

转让政策审核政策制定流程最终报告

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本文件的来由状况

这是通用名称支持组织 (Generic Names Supporting Organization, GNSO) 转让政策审核政策制定流程工作组 (Policy Development Process Working Group, PDP WG) 的最终报告。本最终报告已提交给 GNSO 理事会供其审议。

前言

本最终报告的目的是，记录工作组对章程问题的审议及其 47 项最终政策建议。本最终报告还记录了就其综合初步报告收到的公众意见和工作组的后续分析，以及为工作组的最终政策建议提供背景、具体情况和相关理由的其他相关信息。

读者可能会注意到，本最终报告在结构上与标准的 GNSO 最终报告有所不同。有关这些不同之处，请参阅下面的“序言”部分，但重新调整结构的最终目的是使报告更易于理解且对读者更友好。

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序言

本最终报告正式记录了工作组所做的工作、开展的讨论以及提出的最终政策建议。转让政策审核工作组于 2021 年开始其工作；在过去的三年半时间里，工作组开展了无数次讨论，达成了诸多共识，也遭遇了一些分歧，所有这些都详细记录在本报告中。

然而，正如读者可能想象到的，历经三年的讨论最终汇集成了一份极为冗长的报告。最初版本的初步报告是按照标准的 GNSO 模板编写的，包含了超过 100 页的审议和建议内容，这使得任何读者都很难在四十 (40) 天的标准公共评议期内完全消化并做出回应。工作组意识到了这一潜在的难题，因此在发布整合后的初步报告以及本最终报告时，对结构做出了以下重要更改，具体如下所述。

1. 添加了本**序言**部分，用于说明对标准最终报告格式所做的更改。
2. 为了使三组政策建议（即第 1A 组、第 1B 组和第 2 组）中的不同主题更加易于理解，开篇的**执行摘要**已被替换为每组建议前的三段更简短的摘要。
3. 报告主体包括**每项政策建议的列表**，其中包含：
 - a. **建议编号和标题**
 - b. **建议文本**：工作组提出的具体共识性建议。
 - c. **政策影响指标**：这是一个新增的版块，旨在帮助读者了解工作组所提议的变更程度，即这项建议与当前的《转让政策》相比有多大不同。
 - d. **建议理由**：这是由工作组提供的说明，用以解释和论证所提出的建议的合理性。
 - e. **实施指导**：在适用的情况下，工作组提供了一段简要说明，以协助完成政策建议的实施阶段。
 - f. **章程问题和审议摘要的链接**：详细的审议摘要和章程问题现已包含在报告附录中，这显著缩短了最终报告主体的长度，而使希望进一步了解以往背景的兴趣读者能够在建议列表和包含审议内容的附录之间轻松切换。

政策影响评估（新增版块）

除了至少编写一份初步报告和最终报告，详细说明工作组对其章程问题的回应及相应的政策建议外，工作组还需要开展政策影响分析并提交分析结果。具体来说，工作组[章程](#)规定：“如果工作组提出任何建议，工作组应（或建议后续政策实施审核小组）开展政策影响分析。”过去，影响分析会留给实施审核小组来完成，该小组通常作为 ICANN 组织的咨询机构，在 ICANN 组织根据各个工作组的建议更新现行政策或制定新政策时提供服务，然而该小组会无意中忽略开展这一分析。

认识到这一分析的重要性，本报告的更新格式旨在提供政策影响分析，用以表明建议与现状或现行《转让政策》相比有多大不同。政策影响评估首先包括政策影响级别，即工作组用来表示特定政策建议引发的变更程度的等级（低、中、高）。

“政策影响级别”（低、中、高）

- **低**级别影响的示例包括较小程度的变更，例如定义上的更改，而非对政策要求的实质性更改，比如将“注册人变更”改为“注册人数据变更”。
- **中**级别影响的示例包括对政策的实质性更改，例如对现有要求的更改或新增一项要求。
- **高**级别影响的示例包括对当前政策的重大更改，例如取消之前的政策要求，比如取消注册人变更后 60 天内禁止转让的限制。

在查看政策影响级别时，务必要注意，所指定的级别并不是对政策建议的定性分析。换句话说，一项被归类为“高级别影响”的建议并不因此就意味着该建议是不利或负面的，同样，一项被归类为“低级别影响”的建议也并不意味着该建议是有利或正面的。

在考虑政策影响级别时，工作组采用了以下非详尽的标准：

- 与现有要求相比的变更程度，例如无更改或确认现有要求、修改现有要求或提出新要求
- 安全增强或取消现有安全要求
- 技术变更的级别及其对各签约方的影响
- ICANN 合同合规部的执行能力
- 对注册域名持有人的影响（如保护措施增强或减少、引起的混淆程度等）

建议分组概述

建议分组的简短概述

工作组的[章程](#)将政策工作划分为三个不同的阶段，以体现不同主题领域以及每个主题领域所需的大量时间。

- **第 1(a) 组：**授权书 (Form of Authorization, FOA)（包括 EPDP 第 1 阶段建议 27 第 1 批：FOA 问题）、授权信息编码和拒绝 (NACKing) 转让
- **第 1(b) 组：**注册人变更（包括 EPDP 第 1 阶段建议 27 第 1 批：注册人变更问题）
- **第 2 组：**紧急转让行动联系人和撤销注册服务机构域名转让、《转让争议解决政策 (Transfer Dispute Resolution Policy, TDRP)》（包括 EPDP 第 1 阶段建议 27 第 1 批：TDRP 问题）、ICANN 批准的转让

每组建议将首先包含一个简介，以对该主题领域进行简要概述，然后再提供每项政策建议的列表。

最后，工作组认为这些建议是相互依赖的，因此建议由 GNSO 理事会以及随后由 ICANN 董事会将这些建议作为一个整体来审议。

政策建议和影响分析 - 第 1(a) 组

第 1(a) 组建议简介：

《转让政策》，旧称《注册服务机构域名转让政策 (Inter-Registrar Transfer Policy, IRTP)》，是 ICANN 的一项共识性政策，已于 2004 年 11 月 12 日生效。该政策规定了注册人将其域名从一家注册服务机构转让到另一家注册服务机构的程序和要求，又称注册服务机构域名转让。《转让政策》旨在增强域名的便携性，扩大消费者和企业的选择，并使得注册人能够选择注册服务机构以获得所需的最佳服务和最适宜的价格。

第 1(a) 组建议涵盖注册服务机构域名转让的许多技术方面，包括但不限于转入和转出授权书、授权信息编码以及与注册服务机构域名转让相关的其他通知。

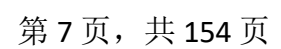
第 1(a) 组建议的排序大致对应于注册服务机构域名转让的步骤，下面的泳道图直观地显示了这些步骤。该图表中含有对应建议编号的标签；但是，请注意，并非图表中的所有步骤都包含建议编号。

为保持建议编号与泳道图的对应关系，已对第一份初步报告中的先前编号进行了更改。初步报告中的原始编号对应于章程问题的顺序，先前的建议排序可以在此[附录](#)中找到。

关于泳道图的免责声明：

1. 本泳道图是对拟议转让流程的概念性表示，旨在作为指南协助读者理解拟议的建议。本泳道图不是政策要求文件，因此不应将其视为此类文件。
2. 本泳道图采用极其简要的方式创建。它没有考虑到所有可能的转让交易变化形式，特别是没有考虑各签约方之间不同的商业模型和程序。
3. 如果流程步骤框没有建议标签，则该流程步骤不对应于任何拟议的建议或政策要求。这些流程步骤仅用于保持转让交易从头到尾的逻辑连续性。
4. 泳道模型的一个缺陷是，它不能准确表示时间尺度。此概念模型将在几秒钟内发生的系统流程与可能在几个日历日内发生的业务程序混合在一起。

以下图表仅作为其存在的参考，请访问此[链接](#)查看更易于使用的泳道图版本，或者您可以在本报告的最后一个[附录](#)中找到嵌入版本。



建议 1：术语更新：Whois

工作组建议对《转让政策》和《转让争议解决政策》进行以下具体术语更新：

- (i) “Whois 数据”应与“注册数据”具有相同含义。
- (ii) “Whois 详细信息”应与“注册数据”具有相同含义。
- (iii) “公众可访问的 Whois”应与“注册数据目录服务 (Registration Data Directory Service, RDDS)”具有相同含义。
- (iv) “Whois”应与“RDDS”具有相同含义。

为避免存疑特此说明，上述建议 1 的 (i) - (iv) 中提到的术语旨在酌情与《注册管理机构协议 (Registry Agreement, “RA”)》和《注册服务机构认证协议 (Registrar Accreditation Agreement, “RAA”)》中的定义相对应。如有任何不一致，将优先采用 RA/RAA 定义（如果更新）。工作组还建议应使用更新后的术语替换过时的术语，例如，所有对“Whois 数据”的引用应替换为“注册数据”，等等。

政策影响：

低 - 仅术语变更。

建议理由：

此建议与 EPDP 团队第 1 阶段建议 24 一致。工作组另外指出，就《转让政策》而言，注册数据是指注册服务机构在域名注册过程中从法人或自然人处收集的联系人数据。这不包括信用卡详情和电子邮件通信等其他客户数据。

实施指导：

无

章程问题和审议摘要的链接：

[c1](#)、[c2](#)、[j1](#)

建议 2：术语更新：管理联系人和转让联系人

工作组建议在《转让政策》和《转让争议解决政策》中移除对“管理联系人”或“转让联系人”的任何引用，并将其替换为“注册域名持有人”，特别注明的情况除外。

政策影响：

低 - 仅术语变更。

建议理由：

根据即将实施的《注册数据政策》，注册服务机构不再需要收集管理联系人数据，因此不能依赖该数据来满足《转让政策》要求。相应地，注册域名持有人 (Registered Name Holder, RNH) 将成为唯一的授权转让联系人。

实施指导：

无

章程问题和审议摘要的链接：

[c1](#)、[c2](#)、[j1](#)

建议 3：初始注册后的转让限制

工作组建议，注册服务机构必须限制 RNH 在 RDDS 中的域名生成日期后 720 小时内将域名转让到新的注册服务机构。

3.1：如果注册管理机构和/或注册服务机构的现行政策和/或实践限制 RNH 在初始注册后的不同期限内将域名转让到新的注册服务机构，则所有政策和实践必须进行更新以符合这一新要求。为免存疑特此说明，这包括但不限于某些《注册管理机构-注册服务机构协议 (Registry-Registrar Agreement, RRA)》和某些《注册管理机构协议 (RA)》中目前规定的生成后 60 天的限制。建议 3 旨在将注册服务机构域名转让限制期限统一规范为所有 gTLD 适用的 720 小时。因此，凡是规定的期限不是 720 小时的 RRA、RA 或注册协议需要根据此建议进行修订，因为《转让政策》不再允许其他期限。

政策影响：

低 - 限制期限从原本通过《注册管理机构-注册服务机构协议》不统一地采用 60 天，更改为通过共识性政策建议统一采用 30 个日历日/720 小时。

建议理由：

工作组认为，在整个行业中实施统一的要求将给注册人带来更好的体验。工作组建议 720 小时是这一要求的适当期限，原因如下：

- 它提供了一个机会窗口，用于识别与信用卡支付相关的问题，包括信用卡的未经授权使用。这可能有助于打击犯罪活动并阻止欺诈行为。
- 它为投诉人提供了一个机会窗口，在域名被转让到新的注册服务机构之前，根据统一域名争议解决政策 (Uniform Domain Name Dispute Resolution Policy, UDRP) 提起诉讼。一旦诉讼程序开始，与争议相关的域名将会被锁定。
- 对于在注册后不久有合法理由需要转让域名的注册人，工作组认为 30 天是合理的等待期限。

澄清一下，使用“锁定”一词并非旨在暗示或要求在实施时采用特定的技术解决方案。它只是作为一种简略说法，意味着该域名在一段时间内不符合注册服务机构域名转让的条件。经过公共评议后，工作组将所有对“天”的引用更新为“小时”，以避免歧义。

实施指导：

如果注册管理机构和/或注册服务机构的现行政策和/或实践限制 RNH 在初始注册后的不同期限内将域名转让到新的注册服务机构，则所有政策和实践必须进行更新以符合这一新要求。

章程问题和审议摘要的链接：

此建议与任何章程问题都没有直接联系，因为该问题只是在进一步分析域名生命周期不同阶段应用的转让“锁定”时才浮现出来的。

建议 4：将“授权信息编码”更新为“转让授权代码 (TAC)”

工作组建议，《转让政策》以及所有相关政策必须使用“转让授权代码”（Transfer Authorization Code，简称“TAC”）来代替当前使用的“授权信息编码”及相关术语。此建议仅涉及术语更新，并不暗示对政策实质内容进行任何其他更改。

政策影响：

低 - 仅术语变更。

建议理由：

工作组认为，如果普遍使用统一的术语，对所有各方，特别是 RNH 来说会更清晰。“转让授权代码” (TAC) 直接描述了该代码的功能。

实施指导：

ICANN 的出版物和网页也应进行更新，以反映建议 4 中所述的建议术语变更。

章程问题和审议摘要的链接：

[b1](#)

建议 5：TAC 定义

工作组建议，转让授权代码必须定义如下：“转让授权代码 (TAC) 是由登记注册服务机构生成的标记，应请求提供给 RNH 或其指定代表。TAC 是将域名从一家注册服务机构转到另一家注册服务机构所必需的，当提供时，即授权进行符合条件的转让。”¹相关政策内容必须进行更新，以便与此定义保持一致。

- “指定代表”是指 RNH 明确授权的个人或实体，代表其请求和获取 TAC。在发生争议时，RNH 的权限将取代指定代表的权限。

政策影响：

低 - 定义澄清。

¹ 注：这一定义借鉴了建议 10 中的内容。

建议理由：

此定义是对 [ICANN.org](https://www.icann.org) 网站上包含的文本的修订，更新后明确指出 TAC 的功能是验证请求转让的注册域名持有人 (RNH) 与持有该域名的 RNH 是同一人。经过公共评议后，工作组注意到，TAC 并不一定总是会导致注册服务机构域名转让，因为域名必须符合转让条件，例如，因法院指令而被锁定的域名即使提供 TAC 也不得转让。因此，文本在更新后包含“符合条件”一词。为免存疑特此说明，工作组在建议 5 中引入的“指定代表”一词不同于“指定代理”这一概念，“指定代理”在《转让政策》第 I.A.1.2 节中进行了定义。

实施指导：

无

章程问题和审议摘要的链接：

[b1](#)

建议 6：TAC 置备时限要求

工作组确认，《转让政策》必须继续要求注册服务机构在收到请求后的五个日历日内，在注册管理机构设置 TAC 并向 RNH 或其指定代表发放该 TAC，不过工作组建议将政策中的要求表述为 120 小时而非 5 个日历日，以减少任何混淆风险。工作组进一步建议，政策必须明确指出 120 小时是发放 TAC 的最长期限，而非标准期限。

政策影响：

低 - 现状澄清。

建议理由：

工作组没有找到更改五天回应时限的充分理由，但认为使用小时而非日历日来表达时限会更清晰。工作组建议，政策必须明确指出 120 小时是发放 TAC 的最长期限，而非标准期限，以便强调在许多情况下，可以根据需要更快进行处理。

实施指导：

无

章程问题和审议摘要的链接：[b3](#)**建议 7：TAC 组成**

工作组建议，TAC 的最小组成要求必须符合 RFC 9154 中的规定，包括与转让的安全授权信息相关的所有后续标准、修订或补充条款。RFC 9154 第 4.1 节中关于最小熵位数（即 128 位）的要求应在政策中作为一项强制性要求，直到未来通过适用的 IETF 流程被批准为“互联网标准”（而不是信息性或实验性标准）的 RFC 更新安全建议为止。

政策影响：

中 - 对 TAC 的安全要求更新将涉及注册服务机构的规划和系统变更，以及为注册人提供增强的安全性。

建议理由：

工作组支持 RFC 9154 第 4.1 节中的声明：“为确保授权信息安全，必须使用安全的随机值来生成授权信息。”建议 7 使 TAC 的组成要求与 RFC 9154 保持一致，包括与转让的安全授权信息相关的所有后续标准、修订或补充条款。

实施指导：

无

章程问题和审议摘要的链接：[a4](#)、[b2](#)**建议 8：TAC 组成验证**

工作组建议，在将 TAC 存储在注册管理机构系统中时，注册管理机构必须验证 TAC 是否符合建议 7 中规定的语法要求。

政策影响：

中 - 对注册管理机构的新要求将需要进行规划和系统变更。

建议理由：

注册管理机构验证可以检查由注册服务机构生成的授权信息的随机性。

实施指导：

无

章程问题和审议摘要的链接：

[a4](#)、[b2](#)

建议 9：TAC 存活时间 (TTL)

工作组建议：

9.1： TAC 有效期必须为从在注册管理机构设置之时起 336 小时，由注册管理机构强制执行。

9.2： 在以下情况下，登记注册服务机构可以在 336 小时结束前将 TAC 重置为空²：(i) 经登记注册服务机构和 RNH 一致同意；或者 (ii) 在未经 RNH 同意的情况下，将 TAC 重置为空符合 RNH 的最佳利益，例如发生安全漏洞、账户泄露等情况时。

9.3： 如果登记注册服务机构在未经 RNH 同意的情况下将 TAC 重置为空，那么在 RNH 请求提供这样做的理由时，登记注册服务机构必须向 RNH 提供此理由。

9.4： 在以下情况下，注册管理机构可以在 336 小时结束前将 TAC 重置为空²：(i) 经登记注册服务机构同意；或者 (ii) 在未经登记注册服务机构同意的情况下，将 TAC 重置为空符合登记注册服务机构或 RNH 的最佳利益，例如发生安全漏洞、账户泄露等情况时。

² 在本建议中，“将 TAC 重置为空”与设置 TAC 的含义相反。即，建议 10.2 表示，登记注册服务机构在注册管理机构设置 TAC；而本建议则表示，注册服务机构/注册管理机构采取相反的操作。更多信息，请参阅 RFC 9154 第 4.4 节、第 5.2 节。

9.5: 如果注册管理机构在未经登记注册服务机构同意的情况下将 TAC 重置为空，那么在登记注册服务机构请求提供这样做的理由时，注册管理机构必须向登记注册服务机构提供此理由。

政策影响:

中 - 对注册管理机构和注册服务机构的新要求将需要进行规划和系统变更。

建议理由:

标准存活时间 (Time to Live, TTL) 旨在当 TAC 可能存储在注册人的电子邮件或其他通信存储中且未使用（例如，已请求/收到但未使用）时，加强该 TAC 的安全性。工作组得出的结论是，TAC TTL 不得超过 336 小时，并指出 336 小时是适当的期限，能够满足与不同注册服务机构模型关联的转让相关业务流程的需求。

工作组广泛讨论了应由注册管理机构还是注册服务机构来强制执行 14 天的 TTL，并通过第 1A 阶段初步报告进行公共评议，请求社群就此问题提供意见。工作组建议由注册管理机构强制执行，理由如下：

- 出于准确性考量：如果要求赞助注册服务机构通过将 TAC 更新为空来使其过期，那么在将 TAC 设置为过期时，注册服务机构或注册管理机构系统可能会出现故障（或通信中断）。这意味着 TAC 的过期时间将延迟，直到交易完成，从而为可能使用赞助注册服务机构视为已过期的 TAC 提供了一个窗口期。
- 出于一致性考量：在注册管理机构采用集中式方法可以让潜在的（域名）转入注册服务机构知晓，无论赞助/置备注册服务机构是谁，每个 TAC 都将在 14 天/336 小时后过期。
- 出于安全性考量：注册管理机构中的每个 TAC 都有统一强制执行的最长有效期。这可防止存在任何长期有效的 TAC，这种 TAC 可能被用于进行未经授权或非预期的注册服务机构域名转让。

关于 9.2，工作组承认，可能存在多种情况，使得登记注册服务机构和 RNH 可能希望在第 14 个日历日结束前一致同意将 TAC 重置为空。工作组增加此节内容，目的是为了确保注册服务机构在相关情况下可以采取该操作。

经过公共评议后，工作组最终同意了反馈意见，即在极少数情况下，为保护 RNH 权益，注册管理机构或注册服务机构可能需要将 TAC 设置为空。9.2-9.5 中提供的更新基于以下共识：如果在未经 RNH 同意的情况下将 TAC 重置为空，那么在 RNH 请求提供这样做的理由时，登记注册服务机构必须向 RNH 提供此理由。工作组重新审视了关于增加第 9.4 节和

第 9.5 节的建议，以便考虑到注册管理机构可能需要在未经注册服务机构批准的情况下将 TAC 设置为空的极少数情况。在经过进一步考虑后，工作组认为这些内容是可以接受的，因为此类情况的预计执行次数极少。

实施指导：

无

章程问题和审议摘要的链接：

[b4](#)

建议 10：TAC 生成、存储和置备

工作组建议：

10.1： TAC 必须仅由登记注册服务机构应 RNH 或其指定代表的请求生成。

10.2： 当登记注册服务机构在注册管理机构设置 TAC 时，注册管理机构必须至少根据 RFC 9154（或其后续版本）中规定的最低标准，安全地存储 TAC。

政策影响：

中 - 此建议对注册管理机构和注册服务机构增加了新的 TAC 安全要求，并且将需要进行规划和系统变更。

建议理由：

目前，可能会出现这样的情况，即 TAC 可能存在并存储了较长时间，因此可能会面临泄露或被盗的风险，例如在登记注册服务机构或通过 RNH 的电子邮件账户进行存储。此建议旨在通过确保 TAC 仅在需要启动注册服务机构域名转让时才生成，以减少 TAC 意外泄露的风险，从而降低 TAC 在生成后遭到不当使用的风险（建议 10.1）。此建议还通过确保注册管理机构以安全的方式存储 TAC，进一步防止在注册管理机构发生泄露或被盗的情况（建议 10.2）。

实施指导：

RFC 9154 建议采用至少 256 位散列函数的强单向加密散列，例如 SHA-256 [FIPS-180-4]，并且每条授权信息使用至少 128 位的随机盐值。³

章程问题和审议摘要的链接：

[a4](#)

建议 11：TAC 发放通知

工作组建议，登记注册服务机构必须在其发放 TAC 后向 RNH 发送“TAC 发放通知”⁴，不得无故拖延，且发送时间不得迟于发放 TAC 后 10 分钟。⁵发送通知时，登记注册服务机构必须使用在提出 TAC 请求时注册数据中包含的联系信息。

11.1：此通知必须以英文和注册协议所用的语言（如果不是英文）提供，也可以提供其他语言版本。

11.2：“TAC 发放通知”中必须包含以下要素：

- 域名
- 关于 TAC 可用于将域名转让到其他注册服务机构的解释
- TAC 发放日期和时间以及有关 TAC 何时过期的信息
- 关于在请求无效时 RNH 可采取何种操作（如何使 TAC 失效）的详细说明
- 如果 TAC 尚未通过其他通信方式发放，此通信将包含 TAC

³ [FIPS-180-4] 美国商务部国家标准与技术研究院，“NIST 联邦信息处理标准 (FIPS) 出版物 180-4，安全散列标准”，DOI10.6028/NIST.FIPS.180-4，2015 年 8 月

<https://csrc.nist.gov/publications/detail/fips/180/4/final>。

⁴ 工作组认为，可以通过电子邮件、短信或经注册服务机构确定、安全的消息传送系统发送此通知。此处所举示例并不具有限制性，工作组理解可能会出现其最初未预料到的其他通知方式。

⁵ 工作组认为，从安全角度考虑，“TAC 发放通知”最好采用不同于 TAC 发送方法的通信方式。如果无法做到这一点，而是使用相同的通信方式，登记注册服务机构可以选择在一次通信中同时发送“TAC 发放通知”和 TAC。

政策影响：

中 - 此建议要求发送新的通知。实施这一功能需要注册服务机构进行规划和系统更新，并且 RNH 将经历与现行《转让政策》不同的变更。

建议理由：

此建议旨在确保 RNH 始终收到有关注册服务机构域名转让的必要信息。如果 RNH 收到通知并确定对账户的操作是未经授权或非预期的，RNH 可以在转让完成之前设法使 TAC 失效。工作组已经建议对注册服务机构域名转让流程进行额外的安全增强，包括对 TAC 的这些更改，以应对取消转入 FOA 这一情况，并确保在新的域名环境下注册服务机构域名转让仍然安全。有关工作组想法的更多细节，请参阅附录 A 的讨论部分。

实施指导：

在客户使用隐私/代理服务的情况下，如果登记注册服务机构掌握与实际客户相关的联系信息，登记注册服务机构可以直接向实际客户发送通知。

章程问题和审议摘要的链接：

[a4](#)、[a7](#)、[a8](#)

建议 12：TAC 有效性验证

工作组建议，注册管理运行机构必须验证（域名）转入注册服务机构提供的 TAC 是否有效，才能受理注册服务机构域名转让请求。

政策影响：

低 - 此建议确认了临时规范下的现状，即不涉及重大变更。

建议理由：

此建议符合《gTLD 注册数据临时规范》中包含的附录 G：“转让政策补充程序”。

实施指导：

无

章程问题和审议摘要的链接：[b2](#)**建议 13：TAC 是一次性使用的**

工作组建议，根据建议 10 由登记注册服务机构生成的 TAC 必须是“一次性使用”的。换句话说，每个域名使用 TAC 的次数不得超过一次。注册管理运行机构在受理（域名）转入注册服务机构提供的有效 TAC 时，必须将 TAC 重置为空⁶。为免存疑特此说明，注册服务机构可以在启动注册服务机构域名转让前，确认 TAC 的有效性。这种确认，或对 TAC 的只读验证，不受“一次性使用”要求的限制，并且符合 RFC 9154。

政策影响：

中 - 对注册服务机构的新要求将涉及进行规划和系统变更。

建议理由：

一次性使用原则将使用单个密码可以完成的交易数限制为一次，从而减少了恶意人员可能造成的损害。工作组认为，按照一次性使用原则管理 TAC 是一种良好的实践。

经过公共评议后，工作组考虑了对 TAC 进行只读验证的担忧，并指出只读使用不受一次性使用要求的限制。工作组经讨论认为，这不会违反提议的一次性使用原则，因为 EPP <info> 不是一种改变状态的操作，而且 TAC 在 <info> 命令中出现时不会被视为“已使用”。虽然工作组的澄清文本保持了现状，但添加这段文本有助于确保合规性和统一性。

实施指导：

无

章程问题和审议摘要的链接：[b1](#)

⁶ 在本建议中，“将 TAC 重置为空”与设置 TAC 的含义相反。即，建议 9.2 表示，登记注册服务机构在注册管理机构设置 TAC；而本建议则表示，注册管理机构采取相反的操作。更多信息，请参阅 RFC 9154 第 4.4 节、第 5.2 节。

建议 14：记录维护

注册服务机构必须留存与向 RNH 或其指定代表提供转让授权代码 (TAC)⁷ 相关的所有记录，以及依据《转让政策》中的要求发送的所有通知。留存的记录必须至少包含 TAC 和通知的发送日期/时间、发送方式及接收方联系信息等要素。这些记录须遵循 ICANN 数据留存规范的要求；注册服务机构应自行负责遵守该规范中的要求，因为这些要求可能会不定期更新。

政策影响：

低 - 注册服务机构必须已维护相关记录；此建议旨在使留存期限与同样处理 RNH 个人数据的《注册数据政策》保持一致。

建议理由：

此建议旨在确保 ICANN 组织在开展与注册服务机构域名转让相关的合规调查时，能够获取必要的信息支持。此建议中提供的留存期限为 15 个月，这与《注册数据政策》预计纳入的要求相一致。

实施指导：

无

章程问题和审议摘要的链接：

[a5](#)

建议 15：转入授权书 (FOA)

工作组建议从《转让政策》中删除关于（域名）转入注册服务机构须发送转入 FOA 的要求。《转让政策》第 I.A.2 节中详细描述了该要求。

政策影响：

低 - 自 GDPR 实施以来，对转入 FOA 的合规监管已暂停执行，注册服务机构也不使用转入 FOA 来确认转让。因此，此建议不会改变目前的做法。

⁷ 关于转让授权代码 (TAC) 的详细信息在之前的建议中有详细讨论。

建议理由：

如工作组对章程问题 [a1](#) 的回应所详述，自 GDPR 生效以来，注册服务机构域名转让流程在取消转入 FOA 机制后仍能有效运作，工作组未发现任何证据表明取消该机制会导致非授权转让事件增加。他们也未发现任何其他迹象表明转让流程因取消转入 FOA 要求而无法有效运作。因此，工作组认为，没有证据表明需要转入 FOA 来促进转让流程或保护 RNH 免遭非授权转让。

实施指导：

无

章程问题和审议摘要的链接：

[a1](#)、[j1](#)

建议 16：注册管理机构向（域名）转出注册服务机构发送 IANA ID

注册管理运行机构必须在未决转让请求的通知中，向（域名）转出注册服务机构提供（域名）转入注册服务机构的 IANA ID，要求（域名）转出注册服务机构在转让确认书和转让完成通知中提供这一信息。

政策影响：

中 - 此建议对注册管理机构提出新的要求，他们需要进行规划和系统更新。

建议理由：

目前，并非所有注册管理运行机构在向（域名）转出注册服务机构发送未决转让请求的通知时都会提供（域名）转入注册服务机构的 IANA ID。某些注册管理运行机构只提供单独的内部客户 ID，该 ID 与 IANA ID 无对应关系。此建议旨在确保（域名）转出注册服务机构在转让确认书和转让完成通知中统一提供 IANA ID。在合法转让的情况下，RNH 可通过这一信息来确认预期操作是否按请求方式完成。如果实际转让与 RNH 的意图不符，IANA ID 将成为协助 RNH 调查问题的重要依据。

实施指导：

无

章程问题和审议摘要的链接：

[a7](#)

建议 17：转出授权书 (FOA)

工作组建议对标准化授权书 (FOA) 做出以下小幅修改：

17.1： 必须使用“转让确认书”一词来代替“标准化授权书 (FOA)”。

17.2： 转让确认书中必须包含（域名）转入注册服务机构的 IANA ID，以及 ICANN 维护的列出认证注册服务机构和对应 IANA ID 的网页链接。如果可能，也可以包含（域名）转入注册服务机构的名称。

17.3： 转让确认书必须以英文和注册协议所用的语言（如果不是英文）提供，也可以提供其他语言版本。

17.4： 《转让政策》第 I.A.3.5 节中规定的五 (5) 个日历日的时限必须以小时为单位表述：“如果登记注册服务机构未在 120 个小时内回应注册管理机构发出的转让请求通知，则默认视为‘批准’这项转让。”

