, as well as the current e-mail that's on file. Then it would be up to the registrant to confirm that "Yes, I am requesting to change my e-mail or my name." If it is by an e-mail, they would need to send a confirmation from both e-mail addresses. And then after that, once the registrant confirms both, then the registrar would implement that change to their information. And if they did not opt out or if they didn't give them the option to opt out, then this 60-day transfer lock would be placed on the domain name, preventing them from transferring their domain name to another registrar following that transaction. Then, of course, if they didn't confirm it, then no change would be implemented. So this is the current process as it is today, any time a registrant wants to change their name, their organization or their e-mail address.

So now let's go into the actual changes that the working group is proposing to the Change of Registrant process. So first thing is Recommendation 25 again because we covered the first



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recommendations in webinar one. But their first recommendation pertaining to this is that the new policy should change the phrasing or the title of “Change of Registrant” to “Change of Registrant Data,” and that’s really just a terminology change. Nothing is really changing much about the definition which Change of Registrant Data, or CORD as it’s being kind of abbreviated, ICANN loves acronyms, it’s staying the same about as the current Change of Registrant is. So that would be a material change to the Registered Name Holder’s name or organization, or any change to the Registered Name Holder’s e-mail address, and that is really status quo of what it is today. And they also noted that material change, which is really just a non-typographical change, remains fit for purpose in the current policy. So you’ll see that these two, these recommendations here, are a low impact because they’re really just confirmation status quo or just changes to the terms.

Then lastly here, they wanted to note that a Change of Registrant Data does not include the addition or removal of privacy/proxy services or data that’s in RDDS when those services are provided by the registrar or its affiliates. In other words, it happens a lot today, particularly after 2018, a lot of information is now redacted or had privacy/proxy services in RDDS, so that information, if it changes or if a person adds a proxy to their domain name, then that is actually not included as a Change of Registrant Data, because they’re just changing their privacy services. If they change the information that’s underlying that that’s on file with the registrar, that is a Change of Registrant Data. So this is really just kind of a clarification of kind of what’s going on today, because right now it’s not very clear. Some registrars might consider that a change to the privacy data that’s displayed publicly. They might consider that as a

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change of registrant currently, and so the working group is kind of clarifying that, no, that is not really a change of registrant. This is really just referring to the data that's on file with the registrar. Moving on to the next recommendation.

The working group recommends creating a standalone Change of Registrant Data Policy outside of the current Transfer Policy. The working group took a look at Change of Registrant and really just said the Transfer Policy is really referring to registrar transfers. And when you take a look at the actual Change of Registrant, what it entails, it's really just an update of certain data fields. So a registrant might update their name or they might update their organization just due to, let's say, someone gets married, they change their name, it's still the same person. And this is particularly clear when they're just changing their e-mail address. So if someone just changes their e-mail, under the current policy, that would be considered a change of registrant. But in reality, the registrant is still the same. They just changed their contact information. So to help kind of clarify that, they want to keep it as Change of Registrant Data and keep that separate from the Transfer Policy, to kind of keep those things clear, keep it documented, and clearly defined and separated.

Also, before I forget, I do also want to clarify too that the working group isn't saying to start a new PDP, they believe that requesting a Change of Registrant Data Policy separate from the Transfer Policy should be implemented as part of the implementation of these recommendations. They're not recommending putting up a separate PDP just for Change of Registrant Data. I just want to make that point of clarification.

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They also recommend getting rid of the role of designated agent from the CORD Policy, saying that it's not really fit for purpose anymore, because they're getting rid of a certain element of it that designated agent was really used for in the current policy. And I'll get to that in just a minute. That also doesn't prevent registrars from using designated agents in other policies where they're allowed and it's applicable. It's just for the CORD Policy. It's just taking them out of this particular policy.

They also recommend removing the availability of Change of Registrant piece from the Transfer Policy, as it's really duplicative of other policies. That piece is saying things like if they're in the middle of a UDRP, you can't transfer it, but it also said that in that policy. So it doesn't need to be repeated.

Now, importantly, the more high impact pieces of this recommendation are 26.3 and 26.4. The working group is recommending removing the requirement that both the prior registrant and new registrant confirm a Change of Registrant transaction. So that is the pieces where they have to send and confirm from the prior and new e-mails that "Yes, I'm requesting this change." Also, they're recommending removing the 60-day Change of Registrar lock that would follow a COR, as well as the opt-out of that, because that would no longer apply. So let me just kind of show you in the swim lane what that really means.

So that is where these Rec 26.4 and 26.3 come into play. You can see everything that's in red. These red outlined steps are being proposed to be removed from the process. So that is this opt-out of the lock, then sending a confirmation request, then having to confirm the

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confirmation request, and implementing that change of registrar lock, a 60-day lock. The reasoning for that, there's multiple reasons, and I know we're limited on time, but really it's the fact that the 60-day lock has not really demonstrated, at least to the working group, that it has prevented cases of domain hijacking. They've really observed that when hijacking occurs, it's usually registrars don't know about it until they receive a complaint about it, and it usually happens from someone getting access to the registrant's e-mail account or maybe their control panel, a password gets compromised or someone has access to their e-mail and decides to fraudulently pretend to be the registrant and requested change. And the 60-day lock, while it was intended to give the registrant time to be able to catch such fraudulent before the domain is transferred, they didn't really see a lot of evidence of that actually happening. And part of the reason is that because that a lot of these are just resolved internally with the registrar. But when it came to complaints submitted to ICANN, for instance, they didn't really see many complaints. Compliance had provided some metrics from September 2020 to October 2023. So over the course of about three years, only 42 complaints were received that were valid and actually sent over to the contracted party. And so that's 42 out of the however many thousands, millions of transactions of change of registrant that are happening all around the world. So it is not clear that that was really a big issue. And also the fact that a compromised e-mail, they can't really see that until after they receive a complaint. It's not something that they can actually really do with this lock that actually fixes anything. If anything, what they have seen is that registrants complain a lot about the 60-day lock, now they can't transfer their domain name, and changing their information and transferring the domain often goes

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hand in hand when someone's trying to transfer their domain to someone else, and then transfer it to their registrar with this lock in place, now they suddenly can't. Also, the argument that the fact that the lock is opt-outable also kind of nullifies any kind of security that there is because the person could just opt out of the lock so that it's not even applied. So it didn't really actually provide a whole lot of security. Rather, instead, the working group has other recommendations, particularly ones that were discussed in webinar one that actually do add a lot of security. For instance, the mandatory 30-day post transfer lock, as well as a COR notification, which we're going to talk about right now.

Instead of a system whereby the registrar has to request a confirmation and receive confirmation from the registrant, the confirmation, the helpfulness of that was really notifying the domain owner that, "Hey, something's going on that I didn't request." So the working group is recommending actually having a notification system instead rather than a confirmation system. So Rec 27 says that the registrar must send a Change of Registrant Data notification to the Registered Name Holder no longer than 24 hours after the CORD. The working group has put a number of requirements that this notification must have. I'll just kind of briefly show those. One moment. Sorry. Thank you.

Here it is. So this is about the language has to be written in the language of the Registration Agreement, it could also be English. This is probably more important. These are the elements that have to be in that notification. It has to include the domain names, it has to include which data fields were updated, when it was completed, and also has to provide instructions for how the registrants can take action if the

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change was invalid, or how to initiate a reversal if that information was changed without their knowledge, without their authorization. That's how they can contact the registrar or whoever they need to contact to fix this. So that is something that would happen after it.

This is another kind of security measure that the registrants would have that they don't have currently with just a confirmation. Also, it has to be sent via e-mail, SMS, or other secure messaging system. Notably, if there is a change to the Registered Name Holder's e-mail address, then the registrar would send this notification to the domain holder's prior e-mail, so the e-mail that would be on file before they requested the change. So that way, if, say, someone updated their e-mail or updated some information, and the Registered Name Holder would still be alerted by that e-mail that supposedly they have access to that "Hey, this is a change that has been requested for that domain name, and here's how you can take action if this isn't correct."