17.5： 转让确认书中不得包含立即批准注册服务机构域名转让的机制。

政策影响：

低 - 基本维持现状。

建议理由：

请参阅对章程问题 a7 的回应，获取工作组对转让确认书的审议摘要。关于工作组建议的小幅修改：

- “转出授权书”一词容易使 RNH 产生困惑，因此工作组建议将它更新为更能准确体现功能属性的“转让确认书”。
- 通过在转让确认书中包含 IANA ID，RNH 可确认（域名）转入注册服务机构是否与 RNH 打算向其转让域名的注册服务机构一致。如果未决转让与 RNH 的意图不符，IANA ID 将成为协助 RNH 调查问题的重要依据。

- 以英文和注册协议所用语言提供转让确认书，有助于 RNH 阅读并理解信息。

与本报告中的其他建议一致，工作组建议以小时为单位指定时限，使表述更加清晰。

经过公共评议后，工作组讨论了是否建议转让确认书通知中不得包含立即批准转让的机制，因为有评议者提出了这项建议。工作组最终决定更新建议文本，明确规定该通知不得包含立即批准转让的机制，因为在通知中包含此类机制将会产生安全隐患。

实施指导：

工作组指出，建议 17.5 并不禁止注册服务机构向 RNH 发送转让批准机制，但要求转让确认书中不得包含该机制。

章程问题和审议摘要的链接：

[a7](#)

建议 18：注册服务机构域名转让后的转让限制

注册服务机构必须限制 RNH 在完成注册服务机构域名转让后 720 小时内将域名转让到新的注册服务机构。与建议 3 类似，建议 18 旨在将注册服务机构域名转让限制期限统一规范为所有 gTLD 适用的 720 小时。因此，凡是规定的期限不是 720 小时的 RRA、RA 或注册协议需要根据此建议进行修订，因为《转让政策》不再允许其他期限。

注册服务机构只有在满足下列所有条件时，才能提前解除 720 小时的注册服务机构域名转让限制：

18.1: 注册服务机构必须能证明已收到 RNH 提出的解除 720 小时限制的具体请求，且请求中指出了相关域名；

18.2: 具体请求必须包含解除限制的合理依据，包括但不限于：(i) 注册人在充分知情的情况下提出的有文件证明、有明确意图的请求；(ii) 原注册服务机构与现注册服务机构就转回原注册服务机构达成共识；(iii) 托管中介影响完成相关注册域名收购的合法情况；(iv) 完成已备案的注册域名收购（二级市场交易、资产组合整合或善意购买）；(v) 因域名使用明显违反注册服务机构的可接受使用政策 (Acceptable Use Policy, AuP)、服务条款 (Terms of Service, ToS) 或者当地法律或其他类似管理规

定而主动释放已转让到注册服务机构的注册域名；以及

18.3: 注册服务机构必须留存能证明解除限制请求（无论结果如何）的记录，留存期限不得少于注册服务机构停止赞助该注册后的十五 (15) 个月。

政策影响：

中 - 通过共识性政策，新的转让后限制期限从原本不统一的 60 天缩短为统一的 30 天。
注：工作组经讨论认为，强制的 720 小时注册服务机构域名转让后限制期限设置可有效弥补因取消转入 FOA 和其他原有安全功能而产生的风险。

建议理由：

工作组认为，在整个行业中实施统一的要求将给注册人带来更好的体验，同时还能持续防范与域名盗用相关的连续多次域名转让行为。工作组建议 30 天是这一要求的适当期限，原因如下：

- 它提供了一个机会窗口，用于识别与信用卡支付相关的问题，包括信用卡的未经授权使用。这可能有助于打击犯罪活动并阻止欺诈行为。
- 对于在注册服务机构域名转让后不久有合理理由需要转让域名的注册人，30 天是合理的等待期限。

实施指导：

工作组指出，虽然 720 小时的转让后限制期限是防范注册服务机构跳转及潜在域名盗用的重要安全机制，但他们也承认特殊情形下需要提前解除 720 小时的转让后限制。工作组确定的特殊情形包括但不限于：

- 注册人在充分知情的情况下提出的有文件证明、有明确意图的请求
- 原注册服务机构与现注册服务机构就转回原注册服务机构达成共识
- 托管中介影响完成相关注册域名收购的合法情况
- 完成已备案的注册域名收购（二级市场交易、资产组合整合或善意购买）
- 因域名使用明显违反注册服务机构的可接受使用政策 (AuP)、服务条款 (ToS) 或者当地法律或其他类似管理规定而主动释放已转让到注册服务机构的注册域名。

如果注册管理机构和/或注册服务机构的现行政策和/或实践限制 RNH 在注册服务机构域名转让后的不同期限内将域名转让到新的注册服务机构，则所有政策和实践必须进行更新以符合这一新要求。但是，工作组也承认特殊情形下需要提前解除建议 18 中所述的 720 小时的限制。

章程问题和审议摘要的连接：

[a6](#)、[h1](#)

建议 19：转让完成通知

工作组建议，（域名）转出注册服务机构（即提出转让请求时的登记注册服务机构）必须向 RNH 发送“转让完成通知”⁸，不得无故拖延，且发送时间不得迟于转让完成后 24 小时。发送通知时，（域名）转出注册服务机构必须使用提出转让请求时注册数据中包含的联系信息。

19.1: 此通知必须以英文和注册协议所用的语言（如果不是英文）提供，也可以提供其他语言版本。

19.2: 如果将多个域名同时转让到相同或多个不同的（域名）转入注册服务机构，并且转让时所有域名在注册数据中列明的 RNH 相同，则登记注册服务机构可将多份“转让完成通知”合并为一份通知。

19.3: “转让完成通知”中必须包含以下要素：

- 域名
- （域名）转入注册服务机构的 IANA ID，以及 ICANN 维护的列出认证注册服务机构和对应 IANA ID 的网页链接。如果可能，也可以包含（域名）转入注册服务机构的名称。
- 说明域名已完成转让的文本
- 完成转让的日期、时间和时区
- 关于在 RNH 认为转让无效时该如何联系（域名）转出（原）注册服务机构寻求支持以及任何相关截止日期或政策的详细说明。

政策影响：

中 - 此建议要求发送新的通知，因此注册服务机构需要进行规划和系统更新。

⁸ 建议 11 关于通知发送方式的脚注同样适用于“转让完成通知”。

建议理由：

此建议旨在确保 RNH 始终收到有关注册服务机构域名转让的必要信息。如果 RNH 收到通知并确定转让是未经授权或非预期的，RNH 可采取适当的补救措施。

实施指导：

在客户使用隐私/代理服务的情况下，如果登记注册服务机构掌握与实际客户相关的联系信息，登记注册服务机构可以直接向实际客户发送通知。

对于此建议及其他建议，《转让争议解决政策》中的以下定义准确阐释了本最终报告中引用的术语含义：

（域名）转入注册服务机构：通过提交转让请求来寻求成为登记注册服务机构的注册服务机构。

（域名）转出注册服务机构：提交域名转让请求时身份为登记注册服务机构的注册服务机构。

登记注册服务机构：

在注册管理机构中为域名提供服务的注册服务机构。

章程问题和审议摘要的链接：

[a7](#)、[a8](#)

建议 20：《转让政策》第 I.A.3.7 节的格式

《转让政策》第 I.A.3.7 节目前的内容是：“如果登记注册服务机构基于以下任何理由否决了转让请求，则必须向注册域名持有人和潜在（域名）转入注册服务机构提供否决的原因。登记注册服务机构只能在以下特定情况下否决转让请求：”。工作组建议对首句进行以下修订（加粗部分）：“如果登记注册服务机构基于以下任何理由否决了转让请求，则必须向注册域名持有人和**应请求向**潜在（域名）转入注册服务机构提供否决的原因。”工作组进一步建议，将该条款中的两句话分别表述为政策的两个独立条款。

政策影响：

低 - 此建议旨在澄清现状。

建议理由：

在首句中添加“应请求向”字样，旨在澄清登记注册服务机构始终向 RNH 提供否决的原因，而仅应请求向（域名）转入注册服务机构提供否决的原因。目前不存在向（域名）转入注册服务机构提供否决原因的自动流程。这就是目前的情况，预计今后也将继续如此。第 I.A.3.7 节中的两句话表述了两个独立概念，因此应拆分为两个不同的条款。

实施指导：

无

章程问题和审议摘要的链接：

[h1](#)

建议 21：修订登记注册服务机构可否决转让的原因

工作组建议修订登记注册服务机构可否决转让请求的以下原因，具体如下：

参考	现行文本	修订	理由
I.A.3.7.1	有证据表明存在欺诈行为。	(a) 有证据表明存在欺诈行为；(b) 有证据表明存在《注册服务机构认证协议》第 3.18.1 节定义的 DNS 滥用行为。如果注册服务机构因为这个原因而否决转让请求，注册服务机构可应请求向 RNH 提供具体证据/理由。	ICANN 合同合规部发现，注册服务机构难以将涉及因滥用活动而暂停的域名的转让否决情形与《转让政策》规定的否决情形相关联。工作组审议了对第 I.A.3.7.1 节作出的若干可行修订（包括通过对第 1(a) 阶段初步报告进行的公共评议提交的修订方案），以适当的方式解决所发现的问题，同时确保文本表述清晰且有针对性。工作组希望避免建议采用宽泛的措辞，使注册服务机构能够： a) 防止随意转让；或 b) 防止 RNH 将域名从某些内容或活动被视为非法或受限制的司法管

			<p>辖区转让到同一内容或活动被视为合法言论的司法管辖区。工作组提议的修订旨在实现这一平衡。工作组特别引用了 RAA 条款，以便针对 ICANN 背景下可能被视为 DNS 滥用行为的特定威胁做出修改。</p>
I.A.3.7.2	<p>对注册域名持有人或管理联系人身份存在合理争议。</p>	<p>对合理担心注册域名持有人未请求转让或管理联系人身份存在合理争议。</p>	<p>工作组认为，“身份”一词在此背景下并不合适，其中一部分原因是数据隐私影响的担忧。由于当前的问题更确切地涉及对域名的管理权限，工作组对文本进行了优化，将重点放在关键的根本问题上，即转让请求是由注册域名持有人以外的一方提出的。</p> <p>根据《注册数据政策》，注册服务机构将不再收集管理联系人数据，因此删除了此术语。此更新与建议 2 保持一致。</p> <p>工作组考虑添加相应的措词，用于处理其他类型的无效请求或其他方提出的争议。工作组认为，第 I.A.3.7.2 节中的修订条款已适当涵盖了他们讨论的用例。</p>
I.A.3.7.3	<p>域名已过期，先前注册期未付费（包括信用卡拒付）；或者域名未过期，先前或当前注册期未付费。在所有此类情况下，登记注册服务机构必须在否决转让之前将域名设为“注册服务机构持有”状态。</p>	<p>域名在当前的登记注册服务机构已过期，先前注册期未付费（包括支付争议或信用卡拒付）；或者域名未过期，先前或当前注册期未付费。在所有此类情况下，登记注册服务机构必须在否决转让之前将域名设为“注册服务机构持有”状态。</p>	<p>工作组添加了“支付争议”一词，旨在反映信用卡拒付以外的支付相关问题。</p> <p>工作组从 ICANN 合同合规部收到的意见指出，该条款中的“已过期”一词不够准确，因为在自动续订宽限期内，域名在注册管理机构层面未显示为“已过期”，但在登记注册服务机构显示为“已过期”。通过添加“在当前的登记注册服务机构”，工作组做出以下澄清：如果域名在当前的登记注册服务机构已过期且 RNH 在到期日之前未支付注册期费</p>

			<p>用，则登记注册服务机构可否决转让。</p> <p>工作组指出，以“在所有此类情况下...”开头的那句话最早可追溯到 2002 年 ICANN DNSO 转让任务组最终报告及建议。工作组认为，《到期注册恢复政策》现提供了域名到期后处理的必要指导，因此这句话不必保留在《转让政策》文本中。</p>
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政策影响：

低 - 对现有文本的澄清。

建议理由：

工作组在审核该文本后提出了上述修订方案，使表述更加清晰。上表中描述了所提议的修改的理由。

实施指导：

无

章程问题和审议摘要的链接：

[h1](#)

建议 22：修订登记注册服务机构必须否决转让的原因

工作组建议，将登记注册服务机构当前可否决转让的以下原因修改为登记注册服务机构必须否决转让的原因，并按如下方式修订文本：

参考	现行文本	修订	理由
I.A.3.7.4	授权转让联系人明确拒绝转让。授权转让联系人可采用特定的拒绝方式（通过书面或电	授权转让联系人 <u>注册域名持有人</u> 明确拒绝转让。 授权转让联系人 <u>注册域名持有人</u> 可采用特	根据《注册数据政策》，注册服务机构将不再收集管理联系人数据。因此，RNH 将成为唯

	子形式的请求）来否决某个转让请求，或者可以临时或无期限地一概拒绝注册服务机构收到的所有转让请求。对于所有情况，拒绝转让时都必须提供授权转让联系人的明确知情同意书，且该同意书应基于可选择参加的形式。当授权转让联系人提出请求时，注册服务机构必须在五 (5) 个日历日内解除锁定，或向授权转让联系人提供可行的使用方法来解除锁定。	定的拒绝方式（通过书面或电子形式的请求）来否决某个转让请求，或者可以临时或无期限地一概拒绝注册服务机构收到的所有转让请求。对于所有情况，拒绝转让必须由注册域名持有人基于可选择参加的形式提出。如果注册域名持有人取消该拒绝转让，则必须在标准时限内允许转让。	一的授权转让联系人。工作组认为，当注册域名持有人明确拒绝转让时，登记注册服务机构必须否决转让，这种做法是合乎逻辑的。此更新与建议 2 保持一致。
I.A.3.7.5	在域名生成日期（根据该域名在注册管理机构中显示的 WHOIS 记录）后的 60 天内请求转让。	在域名生成日期（根据该域名在注册管理机构中显示的 WHOIS RDDS 记录）后的 60 天 720 小时内请求转让。	根据工作组的建议 3，注册服务机构必须限制 RNH 在 RDDS 中的域名生成日期后 720 小时内将域名转让到新的注册服务机构。 根据建议 1，“WHOIS”已更新为“RDDS”。
I.A.3.7.6	域名已过期，先前注册期未付费（包括信用卡拒付）；或者域名未过期，先前或当前注册期未付费。在所有此类情况下，登记注册服务机构必须在否决转让之前将域名设为“注册服务机构持有”状态。	域名距离上次转让不满 60 天 720 小时（或其他有待确定的更短天数）（经过注册服务机构双方的一致同意和/或按照争议解决流程的决议而转回原注册服务机构的情况除外）。“已转让”仅表示按照本政策的程序进行的注册服务机构域名转让。此限制不适用于满足 [要插入的政策引用] 中所述条件的情况。	根据工作组的建议 18，注册服务机构必须限制 RNH 在完成注册服务机构域名转让后 720 小时内将域名转让到新的注册服务机构，除非满足建议 18.1-18.3 中所述的条件。

政策影响：

低 - 对文本进行修订，使表述更加清晰并与本报告中的其他政策建议保持一致。

建议理由：

工作组认为，将“可”修改为“必须”，不仅能提升行业一致性，还能为注册人提供更高的可预测性。

实施指导：

无

章程问题和审议摘要的链接：

[h1](#)

建议 23：修订登记注册服务机构必须否决转让的原因

工作组建议按如下方式修订登记注册服务机构必须否决转让请求的原因：

参考	现行文本	修订	理由
I.A.3.8.1	注册服务机构收到未决 UDRP 诉讼程序的通知。	注册服务机构 提供商根据 UDRP 规则向注册服务机构收到发送了 未决 UDRP 诉讼程序的通知。	工作组完善了现行文本，做出如下澄清：注册服务机构必须否决在 UDRP 提供商根据 UDRP 规则向其发送 UDRP 诉讼程序通知后收到的注册服务机构域名转让请求。
I.A.3.8.2	具有司法管辖权的法院作出的法院指令。	无	工作组认为，该条款继续适用且表述足够清晰。
I.A.3.8.3	根据转让争议解决政策，与上次转让相关的未决争议。	根据转让争议解决政策，与上次转让相关的 转让争议解决政策规定的 未决争议。	此修订本质上是文字性调整。这并不会改变该条款的含义。
I.A.3.8.4	注册服务机构收到 URS 诉讼程序或 URS 中止的通知。	提供商根据 URS 程序向注册服务机构收到发送了未决 URS 诉讼程序或 URS 中止的通知。	添加了“未决”一词，旨在与第 I.A.3.8.1 节和第 I.A.3.8.3 节中的措词保持一致。此外，工作组还完善了现行文本，做出如下澄清：注册服务机构必须否决在 URS 提供商根据 URS 程序向其发送 URS 诉讼程序或 URS 中止通知后收到的注册服务机构域名转让请求。
I.A.3.8.5	注册服务机构在注册人变更后强制实施了 60 天的注册服务机构域名转让锁定，并且注册域名持有人未在注册人变更请求前选择退出 60 天的注册服	注册服务机构在注册人变更后强制实施了 60 天的注册服务机构域名转让锁定，并且注册域名持有人未在注册人变更请求前选择退出 60 天的注册服	由于工作组建议在注册人数据变更政策中取消 60 天的注册服务机构域名转让锁定，因此他们打算彻底删除此文本。（请参阅建议 26.4 和相关理

	求前选择退出 60 天的注册服务机构域名转让锁定。	务机构域名转让锁定。	由，以获取更多信息）。
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政策影响：

低 - 对文本进行修订，使表述更加清晰。

建议理由：

工作组审核了注册服务机构必须否决注册服务机构域名转让请求的各种原因，并提出了文本编辑建议，使注册服务机构与注册人都能清楚地了解这些原因。

实施指导：

无

章程问题和审议摘要的链接：

[h1](#)、[h2](#)

建议 24：修订登记注册服务机构不得否决转让的原因

工作组建议，将登记注册服务机构当前不能否决转让的以下原因修改为登记注册服务机构不得否决转让的原因，并按如下方式修订文本：

参考	现行文本	修订	理由
I.A.3.9.1	没有支付未决或未来注册期的款项。	关于自动续订宽限期的实施指导：在自动续订宽限期内，禁止注册服务机构因未决或未来注册期未付费而否决域名转让请求，前提是注册服务机构承担的任何自动续订费用在未来期限是可撤销的。	工作组根据 ICANN 合同合规部的意见提供了实施指导；该意见指出，根据 2008 年 4 月 3 日发布的 注册服务机构公告 ，提供补充指南将有所帮助，该公告明确指出：“根据《转让政策》，在自动续订宽限期内，禁止注册服务机构因未决或未来注册期未付费而否决域名转让请求。”
I.A.3.9.2	未收到来自注册域名持有人或管理联系人的回应。	未收到来自注册域名持有人或管理联系人的回应。	根据《注册数据政策》，注册服务机构将不再收集管理联系人数据。因此，RNH 将成为唯

			一的授权转让联系人。此更新与建议 2 保持一致。
I.A.3.9.3	域名处于“注册服务机构锁定状态”，除非注册域名持有人在提出转让请求之前，已获得合理机会并能够解除域名锁定。	由于第 I.A.3.7 节和第 I.A.3.8 节中规定以外的原因，对域名处于“注册服务机构锁定状态”，实施了注册服务机构申请的注册服务机构域名转让锁定，除非并且注册域名持有人没有根据第 I.A.5.1 - I.A.5.4 节中的要求在提出转让请求之前获得合理机会并能够解除域名锁定。	这些更新的主要目的是使该条款更加清晰，使用通俗易懂的术语，并提及应与第 I.A.3.9.3 节条款一并引用的相关条款。
I.A.3.9.4	域名注册期的时间限制，除了根据第 II.C.2 节的规定，在初次注册后的头 60 天、注册服务机构转让后的头 60 天，或者在变更注册人后的 60 天锁定期之外。	域名注册期的时间限制，除了第 I.A.3.7.5 节和第 I.A.3.7.6 节 ⁹ 中规定的情况之外 根据第 II.C.2 节的规定，在初次注册后的头 60 天、注册服务机构转让后的头 60 天，或者在变更注册人后的 60 天锁定期之外。	工作组更新了措词，现在引用了政策的适用条款，而不是重复描述这些条款的细节。
I.A.3.9.5	在所涉及域名的注册域名持有人已为该域名注册支付费用的情况下，注册服务机构与业务合作伙伴/附属机构之间出现一般费用违约。	在所涉及域名的注册域名持有人已为该域名注册支付费用的情况下，注册服务机构与分销 业务合作伙伴/附属机构 之间出现一般费用违约（相关定义见 RAA）。	该更新的目的是不是改变该条款的含义，而是更新原有的措词，使其与当前使用和定义的术语保持一致。

政策影响：

低 - 对文本进行修订，使表述更加清晰。

建议理由：

工作组审核了注册服务机构必须否决注册服务机构域名转让请求的各种原因，并提出了文本编辑建议，使表述更加清晰。

⁹ 在实施过程中，如对适用条款进行重新编号，则应相应更新此处所引用的编号。

实施指导：

在第 I.A.3.9.3 节中，注册服务机构申请的注册服务机构域名转让锁定可能处于“ClientTransferProhibited”（禁止客户转让）EPP 状态，但注册服务机构也可以通过某种其他方法来阻止注册服务机构域名转让。

章程问题和审议摘要的链接：

[h1](#)

政策建议和影响分析 - 第 1(b) 组

第 1(b) 组建议简介

注册人变更 (Change of Registrant, CoR) 要求由 [IRTP 工作组 C](#) 提出，其目的是要求注册服务机构在对注册人信息进行特定变更之前获得前注册人¹⁰和新注册人¹¹的确认，以此确保这些变更已获得授权。具体而言，《转让政策》下的 CoR 政策要求适用于对以下一项或多项进行实质性变更¹²的情况：前注册人姓名、前注册人组织、前注册人电子邮件地址和/或管理联系人电子邮件地址（如果没有前注册人电子邮件地址）（请参阅第 II.A.1.1 节）。

实际上，这意味着 CoR 条款既适用于在不同注册人之间转让域名的情形，也适用于无注册人域名转让但注册人更新了某些注册信息的情形。工作组全面审核了 CoR 要求，并提出以下修改建议。

建议 25：注册人数据变更

工作组建议，《转让政策》以及所有相关政策必须使用“注册人数据变更”来代替当前使用的“注册人变更”。此建议仅涉及术语更新，并不暗示对政策实质内容进行任何其他更改。

25.1：“注册人数据变更”定义为：对注册域名持有人的姓名或组织进行的实质性变更，或对注册域名持有人的电子邮件地址进行的任何变更，且须遵守建议 25.3 中的相关规定。

25.2：工作组确认，“实质性变更”的现行定义仍然适用，且符合目的。

25.3：“注册人数据变更”不适用于在 RDDS 中添加或删除隐私服务提供商数据的情形，前提是此类隐私服务由注册服务机构或其附属机构提供。

¹⁰ 根据《转让政策》第 II.A.1.4 节，“前注册人”是指发起注册人变更时的注册域名持有人。

¹¹ 根据《转让政策》第 II.A.1.5 节，“新注册人”是指接受前注册人注册域名转让的实体或个人。

¹² 根据《转让政策》第 II.A.1.3 节的定义，“实质性变更”是指非印刷更正性质的变更。与此有关的其他更多说明，请见《转让政策》的相关备注。

政策影响：

25: 低 - 仅更新术语。

25.1: 低 - 确认现状。

25.2: 低 - 确认现状。

25.3: 中 - 提供有关添加/删除隐私服务的新指导，即添加或删除隐私服务并不构成“注册人数据变更”。

建议理由：

工作组认为，更新后的术语和与例外情况有关的文本能更清楚地表明该政策的目的是，并有助于确保在适当的情况下遵循该政策。在讨论隐私数据的添加和删除时，工作组决定将这种情况排除在注册人数据变更的定义范畴之外，因为他们认为隐私服务的添加与注册人数据变更不相关或不适用。

经过公共评议后，工作组讨论了一条意见，该意见指出，代理服务提供商的变更将构成注册人数据变更，因此他们从建议 25.3 中删除了对代理服务提供商的引用。

实施指导：

无

章程问题和审议摘要的链接：

[d2](#)、[d3](#)、[d9](#)、[d10](#)、[e2](#)、[j1](#)

建议 26：制定独立政策和更新《转让政策》的第 II 节

工作组建议删除《转让政策》的第 II 节，但建议在修订后的《转让政策》之外必须制定一项独立的“注册人数据变更”政策。为免存疑特此说明，工作组不建议启动新的 PDP 来制定这一独立政策，而是建议在实施这些政策建议的过程中制定《注册人数据变更政策》。在实施新的独立《注册人数据变更政策》的过程中，工作组建议对《转让政策》第 II 节中的现有政策措词进行以下修改。

26.1: 工作组认为，“指定代理”的作用和定义已不再适用。因此，工作组建议在未来独立的《注册人数据变更政策》中必须删除对指定代理的所有引用。

26.2: 工作组建议从未来独立的《注册人数据变更政策》中删除第 II.B 节“注册人变更的适用情况”。不过，工作组建议保留第 II.B.1 节中的以下表述：“一般而言，必须允许注册人更新其注册数据”。

26.3: 工作组建议，从未来的《注册人数据变更政策》中删除注册服务机构在处理注册人数据变更之前须请求并获得前注册人和新注册人确认的要求，详情见《转让政策》第 II.C.1.2 节和第 II.C.1.4 节。

26.4: 工作组建议，从未来的《注册人数据变更政策》中删除注册服务机构在注册人变更后须实施 60 天注册服务机构域名转让锁定的要求。《转让政策》第 II.C.2 节中详细描述了该要求。此外，工作组还建议，从《转让政策》中删除有关选择退出 60 天锁定的文本，因为从《转让政策》中删除锁定要求后，该文本已被取代。

政策影响：

26: 低 - 建议仅涉及政策分离。

26.1: 中 - 改变现状，这要求注册服务机构进行规划和系统变更。此建议并不是要明确禁止在其他允许使用指定代理或代表的情况下使用指定代理或代表。

26.2: 低 - 第 II.B 节下的现行要求与现行政策基本重复，因此无需重述。

26.3: 高 - 取消获得前注册人和新注册人确认的要求

26.4: 高 - 取消变更注册人后的转让限制（即 60 天锁定）

建议理由：

工作组认为，将这两项政策分开是确保明确记录和定义注册人数据变更 (Change of Registrant Data, CORD) 流程的最佳方式。CORD 不属于注册服务机构域名转让，因此应将这些要求放在独立的政策中。而且，工作组认为 CORD 流程应在域名注册期内随时可用。可以在工作组对章程问题 d4-d8 的回应中找到他们提议取消 60 天锁定的理由。

经过公共评议后，工作组审议了针对建议 26.2 提交的问题，并决定更新建议 26.2 的文本，保留“一般而言，必须允许注册人更新其注册数”这段措词。

工作组坚持其针对建议 26.3 给出的理由，例如，如果注册人的电子邮件地址被泄露，确认流程就会受到影响（此外，RDDS 验证流程已经要求注册服务机构验证新的电子邮件地址）。工作组认为，确认流程并不是第一道防线，不能防止在电子邮件或账号被泄露的情况下发生劫持事件。

实施指导：

无

章程问题和审议摘要的链接：

[d2](#)、[d3](#)、[d6](#)、[d7](#)、[d8](#)、[d12](#)、[d13](#)、[d14](#)、[d15](#)、[d16](#)、[d17](#)、[e2](#)、[j1](#)

建议 27：注册人数据变更通知

在实施新的独立《注册人数据变更政策》的过程中，工作组建议，在注册人数据变更后，**根据建议 28 中所述的选择退出要求**，注册服务机构必须向 RNH 发送注册人数据变更通知，不得无故拖延，且发送时间不得迟于注册人数据变更发生后 24 小时。（粗体为新增内容）

27.1: 此通知必须以注册协议所用语言书写，也可以提供英文版本或其他语言版本。

27.2: 注册服务机构必须在注册人数据变更通知中包含以下要素：

- 域名
- 说明更新了哪些注册人数据字段的文本
- 完成注册人数据变更的日期和时间
- 关于在变更无效时注册人可采取何种操作（如何启动撤销流程）的详细说明

27.3: 注册服务机构必须通过电子邮件、短信或其他安全信息传递系统发送通知。这些通知方式示例并不具有限制性，可能会出现工作组最初没有预料到的其他通知方式。

27.4: 当 RNH 的电子邮件地址发生变更，并且遵循建议 28 中所述的选择退出要求时：

- a. 注册服务机构必须将注册人数据变更通知发送到 RNH 的旧电子邮件地址（变更前注册服务机构存档的电子邮件地址）。
- b. 注册服务机构可将注册人数据变更通知发送到 RNH 的新电子邮件地址。
- c. 注册服务机构还可以通过短信或其他安全信息传递系统将注册人数据变更通知发送给 RNH。

27.5: 注册服务机构可因 RNH 的电话号码、邮政地址、账户持有人信息或者注册服务机构用于将 RNH 与其域名或相关账户相关联的其他联系信息发生变更而发送额外的通知。

27.6: 如果注册人数据变更请求涉及多个域名，并且所有域名的 RNH 都相同，则登记注册服务机构可将多份“注册人数据变更通知”合并为一份通知。

27.7: 如果注册人数据变更可能导致根据 RDDS 准确度项目规范向 RNH 发送验证请求，则登记注册服务机构可酌情将可选的注册人数据变更通知和验证请求合并为一份通知。

27.8: 注册服务机构必须留存与将注册人数据变更通知提供给 RNH 有关的所有记录。留存的记录必须至少包含通知的发送日期/时间、发送方式及接收方联系信息等要素。注册服务机构必须将这些记录保存 15 个月或适用法律允许的最长期间（以两者中较短者为准），且在此期间必须在收到合理通知后向 ICANN 提交这些记录。这些记录须遵循 ICANN 数据留存规范的要求；注册服务机构必须在收到合理通知后向 ICANN 提交这些记录。

政策影响：

高 - 与建议 28 一起阅读，这两项建议（建议 27 和建议 28）的影响很大，因为注册人现在可以选择不接收强制性通知。

建议理由：

工作组认为，通知 RNH 有关 CORD 的最新情况有助于确保及时发现和处理非预期或意外的变更。此外，许多 RNH 不希望收到此类通知，因此工作组建议允许他们选择不将其注册数据用于此目的（见建议 28）。关于 CORD 通知的措词及必需要素，工作组希望确保 RNH 理解通知的措词并掌握此次更新的完整背景信息。

工作组认为，务必要确保 RNH 收到这些信息。工作组还确认，通信方式会随着时间和技术的进步而改变，且注册服务机构可根据他们与注册人的关系来选择不同的通信方式。工作组认为，注册服务机构应该能够确定最佳通信方式和 RNH 体验。