The registrant also may send notifications to the new e-mail address. They can also send notifications due to changes from other information, like their phone number, postal address, even account holder information or other information that the registrar uses. So the notification can be used pretty flexibly, but does have to be included when there is a Change of Registrant Data, the name, e-mail, and organization.

And finally, they can also consolidate these, if these notifications, if they do have a lot of domain names that have been changed. So if someone updates their contact information and they have a portfolio of a thousand domains, the registrar doesn't need to send a thousand e-

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mails. They can consolidate them, but just has to include all the domain names there and what was changed. And also this last point was to clarify that when change is happening particularly for an e-mail, there is another policy, the RDDS Accuracy Program Specification, which is in the RAA, that they would send a verification request to the domain holder anyway. So they can't consolidate it with that. It's kind of a separate policy, but it is another kind of security measure that the domain holder would be notified of if there's a change to their e-mail.

Lastly, the working group wanted to provide some flexibility here. Because, given that this is a handling of personal information, the registrar may provide the Registered Name Holder the option to opt out of receiving Change of Registrant Data notifications. So similar to like how the registrar could provide an opt-out for the lock, they could provide an opt-out of these notifications just because some registrants might not want to receive these notifications every time they change some information, particularly if they have big portfolios. So they wanted to give some more freedom to the domain holder to be able to opt out of these if they don't want them. However, the registrar does need to provide clear instructions and for how they can do this and warning of the consequences of doing that. So that way, the registrant is always clearly informed of the consequences before they opt out of this because it does have security implications if they do opt out. And also the fact that when the domain name is registered or if it's transferred, that any kind of opt-out would be reset, so that way, the registrar can't automatically opt out for a registrant when they register a domain name. The Registered Name Holder themselves has to opt out and they have to maintain a record of when and how they opted out.

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Just to give some clarity to this new process, let's pop back into the swim lane, and we can see where those recommendations lie in this new proposed process. So in this new process, the Registered Name Holder requests a change to their name, organization, or e-mail, the registrar may provide an opt-out option to them to opt out of notifications, but bearing in mind that the registrar has to provide instructions for how to do this and also warning. So that way, the name holder is aware of the consequences before they opt out. And then the information would be updated. Hypothetically, the argument would be that if the Registered Name Holder requested these changes, that is essentially their confirmation. They've logged in, they have requested this change, and so that change should be implemented. The working group wanted to make sure that name holders are able to update their information at any time. There shouldn't be these kind of restrictions or difficulties to update an e-mail address.

And then finally, once that information is updated, then they would send a notification unless they opted out prior, and then they would receive a notification. So you'll see this process is much more simplified than the previous one, and so that is really the Change of Registrant Data process as the working group has recommended it.

Now, with that, we're going to go into Q&A. If anyone has any questions, please feel free to raise your hand. Also take a look at the chat. But if anyone has any questions, feel free. I don't see any raised hands but I do see some activity in the chat.

"Is that opt-out an active opt-out or could the registrar make this default unless the RNH objects?" That's Susan Payne's question. The



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opt-out is something that the registrar could not make default. That is one of the stipulations that the working group has clarified in their recommendations. I just didn't go through the details of it. But that would be 28.1 that the registrar has to enable the notifications by default, and that their name holder can't do that until after the domain is registered or after it completes its transfer.

Any other questions? I'm not hearing any questions. Roger, I don't know if you have anything else you want to add. But if not, I'll pass it over to Caitlin.

ROGER CARNEY:

Thanks, Christian. No, I don't have anything specific to add. Again, I think a lot of these changes came from—I noticed that it was more troublesome for registrants to update their data than there was any benefit getting out of any of the mechanisms. So it kind of followed along with all the new data privacy laws that are going in and around the globe that registrants should have access to be able to update their data and everything, and I think this follows very closely with that without throwing in a bunch of hurdles so that they can't actually conduct business in that process. That's about all I have, Christian, so I think we can go ahead.

CHRISTIAN WHEELER:

Thanks, Roger. I will also just add that the working group, I believe, did observe as well that since 2018 and GDPR and with a lot of this information kind of redacted for privacy by default, that has lowered a lot of observed cases of domain data theft. So already that has added a

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lot of security since that information that was previously available to anyone to just look it up in WHOIS and see who's the owner. A lot of that has changed. So we're kind of finding ourselves in a different ecosystem, a different environment now, which is why the CORD Policy is the in the shape that it is.

All right. With that, I'll pass it over to Caitlin who will take us through the Group 2 recommendations.

CAITLIN TUBERGEN:

Thank you, Christian. Hello again, everyone. If we could move to the next slide, please.

At the beginning of the webinar, Roger touched on what the main topics under Group 1B and group 2 are. But in this section of the webinar, we'll be dealing with three main topics. That is the Transfer Emergency Action Contact or TEAC, that's currently a mandatory contact that registrars are required to maintain. Under the current policy, if there's ever an emergency related to an inter-registrar transfer, registrars need to respond via that TEAC channel within four hours. That will be changing, but we'll discuss that shortly.

The second big topic that the working group was required to review was the Transfer Dispute Resolution Policy, which is the Dispute Resolution Policy that registrars may use if there's ever a transfer-related issue that is not able to be worked out informally between registrars or through that TEAC channel. This policy is not often invoked. However, if a registrar did want to file a TDRP case, they could do so under this policy through an approved ICANN TDRP provider.

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And then lastly, we'll be talking about Section 1.B of the Transfer Policy, which deals with ICANN-approved transfers. There's a couple of situations where ICANN would approve a transfer that is not initiated by the Registered Name Holder. So that differs from Section 1.A where the registrant is asking to change its provider. In this case, the provider will be changing and the registrant isn't involved in that decision. But we'll talk a little bit about that later in the presentation.

So if we could start with our TEAC recommendations. Recommendations 29 through 32 have some new and updated requirements related to the TEAC or again the Transfer Emergency Action Contact. Currently, the Transfer Policy, as I noted, has a requirement that if there's a transfer-related emergency, registrars must maintain this TEAC channel and respond to any issues from another registrar within four hours. I will note that the TEAC is a channel between registrars. So this isn't something that a customer would have access to. It's required to be available to registrars and ICANN in the event of an emergency.

There were some concerns related to the timing of response for the TEAC, this four hour timeline, noting that there are time zone differences, and that's a pretty short timeline. This is being updated to a 24-hour response or one calendar day. Again, this is in recognition that there are consequences associated with missing that timeline, and due to the time zone changes, four hours seems like a very short timeline. 24 hours is also consistent with the requirement in the RAA for registrars to respond to emergencies alleging certain types of domain name abuse or law enforcement emergencies. So that's now consistent that it's one calendar day instead of four hours.

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Recommendation 30 is a new requirement or at least a new codified requirement, whereby initial communications to this TEAC channel need to occur within 30 days of the unauthorized domain name transfer. And that's in recognition of a couple of things. If it's truly an emergency, likely a registrar won't be contacting another registrar three years after this alleged emergency occurred. Additionally, this 30-day timeframe is probably familiar to those of you who attended the first webinar, which is that when a domain name is transferred to another registrar, there's a 30-day restriction from additional transfers placed on that domain, and that is in case of an unauthorized transfer or some sort of issue, so that there's 30 days to work out that issue between the registrars. There is a note in the recommendation that if something were to happen, say 32 days or 40 days, there could be a written explanation by the registrar alleging the issue to the gaining registrar in this situation, but there needs to be an explanation as to why it was not flagged in that 30-day period.

Recommendation 31, that is a new requirement, and this is to recognize that once a communication to a TEAC is initiated, these are ideally resolved quickly since it's an emergency. So the policy currently notes that there needs to be an initial response within four hours, but there's no follow-up requirement as to what is to happen after that four-hour initial response. So Recommendation 31 changes that to note that once that initial communication goes to the TEAC, there should be an update at least every 72 hours with the actions that were taken. And again, this is in recognition of this is a true emergency. So there's an additional requirement to notify the losing registrar as to what's happening before that issue is resolved.