关于 RDDS 准确度项目规范 (RDDS Accuracy Program Specification, RAPS)，工作组确认这两个流程存在关联性，可协同实施以提供最佳的注册人体验。

实施指导：

关于建议 27.6，如果受影响的域名数量过多，无法在一份 CORD 通知中全部列出（如 1000 个域名），注册服务机构可以向 RNH 提供一个链接，让他们可以通过这个链接确定哪些域名受到注册人数据变更的影响，而不是在 CORD 通知中列出所有受影响的域名。

章程问题和审议摘要的链接：

[d5](#)、[d8](#)

建议 28：选择不接收注册人数据变更通知

工作组建议，注册服务机构可以为 RNH 提供用于选择不接收注册人数据变更通知的选项。如果注册服务机构选择向 RNH 提供注册人数据变更通知选择退出选项，则应遵循以下建议：

28.1：注册服务机构必须在以下情况下默认启用注册人数据变更通知功能：(i) 首次注册域名时，以及 (ii) 从其他注册服务机构转入域名时。

28.2：如果 RNH 选择不接收注册人数据变更通知，则注册服务机构可以禁用注册人数据变更通知功能，前提是选择退出操作发生在首次域名注册或完成注册服务机构域名转让之后。

28.3：注册服务机构必须提供关于 RNH 如何选择不接收（和重新选择接收）注册人数据变更通知的明确说明。此外，注册服务机构必须提供相应的警告，说明选择不接收这些通知的相关后果，使 RNH 能够在知情的情况下决定是否选择退出。

28.4：注册服务机构必须保存一条记录，证明注册服务机构已验证选择退出请求是由 RNH 提出的。注册服务机构必须在注册服务机构停止赞助该注册后留存该记录不少于十五 (15) 个月。

28.5：注册人数据变更通知选择退出选项不适用于根据 RDDS 准确度项目规范发送的任何验证通知。

28.6: 注册服务机构可在数据字段级别修改其选择退出选项。例如，注册服务机构可以选择对注册人姓名或注册人组织的实质性变更提供选择退出选项，但不允许对 RNH 电子邮件地址变更使用选择退出操作。

政策影响:

高 - 与建议 27 一起阅读，这两项建议（建议 27 和建议 28）的影响很大，因为注册人现在可以选择不接收强制性通知。

建议理由:

工作组认为，必须确保在域名注册数据发生变更时通知 RNH，以防该变更是意外行为（例如，他们认为更新的是其他域名）或未经授权的行为（例如，有人未经许可访问了其账户），同时 RNH 也应有权关闭这些通知。

工作组认为，这些通知是一种个人数据处理活动，并非绝对必要，因此他们建议 RNH 应该能够决定是否要接收这些通知。由于发送通知是出于安全目的，因此默认情况下应要求发送通知，并提供通知关闭选项。工作组还认为，强制规定选择不接收这些通知的相关后果，将有助于 RNH 了解他们的选择，这对安全大有裨益。

关于 RDDS 准确度项目规范 (RAPS)，工作组认为 RAPS 的目的有所不同，因此不应受到此 CORD 流程的影响。

实施指导:

无

章程问题和审议摘要的链接:

[d8](#)

政策建议和影响分析 - 第 2 组

第 2 组建议简介

紧急转让行动联系人 (TEAC)

根据《转让政策》第 I.A.4.6 节，注册服务机构需要指定一名紧急转让行动联系人 (Transfer Emergency Action Contact, TEAC)，以便就注册服务机构域名转让进行紧急沟通，目的是在发生紧急情况时在注册服务机构之间快速建立实时对话。

转让争议解决政策 (TDRP)

在发生与注册服务机构域名转让相关的任何争议时，鼓励注册服务机构先尝试在争议所涉及的注册服务机构之间解决问题。对于不能成功解决问题并且注册服务机构选择提出争议的情况，《转让争议解决政策》(TDRP) 详细说明了相关要求和流程。

ICANN 批准的转让

《转让政策》第 I.B 节规定了 ICANN 批准的向另一家注册服务机构批量转让注册服务机构 gTLD 域名或部分域名的相关要求。

在讨论第 2 组议题期间，工作组审核了 TEAC、TDRP 以及 ICANN 批准的转让，并提出以下修改建议。

建议 29：与紧急转让行动联系人 (TEAC) 发起联系的时间

《转让政策》第 I.A.4.6.3 节指出：“通过 TEAC 通信渠道发送的邮件必须由（域名）转入注册服务机构的代表人做出非自动回应。做出回应的人员或团队必须能够且获得授权调查和处理紧急转让事务。必须在收到初始请求后 4 小时内做出回应，即使需要更长时间才能找到事件的最终解决方案。”工作组建议必须修订该政策，将初步回应的规定时限从 4 小时更新为 24 小时。

政策影响：

低 - 对通过 TEAC 渠道发送的通信做出回应的时间已从 4 小时延长至 24 小时，这可以减轻注册服务机构的运营负担，同时仍要求及时回应问题。

建议理由：

此建议的文本对“合理的时间期限”明确提出了统一的期望，同时允许在可能仍构成紧急情况等特殊情况下，在该时限之外灵活使用该渠道。在这种情况下，（域名）转入注册服务机构必须向（域名）转出注册服务机构提供书面理由说明。如工作组对章程问题 f4 的回应所述，首次联系的 30 天时限与建议 3 和建议 18 中详述的首次注册和注册服务机构域名转让后的 30 天转让限制相一致。

经过公共评议后，工作组将所有对“天”的引用更新为“小时”，以避免歧义。

实施指导：

无

章程问题和审议摘要的链接：

[f2](#)、[f3](#)、[f4](#)

建议 30：与 TEAC 进行其他互动的的时间

《转让政策》第 I.A.4.6.2 节规定：“...在未经授权转出域名之后，必须在一个合理的时间期限内及时向 TEAC 发起通信。”工作组建议，《转让政策》必须进行如下更新：与 TEAC 的首次通信应在未经授权转出域名之后 720 小时内进行。如果与 TEAC 的首次通信时间超过了未经授权转出域名之后 720 小时，则（域名）转出注册服务机构必须向（域名）转入注册服务机构的 TEAC 提供详细的书面解释，说明为什么这是一个必须通过 TEAC 渠道解决的紧急情况，并提供相关信息来说明为什么无法更早地与 TEAC 联系。

政策影响：

低 - 为与 TEAC 的通信设定新的外部限制期。与 TEAC 的首次通信大多发生在这个外部限制期内，因此这一变更的影响较小。

建议理由：

此建议的文本对“合理的时间期限”明确提出了统一的期望，同时允许在可能仍构成紧急情况等特殊情况下，在该时限之外灵活使用该渠道。在这种情况下，（域名）转入注册服务机构必须向（域名）转出注册服务机构提供书面理由说明。如工作组对章程问题 f4 的回应所述，首次联系的 30 天时限与建议 3 和建议 18 中详述的首次注册和注册服务机构域名转让后的 30 天转让限制相一致。

经过公共评议后，工作组将所有对“天”的引用更新为“小时”，以避免歧义。

实施指导：

无

章程问题和审议摘要的链接：

[f4](#)

建议 31：与 TEAC 的其他通信

如《转让政策》第 I.A.4.6.3 节中所规定，一旦（域名）转入注册服务机构对 TEAC 通信首次做出非自动回应，（域名）转入注册服务机构就必须至少每 72 小时通过电子邮件向（域名）转出注册服务机构提供更多实质性更新，直到完全解决问题为止。这些更新必须包括（域名）转入注册服务机构为解决问题而采取的具体行动。

政策影响：

中 - 对注册服务机构回应时间提出新的要求，这需要进行规划和系统变更。

建议理由：

工作组认为，（域名）转入注册服务机构有必要通过 TEAC 渠道展示问题解决进展情况。工作组进一步承认，鉴于个案的独特性，政策在问题解决时限方面需要提供一定的弹性空间。定期提供最新进展的要求引入了透明度和问责制，而没有设定可能不合适或不可行的严格截止期限，因为即使双方注册服务机构都在努力解决问题，也不一定能在截止期限前完成。在确定提供最新进展的频率时，工作组认为要求每 72 小时/3 个日历日提供一次最新进展是合理的。以这种频率提供最新进展既可以向（域名）转出注册服务机构清楚地表明是否正在解决问题，同时又不会给需要提供最新进展的（域名）转入注册服务机构造成过重的负担。

经过公共评议后，工作组将所有对“天”的引用更新为“小时”，以避免歧义。

实施指导：

无

章程问题和审议摘要的链接：

[f4](#)

建议 32：与 TEAC 的通信方式

工作组建议，《转让政策》第 I.A.4.6.2 节中所述的与 TEAC 的首次通信必须采用电子邮件形式，或者如果主 TEAC 通信渠道指定为电话号码或其他方式，则口头/非电子邮件通信必须辅以与 TEAC 的电子邮件通信。该电子邮件标志着对建议 29 中规定的 24 小时回应时限的“计时开始”。

政策影响：

中 - 政策修改为与 TEAC 的首次通信，这可能要求注册服务机构进行规划和系统变更。

建议理由：

如工作组对章程问题 f5 的回应所述，要求通过电子邮件与 TEAC 进行首次交流，可确保与 TEAC 的首次联系均有书面记录，而无需对可能极少使用的记录系统提出复杂的新要求。

实施指导：

无

章程问题和审议摘要的链接：

[f5](#)

建议 33：请求 GNSO 就《转让争议解决政策》和潜在的新争议解决机制开展进一步工作

工作组建议 GNSO 请求编制一份问题报告或建立其他适当机制，进一步研究并探索以下两方面的利弊：(i) 将 TDRP 扩展到注册人申诉，以及 (ii) 为希望质疑不当转让（含域名泄露和被盗情形）的注册人建立新的独立争议解决机制。仍然需要一个中间机制，用于纠正 ToS 收回与诉讼之间未经授权的转让，以及解决 GNSO 可能发现的其他问题。工作组建议，任何此类赋予注册人权利的额外争议解决机制都应作为现有机制的补充，不得限制注册服务机构在绝大多数案例中成功采用的非正式解决方法。

政策影响：

低/高 - 对 TDRP 做出修订（或维持现状）对该政策的影响较小；但“高”指标则表明未来在完成相关问题的初步报告方面可能需要开展政策工作。

建议理由：

鉴于工作组注意到诸多问题都超出了 TDRP 的有限适用范围，他们认为有必要在扩展 TDRP 适用范围和/或建立新争议解决机制方面进一步开展政策研究工作。例如，注册人对未经授权的注册服务机构域名转让的许多担忧和问题都超出了 TDRP 的有限适用范围。比如，不良行为者可能盗用注册人的账户、更新联系人详细信息、检索转让授权代码 (TAC)，以及在未经注册人授权的情况下将域名转让到其他注册服务机构。即使域名在转让之前就已经泄露，但只要按照规定的步骤操作，这种转让在技术上可能符合《转让政策》的要求。

此外，工作组还讨论了 IRTP WG D 部分提供的关于注册人访问 TDRP 的缺陷和弊端。工作组指出，如果注册人认为发生不当转让，而原登记注册服务机构既没有做出回应，也不能通过非正式途径解决问题，并且/或者原注册服务机构不愿提交 TDRP 投诉，则注册人将面临不利的选择。注册人可以选择向 ICANN 合同合规部提交投诉；然而，ICANN 合同合规部无权撤销转让。注册人也可以选择向法院起诉；然而，起诉费用可能会非常昂贵，尤其是与提交 TDRP 投诉的费用相比。

实施指导：

无

章程问题和审议摘要的链接：

[g3](#)

建议 34：与超过 50,000 个域名的全域名资产组合转让相关的费用

34.1: 工作组建议，在满足第 I.B.1.1 节和第 I.B.1.2 节规定条件的前提下，注册管理运行机构可以对从一家 ICANN 认证注册服务机构向另一家 ICANN 认证注册服务机构¹³进行 50,000 个或以上域名的全域名资产组合转让¹⁴收取费用。

34.2: 注册管理机构可以免除与全域名资产组合转让相关的费用。

34.3: 在因注册服务机构非自愿终止（即注册服务机构因未遵守《注册服务机构认证协议》而被 ICANN 终止）而导致的全域名资产组合转让中，注册管理机构必须免除与全域名资产组合转让相关的任何费用。

政策影响：

34.1: 低 - 维持现状。

34.2: 低 - 维持现状。

34.3: 低 - 因注册服务机构或 RRA 终止而导致的非自愿全域名资产组合转让涉及超过 50,000 个域名的情况极为罕见，因此，此建议的影响较小。

建议理由：

工作组详细审议了第 I.B.2 节中提到的所需费用，注册管理机构代表指出，该费用是对实施全域名资产组合转让所需的管理和协调工作的合理补偿。因此，工作组认为，在自愿转让的情形下，注册管理机构可收取费用，但在非自愿全域名资产组合转让的情形下，注册管理机构必须免除相关收费。工作组指出，根据 ICANN 组织所述，在保护非自愿全域名资产组合转让的（域名）转入注册服务机构方面存在一些挑战，因此他们认为在此类有限的情形下应免除相关费用。

实施指导：

无

¹³ 注：这可能包括注册服务机构在某个 gTLD 中拥有的所有域名，或者受注册服务机构管理的所有 gTLD 域名。

¹⁴ 大多数情况下，ICANN 组织将选择一家转入注册服务机构接管转出注册服务机构的域名资产组合；这是避免客户混淆的首选方案。不过，也可能出现选择多家转入注册服务机构的情况。例如，如果没有任何一家注册服务机构愿意全部接收转出注册服务机构的所有 TLD，则 ICANN 组织将需要确定不止一家转入注册服务机构来接收域名。

章程问题和审议摘要的连接：

[i1](#)

建议 35：保留现行全域名资产组合转让的费用上限和最低域名门限

工作组建议保留：(i) 目前触发收费的最低域名数量（50,000 个域名），以及 (ii) 目前的费用上限（50,000 美元）。如果自愿全域名资产组合转让涉及多家注册管理运行机构，并且转让域名的数量超过 50,000 个，则受影响的注册管理运行机构必须确保总费用不超过建议上限 50,000 美元，并且费用必须根据转让域名的数量分摊。

此外，在评估最低域名门限（50,000 个）时，如果受影响的注册管理运行机构之间存在附属机构关系，则受影响的注册管理运行机构可以作为附属机构来计算费用，以满足最低域名门限。例如，如果注册管理机构 A 转让 25,000 个域名，注册管理机构 B 也转让 25,000 个域名，并且这两家注册管理机构都是附属机构，则达到现行最低域名门限。

示例 1：如果注册管理机构 A 转让 55,000 个域名，注册管理机构 B 转让 5,000 个域名（一共 60,000 个域名），则注册管理机构 A 最高可收取 50,000 美元，而注册管理机构 B 不能收取费用。

示例 2：如果注册管理机构 A 转让 40,000 个域名，注册管理机构 B 转让 20,000 个域名（一共 60,000 个域名），由于这两家注册管理机构均未达到 50,000 个域名的最低门限，因此它们都不能收取费用。

示例 3：如果注册管理机构 A 转让 40,000 个域名，注册管理机构 B 转让 20,000 个域名（一共 60,000 个域名），并且它们属于同一注册管理机构家族，则该注册管理机构家族最高可收取 50,000 美元。

示例 4：如果注册管理机构 A 转让 55,000 个域名，注册管理机构 B 也转让 55,000 个域名（一共 110,000 个域名），则注册管理机构 A 最高可收取 25,000 美元（占 50,000 美元费用的 50%），注册管理机构 B 也最高可收取 25,000 美元（占 50,000 美元费用的 50%），因为它们各自的转让量占总域名数的 50%。

示例 5：如果注册管理机构 A 转让 25,000 个域名，注册管理机构 B 也转让 25,000 个域名，并且这两家注册管理机构都是附属机构，则达到现行最低域名门限。在这种情况下，注册管理机构 A 最高可收取 25,000 美元，注册管理机构 B 也最高可收取 25,000 美元。

政策影响：

中 - 此建议与建议 36-38 相结合，在最低域名门限的计算中引入附属机构关系的概念。具体来说，这不是针对每个 TLD 设定的 50,000 个域名门限，而是跨注册管理机构附属机构设定的 50,000 个域名门限，此举可能会增加需要收费的全域名资产组合转让数量。此外，这些建议对注册服务机构、注册管理机构和 ICANN 组织提出了新的协调要求。

建议理由：

工作组指出，保留费用上限将有助于提升透明度，因此建议维持现状；然而，工作组也认为，规定的费用上限务必要涵盖总费用。换句话说，注册服务机构为全域名资产组合转让所支付的总费用为 50,000 美元。工作组之所以做出此更新，是因为认识到自该政策首次起草以来，该行业发生了变化，即注册管理运行机构和 TLD 的数量大幅增加，这可能导致意想不到的高额费用。

实施指导：

“附属机构”是指通过一个或多个中间方或联合一个或多个其他个人或实体，以直接或间接方式控制指定个人或实体、受指定个人或实体控制，或者与指定个人或实体共同受控的个人或实体；(ii) “控制”（包括术语“受控”和“共同受控”）是指拥有直接或间接的权利来左右某个人或实体的管理事务和政策，无论是通过证券所有权、作为受托人或执行人、通过担任董事会或等效监管机构的员工或成员、根据合约或信用协定还是其他方式。

章程问题和审议摘要的链接：

[i1](#)

建议 36：限制涉及多家注册管理运行机构的自愿全域名资产组合转让的费用调整

工作组建议，如果自愿全域名资产组合转让涉及多家注册管理运行机构，并且其中一家或多家受影响的注册管理运行机构选择免除其从总费用中分摊的份额，则其余注册管理运行机构不得因其他注册管理运行机构免除费用份额而提高自己的收费比例。

政策影响：

中 - 此建议与建议 36-38 相结合，在最低域名门限的计算中引入附属机构关系的概念。具体来说，这不是针对每个 TLD 设定的 50,000 个域名门限，而是跨注册管理机构附属机构设定的 50,000 个域名门限，此举可能会增加需要收费的全域名资产组合转让数量。此外，这些建议对注册服务机构、注册管理机构和 ICANN 组织提出了新的协调要求。

建议理由：

工作组指出，费用分摊机制是为了实现公平性，此建议旨在确保自愿费用免除不会导致意想不到的后果或机制滥用。

实施指导：

无

章程问题和审议摘要的链接：

[i1](#)

建议 37：注册管理运行机构向 ICANN 发送自愿全域名资产组合转让完成通知

工作组建议，在转让完成后，注册管理运行机构必须向 ICANN 发送转让完成通知，并且在向 ICANN 发送的通知中必须包含转让域名的数量。

政策影响：

中 - 此建议与建议 36-38 相结合，在最低域名门限的计算中引入附属机构关系的概念。具体来说，这不是针对每个 TLD 设定的 50,000 个域名门限，而是跨注册管理机构附属机构设定的 50,000 个域名门限，此举可能会增加需要收费的全域名资产组合转让数量。此外，这些建议对注册服务机构、注册管理机构和 ICANN 组织提出了新的协调要求。

建议理由：

作为负责实施转让的实体，注册管理运行机构有责任向 ICANN 提供官方核定的转让域名数量。

实施指导：

无

章程问题和审议摘要的链接：

[i1](#)

建议 38： ICANN 向受影响的注册管理运行机构通报自愿全域名资产组合转让的相关域名数量

工作组建议，在收到所有受影响注册管理运行机构的通知后，ICANN 必须向受影响的注册管理运行机构（即转让域名数量超过 50,000 个的注册管理运行机构）发送通知，并在此通知中指出批量转让所涉及域名的报告数量及对应百分比（如 .ABC 域名占 26%，.DEF 域名占 74%）。注册管理运行机构可据此向（域名）转入注册服务机构收取费用。

政策影响：

中 - 此建议与建议 36-38 相结合，在最低域名门限的计算中引入附属机构关系的概念。具体来说，这不是针对每个 TLD 设定的 50,000 个域名门限，而是跨注册管理机构附属机构设定的 50,000 个域名门限，此举可能会增加需要收费的全域名资产组合转让数量。此外，这些建议对注册服务机构、注册管理机构和 ICANN 组织提出了新的协调要求。

建议理由：

工作组指出，在收到受影响注册管理机构的通知后，ICANN 组织是向受影响的注册管理运行机构通报转让域名数量的适当实体。工作组提供了百分比示例，使实施工作更加清晰。

实施指导：

根据建议 35，在计算最低域名门限时，可以考虑注册管理机构附属机构转让的域名数量。如果注册管理机构附属机构超过最低域名门限并选择收取费用，则受影响的注册管理机构附属机构有责任向 ICANN 告知这一意图，以便 ICANN 通知受影响的注册管理运行机构。

章程问题和审议摘要的链接：

[i1](#)

建议 39: (域名) 转入注册服务机构负责支付自愿全域名资产组合转让的相关费用

工作组建议, (域名) 转入注册服务机构必须负责支付相关注册管理机构的费用 (如适用)。

政策影响:

低 - 维持现状, 但对现状进行了澄清。

建议理由:

工作组认为, 如果是自愿申请将域名资产组合转让到另一家注册服务机构, 则相关的注册管理运行机构需要做好内部协调并完成相关工作, 因此注册管理运行机构可能会对这一过程收取费用。鉴于域名资产组合转让请求的自愿性质, (域名) 转入注册服务机构应负责向注册管理运行机构支付这笔费用, 因为 (i) (域名) 转入注册服务机构通过转让继承了新客户, (ii) (域名) 转出注册服务机构可能会倒闭, 因此可能无法支付这笔费用。

实施指导:

无

章程问题和审议摘要的链接:

[i1](#)

建议 40: 将“收购部分域名资产组合后的批量转让” (BTAPPA) 纳入《转让政策》

40.1: 工作组建议更新《转让政策》, 将“收购部分域名资产组合后的批量转让” (Bulk Transfer After Partial Portfolio Acquisition, BTAPPA) 直接纳入《转让政策》, 此规定适用于所有注册管理运行机构。

40.2: 为免存疑特此说明, 工作组建议将 BTAPPA 纳入《转让政策》中; 在更新后的《转让政策》生效后, 注册管理运行机构就无需再提交 RSEP 来提供 BTAPPA。

政策影响:

高 - 此建议涉及 BTAPPA 服务的重大扩展。

建议理由：

工作组认为，将 BTAPPA 纳入《转让政策》可以在所有注册管理机构之间实现一致性。

实施指导：

无

章程问题和审议摘要的链接：

[i2](#)

建议 41：将“收购部分域名资产组合后的批量转让” (BTAPPA) 扩展到注册服务机构客户

工作组建议，扩大标准“收购部分域名资产组合后的批量转让” (BTAPPA) 的适用范围以涵盖以下情形：注册服务机构客户选择将其域名资产组合转让到新的（域名）转入注册服务机构，并且注册协议明确允许这一转让。

政策影响：

高 - 此建议涉及 BTAPPA 服务的重大扩展。

建议理由：

工作组支持扩大 BTAPPA 的适用范围，允许完成更多的部分批量转让，如分销商或服务提供商将其域名转让到不同的赞助注册服务机构。工作组认为，在某些情况下，可能有必要这样做，例如，注册服务机构客户（如分销商）可能因特定司法管辖区的数据隐私问题而需要变更其赞助注册服务机构，而目前还没有一种不需要大量人工操作的方法可以做到这一点。

经过公共评议后，工作组更新了此建议中的术语，因为对公共评议者来说，“代理”一词含糊不清。工作组认为，“客户”一词更为明确，也符合此建议的意图。

实施指导：

无

章程问题和审议摘要的连接：

[i2](#)

建议 42：注册服务机构需要发送 BTAPPA 通知

42.1: 如果发生 BTAPPA，则注册服务机构应在预计变更赞助商前约一个月/至少 720 小时通知或确保其分销商（如适用）通知受影响的注册人。该通知必须就以下方面提供相关说明：(i) 如何选择退出（如适用）；(ii) 如果需要，如何在赞助商变更日期前将域名转让到（域名）转入注册服务机构以外的注册服务机构；(iii) 预计赞助商变更日期；(iv) （域名）转入注册服务机构的名称；(v) （域名）转入注册服务机构（或其分销商）服务条款的连接。

42.2: 工作组认识到，在发送赞助商变更 (BTAPPA) 通知的时间方面需要具有一定的灵活性。因此，一个月应被视为不少于 624 小时且不超过 840 小时。注册服务机构可以在该规定的一个月通知期之前或之后发送额外的通知。

42.3: 如果 RNH 在多个 TLD 下注册了域名，并且转让适用相同的参数（即转让日期、说明等），则一份通知可以包含多个 TLD。

42.4: 无论使用哪种方式通知注册人，发送的通知都必须妥善记录、留存并提供给合规部，以供他们在调查 BTAPPA 投诉时使用。

政策影响：

中 - 对注册服务机构提出了新的通知要求。

建议理由：

通过提前通知，受影响的注册人可以根据自己的意愿转让域名，也可以选择不转让（如果选择退出选项可用）。在某些情况下（如注册服务机构合并时），注册服务机构在转让后将不复存在，可能无法使用选择退出选项。通过明确何时进行转让、转让给哪一家注册服务机构以及注册服务机构的服务条款，注册人可以在赞助商变更之前了解新注册服务机构及其服务条款。

实施指导：

无

章程问题和审议摘要的链接：

[i2](#)

建议 43： BTAPPA 期间的域名到期日期

工作组建议，由于赞助商变更并不会影响转让注册的到期日期，因此 ICANN 不收取任何费用。完成赞助商变更后，工作组建议不设撤销转让的宽限期。

政策影响：

低 - 维持现状（现行的 BTAPPA 标准条款）。

建议理由：

工作组审核了该 BTAPPA 标准条款，并指出这是《转让政策》中应包含的一项重要条款。由于这是由注册服务机构（而非注册人）发起的转让，因此到期日期不会发生变化。

实施指导：

无

章程问题和审议摘要的链接：

[i2](#)

建议 44： 允许拒绝 BTAPPA 请求

工作组建议，如果有合理证据表明，发出赞助商变更请求是为了避免支付本应向注册管理运行机构或 ICANN 缴纳的费用，则注册管理运行机构必须拒绝该赞助商变更请求。如果具有共同所有权和/或管理权的注册服务机构在前六个月内已发出赞助商变更请求，则注册管理运行机构可酌情拒绝该赞助商变更请求。

政策影响：

低 - 维持现状（现行的 BTAPPA 标准条款）。

建议理由：

工作组审核了该 BTAPPA 标准条款，并指出这是《转让政策》中应包含的一项重要条款，因为它允许注册管理运行机构在某些情况下可酌情拒绝 BTAPPA 请求。

实施指导：

无

章程问题和审议摘要的链接：

[i2](#)

建议 45：注册协议需要添加 BTAPPA 条款

工作组建议，（域名）转出注册服务机构与客户签订的现行注册协议必须允许在发生《转让政策》所述的赞助商变更情形时转让域名。此外，（域名）转出注册服务机构的注册协议必须告知注册人，如果发生赞助商变更，受影响的注册人将被视为已接受新注册服务机构的条款，除非注册人在赞助商变更之前已将其域名转让到其他注册服务机构。

政策影响：

低 - 这可能需要修改某些注册服务机构的注册协议，以便支持此类转让。

建议理由：

工作组之所以添加此条款，是为了确保注册人通过注册协议收到相应通知。

实施指导：

无

章程问题和审议摘要的链接：

[i2](#)

建议 46：BTAPPA 的注册管理机构收费通知

工作组建议，注册管理运行机构可以对赞助商变更收取一定的费用，但注册管理运行机构必须根据请求在启动转让之前，向注册服务机构提供与赞助商变更相关的任何费用的通知。注册管理运行机构提供收费通知的方式将由注册管理机构自行决定，例如，受密码保护的门户、网站、书面通知等方式。

政策影响：

中 - 可能要求注册管理机构做出变更，这可能包括进行规划和系统变更。

建议理由：

该政策条款明确指出，注册管理机构可以收取一定的费用；然而，要这样做，他们必须向注册服务机构提供通知。

实施指导：

无

章程问题和审议摘要的链接：

[i2](#)

建议 47：禁止 BTAPPA 后的转让限制

工作组建议，在赞助商变更的情况下，（域名）转入注册服务机构不得实施新的注册服务机构域名转让锁定来阻止受影响的注册人将其域名转让到其他注册服务机构。

政策影响：

中 - 新要求可能需要注册服务机构进行规划和系统变更。

建议理由：

工作组指出，赞助商变更不是由注册人发起，也不会影响其域名的到期日期，因此典型的注册服务机构域名转让后适用的转让锁定不应适用于此情形。由《转让政策》中所列的其他方式触发的转让锁定仍将适用。

实施指导:

无

章程问题和审议摘要的链接:

[i2](#)

Annex 1 – Original Working Draft Recommendation Order

As noted in the introduction, the Working Group initially used a recommendation order based on the order of the charter questions. To reduce size and complexity in the core of the Final Report, the recommendations were re-ordered to allow for easier readability and comprehension. The list below acts as a reference to the older numbering system. Only Group 1A recommendation numbers were affected. The remaining recommendations numbers for Groups 1B & 2 are not listed here.

- Rec 1 (6):** Terminology Updates: Whois
- Rec 2 (17):** Terminology Updates: Administrative Contact and Transfer Contact
- Rec 3 (18):** Transfer Restriction After Initial Registration
- Rec 4 (7):** Update Term “AuthInfo Code” to “Transfer Authorization Code (TAC)”
- Rec 5 (8):** TAC Definition
- Rec 6 (14):** Service Level Agreement (SLA) for TAC Provision
- Rec 7 (9):** TAC Composition
- Rec 8 (10):** Verification of TAC Composition
- Rec 9 (15):** TAC Time to Live (TTL)
- Rec 10 (11):** TAC Generation, Storage, and Provision
- Rec 11 (4):** Notification of TAC Issuance
- Rec 12:** Verification of TAC Validity
- Rec 13:** TAC is One-Time Use
- Rec 14 (2):** Maintenance of Records
- Rec 15 (1):** Gaining FOA
- Rec 16 (6):** Registry Transmission of IANA ID to Losing Registrar
- Rec 17 (3):** Losing FOA
- Rec 18 (19):** Transfer Restriction After Inter-Registrar Transfer
- Rec 19 (5):** Notification of Transfer Completion
- Rec 20:** Format of Transfer Policy Section I.A.3.7
- Rec 21:** Revised Reasons that a Registrar of Record MAY Deny a Transfer
- Rec 22:** New Reasons that a Registrar of Record MUST Deny a Transfer
- Rec 23:** Revised Reasons that a Registrar of Record MUST Deny a Transfer
- Rec 24:** Revised Reasons that a Registrar of Record MUST NOT Deny a Transfer
- Rec 25:** Change of Registrant Data
- Rec 26:** Standalone Policy and Updates to Section II of Transfer Policy
- Rec 27:** Change of Registrant Data Notification
- Rec 28:** Opt out of Change of Registrant Notification

Return to [Group 1A Introduction](#)

Annex 2 – Group 1(a) Charter Questions and WG Summary Deliberations

[Link](#) to TPR WG Charter.