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Then lastly, Recommendation 32 notes that the initial communication to that Transfer Emergency Action Contact must either be through e-mail or if it's done via the phone or another communication channel, an e-mail needs to accompany that, and that's to have a written paper trail that essentially starts the clock of that 24-hour response time, and then those 72-hour response times after. So we note that. The Recommendations 31 and 32, this is to promote transparency about what's happening to resolve this issue, but it is an updated requirement, and accordingly, the working group has noted that this is medium impact because it will require some planning and system changes from registrar. So it's notated as a medium impact, whereas the timing response in that 30-day requirement to initiate contact to the TEAC, that is marked as low because it's adding additional time. But also Recommendation 30 is essentially what happens in the real world, it's just now codified into the policy. So those are the updated requirements with respect to the TEAC. Now we will move on to the next topic.

The next recommendation is about the Transfer Dispute Resolution Policy. And as I noted, when registrars are unable to work out any transfer-related issue informally or through the TEAC channel, there is another avenue the registrar can pursue. The emphasis is on the word registrar because only registrars can file TDRP complaints with the approved providers. This is not something registrants are able to pursue. So when the working group reviewed the TDRP, they are not making any substantial changes to that policy other than textual changes to update terminology as time has passed. However, there was a lot of discussion around the fact that registrants don't currently have

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access to this policy, nor do they really have any sort of option if they believe that there was an unapproved or some sort of domain name hijacking where they lost their domain name and the registrar refuses to file a TDRP or it might fall outside the scope of a TDRP. So the working group said it wasn't ready to grant registrants access to the TDRP as it currently stands. However, the group is recommending that the GNSO request an Issues Report to explore the potential expansion of the TDRP to registrant filers, or alternatively, to create a new standalone Dispute Resolution Policy mechanism for registrants to challenge what they deem as improper transfers. Again, this is because the group thought this was slightly out of scope for them to expand to registrant filers, but also they note that if registrants believe there's been an improper transfer or unauthorized transfer, registrants don't really have any other options. If the registrar is unwilling to file a TDRP or the registrar is unresponsive, essentially registrants really could pursue a court case, which could be prohibitively pricey, expensive. So with that in mind, the working group would like further policy work to be considered for this topic. Next slide, please.

Are there any questions about any of those changes to the Transfer Emergency Action Contact or the request for additional work on whether the TDRP should be available to registrant filers? Again, please feel free to raise your hand. You can put a question in chat, if you'd like. If you think of something as we go to the next topic, by all means, you can certainly raise your hand during the next segment as well. But I'm not seeing any questions. I do think those recommendations are straightforward, so that might be why there are no questions. So moving on to the next topic.

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As you can see, this topic, we have some fun pictures to try to explain the different types of bulk transfers that exist. Again, these types of transfers are transfers where a registrant doesn't initiate them. But for some reason, ICANN would approve the transfer of names from one registrar to another. There are currently three situations where that would happen. The first is when a registrar is transferring all of its gTLD names to another registrar. That means they're not going to be in the business of gTLD names anymore. This could be done voluntarily. The registrar just chooses that it no longer wants to maintain an ICANN accreditation or it could be involuntary, and that's a situation where ICANN Compliance would terminate that registrar's accreditation or compliance breach. So in this case, the registrar is no longer in the business of gTLD names. We have a little farm emoji, because it's no longer going to be in the farming business. So it's not going to take on any new farming. It's selling its entire farm to another registrar, transferring it to another registrar.

The second situation is where a registrar is operating a very vibrant farm with all sorts of offerings, all sorts of animals. And this registrar is saying, "I no longer want to be in the business of raising cattle. I'm going to sell off all my cattle to another registrar." The analogy is that a registrar chooses not to operate within a certain gTLD or set of gTLDs. So it might be terminating voluntarily or involuntarily its Registrar/Registry Agreement or RRA. So once it terminates those RRAs, the cattle or those gTLD names are being moved to another registrar, and that registrar is no longer able to accept new cattle. It's terminating those agreements. So that would be an example of an RRA termination.

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But all of the names in that particular TLD are moving, and the registrar can no longer accept names in that TLD.

And lastly, we have the single cow, and this represents a partial portfolio transfer. Some of you who are familiar with these may recognize the acronym BTAPPA or partial portfolio transfer. This would happen in a situation maybe where there's a partial portfolio acquisition. So the registrar is selling off some of its cows but it's still in the cattle business. So it's selling off some of its .com names, but it's still able to accept new registrations and still maintain some of its .com names. Sometimes this happens when a reseller is changing the registrar it works with and all of those names are being moved. That's an example. But the registrar is still able to take in new domain names in .com and maintain its other .com names or its other cows. So hopefully that is helpful primer and the difference between a full portfolio transfer and a partial portfolio transfer, because now we're going to talk about the recommendations involved in those types of transfers.

Again, we're going over Section 1.B of the Transfer Policy. Recommendation 34 deals with voluntary and involuntary full portfolio transfer. So again, the registrar is selling its entire farm. It's going out of business, either voluntarily or involuntarily. The current Transfer Policy language notes that when a full portfolio like this occurs, registries can charge a fee of up to USD \$15,000 to effect that transfer. Recommendation 34 is maintaining that status quo in terms of the threshold, 50,000 or more names could invoke a fee. Secondly, the update is that when there's an involuntary full portfolio transfer, and that is when ICANN is terminating a registrar due to a compliance



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breach, there will be no fee charged by registries, or registries must not charge a fee, and that's in recognition of the issue of a terminating registrar and finding a home for those domain names. Sometimes, when a registrar is terminating due to noncompliance, there's an issue with the data in the registrar's portfolio. And for that reason, it might be incomplete. A gaining registrar may be uncomfortable assuming that portfolio of unknown customers and having to pay a fee to assume customers that it doesn't know. It's common in these types of situations where the transfer will be effectuated when that registrar terminates, and then that new portfolio of unknown customers may eventually just transfer their names to another registrar anyway. It's in recognition of the fact that the registrar that assumes these names is taking on an unknown, and that it's very hard for ICANN to procure a gaining registrar when they're taking on an unknown and having to pay a significant fee to do so. Next slide.

Recommendations 35 through 38, again, are dealing with full portfolio transfers. Again, we're talking about the whole farm. The losing registrar is going out of business and moving all of its names to a new registrar. The reason that all of these recommendations are included on the same slide is that they are a group of recommendations that are sequential and interrelated. So the first recommendation is that the price ceiling is USD \$50,000. In other words, if a registrar is going out of business, either involuntarily or voluntarily, it cannot be charged more than USD \$50,000 by the implicated registries for effectuating this type of transfer.

The second recommendation in this group is Recommendation 36. This notes that registries may charge a fee. They don't have to charge a fee.

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Some registries just choose to waive the fee. It might be a situation, for example, where there are three domain names at that particular registry operator and the registry says, “We’re not going to charge you for moving these names to a new registrar.” However, if a registry chooses to waive its fee, other implicated registries cannot adjust their fees accordingly. The reason is that Recommendation 35 and 36 read together is that, generally speaking, in these types of transfers, a lot of registry operators are implicated, and the way the recommendations are written is that registries can charge a percentage of that USD \$50,000 fee based on the number of domain names that are being transferred. So, as an easy example, if Registry A has 40,000 domain names and Registry B has 10,000 domain names, when that transfer is effectuated, Registry A can charge up to USD \$40,000 and Registry B could charge USD \$10,000. If Registry A chooses to waive that fee, that doesn’t allow Registry B to say, “Oh, I’m going to charge the full \$50,000.” It can still only charge \$10,000 since it has 20% of the names.