Gaining Registrar FOA and Losing Registrar FOA

Charter Question: Gaining FOA and Losing FOA

a1) Is the requirement of the Gaining FOA still needed? What evidence did the Working Group rely upon in making the determination that the Gaining FOA is or is not necessary to protect registrants?

Summary of Deliberations:

The Inter-Registrar Transfer Policy - Part D Policy Development Process Working Group (IRTP WG D), previously examined the question of “Whether the universal adoption and implementation of Extensible Provisioning Protocol (EPP) AuthInfo codes has eliminated the need of FOAs.” The IRTP WG D ultimately determined to retain the FOA until more evidence was gathered. The Transfer Policy Review Working Group was asked to revisit the same question and has determined there is now strong evidence that the Gaining FOA can be eliminated from the Transfer Policy without negatively affecting the security of inter-Registrar transfers. The Working Group further believes that requirements for a Gaining FOA or a similar replacement are unjustified under data protection law and no longer necessary from a practical perspective to facilitate the transfer. The Working Group recognizes that this is a significant departure from existing policy and has therefore provided a detailed rationale for its conclusion.

Prior to the General Data Protection Regulation (GDPR) coming into force, the Gaining Registrar was required to confirm the Registered Name Holder’s (RNH) intent to transfer by sending an email to the RNH asking for confirmation to proceed. In order for the Gaining Registrar to be able to send the Gaining FOA, it needed to obtain the RNH’s contact information from the publicly available Registration Data Directory Services (RDDS). With the introduction of the GDPR, Gaining Registrars were no longer able to obtain this information via RDDS, as personally identifiable information was largely redacted within RDDS. In recognition of this new obstacle, ICANN org deferred Contractual Compliance enforcement on Gaining FOA requirements. While still a requirement on paper, in practice the Gaining FOA does not currently exist and cannot exist.

The Working Group considered that it could recommend some form of replacement for the Gaining FOA to be included in future policy requirements. If it did so, there would need to be a method and a justification for the Registrar of Record to transfer the RNH's contact information to the Gaining Registrar.

The Working Group considered that it is likely possible from a technical perspective to facilitate the transfer of the RNH's contact information from the Registrar of Record to the Gaining Registrar for the purposes of confirming the RNH's intent to transfer. However, the Working Group did not pursue specific methods for doing so because it did not believe this transfer is feasible from a legal perspective.

In its deliberations on applicable law, the Working Group considered the principles of data minimization and privacy by design. Under these principles, in order to justify the transfer of personally identifiable information (PII) from the Registrar of Record to the Gaining Registrar and the subsequent processing of this data (in order to send the Gaining FOA) by the Gaining Registrar, one would have to demonstrate that this transfer and processing of PII is necessary to facilitate the transfer. The Working Group noted that the transfer process has functioned without the Gaining FOA since the GDPR went into force, and the Working Group has not encountered any evidence that there has been an increase in unauthorized transfers since the Gaining FOA was functionally eliminated. It has not found any other indications that the transfer process is malfunctioning without the Gaining FOA requirement. Therefore, the Working Group sees no evidence that the Gaining FOA is needed for the purpose of facilitating the transfer or protecting the RNH from unauthorized transfers.

The Working Group notes that the recommendations in this report should be viewed as a package. The recommendations include adjustments and enhancements that seek to provide an appropriate level of security for the inter-Registrar transfer process while also taking into account the customer experience, applicable law, and operational considerations for Registries and Registrars.

The Working Group looked at the value that the Gaining FOA provided to ensure that equivalent value is covered by newly-added elements of the process going forward, as appropriate.

The Working Group noted that when the Gaining FOA requirements were in place, the transfer could only proceed once the RNH had responded to the Gaining FOA. This meant that the RNH always actively confirmed the intent to transfer before the transfer took place. The Gaining FOA therefore served a notification function and also a confirmation function. To the extent that the

party obtaining the Transfer Authorization Code (TAC) and requesting the transfer was an individual other than the RNH, the RNH had the opportunity to confirm that they were aware of the request and wanted it to proceed.

The Working Group notes that in the current transfer process, the Losing Registrar must send the RNH a notice of the pending transfer to confirm the RNH's intent to transfer the domain name. This notice is also referred to as the Losing Registrar FOA or Losing FOA. If after five calendar days, the Registry Operator has not received any objection to the inter-Registrar transfer, it will process the transfer request. As detailed in Recommendation 17, the Working Group anticipates that this element of the transfer process will remain in place, although the Working Group recommends using the term "Transfer Confirmation" in place of Losing FOA. While the Transfer Confirmation does not require affirmative consent, the Working Group believes that it does provide an important notification function and also gives the RNH an opportunity to take action prior to completion of the transfer if the transfer is unwanted.

In addition, the Working Group believes that the new notifications detailed in Recommendations 11 and 19 ensure that the RNH receives the necessary information with respect to an inter-Registrar transfer. These notifications provide instructions on what to do if the RNH wants to either stop or reverse the process because the action on the account is unauthorized or unintended.

The Working Group noted that while it was in use, the Gaining FOA provided a record to assist ICANN's Contractual Compliance department in investigating complaints, especially those related to unauthorized transfers. It also supported the resolution of disputes. The Working Group noted that records associated with provision of the TAC, the Transfer Confirmation, and new notifications detailed in Recommendations 11 and 19, will provide the necessary paper trail for this purpose. Recommendation 14 provides specific guidance of record keeping.

The Working Group recalled that the Gaining FOA pre-dated the TAC formerly referred to as the AuthInfo Code, and that prior to the introduction of the TAC, the Gaining FOA was an essential element for facilitating the transfer and also provided a function that was important to prevent the unauthorized transfer of domains. With the introduction of the TAC, an additional layer of security was added to the process, and the Gaining FOA became less essential. The recommendations in this report further evolve the security model for the transfer process, including with respect to the TAC. The Working Group believes that the security model presented in the package of recommendations offers the appropriate elements to reduce the risk of unauthorized transfer to the extent possible within the bounds of the Transfer Policy. Key elements of the model include the following:

- The issuance of the TAC is the means of confirming that the RNH intends to transfer the domain. The first and most important line of defense and the primary point of control is logging into the account at the Registrar. This is the “affirmative consent” to initiate the transfer. The Working Group understands that certain threat vectors, including hacking of the RNH’s email or unauthorized access to the RNH’s account at the Registrar, are legitimate concerns. At the same time, the Working Group considers them outside the scope of the Transfer Policy and therefore outside the scope of this Working Group.
- Acknowledging the role that the TAC plays as a token to enable the transfer process, the Working Group has recommended specific enhancements related to TAC security:
 - Minimum requirements for composition to the TAC (Recommendation 7), seek to reduce the risk of an unauthorized party guessing the TAC to initiate an unauthorized transfer.
 - Limiting when, where, and for how long the TAC may be vulnerable to theft once generated. The TAC is only generated at the point that it is needed to initiate an inter-Registrar transfer (Recommendation 10.1). It is stored securely at the Registry (Recommendation 10.2). The TAC has a maximum lifetime of 14 days, preventing the existence of a long-lived TAC, which could be used as part of an unauthorized or unintended inter-Registrar transfer (Recommendation 9.1).
- Once a domain is transferred, the Registrar must restrict the RNH from transferring a domain name to a new Registrar within 30 days. To the extent that the transfer is unauthorized, this restriction will consistently prevent the transfer of a domain multiple times in rapid succession, a practice associated with domain theft that makes it difficult to recover the domain.

Recommendations: [#15](#)

Charter Question: Gaining FOA and Losing FOA

a2) If the Working Group determines the Gaining FOA should still be a requirement, are any updates (apart from the text, which will likely need to be updated due to the gTLD Registration Data Policy) needed for the process? For example, should additional security requirements be added to the Gaining FOA (two-factor authentication)?

Summary of Deliberations:

As described in the above response to charter question a1, the Working Group has determined that the Gaining FOA should no longer be a requirement.

Recommendations: N/A

Charter Question: Gaining FOA and Losing FOA

a3) The language from the Temporary Specification provides, “[u]ntil such time when the RDAP service (or other secure methods for transferring data) is required by ICANN to be offered, if the Gaining Registrar is unable to gain access to then-current Registration Data for a domain name subject of a transfer, the related requirements in the Transfer Policy will be superseded by the below provisions...”. What secure methods (if any) currently exist to allow for the secure transmission of then-current Registration Data for a domain name subject to an inter-Registrar transfer request?

Summary of Deliberations:

As noted in the response to charter question a1, the Working Group considered that it is likely possible from a technical perspective to facilitate the transfer of the RNH’s contact information from the Registrar of Record to the Gaining Registrar for the purposes of confirming the RNH’s intent to transfer. However, the Working Group did not pursue specific methods for doing so because it did not believe this data transfer is feasible from a legal perspective.

Recommendations: N/A

Charter Question: Gaining FOA and Losing FOA

a4) If the Working Group determines the Gaining FOA is no longer needed, does the AuthInfo Code provide sufficient security? The Transfer Policy does not currently require specific security requirements around the AuthInfo Code. Should there be additional security requirements added to AuthInfo Codes, e.g., required syntax (length, characters), two-factor authentication, issuing restrictions, etc.?

Summary of Deliberations:

As described in the response to charter question a1, the Working Group believes that the package of recommendations presented in this report provides for a transfer process with appropriate levels of security within the bounds of the Transfer Policy, including enhancements

to the security of the Transfer Authorization Code. Please see the response to charter question a1 for additional details.

Recommendations: [#7](#), [#8](#), [#10](#), [#11](#)

Charter Question: Gaining FOA and Losing FOA

a5) If the Working Group determines the Gaining FOA is no longer needed, does the transmission of the AuthInfo Code provide for a sufficient “paper trail” for auditing and compliance purposes?

Summary of Deliberations:

The Working Group acknowledges that with the elimination of the Gaining FOA requirement, the AuthInfo code becomes even more important for the transaction and for any Compliance investigation related to it. The Working Group further agrees that it is important to properly document and retain all notifications related to the transfer sent by the Losing Registrar, so that information about such records can be sent to ICANN Compliance when investigating a complaint, as needed. Therefore, the Working Group is providing a specific recommendation on requirements regarding the retention of these records and provision to ICANN upon reasonable notice.

Recommendations: [#14](#)

Additional Security Measures

Charter Question: Additional Security Measures

a6) Survey respondents noted that mandatory domain name locking is an additional security enhancement to prevent domain name hijacking and improper domain name transfers. The Transfer Policy does not currently require mandatory domain name locking; it allows a Registrar to NACK an inter-Registrar transfer if the transfer was requested within 60 days of the domain name’s creation date as shown in the Registry RDDS record for the domain name or if the domain name is within 60 days after being transferred. Is mandatory domain name locking an additional requirement the Working Group believes should be added to the Transfer Policy?

Summary of Deliberations:

The Working Group understands that this charter question refers to a lock that some Registrars apply by default to protect their customers from accidental or malicious inter-Registrar transfers. Registrants may, however, request lock removal, and Registrars must remove the lock within five days per requirements of the Transfer Policy. Charter question a6 asks whether this lock, which some Registrars choose to apply today, should become a policy requirement for ALL Registrars. For the avoidance of doubt, the lock addressed in this charter question is distinct from potential requirements for a Registrar to restrict the RNH from transferring a domain name to a new Registrar within 30 days of the initial registration date and within 30 days of the completion of an inter-Registrar transfer. Unlike Recommendations 3 and 18 regarding inter-Registrar transfer restrictions, the lock discussed in this charter question is a default lock that is generally removable upon the request of the registrant, while the restrictions discussed in Recommendations 3 and 18 are triggered by a specific event and are not removable upon the request of the registrant.

The Working Group does not believe that mandatory domain name locking as presented above should be added to the Transfer Policy. The Working Group believes that the security model presented in response to charter question a1 provides for a transfer process with appropriate levels of security within the bounds of the Transfer Policy. It is the Working Group's view that Registrars are in the best position to determine whether locking a domain by default upon registration is appropriate for their customers in combination with other security features implemented by the Registrar. The Working Group expects that Registrars will continue to use their own discretion to implement any additional measures that may be appropriate for their business model and customer base.

Recommendations: [#18](#)

Losing FOA

Charter Question: Losing FOA

a7) Is the Losing FOA still required? If yes, are any updates necessary?

Summary of Deliberations:

The Working Group extensively discussed the function and utility of the Losing FOA, which the Working Group recommends re-naming the Transfer Confirmation, both in initial deliberations leading up to publication of the Initial Report and in the context of reviewing public comments on the Initial Report. Ultimately, the Working Group did not reach agreement to eliminate or substantially change the Obligations of the Registrar of Record described in Section I.A.3.1 -

I.A.3.6 of the Transfer Policy, and therefore anticipates that these requirements will largely remain in place with the minor modifications presented in Recommendation 2.

Early Working Group deliberations revealed that a number of Working Group members supported eliminating the Transfer Confirmation in light of other Working Group recommendations that sought to increase security and improve efficiency of the transfer process. Those advocating for this approach raised the following points:

- The Working Group is recommending that the Registrar of Record must send a Notification of TAC Issuance to the RNH when the TAC is issued and a Notification of Transfer Completion to the RNH following completion of the transfer. These notifications largely fulfill the notification function that is currently provided by the Transfer Confirmation.
- It is not necessary to give the RNH an opportunity to confirm or deny the transfer via the Transfer Confirmation, because the act of logging into the control panel at the Registrar of Record in order to request the TAC is, in itself, an indication of consent. If the registrant has a high-value domain, the registrant should select a Registrar of Record that offers extra features and services to protect the security of the account and domain transactions. It is outside of the scope of the Transfer Policy to address Registrar account security.
- The registrant always has the opportunity to select a Registrar of Record who conducts additional due diligence after the TAC is requested and before the Registrar of Record issues the TAC. The Working Group has recommended that, as is the case in the current Transfer Policy, the Registrar of Record must have up to five days to issue the TAC. If notifications replace the Transfer Confirmation, and the RNH selects a Registrar who takes extra time for due diligence, the RNH will also have additional time to receive and respond to Notification of TAC Issuance, allowing them to stop the transfer process if it is unwanted.
- The current Transfer Confirmation process can delay the transfer for up to an additional five calendar days. By eliminating the Transfer Confirmation, the Working Group reduces the overall maximum time of the transfer process, making it possible to transfer a domain almost instantaneously, which is beneficial for some registrants.
- The Working Group is recommending additional security features, which will reduce the security risks associated with transfers. In particular, the Working Group has recommended that the TAC must be generated on demand, reducing the window of time in which the TAC is vulnerable to theft. In addition, the recommended 30-day post-transfer lock helps to ensure that if a domain is stolen, domain hopping will be slowed, allowing the Losing and Gaining Registrars to work together to resolve the problem.

- In the current process, the Transfer Confirmation has limited utility in a common attack scenario. Specifically, if an attacker obtains access to the control panel, the attacker can change the recipient of the Transfer Confirmation to the attacker’s own email address, thereby eliminating the utility of the Transfer Confirmation.

In line with the above points, the Working Group’s Phase 1(a) Initial Report included a recommendation to eliminate the Transfer Confirmation and replace it with a Notification of TAC Issuance and a Notification of Transfer Completion. In its review of public comments and subsequent deliberations, the Working Group extensively discussed key concerns that were raised:

- Domains are important and valuable assets. It is important for registrants to have a genuine opportunity to approve or reject a transfer before the transfer takes place. In some cases under the procedure recommended in the Initial Report, the transfer will have already taken place by the time the registrant has received the Notice of TAC Issuance and wants to take action to stop the transfer. This process takes agency away from the registrant. It increases the risk of a domain being stolen without the knowledge of the registrant, in particular where an unauthorized party has accessed the TAC to initiate a transfer that the registrant doesn’t want.
- Some Working Group members indicated that the Working Group could introduce a “fast undo” process during the discussion of Group 2 topics to more quickly reverse an unauthorized transfer. The Working Group was ultimately unable to reach agreement on a process for a “fast undo” process. Even if such a mechanism is recommended and ultimately implemented, transfer reversal is less desirable than the ability to reject a transfer before it occurs. Once the domain is transferred away, there has been a disruption. The DNS has changed and service may have stopped. It requires a higher level of effort to remedy the situation and more parties will need to be involved.

While there was disagreement among Working Group members about the utility of the Transfer Confirmation from a security perspective, it was understood that from a RNH perspective, elimination of the Transfer Confirmation results in a sense among some RNH’s that they have lost an important element of agency in the process. Working Group members acknowledged that in many cases of theft, the email and/or Registrar account is hacked, eliminating the value of the Transfer Confirmation, but this is not true in every case. If the TAC is stolen once it has been generated, the Transfer Confirmation can assist the RNH in stopping an unwanted transfer.

Some Working Group members advocated for an alternative means to provide additional agency to the registrant while reducing the overall maximum timeline of the transfer process.

Specifically, they proposed that the Registrar of Record must be required to send a notification to the RNH once a TAC is requested. The RNH can respond to the notice by either accepting or rejecting the release of the TAC. If there is no response by a given period of time (a period of less than five days), the Registrar proceeds to issue the TAC. Those advocating for this approach noted that the proposal provides notice and opportunity to accept or reject at the moment the RNH is thinking about the transfer, shortly after they have requested the TAC.

Those opposing the proposal noted the following concerns:

- The proposal can stop the initiation of a transfer but does not stop a transfer that is pending. The TAC is vulnerable to theft once it is generated, and if the TAC is stolen once created, the RNH does not have a way to NACK the transfer as it does with the Transfer Confirmation.
- The proposal creates a need for system updates, process updates, and user education and may not fully satisfy those who want to keep the Transfer Confirmation. Therefore, the change is not worth the effort.

Ultimately, the Working Group did not come to an agreement to pursue this proposal further. As a default, the Transfer Confirmation will be maintained.

Recommendations: [#11](#), [#16](#), [#17](#), [#19](#)

Charter Question: Losing FOA

a8) Does the CPH Proposed Tech Ops Process represent a logical starting point for the future Working Group or policy body to start with? If so, does it provide sufficient security for registered name holders? If not, what updates should be considered?

Summary of Deliberations:

The CPH Tech Ops Group, “agreed that the requirement to notify the Registrant about a transfer request should be mandatory. As general business practices of Registrars and individual transfer scenarios vary, the group concluded that such notification does not have to be an email, but rather may incorporate other means of more modern communication.”¹⁵

¹⁵ Full text of the CPH Tech Ops proposal can be found in Annex B of the [TPR Final Issue Report](#).

The Working Group agreed with Tech Ops that it is important to notify the RNH when a transfer is expected to take place and has recently taken place. The Working Group further supported the idea that given variations in Registrar business models and individual transfer scenarios, different secure means of communication may be appropriate for the provision of notifications.

Recommendations: [#11](#), [#19](#)

Charter Question: Losing FOA

a9) Are there additional inter-Registrar transfer process proposals that should be considered in lieu of or in addition to the CPH TechOps Proposal? For example, should affirmative consent to the Losing FOA be considered as a measure of additional protection?

Summary of Deliberations:

The Working Group appreciates proposals received during both Public Comment periods on the Phase 1(a) Initial Report and consolidated Initial Report and considered these proposals in its review of Public Comments. Please see [Public Comment review working documents](#) on the Working Group's wiki for the consideration for the Phase 1(a) Initial Report for additional details on the first set of public comments. For the consolidated Initial Report, please see the [Public Comment Review Tool](#), where the Working Group documents its responses to all proposals received.

Recommendations: N/A

Auth-Info Code Management

Charter Question: Auth-Info Code Management

b1) Is AuthInfo Code still a secure method for inter-Registrar transfers? What evidence was used by the Working Group to make this determination?

Summary of Deliberations:

The Working Group agreed that it should first establish clarity around the function and definition of the AuthInfo Code and ensure that terminology is clear before addressing specific security requirements. The Working Group used the following text on [ICANN.org](#) as a starting

point for discussion on the definition of the Transfer Authorization Code (TAC): “An Auth-Code (also called an Authorization Code, Auth-Info Code, or transfer code) is a code created by a Registrar to help identify the RNH of a domain name in a generic top-level domain (gTLD). An Auth-Code is required for a RNH to transfer a domain name from one Registrar to another.” The Working Group agreed that the term “identify” is inappropriate in this context, because the code does not verify identity in practice. Instead, the TAC is used to verify that the RNH (RNH) requesting the transfer is the same RNH who holds the domain.

The Working Group considered that a number of different terms currently apply to the same concept, including AuthInfo Code, Auth-Info Code, Auth-Code, Authorization Code, and transfer code. None of these terms clearly describe the function of the code. The Working Group believes that it is clearer for all parties, and particularly the RNH, if a single term is used universally. The Working Group believes that “Transfer Authorization Code” (TAC) provides a straightforward description of the code’s function, and therefore should serve as the standard term in place of the alternatives.

Regarding the security of the TAC, the Working Group agreed that metrics could support deliberations on charter question b1. In particular, Working Group members were interested to see if there has been a change in the number of unauthorized transfers following adoption of the Temporary Specification for gTLD Registration Data. ICANN’s Contractual Compliance Department provided the Working Group with updated metrics regarding complaints received, which covered the periods both before and after the Temporary Specification went into effect.¹⁶ Contractual Compliance subsequently shared additional metrics that included the “closure codes” associated with complaints about unauthorized transfers.¹⁷ While the Working Group agreed that it is difficult to draw conclusions from the data, the Working Group noted that there was no notable increase in complaints following the date that the Temporary Specification went into effect.

The Working Group considered that in addition to examining metrics regarding past performance, it is important to consider future-state objectives for the TAC. The Working Group agreed that from this perspective, additional security features are appropriate to protect the RNH, drawing on elements of RFC 9154. In considering potential security enhancements, the

¹⁶Available at:

https://community.icann.org/download/attachments/181307054/Compliance_Transfer%20Data_presented%2029%20June%202021.xlsx?version=1&modificationDate=1638449700087&api=v2

¹⁷Available at:

https://community.icann.org/download/attachments/181307054/Compliance_Unauthorized%20Transfer%20Data%20Aug%202020-Sept%202021_presented%209%20November%202021.xlsx?version=1&modificationDate=1638449975000&api=v2

Working Group considered the benefits of requiring these measures, while also taking into account usability considerations and operational impacts on contracted parties in implementing new requirements.

Recommendations: [#4](#), [#5](#), [#13](#)

Charter Question: Auth-Info Code Management

b2) The Registrar is currently the authoritative holder of the AuthInfo Code. Should this be maintained, or should the Registry be the authoritative AuthInfo Code holder? Why?

Summary of Deliberations:

In considering this charter question, the Working Group focused on evaluating and defining specific roles and responsibilities of Registries and Registrars in the transfer process, noting that each party has an important role to play in the transfer process. While some Working Group members expressed the view that Registry management of the TAC would be more uniform, standardized, and transparent, others noted that standards will be set through policy and enforced by ICANN Contractual Compliance regardless of whether the authoritative holder is the Registry or Registrar; therefore, it is not clear why it would be better to have the Registry be the authoritative holder.

The Working Group ultimately did not identify a compelling reason to shift ownership of the TAC to the Registry and therefore determined that the Registrar must continue to generate the TAC, set the TAC in the Registry platform, and issue the TAC to the RNH or their designated representative. The Working Group further agreed that the Registry should continue to verify the validity of the TAC and in addition, going forward, the Registry must verify that the TAC meets the syntax requirements specified in Recommendation 7. The Working Group recommends to improve security practices with respect to the TAC to be implemented at the Registry. The Working Group has also recommended that the Registry enforce the 14-day validity of the TAC.

Recommendations: [#7](#), [#8](#), [#12](#)

Charter Question: Auth-Info Code Management

b3) The Transfer Policy currently requires Registrars to provide the AuthInfo Code to the registrant within five business days of a request. Is this an appropriate SLA for the Registrar's provision of the AuthInfo Code, or does it need to be updated?

Summary of Deliberations:

The Working Group agreed that the Transfer Policy should continue to require Registrars to issue the TAC to the RNH or their designated representative within a specified period of time following a request. While some Working Group members felt that the standard time frame for issuance of the TAC should be shorter than five calendar days, Working Group members noted that exceptions may be necessary to accommodate specific circumstances. The Working Group did not identify a compelling reason to change the five-day response timeframe but believes that it is appropriate to update the policy language to highlight that five calendar days is the maximum and not the standard period in which the TAC is to be issued. The Working Group also agreed that it is more clear to express the time frame in hours rather than calendar days.

Recommendations: [#6](#)

Charter Question: Auth-Info Code Management

b4) The Transfer Policy does not currently require a standard Time To Live (TTL) for the AuthInfo Code. Should there be a standard Time To Live (TTL) for the AuthInfo Code? In other words, should the AuthInfo Code expire after a certain amount of time (hours, calendar days, etc.)?

Summary of Deliberations:

The Working Group clarified its understanding that the Time to Live (TTL) is the period of time that the TAC is valid once the TAC has been created. The Working Group noted that there are no existing policy requirements regarding TTL. The Working Group believes that it is good security practice to have a standard TTL for the TAC, because old, unused TACs are vulnerable to exploitation.

The purpose of the standard Time to Live is to enforce security around unused TACs (e.g., requested/received but not used), in a situation where the TAC may be stored in a registrant's email or other communications storage. The Working Group arrived at the conclusion that the

TAC TTL must be no more than 14 calendar days / 336 hours and notes that a 14-day / 336-hour period is appropriate in order to accommodate transfer-related business processes associated with different Registrar models.

The Working Group extensively discussed whether the Registry or Registrar should enforce the 14-day TTL and requested community input on this question through public comment on the Phase 1A Initial Report. The Working Group recommends enforcement by the Registry for the following reasons:

- For accuracy: If the sponsoring Registrar is required to expire the TAC by updating it to null, there is a possibility that at the time when the TAC is set to expire, either the Registrar or Registry systems have an outage (or there is a communication interruption). This means that the TAC expiration would be delayed until the transaction could be completed, opening a window for possible usage of a TAC that the sponsoring Registrar had deemed expired.
- For consistency: Having a centralized approach at the Registry allows prospective Gaining Registrars to know that every TAC will be expired at 14 days / 336 hours regardless of the sponsoring/provisioning Registrar.
- For security: Every TAC in a Registry has a maximum lifetime that is enforced consistently. This prevents the existence of any long-lived TAC, which could be used as part of an unauthorized or unintended inter-Registrar transfer.

With respect to Recommendation 9.2, the Working Group acknowledged that there may be a variety of circumstances in which the Registrar of Record and the RNH may want to mutually agree to reset the TAC to NULL prior to the end of the 14th calendar day. The Working Group included this language to ensure that Registrars are permitted to do so under relevant circumstances.

Recommendations: [#9](#)

Bulk Use of Auth-Info Codes

Charter Question: Bulk Use of Auth-Codes

b5) Should the ability for registrants to request AuthInfo Codes in bulk be streamlined and codified? If so, should additional security measures be considered?

Summary of Deliberations:

As a general rule, the Working Group believes that one randomly generated TAC should be provided per domain name, because this is a good security practice (see Recommendation 13). The Working Group recognizes that for cases where multiple domains are being transferred, it would be more convenient to have a streamlined approach for requesting and using TACs. Some Working Group members suggested a carveout to the standard TAC requirements that would allow use of the same TAC for multiple domains if specific additional requirements were met to ensure security of the transaction. The Working Group did not agree on specific conditions under which this should be possible. Therefore, the Working Group is not making any recommendations with respect to exceptions for multi-domain transfers.

Recommendations: N/A

Charter Question: Bulk Use of Auth-Codes

b6) Does the CPH TechOps research provide a logical starting point for future policy work on AuthInfo Codes, or should other options be considered?

Summary of Deliberations:

The Working Group carefully reviewed the TechOps proposal¹⁸ and considered input from those involved in development of the proposal. The Working Group appreciated the expertise and relevant experience of those who developed the proposal and therefore considered it a logical starting point for discussion. The Working Group agreed, however, that it is important to consider (i) the range of views and interests that may not have been represented in the development of the proposal, and (ii) any new information or interests that have come to light since the development of the proposal. Therefore, in developing its recommendations, the Working Group deliberated on each of the charter questions, taking into account both the relevant elements of the TechOps paper as well as all other available information and inputs, including proposals submitted during the Public Comment periods.

Recommendations: N/A

¹⁸ Available in Annex B of the TPR [Final Issue Report](#).

Charter Question: Bulk Use of Auth-Codes

b7) Should required differentiated control panel access also be considered, i.e., the registered name holder is given greater access (including access to the auth code), and additional users, such as web developers would be given lower grade access in order to prevent domain name hijacking?

Summary of Deliberations:

The Working Group does not believe that there should be any new policy requirements in this regard.

Recommendations: N/A

Wave 1, Recommendation 27

Charter Question: Wave 1, Recommendation 27

c1) How should the identified issues be addressed?

Summary of Deliberations:

The Working Group reviewed the Transfer Policy-related issues from Section 3.11 of the Wave 1 Report and noted seven (7) of the ten (10) “key issues” were relevant to the current phase (Phase 1(a)) of its work.¹⁹ The Working Group reviewed and discussed these seven issues and has provided a response to each issue. The detailed responses can be found in Annex 8 of this report.

Recommendations: [#1](#), [#2](#)

¹⁹ Key Issues 4, 6, and 7 related to Change of Registrant, and, accordingly, the Working Group agreed to discuss these issues during Phase 1(b) of its work.

Charter Question: Wave 1, Recommendation 27

c2) Can the FOA-related Transfer Policy issues (identified in paragraphs 5 and 9 of Wave 1 Report),²⁰ as well as the proposed updates to the Gaining and Losing FOAs, be discussed and reviewed during the review of FOAs?

Summary of Deliberations:

As noted above, the Working Group reviewed the seven key issues from Section 3.11 of the Wave 1 Report that are directly related to Group 1(a) of its work, including the issues related to the Gaining and Losing FOAs. The Working Group determined these specific issues are in scope for it to address during Group 1(a) and discussed and reviewed these issues during its plenary meetings. For the detailed responses on the key issues, please refer to Annex 8 of this report.

The Working Group noted many key issues alluded to terminology inconsistencies, which are the direct result of the EPDP Phase 1 recommendations. For example, EPDP Phase 1, Recommendation #5 provides an updated list of data elements to be collected by Registrars. Notably, the administrative contact field, which was a required data field under the 2013 RAA, is no longer a required data element for Registrar collection and subsequent processing. Because the administrative contact field is referenced many times within the Transfer Policy, the Working Group noted those references should be removed.²¹ Similarly, the Working Group observed that the multiple references to “Whois” need to be updated.