Recommendation 37 has a new requirement for registry operators, and that’s that once those transfers are completed and the names have been moved to the new registrar, the registry operator must notify ICANN that the transfer has been completed and include the number of domain names that were ultimately transferred. And that is for the reason that ICANN is going to be calculating how the percentage of the fee that that registry is entitled to charge, should it choose to charge a fee. Recommendation 38 goes right along with that, in that ICANN, once it receives all of those numbers, will provide notice to the affected registry operators to let them understand the corresponding percentage of the fee that it is entitled to charge, should it charge a fee.

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You'll note that these recommendations, read together, create a high impact, and that's because there's a lot of coordination that's now going to be happening between registries, registrars, and ICANN Org that did not used to be the case. The reason that these recommendations were considered is in part because the current policy notes that the registry operator can charge a \$50,000 fee as the price ceiling but it doesn't talk about a collective fee. So now that the domain name landscape has changed and the number of registry operators has increased significantly, this is in recognition that this type of transfer could be prohibitively expensive if a lot of registry operators and names are involved. So that is why there is now a price ceiling across the entire transfer, but it does involve more math than it used to for both registries, ICANN, and registrars. So in recognition of that, it is a high impact. Also, ICANN Org spoke to the working group a little bit about how this is going to require extensive coordination because a lot of these transfers could involve upwards of a hundred registries, and to do this coordination and make sure that all of the required notices are received and transmitted is going to be a much larger undertaking than the current status quo. So, that is why this is a high-impact recommendation. Next slide, please.

Again, talking about the full portfolio transfer, this Recommendation 39 provides that the gaining registrar is ultimately responsible for paying any of these fees for voluntary full portfolio transfers. This isn't a low impact because this is the current status quo, and the working group is just confirming that the gaining registrar is inheriting new customers, and accordingly, the gaining registrar is also voluntarily assuming this

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and involved in this transaction, so will be responsible for paying any fees that registries may choose to charge. Next slide, please.

Are there any questions about ICANN-approved transfers in terms of full portfolio bulk transfers or selling off the entire farm? Okay. I'm not seeing any hands or any questions. But I think that the main takeaway is that the fee apportionment is the new concept here, and so that's going to require a lot of coordination that did not used to be the case. Okay. Moving on then to the next set of recommendations.

We have moved on to the full farm to just the cows. This is a charter question that the working group was asked to look at when registrars were issued a survey about the current status of the Transfer Policy and some issues that have been encountered over the years. One of the issues raised is this issue of the bulk transfer after a partial portfolio acquisition or BTAPPA. This is currently not a part of the Transfer Policy. This is a service that some registry operators choose to provide that registrars can use, but not all registry operators offer this. Currently, if a registry operator does wish to offer the service, they would do that via the RSEP process. The working group talked about this at length and determined that this is something or a feature that should be included as part of the Transfer Policy or part of Consensus Policy, meaning that all registries will now be required to offer the service without going through the RSEP process.

So the Transfer Policy language will be updated to include this. Again, this is something registrars can choose to use, and there are requirements involved in this. But the real difference is that now only some registries offer it, and so the registrars and the working group

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talked about how this creates an inconsistency and confusion under which who offers this and who doesn't. So they thought about making it more uniform would be more clear.

Secondly, Recommendation 41 is going to expand that current BTAPPA offering in the Transfer Policy to allow for a situation where an agent of a registrar, such as a reseller, elects to transfer its portfolio of names to another registrar. Registrars talked about how this is currently done manually and it's complicated, but under the new data privacy regime, there are situations where a reseller may need to move all of its names to a registrar that offers a certain standard that maybe its current registrar doesn't offer, and accordingly, this should be an option for registrars or agents to move all of their names. Now, that doesn't mean that this can happen without the framework of the rules associated with the BTAPPA, but it just expands it to another situation. Next slide, please.

When the working group looked at these partial portfolio transfers or moving the cows to a new farm, it looked at the boilerplate language of the current BTAPPA and has chosen to put some of those provisions directly into the Transfer Policy to make it clear what is going to be required or what is required in order to affect this type of partial portfolio transfer. The first is Recommendation 42 which requires the registrar or the agent, as applicable, to notify the affected customers approximately one month before this transfer is to occur. And the reasoning behind this is that, again, this is a choice that the registrar is making, not the customer. So this allows customers to have a notice period where if they don't want to move to that new provider, they can transfer out to a different registrar of their choice.