Recommendations: [#1](#), [#2](#)

Charter Question: Denying Transfers (Inter-Registrar Transfers)

²⁰ Paragraph 5: Section I.A.5.6 provides that the “AuthInfo” codes must be used solely to identify a Registered Name Holder, whereas the Forms of Authorization (FOAs) still need to be used for authorization or confirmation of a transfer request, as described in Sections I.A.2, I.A.3, and I.A.4 of the policy. Where registrant contact data is not published, and absent an available mechanism for the Gaining Registrar to obtain such contact data, it is not feasible for a Gaining Registrar to send an FOA to the registrant contact data associated with an existing registration, as required by the policy. However, the requirement for the Registrar of Record to send an FOA confirming a transfer request (covered in section I.A.3) is still achievable as the Registrar does not need to rely on publicly available data. Paragraph 9: The EPDP Team’s Phase 1 Recommendation 24 recommends that the following requirements apply to the Transfer Policy until superseded by recommendations from the Transfer Policy review being undertaken by the GNSO Council (redacted for brevity).

²¹ Additional context from the Working Group’s discussion can be found in Annex 8 of this report.

h1) Are the current reasons for denying or NACK-ing a transfer sufficiently clear? Should additional reasons be considered? For instance, ICANN Contractual Compliance has observed difficulties from Registrars tying transfer denials involving domain names suspended for abusive activities to the denial instances contemplated by the Transfer Policy; or should any reasons be removed?

Summary of Deliberations:

The Working Group conducted a thorough review of the reasons for denying or NACKing a transfer and has provided a series of recommendations detailed below. Please see the rationale for each proposed change for additional information about why these updates are being recommended.

While discussing sections I.A.3.7 through I.A.3.9 of the Transfer Policy, the Working Group spent a significant amount of time considering I.A.3.7.5 and I.A.3.7.6 and the fact that in some cases, a domain is locked against inter-Registrar transfer for 60 days following the registration of the domain name or the transfer of the domain name to a new Registrar. Requirements regarding post-registration and post-transfer locks appear in some Registry Agreements and are reflected in corresponding Registry-Registrar Agreements. This practice is neither required nor prohibited in the Transfer Policy and is applied inconsistently across the industry.

The Working Group considered that this inconsistent practice may cause confusion among registrants and may lead to poor registrant experience. The Working Group supported establishing a standard set of requirements that apply across the industry. While some members also supported opportunities for opt-outs or flexibility in the requirements (for example a minimum lock period with an option to implement a longer lock period), the Working Group ultimately agreed that consistency needs to be maintained.

In the course of deliberations, the Working Group discussed three possible time periods for post-registration and post-transfer locks: 10 days, 30 days, and 60 days. Working Group members supported maintaining consistency between the period that a transfer is prohibited following registration and following inter-Registrar transfer. Some Working Group members have advocated for establishing a “fast undo” process along the lines of the Expedited Transfer Reverse Process (ETRP) considered in Inter-Registrar Transfer Policy (IRTP) Part B Policy Development Process. The IRTP Part B Working Group ultimately did not adopt the ETRP proposal. The Working Group discussed the process of a “fast undo” or transfer reversal process but was ultimately unable to come to an agreement. Many Working Group members

observed that Registrars generally work together informally to undo an improper transfer, where appropriate, and introducing strict policy requirements around this may limit this ability.

Recommendations: [#18](#), [#20](#), [#21](#), [#22](#), [#23](#), [#24](#)

Charter Question: Denying Transfers (Inter-Registrar Transfers)

h2) Should additional guidance around cases subject to a UDRP decision be provided to ensure consistent treatment by all Registrars? If so, is this something that should be considered by the RPMs PDP Working Group’s review of the UDRP, or should it be conducted within a Transfer Policy PDP?

Summary of Deliberations:

The Working Group reviewed the World Intellectual Property Organization’s (WIPO) [detailed comment](#) in response to the [Transfer Policy Status Report](#) and has noted two concerns involving a UDRP proceeding vis-à-vis the Transfer Policy. Specifically, WIPO has noted issues related to: (i) the locking of a domain name subject to a UDRP proceeding (in order to prevent an inter-Registrar transfer during the pendency of the proceeding),²² and (ii) the implementation of a UDRP Panel’s order to transfer a domain name to a complainant.²³

Domain Name Locking

UDRP Rule 4(b) provides, in part, “Within two (2) business days of receiving the Provider’s verification request, the Registrar shall [. . .] confirm that a Lock²⁴ of the domain name has been applied. [. . .] The Lock shall remain in place through the remaining Pendency of the UDRP proceeding. [. . .].” Additionally, Paragraph I.A.3.8.1 of the Transfer Policy requires Registrars to deny any requests for inter-Registrar transfers during “a pending UDRP proceeding that the Registrar has been informed of.”

Within its recommendations, the Working Group has proposed to update the current Transfer Policy language to:

²² For specific policy requirements, please see [UDRP Rule 1](#) (definitions of Lock and Pendency, respectively), [UDRP Rule 4\(b\)](#), and Paragraph I.A.3.8.1 of the [Transfer Policy](#).

²³ For specific policy requirements, please see [UDRP Section 4\(i\)](#), [4\(k\)](#), [UDRP Rule 16\(a\)](#).

²⁴ [UDRP Rule 1](#) defines Lock as “a set of measures that a Registrar applies to a domain name, which prevents at a minimum any modification to the registrant and Registrar information by the Respondent, but does not affect the resolution of the domain name or the renewal of the domain name.”

“The Registrar of Record MUST deny a transfer request in the following circumstances:

- Pending UDRP proceeding that the Registrar has been notified of by the Provider in accordance with the UDRP Rules.”

The Working Group is proposing a slight refinement to the current text in an effort to clarify that Registrars must deny inter-Registrar transfer requests that are received after a Registrar has been notified by a UDRP Provider of a UDRP Proceeding in accordance with the UDRP Rules.

In response to WIPO’s related concern that “the ambiguity associated with ‘locking’ a domain name has resulted in many improper domain name transfers,” the Working Group notes that the definition of Locking is part of the UDRP Rules, and, accordingly, appears out of scope for this Working Group to address. The Working Group does note, though, that the proposed updates to the Transfer Policy endeavor to make clear that Registrars are forbidden from implementing inter-Registrar transfer requests received following a notification from a UDRP Provider of a pending UDRP proceeding.

In the event a Registrar mistakenly or purposefully effects an inter-Registrar transfer during the pendency of a UDRP proceeding, this would be a clear violation of the Transfer Policy and should be referred to ICANN org Contractual Compliance for review. The Working Group will flag the definitional issue of “locking” with the Rights Protection Mechanisms (RPMs) Phase 2 Working Group, who will be closely reviewing the UDRP, and will be in a better position to determine if updates are needed.

Implementation of UDRP Panel Decisions

The Working Group also discussed WIPO’s noted concern regarding the reported refusal of some Registrars to effect a UDRP Panel’s decision to transfer a disputed domain name(s) to the Complainant.

Paragraph 4(i) of the UDRP provides that a UDRP Complainant may request the following remedies in its UDRP Complaint, “the cancellation of [a disputed] domain name or the *transfer* of [a disputed] domain name registration to the complainant.” (emphasis added). Paragraph 4(k) goes on to provide, in part, “if an Administrative Panel decides that [the disputed] domain name registration should be canceled or transferred, [the Registrar of Record] will wait ten (10) business days [. . .] before *implementing* that decision [to cancel or transfer the disputed domain name].” (emphasis added)

Registrar representatives within the Working Group noted various methods their companies use to implement UDRP decisions, including, for example, providing the AuthInfo Code to the Complainant to effect the inter-Registrar transfer, setting up an account for the Complainant and transferring the name to the new account, et al. The Working Group discussed that so long as the Registrar of Record effects the Panel’s decision by allowing transfer of the domain name, the Registrar would be in compliance with the UDRP, and the Working Group was reluctant to recommend specific implementation restrictions.

The Working Group noted that a Registrar refusal to implement a UDRP Panel’s decision to cancel or transfer the disputed domain name to the Complainant, absent official documentation of a court proceeding,²⁵ would be a violation of the UDRP, and, accordingly, should be referred to ICANN org Contractual Compliance for review. The Working Group noted that it will refer this reported issue of UDRP decision implementation to the RPMs Phase 2 Working Group, as the Working Group believed the specific implementation around UDRP decisions to be out of scope for the Transfer Policy.

Recommendations: [#23](#)

²⁵ See UDRP, Paragraph 4(k).

Annex 3 – Group 1(b) Charter Questions and WG Summary Deliberations

Change of Registrant

For context on this topic and the associated charter questions, please see pages 20-32 of the [Final Issue Report](#).

[Link](#) to TPR WG Charter.

Charter Question: Change of Registrant

d1) According to the Transfer Policy Review Scoping Team Report, the Change of Registrant policy “does not achieve the stated goals” and “is not relevant in the current & future domain ownership system.” To what extent is this the case and why? Are the stated goals still valid? If the Change of Registrant policy is not meeting the stated goals and those goals are still valid, how should the goals be achieved?

Summary of Deliberations:

The Working Group discussed the following original goals associated with Change of Registrant:

- Standardization across Registrars, creating a better/easier experience for registrants.
- Security improvements through ensuring the changes are authorized.
- Manage instances of domain theft/hijacking (especially with respect to the 60-day post Change of Registrant lock or inter-Registrar transfer restriction).
- Consistent with Transfer Policy B.1. "In general, registrants must be permitted to update their registration/Whois data and transfer their registration rights to other registrants freely."

In considering the question of whether the goals are still valid, the Working Group noted that a number of circumstances have changed since the IRTP-C Working Group completed its work:

- The Registrar landscape had changed. From one perspective, security measures are more robust, especially as Registrars work to meet obligations under GDPR.
- When Change of Registrant was drafted, email addresses were available in the public RDDS, which was a significant attack vector for domain name hijacking. This is no longer an issue.
- From one perspective, protection of registrant data against unwanted changes is even more important with GDPR, because the registrant cannot monitor the RDDS for such changes, and therefore needs to be informed by other means.

Working Group members noted that while the Policy Status Report provides a number of metrics, the data does not definitively provide an answer to whether the goals are being met, and specifically whether the policy requirements have an impact on security issues related to unauthorized activity. Survey results associated with the PSR and anecdotal information provide some evidence that adjustments to Change of Registrant are appropriate from a usability perspective, as the current requirements are perceived as confusing and cumbersome. The Working Group considered that it might be beneficial to recommend additional data collection and tracking in the future so that there are better metrics to leverage in future policy development related to the Transfer Policy.

Ultimately, Working Group members supported having Change of Registrant policy requirements in some form, but noted that changes were needed to those requirements. The recommended changes are noted in response to the additional charter questions below.

Recommendations: N/A

Charter Question: Change of Registrant

d2) Data gathered in the Transfer Policy Status Report indicates that some registrants find Change of Registrant requirements burdensome and confusing. If the policy is retained, are there methods to make the Change of Registrant policy simpler while still maintaining safeguards against unwanted transfers?

d3) The Transfer Policy Review Scoping Team Report suggests that there should be further consideration of establishing a standalone policy for Change of Registrant. According to the Scoping Team, the policy should take into account the use case where a Change of Registrar occurs simultaneously with a Change of Registrant. To what extent should this issue be considered further? What are the potential benefits, if any, to making this change? To what extent does the policy need to provide specific guidance on cases where both the Registrar and registrant are changed? Are there particular scenarios that need to be reviewed to determine the applicability of COR?

Summary of Deliberations:

In initial discussions, some Working Group members expressed support for having two distinct policies, which those members noted may be a “tidier” approach. The Working Group noted the two processes are distinct with two different purposes, histories, and sets of needs. They

may, but often do not, happen at the same time. They should not be conflated. From this perspective, the Working Group noted it would be cleaner to keep the discussions separate.

The Working Group reviewed Section II of the Transfer Policy in its entirety to see if it was in need of changes, simplifications, or additional explanatory language. In addition to recommending a standalone policy, the Working Group recommended additional changes described in recommendations #25 and #26.

Recommendations: [#25](#), [#26](#)

Charter Question: Change of Registrant

d4) Survey responses and data provided by ICANN’s Global Support Center indicate that registrants do not understand the 60-day lock and express frustration when it prevents them from completing an inter-Registrar transfer. Does the 60-day lock meet the objective of reducing the incidence of domain hijacking? What data is available to help answer this question? Is the 60-day lock the most appropriate and efficient mechanism for reducing the incidence of hijacking? If not, what alternative mechanisms might be used to meet the same goals? Are there technical solutions, such as those using the control panel or two-factor authentication, or other alternatives that should be explored?

Summary of Deliberations:

The Working Group reviewed the complaint metrics from ICANN Global Support and Contractual Compliance and, after discussing the metrics at length, has determined that the 60-day lock following a Change of Registrant appears to be a greater source of registrant frustration than proven registrant security. Furthermore, available data suggests that valid reports of domain hijacking are not as numerous as may be expected. For example, according to complaint metrics shared by ICANN Contractual Compliance, from September 2020 to October 2023 ICANN Compliance received:

- 205 complaints regarding Unauthorized Changes of Registrant
 - 169 were closed as invalid (without addressing with the Contracted Party)
 - 42 were sent to the Contracted Party
 - 780 complaints regarding Unauthorized Inter-Registrar Transfers
 - 679 were closed as invalid (without addressing with the Contracted Party)
 - 88 were sent to the Contracted Party
-

The Working Group considered the number of complaints received by ICANN Compliance and sent to Contracted Parties to be relatively low, particularly when considering the vast number of domain names, changes of registrant, and inter-Registrar transfers that occur worldwide. While most complaints of domain hijacking may be addressed internally with Registrars and are not escalated to ICANN Compliance, such issue tracking and reporting across Registrars may not be consistent or readily available and was not provided to the Working Group when requested.

Based on available data, it is not clear that the 60-day lock demonstrably reduces instances of domain hijacking. However, the Working Group noted that from the perspective of Registrars, it is often difficult, if not impossible, to determine whether a registrant's email address or account login credentials have been compromised until after a complaint is received. While the 60-day lock temporarily prevents the registrant (and possible hijacker) from transferring the domain to another Registrar (also assuming the transfer lock was not opted-out of by the hijacker prior to the change of registrant), the lock does not prevent any initial hijacking of the registrant's credentials or account.

The Working Group discussed various ways that Registrars could address domain hijacking proactively rather than reactively, such as through additional requirements for accounts, control panels, and multifactor authentication. However, the Working Group noted that given the variety of Registrars and their business models, there is no one-size-fits-all security apparatus, and that flexibility should be given to Registrars to secure registrant data and accounts in ways that work best for them and their customers. That being said, the Working Group has proposed several recommendations within this Final Report which would increase the security of inter-Registrar transfers and help registrants catch and combat domain hijacking (such as required notifications to the RNH, instructions for how an RNH may reverse an invalid transfer, additional TAC requirements, implementation of a 30-day post-transfer restriction, etc.).

Recommendations: N/A

Charter Question: Change of Registrant

d5) Survey responses and data provided by ICANN's Global Support Center and Contractual Compliance Department indicate that registrants have expressed significant frustration with their inability to remove the 60-day lock. If the 60-day lock is retained, to what extent should there be a process or options to remove the 60-day lock?

Summary of Deliberations:

Rather than retaining the 60-day inter-Registrar transfer lock following a Change of Registrant, the Working Group recommends eliminating it from the future Change of Registrant Data Policy (See Recommendation 26.4). The Working Group has noted several reasons why this 60-day post Change of Registrant inter-Registrar transfer restriction/lock should be eliminated.

1. The Working Group discussed at length about the confusion and frustration from registrants around this restriction. Input from the Transfer Policy survey, which was administered as part of the Transfer Policy Status Report, also noted the inconsistency with which this lock is applied. Specifically, the language provides that Registrars MAY offer an opt-out, but not all Registrars choose to offer this, which ultimately leads to confusion among RNHs. Additionally, the Working Group noted that the common occurrence of a Registrar acting as the Designated Agent and opting out of the lock on behalf of the RNH, which is permitted in the COR policy, has rendered the security value of the 60-day lock meaningless or of negligible value.
2. In recognition of the diminished security value of the 60-day post-COR lock, the Working Group instead recommends requiring a 30-day post inter-Registrar transfer restriction, which is detailed in Recommendation 18. Barring an exception as described in Recommendation 18, domain names will remain at a Registrar for 30 days following an inter-Registrar transfer, allowing for any fraudulent changes to be unwound during this restriction period.
3. The Working Group notes that the “clientTransferProhibited” status can be applied to a domain name at any time to prevent unwanted transfer. The 60-day COR lock is an unnecessary trigger, as such a lock is already available without additional requirements.
4. The Working Group further notes that it has recommended a series of measures to increase the security of the Transfer Authorization Code (TAC) and reduce the risk that the TAC is obtained by an unauthorized party, as detailed in Recommendations 4-14. With the added security measures, the TAC becomes a stronger means to demonstrate that the TAC holder is an appropriate party to request the transfer, which makes the post-COR transfer restriction less important.
5. The Working Group notes that when a Material Change to specified registration data elements occurs, the Registrar MUST send notifications to the RNH further to Recommendation 27.

Recommendations: [#27](#)

Charter Question: Change of Registrant

d6) Due to requirements under privacy law, certain previously public fields, such as registrant name and email may be redacted by the Registrar. Is there data to support the idea that the lack of public access to this information has reduced the risk of hijacking and has therefore obviated the need for the 60-day lock when underlying registrant information is changed?

Summary of Deliberations:

The Working Group believes that the widespread removal of public access to registrant data has indeed reduced the risk of hijacking. Working Group members anecdotally observed that since 2018 and the redaction of registrant data from public lookup tools, there has been a noticeable drop in reports of domain data theft. This increased security of registrant data was a factor the Working Group considered when developing its recommendation to eliminate the 60-day lock from the future Change of Registrant Data Policy (See Recommendation 26.4).

Recommendations: [#26.4](#)

Charter Question: Change of Registrant

d7) In its survey response, the Registrar Stakeholder Group indicated that the 60-day lock hinders corporate acquisitions, consolidations, and divestitures of large lists of domains to new legal entities. To what extent should this concern be taken into consideration in reviewing the 60-day lock?

Summary of Deliberations:

The Working Group considered the 60-day lock's hindrance on legitimate domain transfers, including transfers resulting from corporate acquisitions, consolidations, and divestitures of large domain portfolios. In such circumstances, it is not uncommon that a Registrar transfer request follows a recent change of registrant, triggering the 60-day transfer lock much to the registrant's frustration. Having considered the concerns of registrants and the situations where it is necessary to readily transfer Registrars following a change of registrant, the Working Group recommends eliminating the 60-day lock from the future Change of Registrant Data Policy (See Recommendation 26.4).

Recommendations: [#26.4](#)

Charter Question: Change of Registrant

d8) If the policy is retained, are there areas of the existing policy that require clarification? For example, based on complaints received by ICANN Contractual Compliance, the following areas of the policy may be appropriate to review and clarify:

- There have been different interpretations of footnote 4 in the Transfer Policy, which states: “The Registrar may, but is not required to, impose restrictions on the removal of the lock described in Section II.C.2. For example, the Registrar will only remove the lock after five business days have passed, the lock removal must be authorized via the Prior Registrant’s affirmative response to email, etc.” Is the language in footnote 4 sufficiently clear as to whether Registrars are permitted to remove the 60-day lock once imposed under the existing policy? If not, what revisions are needed?
- Should additional clarification be provided in Section II.C.1.3, which addresses how the information about the lock must be provided in a clear and conspicuous manner? Does the policy contemplate enough warning for registrants concerning the 60-day lock where they are requesting a COR?
- Should clarification be provided in Section II.C.2 that the option to opt-out is provided only to the Prior Registrant? For example, would the following revision be appropriate: “The Registrar must impose a 60-day inter-Registrar transfer lock following a Change of Registrant, provided, however, that the Registrar may allow the Prior Registrant to opt out of the 60-day inter-Registrar transfer lock prior to any Change of Registrant request.”?

Summary of Deliberations:

The Working Group recommends eliminating from the future Change of Registrant Data Policy the requirement that the Registrar impose a 60-day inter-Registrar transfer lock following a Change of Registrant. Additionally, the Working Group recommends eliminating the option to opt-out of the 60-day lock, as there would no longer be a 60-day lock to opt-out of (See Recommendation 26.4). This elimination obviates the need to further clarify the 60-day lock and opt-out policy text.

However, the Working Group has identified other areas of the existing change of registrant policy (namely concerning notifications of a change of registrant) that it believes should be clarified and expanded on within the new standalone Change of Registrant Data Policy. The Working Group’s recommendations are provided below.

Recommendations: [#26.4](#), [#27](#), [#28](#)

Charter Question: Change of Registrant

d9) A Change of Registrant is defined as “a Material Change to any of the following: Prior Registrant name, Prior Registrant organization, Prior Registrant email address Administrative Contact email address, if there is no Prior Registrant email address.” Registrars have taken the position that the addition or removal to a privacy/proxy service is not a Change of Registrant; however, there is not currently an explicit carve-out for changes resulting from the addition or removal of privacy/proxy services vs. other changes. To what extent should the Change of Registrant policy, and the 60-day lock, apply to underlying registrant data when the registrant uses a privacy/proxy service?

- Registrars have identified a series of specific scenarios to consider in clarifying the application of COR policy requirements where the customer uses a privacy/proxy service. Are there additional scenarios that need to be considered that are not included in this list?

Summary of Deliberations:

The Working Group reviewed the current definition of Change of Registrant at length. Ultimately, the Working Group generally agreed that the correct data fields were implicated, e.g, Registrant Name, Registrant Organization, and Registrant Email. However, the Working Group noted that changes to these fields do not often equate to an actual Change of Registrant. Instead, the changes may only be to the same registrant’s data, i.e., a change to email, name change due to marriage, etc. Accordingly, the Working Group has recommended referring to these changes as Change of Registrant Data instead of Change of Registrant (See Recommendation 25).

The Working Group also discussed whether the addition or removal of privacy/proxy services constitutes a change of registrant data. It determined that a Change of Registrant Data is intended to reference the underlying registrant data on file with the Registrar and not necessarily what is always displayed in public RDDS lookups.

For example, if a registrant uses their Registrar’s privacy service to ensure their personal information in RDDS is not displayed publicly, and the registrant updates their email address on file with the Registrar, this would constitute a change of registrant data even though the RDDS record remains unchanged. Similarly, if a registrant decides to remove their Registrar’s privacy service, but their underlying registrant data on file with the Registrar remains unchanged, this would not constitute a change of registrant even though the RDDS record may change to reflect the registrant’s unmasked data.

The Working Group also acknowledged that some registrants choose to use privacy services outside of the sponsoring Registrar or their Affiliates (e.g., a registrant employing a trusted friend or business to manage the domain name on their behalf). In such circumstances, Registrars would not necessarily know that the registrant data provided to them belongs to a third-party privacy provider and not the true registrant. Ultimately, the Working Group decided that a change of registrant data refers to a material change of the registrant's name, organization, or email address on file with the Registrar, and not the addition or removal of known privacy services from the Registrar or its Affiliate. (See Recommendation 25.3).

Recommendations: [#25](#)

Charter Question: Change of Registrant

d10) Should the policy be the same regardless of whether the registrant uses a privacy service or a proxy service? If not, how should these be treated differently?

Summary of Deliberations:

In its discussions, the Working Group ultimately determined that privacy or proxy service data was not the focus of the Change of Registrant Data Policy. Following public comment, the Working Group determined that updates related to affiliated Privacy Service Provider data are not considered a Change of Registrant Data while updates to Proxy Service Provider data would be considered a Change of Registrant Data.

Recommendations: [#25](#)

Charter Question: Change of Registrant

d11) Are notifications provided to privacy/proxy customers regarding COR and changes to the privacy/proxy service information sufficient? For example, should there be additional notifications or warnings given to a privacy/proxy customer if the privacy/proxy service regularly changes the privacy/proxy anonymized email address?

Summary of Deliberations:

In its discussions, the Working Group ultimately determined that privacy or proxy service data was not the focus of the Change of Registrant Data Policy. Following public comment, the Working Group determined that updates related to affiliated Privacy Service Provider data are

not considered a Change of Registrant Data while updates to Proxy Service Provider data would be considered a Change of Registrant Data.

Recommendations: N/A

Charter Question: Change of Registrant

d12) In its survey response, the Registrar Stakeholder Group indicated that, “There is. . . overuse of the Designated Agent, which has basically circumvented the policy.” To what extent is this the case? What is the impact?

Summary of Deliberations:

In its discussions, the Working Group noted that there does appear to be overuse of the Designated Agent. While the Designated Agent function was critical to the early survival of wholesale Registrars, which interact regularly with resellers acting on behalf of registrants, today it is often used by resellers and Registrars to approve change of registrant requests for registrants who, at times unknowingly, delegate certain managerial responsibilities of their domain name data.

Recommendations: [#26](#)

Charter Question: Change of Registrant

d13) If the Designated Agent function is not operating as intended, should it be retained and modified? Eliminated?

Summary of Deliberations:

The Working Group believes that the Designated Agent role is not operating as intended and is also no longer fit for purpose, as the Working Group recommends eliminating from the future Change of Registrant Data Policy the requirement that the Registrar request and obtain confirmation from both the Prior Registrant and the New Registrant (see Recommendation 26.3).

Accordingly, without the need for a registrant to confirm a change of registrant data request (instead the RNH would be notified of any change they requested), the Working Group believes the Designated Agent role should be eliminated from the new standalone Change of Registrant

Data Policy (See Recommendation 26.1). The Working Group also notes that while the Designated Agent function is no longer defined within the Change of Registrant Data Policy, this should not preclude or prevent Registrars from using third parties elsewhere if permitted by applicable policy.

Recommendations: [#26](#)

Charter Question: Change of Registrant

d14) Are there alternative means to meet the objectives of the Designated Agent role?

Summary of Deliberations:

The Working Group considered some alternative means to the Designated Agent, such as granting registrants the ability to waive some of their management rights directly to their Registrar. However, with the Working Group's removal of the confirmation requirement in lieu of additional notification requirements, the role of the Designated Agent remains unfit for purpose within the new Change of Registrant Data Policy (See Recommendation 26.1).

Recommendations: [#26](#)

Charter Question: Change of Registrant

d15) Based on complaints received by ICANN's Contractual Compliance Department, there appear to be different interpretations of the role and authority of the Designated Agent. If the Designated Agent function remains, should this flexibility be retained? Does the flexibility create the potential for abuse?

Summary of Deliberations:

The Working Group recommends that the role and definition of Designated Agent is no longer fit for purpose, and therefore all references to Designated Agent must be eliminated from the future standalone Change of Registrant Data Policy (See Recommendation 26.1).

Recommendations: [#26](#)

Charter Question: Change of Registrant

d16) If the role of the Designated Agent is to be clarified further, should it be narrowed with more specific instructions on when it is appropriate and how it is to be used?

- Should the Designated Agent be given blanket authority to approve any and all CORs? Or should the authority be limited to specific COR requests? Does the authority to approve a COR also include the authority to request/initiate a COR without the RNH requesting the COR?

Summary of Deliberations:

The Working Group recommends that the role and definition of Designated Agent is no longer fit for purpose, and therefore all references to Designated Agent must be eliminated from the future standalone Change of Registrant Data Policy (See Recommendation 26.1).

Recommendations: [#26](#)

Charter Question: Change of Registrant

d17) The Registrar Stakeholder Group recommended the following in its survey response: “For a Change of Registrant, both the gaining and losing registrants should be notified of any requests, and should have the option accept or reject, over EPP notifications.” Should this proposal be pursued further? Why or why not?

Summary of Deliberations:

In its discussions, the Working Group found that the current requirement of receiving confirmation from both the prior registrant and new registrant before implementing a change of registrant presented data protection concerns which necessitated changes. It was determined that this confirmation was a data processing activity without true purpose, and that if confirmation is required it can be assumed from the registrant’s act of updating their data in the first place. Further, the confirmation requirement is often a confusing or disrupting event for registrants rather than presenting the intended benefit of notifying them of the update.

Recommendations: [#26](#)

EPDP Phase 1, Recommendation 27, Related to Change of Registrant

Charter Question: EPDP Phase 1, Recommendation 27, Related to Change of Registrant

e1) How should the identified issues be addressed?

Summary of Deliberations:

The Working Group reviewed the two key issues from Section 3.11 of the Wave 1 Report that are directly related to Group 1(b) of its work, including the issues related to the Change of Registrant. The Working Group determined these specific issues are in scope for it to address during Group 1(b) and discussed and reviewed these issues during its plenary meetings. For the detailed responses on the key issues, please refer to Annex 8 of this report.

Recommendations: N/A

Charter Question: EPDP Phase 1, Recommendation 27, Related to Change of Registrant

e2) Can the Change of Registrant-related issue (identified in paragraph 6 of the Wave 1 report) be discussed and reviewed during the review of the Change of Registrant Process?

Summary of Deliberations:

The Working Group reviewed Section II.B.1 of the Transfer Policy, which was identified in paragraph 6 of the Wave 1 report as needing further clarification. While the Working Group recommends eliminating Section II.B “Availability of Change of Registrant” from the future standalone Change of Registrant Data Policy (See Recommendation 26.2), the Working Group also clarified that a change of registrant data does not necessarily entail a change to the data that is displayed publicly in RDDS (See Recommendation 25.3). For further details, please refer to Annex 8 of this report.

Recommendations: [#25](#), [#26](#)

Annex 4 – Group 2 Charter Questions and WG Summary Deliberations

Transfer Emergency Action Contact (Inter-Registrar Transfers)

For context on this topic and the associated charter questions, please see pages 33-37 of the [Final Issue Report](#).

[Link](#) to TPR WG Charter.

Charter Question: Transfer Emergency Action Contact (Inter-Registrar Transfers)

f1) Is additional data needed to support evaluation of the effectiveness of the TEAC mechanism? If so, what data is needed?

Summary of Deliberations:

To support discussion on whether adjustments may be needed to the TEAC channel and associated policy requirements, the Working Group first reviewed relevant information in the Transfer Policy Status Report. In particular, the Working Group considered responses to the Registrar survey that describe pain points with respect to the TEAC channel. The Working Group noted the relevance of specific comments as they relate to charter questions under this topic. Specifically:

- Survey responses regarding the four-hour time frame for Registrars to provide an initial, non-automated response to communications via the TEAC channel. The Working Group considered these comments during deliberations on Charter Questions f2 and f3.
- Comments regarding the need for more accountability in reaching a resolution after the issue has been raised through the TEAC channel. The Working Group considered these comments during deliberations on Charter Question f4.

The Working Group reviewed metrics in the Transfer Policy Status Report reflecting ICANN Contractual Compliance Complaints received between August 2017 and July 2018 with the Transfer Complaint Category “Transfer Emergency Action Contact.” The Working Group noted that there were a total of three complaints in the relevant category during that period.

The Working Group requested that ICANN’s Contractual Compliance department provide more recent metrics regarding complaints, which might help to determine if there are notable trends in the number of complaints. ICANN’s Contractual Compliance department provided the Working Group with metrics covering the period from 1 September 2020 to 31 December 2022. During that period, there were five Compliance cases that were validated and confirmed to refer to TEAC obligations described in the Transfer Policy. Compliance further shared with the

Working Group that in those five cases, the reported issue was that the TEAC did not provide an initial response within the required four-hour time frame. In all cases, there was a time zone difference between the involved parties. All cases were closed after the reported Registrars took corrective action, such as allocating 24x7 staffing to the TEAC channel. The Working Group made note of this additional input in discussions related to charter questions f2 and f3.

The Working Group observed that survey responses and Contractual Compliance metrics provide some insight into pain points but also noted that additional information would be useful to support an assessment of the TEAC mechanism. In early input on the charter questions provided by SG/Cs, the following data points were identified as potentially useful:

- Number of times TEAC channel is used
- Modes of contact to TEAC, and whether these are satisfactory
- Steps taken before contacting TEAC
- Quality of initial response by TEAC
- Whether the timeframe for response is satisfactory
- Circumstances prompting use of TEAC
- Number of cases where there are problems associated with use of the TEAC, including abuse of the channel
- Circumstances of issues experienced with the TEAC
- Type of resolution of case raised through TEAC
- Level of satisfaction with final resolution

The Working Group further recalled that the Working Group charter identified the following additional metrics as potential data points to measure whether policy goals are achieved:

- Number of TEAC requests responded to within the required timeframe vs. number of TEAC requests NOT responded to within the required timeframe
- Number of TEAC requests resulting in a “transfer undo”

The Working Group agreed that the decentralized nature of the TEAC mechanism makes it difficult to consistently track information about utilization of the channel and that in practice, potentially useful data points are not readily available. The Working Group considered that if a centralized system of record were to be used for TEAC communications in the future, it would be easier to track certain information, such as the total number of TEAC requests and the timeframe for initial response. As discussed in the Working Group’s response to Charter Question f5, the Working Group decided not to recommend that ICANN pursue a centralized system of record for TEAC communications.

The Working Group considered whether to recommend that either Registrars or ICANN must track and analyze additional information regarding the TEAC channel to support future review of the mechanism. The Working Group concluded that any such effort would be resource intensive and logistically difficult given the decentralized nature of the mechanism.

The Working Group concluded that survey results, metrics from ICANN’s Contractual Compliance department, and anecdotal input from Registrar and Registry representatives in the Working Group provide a sufficient basis to respond to the Charter Questions regarding the TEAC mechanism.

Recommendations: N/A

Charter Question: Transfer Emergency Action Contact (Inter-Registrar Transfers)

f2) The time frame (four hours) for Registrars to respond to communications via the TEAC channel has been raised as a concern by the Transfer Policy Review Scoping Team and in survey responses. Some have expressed that Registries must, in practice, have 24x7 coverage by staff members with the appropriate competency to meet this requirement and the language skills to respond to communications from around the world. Is there merit to concerns that the requirement disproportionately impacts certain Registrars, namely:

- i. Registrars located in regions outside of the Americas and Europe, because of significant time zone differences?
- ii. Small and medium-sized Registrars, which may not have a sufficiently large team to have 24x7 staff coverage with the necessary competency?
- iii. Registrars in countries where English is not the primary language, who may, in practice, need to have English-speaking TEAC contacts to respond to requests in English?

f3) To what extent should the four-hour time frame be revisited in light of these concerns? Are there alternative means to address the underlying concerns other than adjusting the time frame?

Summary of Deliberations:

The Working Group reviewed survey responses from the Transfer Policy Status report and concerns raised by the Transfer Policy Scoping Team with respect to the four-hour time frame for a Gaining Registrar to provide an initial response to communications via the TEAC channel. Registrar representatives in the Working Group confirmed that the burden of this requirement

can be especially acute when Registrars are working across time zones and languages and for Registrars with smaller teams.

Registrar representatives in the Working Group further observed that the consequences of failing to respond to a TEAC communication within four hours can be significant. As detailed in Section I.A.6.4 of the Transfer Policy, a Losing Registrar may ask the Registry Operator to “undo” the transfer in cases where the Gaining Registrar fails to respond within the four-hour time frame. Registrar representatives in the Working Group have observed situations where a Losing Registrar reaches out to a TEAC in the middle of the night or during a holiday period in the Gaining Registrar’s country, understanding that the TEAC may be slower to respond than usual. The Losing Registrar takes this action with expectation that the TEAC may miss the four-hour deadline, enabling the Losing Registrar to ask the Registry Operator to “undo” the transfer. While the frequency of such occurrences is unknown, the Working Group agreed that such misuse of the TEAC channel should be a factor in reconsidering the timeline.

In light of concerns about the tight timeline for initial response to a TEAC request and significant consequences for missing the deadline, some Working Group members suggested that there should be a different set of requirements when two Registrars are based in distant time zones. Other Working Group members suggested that the consequences for missing the timeline should be less severe than a transfer “undo.” The Working Group did not come to agreement on either of these proposals.

Ultimately, the Working Group agreed that a longer timeframe for initial response, universally applied, is the simplest solution to addressing the concerns raised. The Working Group noted that the RAA provides a 24-hour deadline for Registrars to provide an initial, non-automated response to reports of illegal activity, although final resolution of the underlying issue may take longer. The Working Group observed that communication to a TEAC could be considered an analogous use case and agreed that a 24-hour time frame for initial response is acceptable for handling emergencies, while addressing concerns raised by Registrars about the operational impacts of TEAC requirements and associated risks of misuse.

Recommendations: [#29](#)

Charter Question: Transfer Emergency Action Contact (Inter-Registrar Transfers)

f4) Section I.A.4.6.2 of the Transfer Policy states that “Communications to a TEAC must be initiated in a timely manner, within a reasonable period of time following the alleged unauthorized loss of a domain.” The Transfer Policy Review Scoping Team noted that this

timeframe should be more clearly defined. Is additional guidance needed to define a “reasonable period of time” after which Registrars should be expected to use a standard dispute resolution process?

Summary of Deliberations:

The Working Group reviewed Section 1.A.4.6.2 of the Transfer Policy and agreed with the Scoping Team’s assessment that “timely manner” and “within a reasonable period of time following the alleged unauthorized loss of a domain” are open to different interpretations and need to be better defined. The Working Group agreed that clear policy language will ensure that all Registrars have a common understanding of the expected parameters within which the TEAC channel may be used.

The Working Group considered a suggestion from RrSG early written input that the timeframe for an initial communication to the TEAC should be aligned with the point in time at which the Registrar is made aware of the unauthorized transfer, rather than the alleged unauthorized loss of a domain. The Working Group agreed that it is difficult to validate when a Registrar has become aware of an unauthorized transfer, and determined that it is more appropriate to keep the objective point of reference currently included in the policy.

The Working Group considered whether it may be appropriate to define a specific period of time after which the TEAC may no longer be used. The policy could state, for example, “Communications to a TEAC must be initiated in a timely manner, within x days following the alleged unauthorized loss of a domain.” Some Working Group members provided the perspective that if an extended period of time passes following alleged unauthorized loss of a domain and the registrant fails to notice and alert the Registrar, this may be an indication that the situation is not a true emergency, and therefore TEAC is not the appropriate channel for resolution. Other Working Group members expressed that there may be extenuating circumstances in which a long period of time has passed following the alleged unauthorized loss of a domain but resolution is an emergency nonetheless. It was noted that the definition of an “emergency” can be subjective and dependent on circumstances.

The Working Group agreed that the most appropriate path forward is to set a clear expectation for a “reasonable period of time” while also providing an opportunity to use the TEAC channel after a longer period under extenuating circumstances. In considering how to define “reasonable period of time,” the Working Group noted that recommendations 3 and 18 provide for a 30-day transfer restriction following registration or an inter-Registrar transfer. The purpose of these recommendations is to provide an opportunity for the registrant and Registrar to identify and act on unwanted or unauthorized activity before a subsequent inter-Registrar

transfer can take place. The Working Group agreed that a 30-day period is also an appropriate standard timeframe to identify and act on an emergency associated with a transfer.

In reviewing survey responses included in the Transfer Policy Status Report, the Working Group identified a second issue to consider under this charter question. The policy specifies a timeframe by which the TEAC must provide an initial, non-automated response, but in many cases, additional steps are required to resolve the issue raised through the TEAC channel. Some Working Group members and survey respondents indicated that more structure and guidance is needed regarding the expected timeframe for reaching a final resolution on an issue raised through the TEAC channel. Currently, the policy has no such requirements.

Registrar representatives in the Working Group shared that in some cases, a TEAC will provide a timely initial response that is not substantive, but will then take an extended period of time to follow up and work towards resolution of the issue. Some Registrar representatives expressed concern that absent any policy requirements, there is no penalty for a Registrar who delays or fails to follow through on resolution of an emergency request.

Working Group members considered whether it could be possible to define a deadline or set timeframe by which resolution of an issue raised through the TEAC channel must be resolved. Working Group members considered that there may be many different types of issues raised through the TEAC channel and different resolution paths. Absent data on the types of issues that Registrars handle through the TEAC channel and standard timeframes for resolution, it is difficult to set standard requirements and deadlines. In addition, it was noted that rigid requirements might result in a Registrar being penalized for missing a deadline, even though the Registrar is working diligently to resolve a particularly complex issue.

Ultimately, the Working Group determined that it is not appropriate to set fixed deadlines for resolution of an issue raised through the TEAC channel. Instead, the Working Group agreed that there should be requirements for greater transparency and accountability with respect to resolution of issues raised through the TEAC channel. Namely, the Working Group agreed that the Gaining Registrar must provide regular updates to the Losing Registrar who initiated the TEAC request and must demonstrate progress towards resolution of the issue as detailed in Recommendation 31.

Recommendations: [#29](#), [#30](#), [#31](#)

Charter Question: Transfer Emergency Action Contact (Inter-Registrar Transfers)

f5) According to section I.A.4.6.2 of the Transfer Policy, the TEAC may be designated as a telephone number, and therefore some TEAC communications may take place by phone. The Transfer Policy Review Scoping Team flagged this provision as a potential item for further consideration. Do telephone communications provide a sufficient “paper trail” for Registrars who may later wish to request a transfer “undo” based on failure by a TEAC to respond? Such a request would require the Registrar to provide evidence that a phone call was made and not answered, or a call back was not received within four hours. Noting this requirement, should the option to communicate by phone be eliminated? Is an authoritative “system of record” for TEAC communications warranted? If so, what are the requirements for such a system?

Summary of Deliberations:

The Working Group observed that the paper trail associated with telephone communications may be less robust than records associated with other forms of communication, such as email. This limited paper trail may make it more difficult to verify the sequence of events associated with a TEAC communication when the Losing Registrar:

- Reports to ICANN Contractual Compliance Department that the Losing Registrar called the Gaining Registrar’s TEAC and the TEAC did not pick up the call or call back within the required timeframe.
- Requests that the Registry Operator “undo” a transfer because the Losing Registrar called the Gaining Registrar’s TEAC and the TEAC did not pick up the call or call back within the required timeframe.

It was noted that while it is technically possible to extract call logs to use as evidence, this type of investigation can be time-consuming and labor-intensive in practice. The Working Group observed that it may be beneficial to establish a consistent means of documenting the initial communication exchange involving the TEAC channel.

The Working Group considered the potential merits of establishing an “authoritative system of record” for TEAC communications. Working Group members noted, for example, that ICANN could explore whether the Naming Services Portal could be modified to allow Registrars to send, receive, and respond to TEAC communications through the portal. Such a system could potentially provide a clear record of communications with associated timestamps. An additional benefit would be the possibility of collecting and tracking metrics about use of the TEAC in the aggregate across Registrars. Some Working Group members envisioned a model in which one Registrar could initiate a TEAC request in the system, which would transmit the request to

another Registrar's TEAC via the communications channel of the recipient's (email, phone, text, etc), while capturing records centrally.

Some Registrar representatives in the Working Group opposed rigid requirements regarding the method of contact by which TEAC communications occur. From this perspective, when handling an emergency, it is beneficial to have flexibility. Working Group members further noted that a centralized system of record could be costly to develop and burdensome for Registrars to adopt. While it is unknown how often Registrars contact one another via the TEAC channel, there is anecdotal evidence that the numbers are low. Some Working Group members expressed that if TEAC communications are limited in number, such a transition to an authoritative system of record may not be worth the effort. Working Group members also noted that a centralized system creates a single point of failure, which may be undesirable when handling emergency situations.

The Working Group sought alternatives that would maintain flexibility for Registrars to continue to use the phone, where appropriate, while also creating a more robust paper trail. The Working Group agreed that Registrars should have the discretion to use the method of communication they choose, including text messages and phone calls, but if the initial contact occurs by means other than email, Registrars must supplement this communication with an email exchange. This email exchange is comprised of:

1. The first email that the Losing Registrar sends to the Gaining Registrar's TEAC, and
2. The initial response that the TEAC provides.

The Working Group considered whether it would be desirable to copy ICANN org and the Registry on the initial email exchange. It was noted that doing so might create the expectation that ICANN org or the Registry is taking action on the exchange, when in fact, they are not. It was also noted that from a data privacy standpoint, it is likely inappropriate to copy additional parties on emails that contain personally identifiable information without a clear purpose for those parties to be collecting and retaining the information.

ICANN's Contractual Compliance department and Registry representatives noted that org and Registries have due diligence processes already in place to address reports that a Gaining Registrar has failed to respond to a TEAC request within the required timeframe. An email copy is not expected to eliminate the need for these due diligence steps, and therefore org and Registries saw limited utility in being copied.

In light of these considerations, the Working Group determined that the Registry and ICANN org should not be copied on emails by default.

Recommendations: [#32](#)

Charter Question: Transfer Emergency Action Contact (Inter-Registrar Transfers)

f6) The Transfer Policy Review Scoping Team indicated that there are several factors that make a Registry Operator’s obligation to “undo” a transfer under Section 6.4 of the Transfer Policy challenging:

- i. Registry Operators do not have access to the designated TEACs for each Registrar, making validation of an undo request nearly impossible.
- ii. There is no way for Registry Operators to independently verify that a Registrar did not respond within the required time frame or at all since Registry Operators are not a party to, or copied on, communications between the Registrar TEACs.
- iii. Transfer “undo” requests associated with the failure of a TEAC to respond are unilateral so there is no validation required prior to a Registry Operator taking action. This has, on occasion, led to a “he said”, “she said” scenario.
- iv. Follow on to f6 iii., if the policy were to be updated to allow for some level of validation by the Registry Operator prior to taking action, the requirement to “undo” a transfer within 5 calendar days of receiving an TEAC undo request leaves little to no time to attempt to validate the request prior to taking the action.

f7) To what extent are changes to the policy needed to address these concerns? Are there other pain points for Registry Operators that need to be considered in the review of the policy in this regard?

Summary of Deliberations:

Following discussion with members of the Working Group, ICANN’s Global Domains & Strategy (GDS) Team looked into the issues described in Charter Questions f6 and f7, and was able to update their internal process to address the issue. Specifically, announcements of changes to Registrar contacts, which are sent on a weekly basis, now include all updates to TEAC contacts. Registry representatives from the Working Group have confirmed that this issue is now resolved without further discussion or intervention from the Working Group.

Recommendations: N/A

Transfer Dispute Resolution Policy

For context on this topic and the associated charter questions, please see pages 37-43 of the [Final Issue Report](#).

Charter Question: Transfer Dispute Resolution Policy

g1) Is there enough information available to determine if the TDRP is an effective mechanism for resolving disputes between Registrars in cases of alleged violations of the IRTP? If not, what additional information is needed to make this determination?

Summary of Deliberations:

The Working Group noted the limited data available to review the TDRP; however, the Working Group reviewed what was available, including published TDRP decisions and ICANN Compliance data related to the TDRP. In its review of this data, the Working Group noted that there is difficulty in making conclusions based on the available data since the majority of transfer-related disputes are handled outside of the TDRP, i.e., via the TEAC channel, via informal resolution between Registrars, or the court system.

The Working Group noted that the small number of cases does not, alone, indicate that the TDRP is an ineffective mechanism for resolving disputes between Registrars in cases of alleged violations of the Transfer Policy. The TDRP was designed to address violations of the Transfer Policy. The TDRP was not designed to address all tangential transfer issues of disgruntled registrants; for example, the TDRP cannot and was not designed to address instances of domain theft, human error, business disputes, etc.

In its analysis of the data, the Working Group noted that while the TDRP filings were limited, the Working Group felt the available data was sufficient to demonstrate the TDRP is an effective mechanism for resolving the types of disputes it was designed to address: alleged violations of the Transfer Policy.

Recommendations: N/A

Charter Question: Transfer Dispute Resolution Policy

g2) The ADNDRC reported to the IRTP Part D Working Group that in some of the cases it processed, appellees and appellants failed to provide sufficient information to support arbitration. Is this an issue that needs to be examined further in the context of the policy?

- i. Are the existing informational materials about the TDRP sufficient to ensure that Registrars understand the process and the requirements for filing a dispute, including the information they need to give to the dispute resolution provider?

Summary of Deliberations:

The Working Group reviewed multiple sources as it formed its response to this question. Specifically, the Working Group reviewed (i) the text of the TDRP relating to the documentary information required to be provided by filing and responding parties, (iii) the specific cases published on the TDRP providers' websites, (iii) the existing information ICANN org provides on its web pages related to transfer disputes and transfer-related issues.

The Working Group noted that the TDRP's evidentiary requirements seem sufficiently clear; however, the Working Group further noted that the limited amount of TDRP filings makes it difficult to identify any clear pattern of deficiencies or problems with the current text related to required documentation. Accordingly, the Working Group did note that this specific question may need to be reviewed in the future to assess whether additional TDRP decisions indicate any gaps where further context could be provided.

Lastly, the Working Group noted that the information provided by complainants and respondents would likely be updated pursuant to EPDP Phase 1, Recommendation 27, and, to that end, any updates must be drafted clearly to aid the understanding of providers, parties, and panelists.

Recommendations: N/A

Charter Question: Transfer Dispute Resolution Policy

g3) If the TDRP is considered to be insufficient: i. Are additional mechanisms needed to supplement the TDRP? ii. Should the approach to the TDRP itself be reconsidered?

Summary of Deliberations:

The Working Group agreed that the Transfer Policy Dispute Resolution (TDRP) is currently insufficient in one important respect: it is exclusively for use by Registrars and remains unavailable to domain name registrants.

- i. In reviewing this question, the Working Group reviewed the prior determination of the IRTF Working Group Part D. Following extensive discussion, the IRTF WG Part D determined the

TDRP should not be made available to registrants. Specifically, IRTP WG D, in its Final Report, provided the following recommendation, “The WG recommends not to develop dispute options for registrants as part of the current TDRP.” That Working Group ultimately determined that allowing registrants to access the TDRP directly could potentially (i) overload the TDRP and lead to abusive filings, (ii) result in complications based on the TDRP payment schedule (the “loser pays” model), and (iii) pose an issue for documentary evidence, as the relevant Registrars are generally in possession of the evidence needed to file a TDRP, not the registrant.

The Working Group discussed the above factors and also noted that many registrant concerns and issues with unauthorized inter-Registrar transfers fall outside the limited scope the TDRP is designed to address. For example, a bad actor may compromise a registrant’s account, update contact details, retrieve the Transfer Authorization Code (TAC), and transfer a domain name to another Registrar without the authorization of the registrant. This type of transfer may technically comply with the Transfer Policy, provided the required steps are followed, even though the domain name was compromised prior to the transfer.

With this in mind, the Working Group observed that it would be beneficial and timely for the GNSO to further research the advantages and disadvantages of creating a dispute resolution mechanism for registrant filers. At a minimum, the Working Group believes the option of rethinking registrant access to the TDRP should be further explored. The Working Group also recommends that the GNSO also explore, via an Issues Report or similar method, the pros and cons of a stand-alone dispute resolution mechanism for registrant filers. Specifically, the Working Group recommends exploring the feasibility of creating a narrowly-tailored dispute resolution mechanism similar to the Uniform Domain Name Dispute Resolution Policy, whereby a registrant pays a filing fee, provides documentary evidence showing an improper transfer has occurred, and a neutral panelist makes a determination whether to transfer a domain name or deny a complaint.

ii. As noted above, the Working Group discussed the pitfalls and disadvantages provided by the IRTP WG Part D with respect to registrant access to the TDRP. The Working Group noted that if a registrant believes an improper transfer has taken place, and its previous Registrar of record is either unresponsive or unable to resolve the issue informally and/or the previous Registrar is unwilling to file a TDRP complaint, the registrant is left with unfavorable options. The registrant could choose to file a complaint with ICANN Contractual Compliance; however, ICANN Contractual Compliance does not have the authority to reverse a transfer. The registrant could also choose to go to court; however, that option can be prohibitively expensive, especially compared to the cost of filing a TDRP complaint.

For these reasons, and the reasons noted in section (i), the Working Group is recommending the GNSO request an Issues Report on registrant dispute options for improper domain name transfers.

Recommendations: [#33](#)

Charter Question: Transfer Dispute Resolution Policy

g4) Are requirements for the processing of registration data, as specified in the TDRP, compliant with data protection law?

g5) Are requirements for the processing of registration data, as specified in the TDRP, appropriate based on principles of privacy by design and data processing minimization?

Summary of Deliberations:

In reviewing this charter question, the Working Group reviewed the documentary evidence that is processed during the course of a TDRP proceeding, including data points that are provided by the Complainant to the Provider, the Respondent to the Provider, and the Provider to the Panelist.

The Working Group noted that some evidentiary requirements need to be updated based on outdated language that needs to change as a result of EPDP Phase 1, Rec. 27. The Working Group has provided draft updates to the TDRP in Annex 9. For further information, please refer to Annex 8, where the Working Group's comprehensive review of the Rec. 27 updates is contained.

Recommendations: N/A

ICANN-Approved Transfers

For context on this topic and the associated charter questions, please see pages 37-43 of the [Final Issue Report](#).

Charter Question: ICANN-Approved Transfers

i1) In light of these challenges* described in section 3.1.7.2 of the Final Issue Report, should the required fee in Section I.B.2 of the Transfer Policy be revisited or removed in certain circumstances?

Summary of Deliberations:

*Note: the challenges referenced in Section 3.1.7.2 of the [Final Issues Report](#) are provided below for ease of reference:

“In preparing this report, ICANN org Policy staff consulted with other departments within ICANN org. Colleagues from Global Domains and Strategy (GDS), who manage the De-Accredited Registrar Transition Procedure, have noted that the requirements in Section I.B.2 of the Transfer Policy have caused challenges in certain instances of de-accreditation. Specifically, the requirement for a gaining Registrar to pay a one-time flat fee of \$50,000 can make it difficult to secure a gaining Registrar. By way of example, when the pool of potential gaining Registrars perceive the value of a domain portfolio to be minimal, where the terminating Registrar’s domains are known or suspected to have a significant portion of abusive registrations, data escrow issues (the data in escrow is outdated or incomplete), or expectations of renewal rates are low (in the case of aggressive promotions), the requirement for a gaining Registrar to pay a one-time flat fee of \$50,000 USD to the Registry Operator makes it difficult to secure a gaining Registrar to accept the domains. This, in turn, poses a risk to the registrants who have utilized the services of the terminating Registrar. Furthermore, ICANN has limited ability to determine the quality of the domains or make representations to potential gaining Registrars as to the value of the domains.” - pp. 50-51 of [Final Issues Report](#)

In discussing this topic, the Working Group wished to clarify the various types of bulk transfers in order to elucidate the recommendation text. Specifically, Section I.B.2 of the Transfer Policy refers to “full portfolio transfers,” which the Working Group described as a Registrar transferring all of its domain names under management (due to termination of a Registrar Accreditation Agreement) or all of its domain names within a specific TLD(s) (due to termination of a Registry Registrar Agreement). Full Portfolio Transfers are distinct from partial bulk transfers, which the Working Group describes as “Change of Sponsorship”). The Working Group chose to use these references, Full Portfolio Transfers and Change of Sponsorship within this report to avoid confusion.

The Working Group deliberated the required fee in I.B.2 at length, and Registry representatives noted that the fee is in recognition of the administration and coordination required to implement a full portfolio transfer. Accordingly, the Working Group agreed that in the case of

an involuntary transfer, the Registry may charge a fee, but the Registry may not charge a fee in the event of an involuntary full portfolio transfer. The Working Group noted the challenges in securing a Gaining Registrar for involuntary full portfolio transfers, described by ICANN org and agreed the fee should be waived in these instances.

In discussing this question, the Working Group reviewed the entirety of the policy language in 1.B and noted that the language related to fees was outdated. The Working Group discussed at length the possibility of an updated process, noting that the DNS landscape has changed significantly with the addition of many more Registry Operators and TLDs than when the policy language in 1.B was first introduced. Recommendations #34 - #39 propose a new process for the fee associated with voluntary full portfolio transfers. The Working Group retained the current domain name ceiling of 50,000 names and the current fee of \$50,000; in other words, a potential fee is triggered when the full portfolio transfer involves 50,000 or more domain names. The Working Group, however, introduced the concept of a collective fee, which means the fee across all involved Registry Operators cannot exceed \$50,000 total. In other words, the fee is calculated by the total number of domain names involved in the full portfolio transfer, instead of per TLD. This is explained in more detail in the recommendation text of #34 - #39, which should be considered collectively.

Recommendations: [#34](#), [#35](#), [#36](#), [#37](#), [#38](#), [#39](#)

Charter Question: ICANN-Approved Transfers

i2) Should the scope of voluntary bulk transfers, including partial bulk transfers, be expanded and/or made uniform across all Registry Operators? If so, what types of rules and considerations should govern voluntary bulk transfers and partial bulk transfers?

Summary of Deliberations:

During the public comment period on the Preliminary Issue Report, all three commenters recommended the topic of ICANN-approved transfers be further examined by the eventual Working Group. Accordingly, this charter question was added to the Working Group's charter.

Specifically, commenters raised concerns about the current scope of ICANN-approved bulk transfers being very limited, and requesting an eventual Working Group explore an updated policy that could accommodate bulk transfers not tied to an acquisition. One commenter noted, "although some Registry Operators utilize Bulk Transfer After Partial Portfolio Acquisition (BTAPPA), in order to provide this service, Registry Operators must first add it as an additional Registry service through the Registry Services Evaluation Policy (RSEP). Because of

these complicating factors, there may be differences between Registry Operators for bulk transfers, and not all Registry Operators may offer bulk transfers. The standardization of the bulk transfer process between Registrars would allow Registrars who are also acting as resellers to more efficiently consolidate their domains under management onto a single IANA credential, should they so desire. It may also harmonize divergent processes between Registries, adding transparency and efficiency to the DNS ecosystem limits competition and free trade.”

The Working Group received the following early input related to this topic:

RySG: In this context, the RySG is distinguishing a “voluntary bulk transfer” from “near-simultaneous, traditional inter-Registrar transfers” by assuming that the former is intended to mean “a transfer that does not include term extension”. The RySG supports an expansion of a RO’s ability to provide a voluntary bulk transfer capability.

However, the RySG does not support enforced uniformity of voluntary bulk transfer across all ROs. The RySG believes that an RO should be able to use its bulk transfer capability as a competitive differentiator. The RySG supports an approach to voluntary/partial bulk transfers (i.e. multi-domain, batch-oriented transfers without term extension) that simply involves tri-party agreement between RO, Sponsoring Registrar, and Gaining Registrar.

RrSG: While this would be desirable for Registrars, what is the frequency of these transfers? Is it common enough that a uniform set of rules should be established? This will require process changes for Registries, so the cost to make the changes should be justified through common usage. With this additional information, the RrSG can provide better feedback.

The Working Group was presented with the below poll question to consider the future approach:

Should the scope of voluntary bulk transfers, including partial bulk transfers, be expanded and/or made uniform across:

1. all Registry Operators (via an update to the Transfer Policy)
- OR
2. all Registry Operators who offer the BTAPPA (via recommended updates to the BTAPPA)

Working Group members noted:

- In cases where one Registry uses BTAPPA but another does not, that can be a barrier to transferring (e.g. a normal transfer of 20,000 names can be expensive and inconvenient)
- A uniform approach can also include built-in flexibility.

- The [BTAPPA boilerplate](#) language could potentially be loosened to be more widely accessible while remaining a voluntary service.
- In some situations, a Registrar’s agent (a reseller) may need to change the sponsoring Registrar due to data privacy concerns, and there is currently not the ability to do this

The Working Group ultimately agreed to expand the BTAPPA to all Registry Operators via the Transfer Policy, agreed to expand the BTAPPA to Registrar agents to allow for greater flexibility (noting that the Registrar is ultimately responsible for compliance with the Transfer Policy), and the Working Group conducted a comprehensive review of the [BTAPPA boilerplate](#) and developed policy recommendations with that as a model.

Recommendations: [#40](#), [#41](#), [#42](#), [#43](#), [#44](#), [#45](#), [#46](#), [#47](#)

Wave 1, Recommendation 27 Report (Inter-Registrar and Inter-Registrant Transfers)

Charter Question: Recommendation 27 Report (Inter-Registrar and Inter-Registrant Transfers)

j1) How should the identified issues be addressed?

Summary of Deliberations:

The Working Group conducted a detailed analysis of the issues identified in the Wave 1, Recommendation 27 Report, and its analysis can be found in Annex 8. Where updated language is recommended, the recommendation references have been included below.

Recommendations: [#1](#), [#2](#), [#15](#), [#25](#), [#26](#)

Charter Question: Recommendation 27 Report (Inter-Registrar and Inter-Registrant Transfers)

j2) Can the identified Transfer Policy Dispute Resolution Policy Issues (noted in TDRP questions 1-5 of the Wave 1 report) be discussed and reviewed during the review of the TDRP?

Summary of Deliberations:

The Working Group determined that yes, the TDRP-related issues from the Wave 1, Recommendation 27 Report could be reviewed during the Working Group’s review of the TDRP. The Working Group provided its analysis in Annex 8 and proposed updated language for the TDRP in Annex 9.

Recommendations: N/A

Charter Question: Recommendation 27 Report (Inter-Registrar and Inter-Registrant Transfers)

j3) Are there any Transfer Policy or Transfer Dispute Resolution Policy issues that were not captured in the Recommendation 27 Wave 1 Report that need to be considered?

Summary of Deliberations:

The Working Group did not identify any additional issues.