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Recommendation 43 and 44 are confirmation of status quo of the current BTAPPA. The first is Recommendation 43 which is that expiration dates are not affected by this. And again, that's because this is not a registrant-initiated transfer. This is an ICANN-approved transfer that the registrar is initiating or the registrar's agent is initiating. And accordingly, there's no fee associated to registrants with this type of transfer because no time is being added to the Registration Agreement. Simply, the provider is just changing.

Recommendation 44, similar to 43, is again just confirming the current boilerplate language of the BTAPPA, which holds that there are certain situations where registries must reject the request or could choose to reject the request. They must reject the request if there's evidence that this is being requested simply to avoid paying fees. And secondly, they may reject the request if the registrar is requesting this partial portfolio transfer within six months of another partial portfolio transfer. So the registry has leeway to reject but obviously doesn't have to in the case of a quickly sequential transfer.

Then lastly, Recommendation 45, this is a recommendation noting that registrars must include in their Registration Agreement the ability to permit this type of partial portfolio transfer or moving the cows to a new registrar farm. This is essentially to provide another layer of notice to registrants if registrars would like to have a partial portfolio transfer. So it's really a notice requirement. That is marked as a low impact because it might require some changes to the Registration Agreement but it's not a huge lift. And similarly, Recommendations 43 and 44, the status quo, that's a low impact because it's really just confirming the current boilerplate. But Recommendation 42 is categorized as medium

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because there will be a new notice requirement, and that's going to require some system updates for registrars who might choose to take advantage or utilize this partial portfolio transfer. Next slide, please.

So the next two recommendations, again, deal with the BTAPPA requirements. Recommendation 46 notes that registries may charge a fee to effect this type of transfer, but they have to provide notice of registrars of what that fee is prior to the initiation of the transfer. And that, again, is for transparency purposes so that registrars can plan accordingly. If they'd like to utilize the partial portfolio transfer, they know what it would cost.

Recommendation 47 notes that in this type of partial portfolio transfer, the 30-day post transfer lock that we talked about in the first webinar is not to be applied, and that is in recognition of the fact that the registrant did not request this transfer. So if the name is moved to a new provider and the registrant didn't maybe receive their notice or didn't read their notice in time and wants to move to another provider for whatever reason, they are entitled to do that. And that's again because they are not requesting the transfer, the registrar is. So that 30-day post transfer lock is inapplicable in these circumstances. Next slide, please.

That takes us to the end of the recommendations in the Transfer Policy Review Report. So if there are any questions on any of the recommendations you heard today, please feel free to raise your hand or type the questions in chat, and I will turn it back over to Roger in case Roger has any additional commentary to add about any of the

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recommendations. Or if anyone has any questions for Roger, he's now in the hot seat and can take those questions. Thank you, Roger.

ROGER CARNEY:

Great. Thanks, Caitlin. A lot of this probably isn't really interesting to a lot of people. A lot of this is just background work that actually happens every day between registrars and registries, but it's important that as some of these recommendations outline that registrants are aware that these things are happening. And it's important that there's consistency across the board of gTLDs. As Caitlin mentioned, some of the pricing things, there was some good discussion on just because we have moved from a handful of registry operators to hundreds of registry operators now. So it does have a definite impact on that.

But yes, I think, Berry, we're probably down to 20-some days now for public comment. So hopefully these webinars helped provide any missing links as you're going through the report and creating your public comment, if you have any. But hopefully the webinars help provide some level of understanding so that you know where the group is coming from in all the discussions that they had. Anyone have any questions, anything they want to talk about? Or we can give 20 minutes back to everybody.

Okay. Thank you, everyone, for attending. Hopefully this helps you, and we'll see everybody in three weeks when we start processing public comments. Thanks.



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JULIE BISLAND:

All right. Thank you for joining, everyone. This webinar has concluded.

**[END OF TRANSCRIPTION]**