Recommendations: N/A

Charter Question: Recommendation 27 Report (Inter-Registrar and Inter-Registrant Transfers)

j4) Should these issues, or a subset of these issues, be resolved urgently rather than waiting for the respective PDP Working Group?

Summary of Deliberations:

The Working Group did not identify any issues that needed urgent resolution.

Recommendations: N/A

Annex 5 – Working Group Approach

This section provides an overview of the working methodology and approach of the Working Group. The points outlined below are meant to provide the reader with relevant background information on the Working Group’s deliberations and processes and should not be read as representing the entirety of the efforts and deliberations of the Working Group.

Project Plan

The Working Group’s first deliverable was to provide the GNSO Council with a Phase 1(a) project plan. To develop the project plan, the leadership team sought input from members about the sequence in which to address topics and the amount of time each topic would take to discuss. This input was used to develop the [project plan](#), which was delivered to the GNSO Council for its consideration during the [22 July 2021](#) Council meeting.

As deliberations progressed, the Working Group agreed that it was important to examine all elements of the security model for domain name transfers in a holistic manner as part of its Phase 1 deliberations. The Working Group determined that the topic denying (NACKing) transfers should be addressed in Phase 1(a) rather than Phase 2 as originally included in the charter. As a result, the Working Group leadership team submitted a Project Change Request to the GNSO Council, which Council [adopted](#) on 16 December 2021. The expanded scope did not impact its target delivery dates to which the Working Group committed.

During the course of its Phase 1(b) work, the Working Group recognized that certain Phase 2 topics must be addressed before Phase 1 recommendations could be fully developed. Specifically, the Working Group observed that the charter questions related to the Transfer Dispute Resolution Policy (TDRP) and the Transfer Emergency Action Contract (TEAC), two Phase 2 topics, were dependencies for both Phase 1(a) and Phase 1(b) recommendations. As a result, the leadership team prepared a [Project Change Request \(PCR\)](#) to update its work plan to (i) consolidate all work into a single phase and (ii) change the order in which topics were to be considered. The GNSO Council [approved](#) the PCR during its meeting on 16 February 2023. Because the PDP was initially chartered in two phases, as a consequence of the approved PCR, the [charter](#) was updated to include minor revisions to remove references to phases.

Early Community Input

In accordance with GNSO policy development process requirements, the Working Group [sought written input](#) on the charter topics from each Supporting Organization, Advisory Committee and GNSO Stakeholder Group / Constituency. The input received was incorporated into the Working Group’s deliberations as each topic was discussed. Since all groups that provided

written input also had representative members or appointed subject matter experts in the Working Group, those members were well positioned to respond to clarifying questions from other members about the written input as it was considered.

Methodology for Deliberations

The Working Group began its deliberations for Phase 1(a) on 14 May 2021. The Working Group agreed to continue its work primarily through conference calls scheduled weekly, in addition to email exchanges on its mailing list. The Working Group held sessions during [ICANN71](#), [ICANN72](#), [ICANN73](#), [ICANN74](#), [ICANN75](#), [ICANN76](#), [ICANN77](#), [ICANN78](#), [ICANN79](#), [ICANN80](#), and [ICANN81](#). These sessions provided an opportunity for the broader community to contribute to the Working Group's deliberations and provide input on the charter topics being discussed.

All of the Working Group's work is documented on its [wiki workspace](#), including its meetings, mailing list, meeting notes, deliberation summaries, draft documents, background materials, [early input](#) received from ICANN org, and input received from ICANN's Supporting Organizations and Advisory Committees, including the GNSO's Stakeholder Groups and Constituencies.

To develop the content included in the Initial Report, the Working Group progressed through the charter questions by topic, following the sequence established in the project plan. Because the topics are closely interrelated, the Working Group took an iterative approach to producing and reviewing draft responses to charter questions and draft preliminary recommendations to ensure that the full package of outputs was coherent and comprehensive.

To ensure that all groups represented in the Working Group had ample opportunity to provide input to the deliberations, the leadership team opened each Working Group meeting with an invitation for members to step forward and provide any updates about discussions happening within their Supporting Organization/Advisory Committee/Stakeholder Group/Constituency regarding the charter topics, as well as any positions or interests members wanted to share on behalf of their groups. To further support fulsome discussion, the leadership team regularly deployed informal polls in the meeting Zoom room to get a better sense of the "temperature of the room" and to prompt the sharing of perspectives and viewpoints that may not otherwise be voiced through less structured interaction.

For those Working Group members who were less comfortable speaking on calls, the leadership team encouraged additional feedback on the mailing list and through written contributions to Working Group documents.

Use of Working Documents

The Working Group used a series of working documents, organized per charter topic, to support its deliberations. Archives of the working documents are maintained on the Working Group [wiki](#). When a new charter topic was introduced, the leadership team provided a working document for the topic, including (i) charter questions related to that topic and for each charter question, (ii) context from the Transfer Policy Status Report, and (iii) relevant inputs received from community groups through early outreach. As the Working Group progressed through discussions, staff captured a summary of deliberations on the charter question and eventually populated the document with draft charter question responses and draft preliminary recommendations to support further discussion and refinement of the text.

Working documents were updated on an ongoing basis and Working Group members were encouraged to provide comments and input in the working documents between calls.

Diagrams

To further support deliberations and document the expected impact of proposed recommendations, the Working Group developed a swimlane diagram to visually represent the possible future-state process flow for inter-Registrar transfers as it will exist if all recommendations are approved and implemented. The diagram served as a working document to support the deliberations process and was not intended to be authoritative, but is included in this Initial Report to demonstrate the Working Group's understanding of the recommendations' impact on the inter-Registrar transfer process. The swimlane diagram is included in the last Annex of this report.

Data and Metrics

The [Transfer Policy Status Report](#) produced by ICANN org in 2019 served as the Working Group's primary resource for data and metrics related to inter-Registrar transfers. In the course of its deliberations, the Working Group identified additional data that would be valuable to support its work. The additional data provided by ICANN org's Contractual Compliance Department in response to these requests is available on the Working Group's [wiki](#).

ICANN org Interaction

To help support a smooth transition from policy development to eventual implementation of GNSO Council adopted and ICANN Board approved recommendations, the Working Group has been supported by early and ongoing engagement with ICANN org subject matter experts. Liaisons from ICANN org's Global Domains and Strategy (GDS) and Contractual Compliance departments regularly attended Working Group calls, providing input and responding to questions where it was possible to do so in real time. The liaisons acted as a conduit for

Working Group questions to ICANN org that required additional research or input. The liaisons also facilitated early review of Working Group draft outputs by ICANN org subject matter experts.

Accountability to the GNSO Council

As is now the case with all GNSO Working Groups, the Working Group delivered monthly “project packages” to the GNSO Council to update the Council on the status of its work. An archive of these packages is available on the [wiki](#). The GNSO Council Liaisons, Greg DiBiase and Osvaldo Novoa,²⁶ served as additional points of connection between the Council and the Working Group.

Public Comment

The Working Group’s Initial Report was posted for public comment for 60 days. The Working Group reviewed and considered all public comments received and accordingly, made amendments to its recommendations before submitting its Final Report to the GNSO Council. The Working Group’s public comment review working documents and summary report are available on the [wiki](#).

Outcome and Next Steps

See [Annex 12](#) for details

²⁶ On 19 January 2023, the GNSO Council voted to approve Osvaldo Novoa as the new GNSO Council Liaison to the TPR Working Group. Osvaldo Novoa took over for Greg DiBiase who served as the Liaison beginning in April 2021.

Annex 6 – Working Group Membership and Attendance

The Working Group held its first meeting in April 2021. Recordings and transcripts of the group's discussions can be found on its [wiki space](#). It has conducted its work primarily through weekly conference calls, in addition to email exchanges on its mailing list.

As instructed by the GNSO Council, the Working Group prepared a [work plan](#), which it reviewed on a regular basis. The Working Group Chair and the GNSO Council Liaison to the Working Group also provided regular reports to the GNSO Council regarding the status and progress of the group's work. Details of the project schedule, attendance and action items can be found in the monthly project packages.

The Working Group email archives can be found at <https://mm.icann.org/pipermail/gns0-tpr/>.

Plenary Meetings:

- 50 Plenary calls (w/ 4 canceled) for 68.5 call hours for a total of 1506.0 person hours
- 81.4% total participation rate

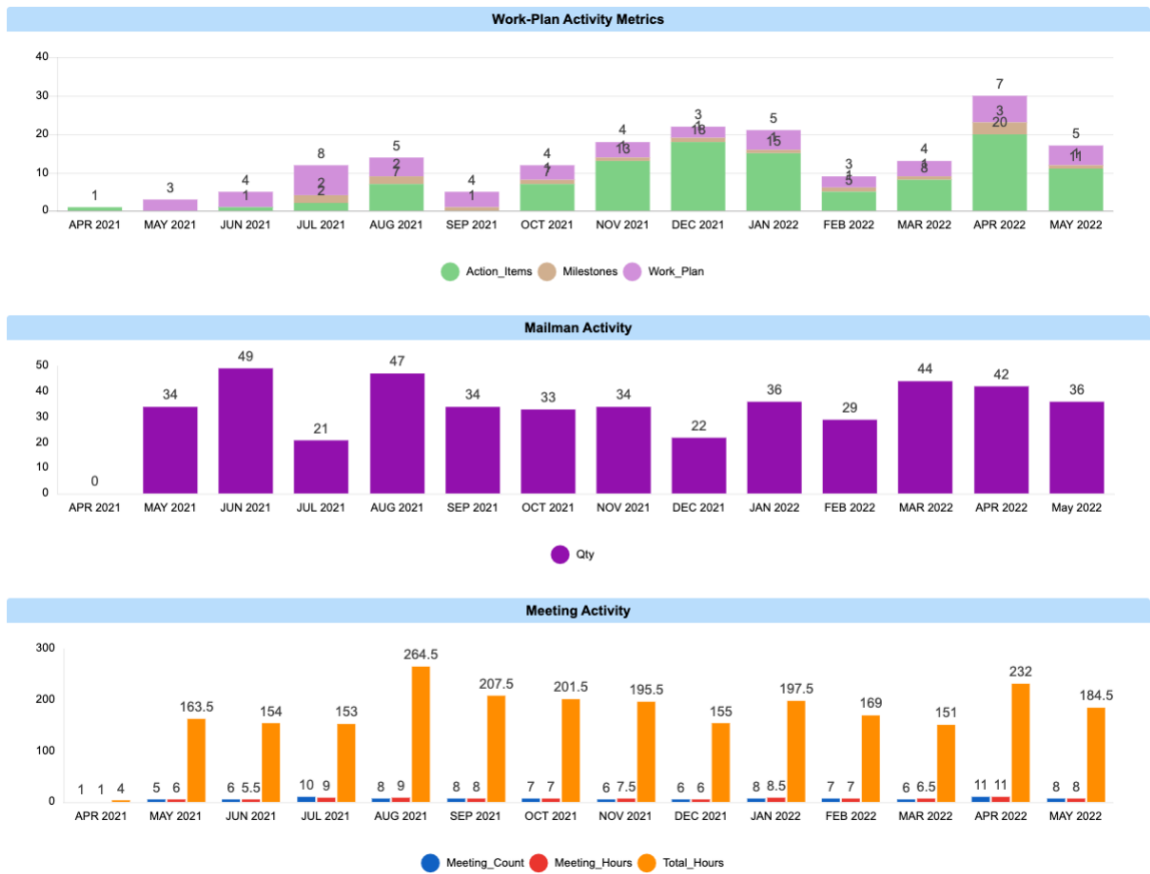
Small Team Meetings:

- 8 Small team calls for 8.0 call hours for a total of 78.0 person hours
- 100.0% total participation rate

Leadership Meetings:

- 49 Leadership calls (w/6 canceled) for 23.0 call hours for a total of 212.0 person hours

Working Group Activity Metrics:



The Members of the Working Group are:

Represented Group	SOI	Start Date	Depart Date	Attended %	Role
At-Large Advisory Committee (ALAC)				73.9%	
Nanghaka Daniel Khauka	SOI	5/4/2021		69.6%	
Steinar Grøtterød	SOI	5/5/2021		78.3%	
Commercial Business Users Constituency (BC)				91.3%	
Zak Muscovitch	SOI	4/23/2021		91.3%	
GNSO Council				86.4%	
Gregory DiBiase	SOI	6/4/2021		71.4%	Liaison
Roger Carney	SOI	4/23/2021		100.0%	Chair
Independent				23.9%	
Steve Crocker	SOI	4/26/2021		23.9%	
Intellectual Property Constituency (IPC)				32.6%	
Mike Rodenbaugh	SOI	4/21/2021		47.8%	
Salvador Camacho Hernandez	SOI	4/26/2021		17.4%	
Internet Service Providers and Connectivity Providers Constituency (ISPCP)				84.8%	
John Woodworth	SOI	4/14/2021		84.8%	
Non-Commercial Stakeholder Group (NCSG)				53.5%	
Farzaneh Badiei	SOI	6/1/2021		37.2%	
Wisdom Donkor	SOI	6/1/2021		69.8%	
Registrar Stakeholder Group (RrSG)				88.7%	
Antonia Nan Chu	SOI	5/6/2021		97.8%	
Catherine Merdinger	SOI	4/27/2021		80.4%	
Crystal Ondo	SOI	4/23/2021		76.1%	
Eric Rokobauer	SOI	4/26/2021		95.6%	
Keiron Tobin	SOI	6/7/2021		90.5%	
Owen Smigelski	SOI	4/27/2021		87.0%	
Prudence Malinki	SOI	4/27/2021		97.8%	
Richard Merdinger	SOI	5/5/2021	6/7/2021	100.0%	
Sarah Wyld	SOI	4/23/2021		87.0%	
Theo Geurts	SOI	4/23/2021		89.1%	
Thomas Keller	SOI	4/26/2021	9/27/2021	56.3%	
Volker Greimann	SOI	4/24/2021		97.4%	
Registry Stakeholder Group (RySG)				82.1%	
James Galvin	SOI	4/27/2021		80.4%	
Richard Wilhelm	SOI	3/4/2022		90.0%	
Totals:				75.8%	

The Alternates of the Working Group are:

Represented Group	SOI	Start Date	Depart Date	Attended %	Role
At-Large Advisory Committee (ALAC)				90.7%	
Lutz Donnerhacke	SOI	5/8/2021		89.7%	
Raymond Mamattah	SOI	5/4/2021		92.0%	
Commercial Business Users Constituency (BC)				100.0%	
Arinola Akinyemi	SOI	8/12/2021		100.0%	
Non-Commercial Stakeholder Group (NCSG)				71.4%	
Akinremi Peter Taiwo	SOI	6/2/2021		71.4%	
Registrar Stakeholder Group (RrSG)				97.1%	
Andrew Reberry	-			0.0%	
Arnaud Wittersheim	SOI	5/5/2021		96.7%	
Essie Musailov	SOI	4/23/2021		100.0%	
Jacques Blanc	SOI	4/29/2021		66.7%	
Jody Kolker	SOI	5/7/2021		100.0%	
Jothan Frakes	SOI	4/23/2021		100.0%	
Min Feng	SOI	4/26/2021		50.0%	
Pam Little	SOI	4/26/2021		50.0%	
Richard Brown	SOI	4/26/2021		100.0%	
Registry Stakeholder Group (RySG)				97.0%	
Beth Bacon	SOI	5/4/2021		97.0%	
Totals:				95.8%	

There are a total of 33 Observers to the Working Group.

ICANN org Policy Staff Support for the Working Group:

Represented Group	SOI	Start Date	Depart Date	Attended %	Role
Internet Corporation for Assigned Names & Numbers (ICANN)					
Berry Cobb					
Caitlin Tubergen					
Devan Reed					
Emily Barabas					
Holida Yanik					
Isabelle Colas					
Julie Bisland					
Julie Hedlund					
Michelle DeSmyter					
Terri Agnew					

Annex 7 – Community Input

Request for Input

According to the GNSO's PDP Manual, a PDP Working Group should formally solicit statements from each GNSO Stakeholder Group and Constituency at an early stage of its deliberations. A PDP Working Group is also encouraged to seek the opinion of other ICANN Supporting Organizations and Advisory Committees who may have expertise, experience or an interest in the issue. As a result, the Working Group reached out to all ICANN Supporting Organizations and Advisory Committees as well as GNSO Stakeholder Groups and Constituencies with a request for input at the start of its deliberations. In response, statements were received from:

- The GNSO Business Constituency (BC)
- The Registries Stakeholder Group (RySG)
- The At-Large Advisory Committee (ALAC)
- The Security and Stability Advisory Committee (SSAC)

The full statements can be found on the Working Group wiki here:

<https://community.icann.org/x/tIT8CQ>.

Review of Input Received

All of the statements received were added to the relevant working documents (organized by topic) and considered by the Working Group in the context of deliberations on each topic.

Annex 8 – EPDP Phase 1, Rec. 27, Wave 1 Analysis

For context on this analysis, please see pages 52-56 of the [Final Issue Report](#).

Wave 1 Analysis Key Points	TPR Working Group Response
1. Transfer Policy section I.A.1.1 provides that either the Registrant or <i>the Administrative Contact</i> can approve or deny a transfer request. (emphasis added) Under the Registration Data Policy, Administrative Contact data is no longer collected by the Registrar. Accordingly, the registrant would be the only authorized transfer contact.	<p>In its current set of recommendations, the TPR Working Group does not include the Administrative Contact as an entity that can approve an inter-Registrar transfer; instead, the recommendations only refer to the Registered Name Holder, or, in some instances, the “Registered Name Holder or their designated representative.”</p> <p>In light of the obsolescence of the Administrative Contact under the EPDP Phase 1 recommendations, any reference to an “Administrative Contact” or “Transfer Contact” within the Transfer Policy MUST be eliminated and replaced with “Registered Name Holder” unless specifically indicated, per Recommendation 2.</p>
2. Transfer Policy section I.A 2.1, Gaining Registrar Requirements, relies on the specification of transfer authorities in section 1.1, defining either the Registrant and Administrative Contact as a “Transfer Contact.” Given that Administrative Contact data is no longer collected by the Registrar, there may not be a need for “transfer contact” terminology, but such references can be replaced by “registrant” as the registrant is the only valid transfer authority. “Transfer Contact” terminology is referenced in part I (A) of the policy in sections 2.1, 2.1.1, 2.1.2, 2.1.2.1, 2.1.3.1(b), 2.1.3.3, 2.2.1, 3.2, 3.3, 3.6, 3.7.4, and 4.1.	As noted above in Key Point 1, the recommendations currently refer to the “Registered Name Holder” instead of the “Transfer Contact”, noting that the Registered Name Holder is the now the valid transfer authority, rather than the “Transfer Contact” or “Administrative Contact”.
3. Transfer Policy section I.A.3 enumerates the reasons a Registrar of record may deny a transfer. These include section 3.7.2, “reasonable dispute over the identity of the Registered Name	The Working Group is recommending that the reference to Administrative Contact in Section I.A.3.7.2 must be removed due to the EPDP recommendation for elimination of the

<p>Holder or Administrative Contact.” The Administrative Contact reference may be eliminated as the Administrative Contact data is no longer collected by the Registrar. Section I.A.3 also enumerates the reasons a Registrar of record may not use to deny a transfer request. These include section 3.9.2, “no response from the Registered Name Holder or Administrative Contact.” The Administrative Contact reference may be eliminated as the Administrative Contact data is no longer collected by the Registrar.</p>	<p>Administrative Contact. See also TPR Preliminary Recommendation 2.</p>
<p>4. Transfer Policy section I.A.4.6.5 provides that both Registrars will retain correspondence in written or electronic form of any Transfer Emergency Action Contact (TEAC) communication and responses, and share copies of this documentation with ICANN and the registry operator upon request. This requirement does not appear to be affected by the new Registration Data Policy, which provides for retention of data elements for a period of 18 months following the life of the registration.</p>	<p>The Working Group did not express an objection to the Wave 1 assertion that paragraph I.A.4.6.5 is likely not affected by the new Registration Data Policy. The Working Group did note that, in the event the Working Group proposes to further detail the requirements of TEAC processing and retention requirements (for example, by recommending these communications occur solely within the Naming Services Portal or its successor), the Working Group may need to revisit this item to ensure there is no conflict.</p> <p>The Working Group’s recommendations did not require revisiting its initial assertion that there is no conflict.</p>
<p>5. Transfer Policy section I.A.5.6 provides that the "AuthInfo" codes must be used solely to identify a Registered Name Holder, whereas the Forms of Authorization (FOAs) still need to be used for authorization or confirmation of a transfer request, as described in Sections I.A.2, I.A.3, and I.A.4 of the policy. Where registrant contact data is not published, and absent an available mechanism for the Gaining Registrar to obtain such contact data, it is not feasible for a Gaining Registrar to send an FOA to the registrant contact data associated with an existing registration, as required by the policy. However, the requirement for the Registrar of Record to send an FOA</p>	<p>In its recommendations, the Working Group is recommending eliminating the requirement that the Gaining Registrar send a Gaining Form of Authorization.</p> <p>For further rationale on the proposed elimination of the Gaining FOA, please see the Working Group’s response to charter question a1.</p> <p>With respect to the Losing FOA, the Working Group is recommending to retain the Losing FOA requirements with minor modifications, although the Working Group is recommending</p>

<p>confirming a transfer request (covered in section I.A.3) is still achievable as the Registrar does not need to rely on publicly available data.</p>	<p>that the term “Transfer Confirmation” is used in place of the term Losing FOA. For further information, please see Preliminary Recommendation 17.</p>
<p>6. Transfer Policy section II.B.1, Availability of Change of Registrant, provides that “Registrants must be permitted to update their registration/Whois data and transfer their registration rights to other registrants freely.” This language may be updated to clarify what updating registration data means, i.e., whether requirements differ according to whether a change of registrant changes anything that is displayed.</p>	<p>The Working Group has updated the definition of Change of Registrant Data in Recommendation 25.1.</p> <p>Rec 25: The Working Group recommends that the Transfer Policy and all related policies MUST use the term “Change of Registrant Data” in place of the currently-used term “Change of Registrant”. This recommendation is for an update to terminology only and does not imply any other changes to the substance of the policies.</p> <p>Rec 25.1: “Change of Registrant Data” is defined as a Material Change to the Registered Name Holder’s name or organization, or any change to the Registered Name Holder’s email address.</p> <p>Rec 25.2: The Working Group affirms that the current definition of “Material Change” remains applicable and fit for purpose.</p> <p>Rec 25.3: A “Change of Registrant Data” does not apply to the addition or removal of Privacy Service Provider data in RDDS when such Privacy services are provided by the Registrar or its Affiliates.</p> <p>Rec 25.3 provides that additions and/removals of Privacy Service Provider data do not amount to a Change of Registrant Data (CORD), so not all changes to the public RDDS will amount to a CORD.</p>

	<p>The Working Group also recommends eliminating Section II.B “Availability of Change of Registrant” as it is unnecessary and redundant of existing policies.</p> <p>Rec 26.2: The Working Group recommends eliminating Section II.B “Availability of Change of Registrant” from the future standalone Change of Registrant Data Policy. However, the Working Group recommends retaining the following statement from Section II.B.1: “In general, registrants must be permitted to update their Registration Data”.</p>
<p>7. Transfer Policy section II.B.1.1.4 references the Administrative Contact. The context of this provision is to define a change of registrant as a material change to certain fields, including “Administrative Contact email address, if there is no Prior Registrant email address.” This section may no longer be necessary, as, under the new Registration Data Policy, Administrative Contact data is no longer collected by the Registrar.</p>	<p>In recommendation 25.1, the Working Group recommends changing the definition of Change of Registrant to Change of Registrant Data, and the Administrative Contact field is no longer included in this definition.</p>
<p>8. The Transfer Policy contains references to Whois in sections I.A.1.1, I.A.2.1.2, I.A.2.2.1, I.A.3.6, I.A.3.7.5, I.B.1, and the Notes section titled “Secure Mechanism.” If updates are considered to this policy as a result of GNSO policy work, it may be beneficial to consider replacing these references with RDDS. (The Temporary Specification, Appendix G, Section 2.2.4, on Supplemental Procedures to the Transfer Policy, provides that the term “Whois” SHALL have the same meaning as “RDDS.” This is carried over in the EPDP Phase 1 recommendation 24) Transfer Policy section II.C.1.4 provides that a Registrar must obtain confirmation of a Change of</p>	<p>For terminology consistency, the Working Group is recommending replacing current references to Whois to RDDS throughout the Transfer Policy, including in the updated standalone Change of Registrant Data policy, for any references to Whois that remain. (Please see response to Key Item 9 below for more detail and Recommendation 1.)</p>

<p>Registrant request from the Prior Registrant, or the Designated Agent of such, using a secure mechanism to confirm that the Prior Registrant and/or their respective Designated Agents have explicitly consented to the Change of Registrant. The footnote to this section notes that “The Registrar may use additional contact information on file when obtaining confirmation from the Prior Registrant and is not limited to the publicly accessible Whois.” If changes are considered to this policy as a result of GNSO policy work, it may be beneficial to consider updating this footnote to eliminate the reference to Whois.</p>	
<p>9. The EPDP Team’s Phase 1 Recommendation 24 recommends that the following requirements apply to the Transfer Policy until superseded by recommendations from the Transfer Policy review being undertaken by the GNSO Council:</p> <p>(a) Until such time when the RDAP service (or other secure methods for transferring data) is required by ICANN to be offered, if the Gaining Registrar is unable to gain access to then-current Registration Data for a domain name subject of a transfer, the related requirements in the Transfer Policy will be superseded by the below provisions:</p> <p>(a1) The Gaining Registrar is not REQUIRED to obtain a Form of Authorization from the Transfer Contact.</p> <p>(a2) The Registrant MUST independently re-enter Registration Data with the Gaining Registrar. In such instance, the Gaining Registrar is not REQUIRED to follow the Change of Registrant Process as provided in Section II.C. of the Transfer Policy.</p> <p>(b) As used in the Transfer Policy:</p>	<p>The Working Group is recommending eliminating the requirement that the Gaining Registrar send a Gaining Form of Authorization (Recommendation 15).</p> <p>In Recommendation 1, the Working Group is recommending the terminology changes from EPDP Phase 1, Recommendation #24. Specifically:</p> <p>(b) As used in the Transfer Policy:</p> <p>(b1) The term "Whois data" SHALL have the same meaning as "Registration Data".</p> <p>(b2) The term "Whois details" SHALL have the same meaning as "Registration Data".</p> <p>(b3) The term "Publicly accessible Whois" SHALL have the same meaning as "RDDS".</p> <p>(b4) The term "Whois" SHALL have the same meaning as "RDDS".</p> <p>With respect to (c) and (d), the Working Group has a list of very specific preliminary recommendations regarding generating and updating the TAC (formerly referred to as Auth-Info Code) that can be found in Section 3.2 of the Initial Report.</p>

<p>(b1) The term "Whois data" SHALL have the same meaning as "Registration Data".</p> <p>(b2) The term "Whois details" SHALL have the same meaning as "Registration Data".</p> <p>(b3) The term "Publicly accessible Whois" SHALL have the same meaning as "RDDS".</p> <p>(b4) The term "Whois" SHALL have the same meaning as "RDDS".</p> <p>(c) Registrar and Registry Operator SHALL follow best practices in generating and updating the "AuthInfo" code to facilitate a secure transfer process.</p> <p>(d) Registry Operator MUST verify that the "AuthInfo" code provided by the Gaining Registrar is valid in order to accept an inter-Registrar transfer request.</p> <p>These requirements are being implemented as part of implementing the Registration Data Policy.</p>	
<p>10. Feedback from some stakeholders in June 2019 during an ICANN65 session suggested an approach of starting from a clean slate rather than looking at specific transfer issues individually. This appears to be the path the GNSO is taking, based on discussions at the September Council meeting.</p>	<p>The Working Group has methodically worked through its charter questions, which has enabled it to review previously identified and longstanding issues in the Transfer Policy by proposing slight adjustments to specific transfer issues and/or proposing new methods.</p>
<p><i>Cross-reference: Transfer Policy section I.B.3.1 contains a footnote referencing the Expired Registration Recovery Policy. The context for this reference is a provision specifying when the Change of Registrant Procedure does not apply, in this case, when the registration agreement expires. The footnote provides that if registration and Whois details are changed following expiration of the domain name pursuant to the terms of the registration agreement, the protections of the Expired Registration Recovery Policy still apply.</i></p>	<p>In Recommendation 1, the Working Group is recommending the terminology changes from EPDP Phase 1, Recommendation #24. Specifically:</p> <p>(b) As used in the Transfer Policy:</p> <p>(b1) The term "Whois data" SHALL have the same meaning as "Registration Data".</p> <p>(b2) The term "Whois details" SHALL have the same meaning as "Registration Data".</p> <p>(b3) The term "Publicly accessible Whois"</p>

	<p>SHALL have the same meaning as "RDDS".</p> <p>(b4) The term "Whois" SHALL have the same meaning as "RDDS".</p> <p>The terminology updates shall also apply to the new standalone Change of Registrant Data Policy.</p>
<p><i>Cross-reference: Transfer Policy section I.B.3.5 references the Expired Domain Deletion Policy. The context for this reference is a provision specifying when the Change of Registrant Procedure does not apply, in this case, when the Registrar updates the Prior Registrant's information in accordance with the Expired Domain Deletion Policy.</i></p>	<p>In Recommendation 1, the Working Group is recommending the terminology changes from EPDP Phase 1, Recommendation #24. Specifically:</p> <p>(b) As used in the Transfer Policy:</p> <p>(b1) The term "Whois data" SHALL have the same meaning as "Registration Data".</p> <p>(b2) The term "Whois details" SHALL have the same meaning as "Registration Data".</p> <p>(b3) The term "Publicly accessible Whois" SHALL have the same meaning as "RDDS".</p> <p>(b4) The term "Whois" SHALL have the same meaning as "RDDS".</p> <p>The terminology updates shall also apply to the new standalone Change of Registrant Data Policy.</p>
<p>Transfer Dispute Resolution Policy</p>	
<p>1. TDRP section 2.2, Statute of Limitations, provides that a dispute must be filed within 12 months of the alleged violation. This is the stated basis for the EPDP Team's Phase 1 recommendation 15 requiring Registrars to retain only those data elements deemed necessary for the purposes of the TDRP, for a period of fifteen months following the life of the registration plus three months to implement the decision, as the TDRP has "the longest justified retention period of one year." Accordingly, this provision can be maintained under the Registration Data Policy.</p>	<p>The Working Group agrees with the assertion that TDRP Section 2.2 can be maintained under the Registration Data Policy.</p>

<p>2. TDRP sections 3.1.2(ii), 3.2.1, and 3.5.2 specify complainant contact information to be included in the complaint, which may include personal data. Processing of personal data that is not registration data is expected to be covered in the data processing terms in EPDP recommendations 22 and 26.</p>	<p>The Working Group recognizes that the above-cited provisions of the TDRP specify TDRP complainant information that may include personal data. The Working Group notes that the implementation of EPDP recommendations 22 and 26, which recommend data protection agreements/arrangements between ICANN org and dispute resolution providers and data escrow providers, respectively, is currently ongoing. In the event the Working Group provides additional recommendations that require the processing of personal data that is not registration data, the Working Group notes that the appropriate parties, such as those implementing the EPDP recommendations, should be duly informed.</p>
<p>TDRP section 3.1.4 (i)(b) references a "copy of Whois output." The context for this provision is a listing of documentary evidence to be annexed to a complaint by the gaining Registrar. This requirement may need to be further defined for clarity on what data the Registrar must copy and include. Applying the definition of "Whois data" to have the same meaning as "Registration Data" as provided in EPDP recommendation 24, this would include all data elements that were collected by the Registrar.</p>	<p>The Working Group noted that references to Whois data do indeed need to be updated.</p> <p>The Working Group made the following preliminary recommendation in its Phase 1(a) Initial Report:</p> <p>Recommendation 1: The Working Group recommends the following specific terminology updates to the Transfer Policy:</p> <p>(i) The term "Whois data" SHALL have the same meaning as "Registration Data".</p> <p>(ii) The term "Whois details" SHALL have the same meaning as "Registration Data".</p> <p>(iii) The term "Publicly accessible Whois" SHALL have the same meaning as "RDDS".</p> <p>(iv) The term "Whois" SHALL have the same meaning as "RDDS".</p>

	<p>For the avoidance of doubt, the terms referenced in above in Recommendation 1 (i) - (iv) are intended to correspond to the definitions in the Registrar Accreditation Agreement (“RAA”). In the event of any inconsistency, the RAA definitions, if updated, will supersede. The Working Group also recommends that the outdated terms should be replaced with the updated terms, e.g., all references to “Whois Data” should be replaced with the term “Registration Data,” etc.</p> <p>The Working Group notes similar updates will need to be made to the TDRP.</p>
<p>TDRP section 3.1.4(ii)(c) enumerates the materials to be annexed to a complaint by the losing Registrar. This provision specifies that the losing Registrar is expected to provide a history of any Whois registration data changes made to the applicable registration. This requirement may need to be further defined as to what constitutes Whois modifications i.e., changes to public and/or non-public data elements. This provision may also need to be revised to clarify the scope of history available to the Registrar, as it can only go as far back as data is retained. If the relevant data retention policy and uses of registration data including TDRP were disclosed to the data subject at the time of registration, this should cover such disclosure within the applicable period.</p>	<p>The Working Group noted that this provision may implicate public, redacted, and/or privacy/proxy customer data. The Working Group also noted that relevant Whois modifications may include nameserver data, not just registrant contact data. Proposed updates have been made to the draft TDRP in Annex 9.</p>
<p>TDRP section 3.2.4 provides that a panel appointed by a TDRP provider will “review all applicable documentation and compare registrant/contact data with that contained within the authoritative Whois database and reach a conclusion not later than thirty (30) days after receipt of Response.” This provision relies on comparison with the “authoritative Whois</p>	<p>Some members of the Working Group noted that TDRP section 3.2.4 could be stated at a higher level to ask the Panel to review the documentation provided to determine whether a violation of the Transfer Policy has</p>

<p>database," which does not have a clear analogue in the new Registration Data Policy.</p> <p>The purpose of this provision appears to be for the panel to validate the information provided to them by the Registrars; however, it is not clear what source a panel would use as a basis for comparison with the Registrar submissions under the new policy. The TDRP provides for the panel to match what the Registrars provide with its own lookup; this does not seem to be possible unless a) the panel requests non-public data from the Registrar in a similar manner as a UDRP provider, which would result in duplicative data or b) the complaint only includes publicly accessible data, and the panel is able to request and obtain the non-public data from the Registrar.</p> <p>Registration data held by the registry operator is not referenced in this section except to note that in cases where the Registrar of Record's Whois is not accessible or invalid, the applicable Registry Operator's Whois should be used, except in the case of a thin Registry, in which case the dispute should be placed on hold. It may be necessary to establish what is authoritative and what sources the panel should use in considering a TDRP complaint.</p> <p>Alternatively, the provisions of this section could be restated at a higher level to define what the panel is being asked to do. The specific steps regarding comparison of various registration data sources may not be the basis for the panel's determination; rather, the panel is asked to consider the facts and circumstances and evidence presented by the parties to the dispute to determine whether a violation of the Transfer Policy has occurred.</p>	<p>occurred. Support Staff proposed updated language on what this could look like.</p> <p>Other Working Group members noted that the Panel should request the redacted registration data from the Gaining Registrar, similar to how this is done in a UDRP proceeding. Support Staff also proposed language so that the Working Group could see how this could look.</p>
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Annex 9 – Draft Edits to Transfer Dispute Resolution Policy (EPDP Rec. 27)

Registrar Transfer Dispute Resolution Policy

NOTE: On 26 January 2020, the ICANN Board passed a resolution to defer contractual compliance enforcement of the Gaining Registrar's requirement to obtain express authorization of an inter-Registrar transfer from the Transfer Contact via a Standardized Form of Authorization (FOA). ICANN Contractual Compliance has deferred and will continue to defer enforcement of Section I(A)(2.1) of the Transfer Policy until the matter is settled in the GNSO Council's Transfer Policy Review, which is currently ongoing. Accordingly, the absence of a Standardized Form of Authorization (FOA) from the Gaining Registrar shall not result in a decision of transfer reversal under Section 3.2.4(ii) of the Transfer Dispute Resolution Policy.

In any dispute relating to Inter-Registrar domain name transfers, Registrars are encouraged to first of all attempt to resolve the problem among the Registrars involved in the dispute. In cases where this is unsuccessful and where a Registrar elects to file a dispute, the following procedures apply. It is very important for Registrars to familiarize themselves with the Transfer Dispute Resolution Policy (TDRP) as described in this document before filing a dispute. Transfer dispute resolution fees can be substantial. It is critical that Registrars fully understand the fees that must be paid, which party is responsible for paying those fees and when and how those fees must be paid.

This version of the TDRP and corresponding procedures will apply to all Complaints filed on or after 1 December 2016.

1. Definitions

1.1 Complainant

A party bringing a Complaint under the TDRP. A Complainant may be either a Losing Registrar (in the case of an alleged fraudulent transfer) or a Gaining Registrar (in the case of an improper NACK) under this Policy.

1.2 Complaint

The initial document in a TDRP proceeding that provides the allegations and claims brought by the Complainant against the Respondent.

1.3 Dispute Resolution Panel

The Dispute Resolution Panel shall mean an administrative panel appointed by a Dispute Resolution Provider ("Provider") to decide a Complaint concerning a dispute under the TDRP.

1.4 Dispute Resolution Provider

The Dispute Resolution Provider must be an independent and neutral third party that is neither associated nor affiliated with the Respondent, Complainant, or the Registry Operator under which the disputed domain name is registered. ICANN shall have the authority to accredit one or more independent and neutral Dispute Resolution Providers according to criteria developed in accordance with the TDRP.

1.5 Form of Authorization (FOA)

The standardized form of consent that the Gaining Registrar and Losing Registrar are required to use to obtain authorization from the Registrant or Administrative Contact in order to properly process the transfer of domain name sponsorship from one Registrar to another.

1.6 Gaining Registrar

The Registrar who seeks to become the Registrar of Record by submitting a transfer request.

1.7 Invalid Transfer

A transfer that is found non-compliant with the Transfer Policy.

1.8 Losing Registrar

The Registrar who was the Registrar of Record at the time a request for the transfer of domain is submitted.

1.9 NACK

A denial of a request for transfer by the Losing Registrar.

1.10 Registrant

The individual, organization, or entity that holds the right to use a specific domain name for a specified period of time.

1.11 Registrar of Record

The Registrar who sponsors a domain name at the Registry.

1.12 Registry (Registry Operator)

The organization authorized by ICANN to provide registration services for a given TLD to ICANN-accredited Registrars.

1.13 Respondent

A party against whom a Complaint is brought. Under the TDRP, the Respondent can be a Losing Registrar in the case of an improper (NACK), a Gaining Registrar in the case of an alleged fraudulent transfer, or the Registrar of Record.

1.14 Supplemental Rules

The Supplemental Rules shall mean those rules adopted by the Provider administering a proceeding to supplement the TDRP. Supplemental Rules shall be consistent with the TDRP and shall cover topics such as fees, word and page limits and guidelines, the means for communicating with the Provider, and the form of cover sheets.

1.15 Transfer Policy

The ICANN Consensus Policy governing the transfer of sponsorship of registrations between Registrars as referenced in the Registry-Registrar Agreement executed between a Registrar and the Registry, as well as the Registrar Accreditation Agreement which is executed between ICANN and all ICANN-accredited Registrars.

2. Dispute Resolution Process

2.1 Filing a Complaint

The Complainant may file a Complaint with a Dispute Resolution Provider. The decision of the Dispute Resolution Panel is final, except as it may be appealed to a court of competent jurisdiction in accordance with Section 3.4 of the TDRP.

2.2 Statute of Limitations

A dispute must be filed no later than twelve (12) months after the alleged violation of the Transfer Policy. In the case where a Losing Registrar alleges that a transfer was in violation of the Transfer Policy, the date the transfer was completed shall be deemed the date on which the "alleged violation" took place. In the case where a Gaining Registrar alleges that a transfer should have taken place, the date on which the NACK (as defined below) was received by the Registry, shall be deemed the date on which the "alleged violation" took place.

3. Dispute Procedures

3.1 Registrar files a Request for Enforcement with a Dispute Resolution Provider

3.1.1 Either the Gaining Registrar or Losing Registrar may submit a Complaint. This must be done in accordance with the Supplemental Rules adopted by the applicable Dispute Resolution Provider.

3.1.2 The Complaint shall be submitted to the Dispute Resolution Provider and to the Respondent in electronic form and shall:

- i. Request that the Complaint be submitted for decision in accordance with the TDRP and the applicable Supplemental Rules;
- ii. Provide the name, postal and e-mail addresses, and the telephone and fax numbers of the Complainant and those representatives authorized by the Complainant to act on behalf of the Complainant in the administrative proceeding;
- iii. Provide the name of the Respondent and all information (including any postal and e-mail addresses and telephone and fax numbers) known to Complainant regarding how to contact Respondent or any representative

of Respondent, including contact information based on pre-complaint dealings;

iv. Specify the domain name(s) that is/are the subject of the Complaint;

v. Specify the incident(s) that gave rise to the dispute;

vi. Describe, in accordance with the Transfer Policy, the grounds on which the Complaint is based;

vii. State the specific remedy being sought (either approval or denial of the transfer);

viii. Identify any other legal proceedings that have been commenced or terminated in connection with or relating to any of the domain name(s) that are the subject of the Complaint;

ix. Certify that a copy of the Complaint, together with the cover sheet as prescribed by the Provider's Supplemental Rules, has been sent or transmitted to the Respondent; and

x. Conclude with the following statement followed by the signature of the Complainant or its authorized representative:

"<insert name of Complainant> agrees that its claims and remedies concerning the registration of the domain name, the dispute, or the dispute's resolution shall be solely against the Respondent and waives all such claims and remedies against the Dispute Resolution Provider as well as its directors, officers, employees, and agents, except in the case of deliberate wrongdoing or gross negligence."

"<insert name of Complainant> certifies that the information contained in this Complaint is to the best of Complainant's knowledge complete and accurate, that this Complaint is not being presented for any improper purpose, such as to harass, and

that the assertions in this Complaint are warranted under the TDRP and under applicable law, as it now exists or as it may be extended by a good-faith and reasonable argument."

3.1.3 The Complaint may relate to more than one domain name, provided that the domain names involve the same Complainant and Respondent and that the claims arise out of the same or similar factual circumstances.

3.1.4 The Complaint shall annex the following documentary evidence (as applicable and available) in electronic form if possible, together with a schedule indexing such evidence:

i. For the Gaining Registrar:

- a. Completed Form of Authorization ("FOA")
- ~~b. Copy of the Whois-RDDS output for the date transfer was initiated, which was used to identify the authorized Transfer Contacts~~
- ~~c. Copy of evidence of identity used~~
- d. Copy of a bilateral agreement, final determination of a dispute resolution body or court order in cases when the Registrant of Record is being changed simultaneously with a Registrar Transfer (where applicable)
- e. Copies of all communications made to the Losing Registrar with regard to the applicable transfer request along with any responses from the Losing Registrar

ii. For the Losing Registrar:

- a. Completed FOA from the Losing Registrar
- b. Copy of the ~~Whois~~-RDDS output for the date the transfer was initiated

- c. Relevant history of Whois Registration Data²⁷ modifications made to the applicable registration
- d. Evidence of one of the following if a transfer was denied:
 - § fraud;
 - § Pending UDRP proceeding that the Registrar has been informed of;
 - § URS proceeding or URS Suspension that the Registrar has been informed of;
 - § Pending dispute under the Transfer Dispute Resolution Policy;
 - § court order by a court of competent jurisdiction;
 - § Registrant or administrative contact identity dispute in accordance with Section 4 of the Transfer Policy [Registrar of Record Requirements]
 - § applicable payment dispute along with evidence that the registration was put on HOLD status;
 - § express written objection from the Registered Name Holder or Administrative Contact;
 - § LOCK status along with proof of a reasonable means for the registrant to remove LOCK status as per Section __ of Exhibit __ to this Agreement;
 - § The Registrar imposed a 60-day inter-Registrar transfer lock following a Change of Registrant, and the Registered Name Holder did not opt out of the 60-day inter-Registrar transfer lock prior to the Change of Registrant request.
 - § domain name within 60 days of initial registration;
 - or
 - § domain name within 60 days of a prior transfer.

²⁷ For clarity, relevant Registration Data modifications may include relevant modifications to: (i) public RDDS, (ii) redacted Registration Data, and/or (iii) Privacy/Proxy Customer data from an Affiliated Privacy or Proxy Service Provider.

- e. Copies of all communications made to the Gaining Registrar with regard to the applicable transfer request along with any responses from the Gaining Registrar.

[[DRAFT ADDED STEP: The Provider shall submit a verification request to the sponsoring Registrar. The verification request will include a request to Lock the domain name.]]

[[DRAFT ADDED STEP: Within two (2) business days of receiving the Provider's verification request, the sponsoring Registrar shall provide the information requested in the verification request and confirm that a Lock of the domain name has been applied. The Lock shall remain in place through the remaining Pendency of the TDRP proceeding.]]

3.2 The Respondent shall have seven (7) calendar days from receipt of the Complaint to prepare a Response to the Complaint ("Response").

3.2.1 The Response shall be submitted in electronic form to both the Dispute Resolution Provider and Complainant and shall:

- i. Respond specifically to the statements and allegations contained in the Complaint (This portion of the response shall comply with any word or page limit set forth in the Dispute Resolution Provider's Supplemental Rules.);
- ii. Provide the name, postal and e-mail addresses, and the telephone and fax numbers of the Respondent (non-filing Registrar);
- iii. Identify any other legal proceedings that have been commenced or terminated in connection with or relating to any of the domain name(s) that are the subject of the Complaint;
- iv. State that a copy of the Response has been sent or transmitted to the Complainant;
- v. Conclude with the following statement followed by the signature of the Respondent or its authorized representative:

"Respondent certifies that the information contained in this Response is to the best of Respondent's knowledge complete and accurate,

that this Response is not being presented for any improper purpose, such as to harass, and that the assertions in this Response are warranted under these Rules and under applicable law, as it now exists or as it may be extended by a good-faith and reasonable argument."; and

vi. Annex any documentary or other evidence upon which the Respondent relies, together with a schedule indexing such documents.

3.2.2 At the request of the Respondent, the Dispute Resolution Provider may, in exceptional cases, extend the period of time for the filing of the response, but in no case may the extension be more than an additional five (5) calendar days. The period may also be extended by written stipulation between the Parties, provided the stipulation is approved by the Dispute Resolution Provider.

3.2.3 If a Respondent does not submit a response, in the absence of exceptional circumstances, the Dispute Resolution Panel appointed by the Dispute Resolution Provider shall decide the dispute based upon the Complaint.

3.2.4 The Dispute Resolution Panel appointed by the Dispute Resolution Provider must review all applicable documentation and, where applicable, compare registrant/contact data with that contained within the RDDS. authoritative Whois database Following its review of all applicable documentation, the Dispute Resolution Panel must determine whether a violation of the Transfer Policy occurred reach a conclusion not later than thirty (30) days after receipt of Response from the Respondent.

i. If the Dispute Resolution Panel is unable to determine whether a violation of the Transfer Policy occurred using the documentation provided, the registrant/contact data does not match the data listed in authoritative Whois RDDS, the Dispute Resolution Panel MAY should contact each Registrar and require additional documentation.

ii. If the Gaining Registrar is unable to provide a complete FOA with data matching that contained within the authoritative Whois database RDDS at the time of the transfer request, then the Dispute Resolution Panel shall find that the transfer should be reversed. In the case of a thick Registry, if the Registrar of Record's Whois-RDDS is not accessible or invalid, the

applicable Registry Operator's Whois RDDS should be used. In the case of a thin Registry, if the Registrar of Record's Whois RDDS is not accessible or is invalid, the Dispute Resolution Provider may place the dispute on hold until such time as the problem is resolved.

iii. In the case where a Losing Registrar NACKs a transfer, the Losing Registrar must provide evidence of one of the factors for which it is allowed to NACK as set forth in Section 3.1.4(ii)(d) of the TDRP. If the Losing Registrar cannot provide evidence that demonstrates any of the factors, and the Gaining Registrar is able to demonstrate compliance with the Transfer Policy, provides to the Dispute Resolution Provider a complete FOA with data matching that contained within the authoritative Whois database RDDS at the time of the transfer request, then the transfer should be approved.

iv. The Dispute Resolution Panel may not issue a finding of "no decision." It must weigh the applicable evidence in light of the Transfer Policy and determine, based on a preponderance of the evidence, which Registrar should prevail in the dispute and what resolution to the Complaint will appropriately redress the issues set forth in the Complaint.

v. Resolution options for the Dispute Resolution Panel are limited to the following:

- a. Approve Transfer
- b. Deny the Transfer (This could include ordering the domain name be returned to the Losing Registrar in cases where a Transfer has already occurred.)

vi. Transfers from a Gaining Registrar to a third Registrar, and all other subsequent transfers, are invalid if the Gaining Registrar acquired sponsorship of the domain name(s) at issue through an Invalid Transfer, as determined through the dispute resolution process set forth in this Transfer Dispute Resolution Policy.

vii. In the event the Dispute Resolution Panel determines that an Invalid Transfer occurred, the domain shall be transferred back to the Registrar that was Registrar of Record immediately prior to the Invalid Transfer.

3.3 Fees for Dispute Resolution Service

3.3.1 The applicable Dispute Resolution Provider shall determine the applicable filing fee ("Filing Fees"). The specific fees along with the terms and conditions governing the actual payment of such fees shall be included in the Dispute Resolution Provider's Supplemental Rules.

3.3.2 In the event that the Complainant does not prevail in a dispute, the Filing Fees shall be retained by the Dispute Resolution Provider.

3.3.3 In the event that the Complainant prevails in a dispute, the Respondent, must submit to the Dispute Resolution Provider, the Filing Fees within fourteen (14) calendar days after such decision. In such an event, the Dispute Resolution Provider shall refund to the Complainant, whichever applicable, the Filing Fees, no later than fourteen (14) calendar days after it receives the Filing Fees from the Respondent. Such fees must be paid regardless of whether a court proceeding is commenced in accordance with Section 3.4 below. Failure to pay Filing Fees to the Dispute Resolution Provider may result in the loss of accreditation by ICANN.

3.4 Availability of Court Proceedings

The procedures set forth above shall not prevent a Registrar from submitting a dispute to a court of competent jurisdiction for independent resolution before such administrative proceeding is commenced or after such proceeding is concluded. If a Dispute Resolution Panel decides a domain name registration should be transferred (either to the Gaining Registrar, or alternatively, back from the Gaining Registrar to the Losing Registrar), such Registrar will wait fourteen (14) calendar days after it is informed of the decision before implementing that decision. The Registry will then implement the decision unless it has received from either of the parties to the dispute during that fourteen (14) calendar day period official documentation (such as a copy of a complaint, file-stamped by the clerk of the court) that a lawsuit has commenced with respect to the impacted domain name(s). If such documentation is received by the Registry, as applicable, within the fourteen (14) calendar day period, the decision will not be implemented until (i) evidence is presented that the parties have resolved such dispute; (ii) evidence is presented that the lawsuit has been dismissed or withdrawn; or (iii) a copy of an order from such court dismissing the lawsuit or ordering certain actions with respect to the domain name.

3.5 Decision Publication

3.5.1. The relevant Dispute Resolution Provider shall publish any decision made with respect to a transfer dispute initiated under the TDRP. All decisions under this Policy will be published in full over the Internet except when the Panel, convened by the Dispute Resolution Provider, in an exceptional case, determines to redact portions of its decision. In any event, the portion of any decision determining a complaint to have been brought in bad faith shall be published.

3.5.2. Decision reports shall include, at a minimum:

- i. The domain name under dispute;
- ii. The names of parties involved in the dispute;
- iii. The full decision of the case;
- iv. The date of the implementation of the decision.

3.5.3 If the Dispute Resolution Provider believes a decision should not be published, the Dispute Resolution Provider should confer with ICANN and publish the decision if so directed.

3.5.4. Publication does not apply to TDRP Complaints filed prior to 1 December 2016.

Annex 10 – Draft edits to Section I.B.1 of the Transfer Policy (Bulk Transfers)

Proposed edit to Section I.B.1

Current language: I.B.1 Transfer of the sponsorship of all the registrations sponsored by one Registrar as the result of

(i) a Registrar acquisition of that Registrar or its assets by another Registrar, or (ii) lack of accreditation of that Registrar or lack of its authorization with the Registry Operator, may be made according to the following procedure:

Potential Update for consideration: There are some instances that fall outside of the requirements in Section I(A) of the Transfer Policy. Specifically, ICANN org may authorize the transfer of a Registrar's domain names through an ICANN-approved bulk transfer without the prior approval of the Registered Name Holder in the following instances:

(i) the Registrar or its assets are acquired by another ICANN-accredited Registrar;

(ii) the Registrar is no longer accredited with ICANN org;

(iii) the Registrar is no longer accredited with a Registry Operator(s) in a TLD(s), e.g., termination of Registry-Registrar Agreement(s)*

2. Additional instances that fall outside of the requirements in Section I(A) of the Transfer Policy include partial bulk transfers pre-authorized by ICANN org and offered by some Registry Operators. Specifically, a Registry Operator MAY permit a consenting Registrar to transfer a portion but not all of its domain names to another consenting Registrar in the following instances:

(i) one ICANN-accredited Registrar purchases, by means of a stock or asset purchase, merger or similar transaction, a portion but not all, of another ICANN-accredited Registrar's domain name portfolio in the TLD,

(ii) a newly-accredited Registrar (Gaining Registrar) requests a transfer of all domain names from the losing Registrar for which the gaining Registrar has served as the Reseller, or

(iii) a customer of the Registrar (such as a Reseller), elects to transfer its portfolio of domain names to a new gaining Registrar, and the registration agreement explicitly permits the transfer

Annex 11 – Additional Topics Discussed

Transfer Fees

In the course of discussing the topic of Denying (NACKing) Transfers, the Working Group considered whether it is appropriate to make a recommendation with respect to transfer fees, a topic that NCSG representatives raised in Working Group deliberations, and also a subject that was raised in public comments on the Phase 1(a) Initial Report. The Working Group noted that some Registrars charge the RNH a fee for transferring a domain away to another Registrar. The Transfer Policy does not prohibit such fees.

From one perspective, transfer fees can be burdensome, particularly for non-commercial applicants, and should be prohibited or limited. From another perspective, there are scenarios where such fees correspond to value-added services from the Registrar, and therefore the fees are appropriate. Further from this perspective, regulating fees charged by Registrars is typically outside the scope of GNSO policy development.

The Working Group recalled that the Transfer Policy does not contain any provisions allowing the Registrar to deny a transfer for non-payment of transfer fees, and therefore in practice, these fees are not a barrier to transfer. The Working Group also noted that in Recommendations 21 and 24, the Working Group has recommended clarifications to language specifying when a Registrar may and must not deny a transfer in relation to non-payment of registration fees.

Ultimately, the Working Group did not come to agreement to make recommendations on this topic, noting that it is important for Registrants to carefully review the registration agreement, which discloses any fees associated with transferring the domain to a new Registrar.

Sanctions

In Working Group deliberations and in public comment, the NCSG raised concerns that ordinary non-commercial registrants who are based in sanctioned countries or serving customers in sanctioned countries are sometimes prevented from transferring domains to a new Registrar, even in cases where the Registrar is not legally obligated to prevent the transfer under applicable law. In other cases, the RNH is given an insufficient notice period to find a new Registrar before the registration agreement is terminated. The NCSG requested that the Working Group consider whether these issues are in scope of the PDP.

The Working Group discussed the fact that Registrars are obligated to comply with national law and that it is up to each Registrar to determine how to do so. The Working Group considered that the issue of sanctions impacts many elements of the domain name lifecycle, including domain creation, renewal, suspension, and termination. To address this topic in isolation in the context of transfers could result in a fragmented approach to the issues presented. To the extent that the concerns are addressed through policy development, the Working Group believes that they should be addressed holistically.

The Working Group further noted that WS2 implementation is ongoing, which includes work related to specific concerns around sanctions. In particular, WS2 recommendation 4.1.3 recommends that ICANN clarify to Registrars “that the mere existence of their RAA with ICANN does not cause them to be required to comply with OFAC sanctions. ICANN should also explore various tools to remind Registrars to understand the applicable laws under which they operate and to accurately reflect those laws in their customer relationships.”²⁸ The Working Group understands that the implementation of this recommendation may reduce the risk of Registrar over-compliance.

Additional Topic Suggested by SSAC

In its [submission providing early input](#) to the PDP, the SSAC recommended that the Working Group address the issue of ensuring DNSSEC operational continuity in the transfer of DNS service:

When a registrant bundles their DNS service with their registration, then it is essential that the transfer of DNS service be coordinated between the DNS service providers (who are most often the Registrar when services are bundled) in order to ensure there is no discontinuity in DNS resolution (i.e., the registrant does not lose the ability to use their domain name).

When the domain name is DNSSEC-signed in the bundled scenario, there is an additional risk of failure to validate if the transfer is not properly coordinated. Best practice security principles would ordinarily treat a security failure more harshly than a non-existent domain, the consequences of which will vary by application.

These risks are substantially reduced during a registration transfer if a registrant uses a third party DNS service provider, one who is independent of the registration

²⁸ <https://www.icann.org/en/system/files/files/ccwg-acct-ws2-final-24jun18-en.pdf>

service provider. It is important to note that these risks are not specific to registration transfers; they are present whenever there is a change in DNS service providers.

The SSAC recommends the Transfer Policy Review Team consider these concerns and seek the necessary enhancements to the current process that will ensure a secure, stable, and resilient transfer solution in the best interest of the registrant.

The Working Group noted that this topic was not included in the Final Issue Report or the Working Group charter. While the Working Group acknowledges that it is an important subject area for additional work, the Working Group agreed that it is outside the scope of this PDP and is better addressed in another forum.

Annex 12 – Next Steps

13.1 Outcome

The Working Group developed forty-seven (47) final policy recommendations. Annex 13 provides the consensus designations for the recommendations included in this Final Report. In summary, the forty-seven (47) recommendations received full consensus support from the Working Group.

13.2 Next Steps

The Final Report will be submitted to the GNSO Council for its consideration. If the Final Report is approved by the GNSO Council, it will be forwarded to the ICANN Board of Directors for consideration and potential action in accordance with the ICANN Bylaws.

Annex 13 – Consensus Designations

Below is the Transfer Policy Review Working Group Leadership Team’s designation as to the level of consensus on each recommendation in this Final Report. These designations were made following the process as outlined in the message to the Working Group on 22 January 2025,²⁹ and in accordance with Section 3.6 “Standard Methodology for Making Decisions” of the [GNSO Working Group Guidelines](#).

Recommendation #	Leadership Team’s Proposed Designation
Group 1(a)	
Final Recommendation 1	Full Consensus
Final Recommendation 2	Full Consensus
Final Recommendation 3	Full Consensus
Final Recommendation 4	Full Consensus
Final Recommendation 5	Full Consensus
Final Recommendation 6	Full Consensus
Final Recommendation 7	Full Consensus
Final Recommendation 8	Full Consensus
Final Recommendation 9	Full Consensus
Final Recommendation 10	Full Consensus
Final Recommendation 11	Full Consensus
Final Recommendation 12	Full Consensus
Final Recommendation 13	Full Consensus
Final Recommendation 14	Full Consensus
Final Recommendation 15	Full Consensus
Final Recommendation 16	Full Consensus

²⁹ <https://lists.icann.org/hyperkitty/list/gns0-tpr@icann.org/thread/IVRHSS7PMDLZUTTUTYBF3XQTERR2202D/>

Final Recommendation 17	Full Consensus
Final Recommendation 18	Full Consensus
Final Recommendation 19	Full Consensus
Final Recommendation 20	Full Consensus
Final Recommendation 21	Full Consensus
Final Recommendation 22	Full Consensus
Final Recommendation 23	Full Consensus
Final Recommendation 24	Full Consensus
Group 1(b)	
Final Recommendation 25	Full Consensus
Final Recommendation 26	Full Consensus
Final Recommendation 27	Full Consensus
Final Recommendation 28	Full Consensus
Group 2	
Final Recommendation 29	Full Consensus
Final Recommendation 30	Full Consensus
Final Recommendation 31	Full Consensus
Final Recommendation 32	Full Consensus
Final Recommendation 33	Full Consensus
Final Recommendation 34	Full Consensus
Final Recommendation 35	Full Consensus
Final Recommendation 36	Full Consensus
Final Recommendation 37	Full Consensus
Final Recommendation 38	Full Consensus

Final Recommendation 39	Full Consensus
Final Recommendation 40	Full Consensus
Final Recommendation 41	Full Consensus
Final Recommendation 42	Full Consensus
Final Recommendation 43	Full Consensus
Final Recommendation 44	Full Consensus
Final Recommendation 45	Full Consensus
Final Recommendation 46	Full Consensus
Final Recommendation 47	Full Consensus

Annex 14 – Group 1A Swimlane

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The next page will display the swimlane legend and the following page will be a PDF version of the swimlane appended to this report. Please refer to this [link](#) for a more consumable version of the swimlane where the PDF can be downloaded from the wiki.