

ICANN | GNSO

Generic Names Supporting Organization

**GNSO Council Recommendations Report to the ICANN Board -
Regarding Adoption of the Final Recommendations from the Transfer
Policy Review PDP Working Group**

31 March 2025

Status of This Document

This is the GNSO Council Recommendations Report to the ICANN Board following the adoption by the GNSO Council of the Final Recommendations of the Transfer Policy Review PDP Working Group.

Table of Contents

1. Executive Summary	3
2. GNSO Vote	4
3. Analysis of Affected Parties	4
4. Period of time needed to implement recommendations	4
5. External advice (if any)	4
6. Final Report Submission	5
7. Council Deliberations	5
8. Consultations Undertaken	5
9. Summary and analysis of Public Comment Forum	6
10. Impact/implementation considerations from ICANN org	6
Annex A: Final Recommendations from the Transfer Policy Review Working Group	7

1. Executive Summary

The Transfer Policy, formerly referred to as the Inter-Registrar Transfer Policy (IRTP), is an ICANN consensus policy that went into effect on 12 November 2004. The policy governs the procedure and requirements for registrants to transfer their domain names from one Registrar to another, also referred to as an inter-Registrar transfer. The goal of the Transfer Policy was to provide for enhanced domain name portability, resulting in greater consumer and business choice and enabling registrants to select the Registrar that offers the best services and price for their needs.

The Transfer Policy has been the subject of previous policy development work, and the most recent working group that reviewed the Transfer Policy recommended a comprehensive review of the policy-based changes to assess their efficacy and impact. In addition to the policy recommendation directing a review of the policy-based changes, sweeping and significant changes to various data privacy laws affected the then current requirements related to gTLD registration data, including portions of the Transfer Policy. Accordingly, the ICANN Board adopted the Temporary Specification for gTLD Registration Data, which established temporary requirements that allowed Contracted Parties to comply with ICANN contracts and consensus policies.

In light of the policy recommendation to review the Transfer Policy and the changes to the Policy from the Temporary Specification, on [18 February 2021](#), the GNSO Council initiated a two-phased policy development process (PDP) to review the Transfer Policy. The PDP was tasked with addressing the following topics:

- Group 1(a): Form of Authorization (FOA) (including EPDP Phase 1, Recommendation 27, Wave 1 FOA issues²) and AuthInfo Codes
- Group 1(b): Change of Registrant (including EPDP Phase 1, Recommendation 27, Wave 1 Change of Registrant issues)
- Group 2: Transfer Emergency Action Contact and reversing inter-Registrar transfers, Transfer Dispute Resolution Policy, Denying (NACKing) transfers, ICANN-approved transfers

The working group charter was approved by the GNSO Council on 24 March 2021. The Phase 1(a) Working Group held its first meeting on 14 May 2021. Following the publication of the [Phase 1\(a\) Initial Report](#) on 16 June 2022, the Working Group identified dependencies between its two phases and submitted a Project Change Request to the GNSO Council. Within this Project Change Request, the Working Group sought to combine its work into one phase and produce an Initial Report which contained policy recommendations on all of the topics within its charter. The GNSO Council approved the project change request, and the Working Group published its combined [Initial Report](#) on 1 August 2024. Following an extensive review of all the public comments received, the Working Group finalized its recommendations and completed its [Final Report](#), which was submitted to the GNSO Council on 5 February 2025.

The policy recommendations, if approved by the Board, will impose obligations on contracted parties. The GNSO Council's vote in favor of these items satisfies the voting threshold required by Section 11.3(i)(xv) of the ICANN Bylaws regarding the formation of consensus policies. Under the ICANN Bylaws, the Council's Supermajority support for the recommendations obligates the Board to adopt the recommendations unless, by a vote of more than two-thirds, the Board determines that the policy is not in the best interests of the ICANN community or ICANN.

2. GNSO Vote

If a successful GNSO Vote was not reached, a clear statement of all positions held by Council members. Each statement should clearly indicate (i) the reasons underlying each position and (ii) the Constituency(ies) or Stakeholder Group(s) that held that position.

The GNSO Council unanimously approved the Working Group's Final Report with the required Supermajority support.

3. Analysis of Affected Parties

An analysis of how the issue(s) would affect each Constituency or Stakeholder Group, including any financial impact on the Constituency or Stakeholder Group.

The Transfer Policy Review policy recommendations will affect contracted parties and registrants. Accordingly, the Working Group included members from all of the GNSO's Stakeholder Groups and Constituencies. In recognition of the effect on many stakeholders within the ICANN Community, the GNSO Council chose to invite all Advisory Committees and Supporting Organizations to participate in the Working Group. Following receipt of the GNSO invitation, the At-Large Advisory Committee chose to participate. The Final Report also includes, where provided, statements from the participating groups.

The policy recommendations outline the updated requirements for contracted parties, and the contracted parties will be required to update their systems to accommodate the new security requirements. Additionally, the policy recommendations will affect registrants as the Working Group has recommended additional security enhancements to make inter-registrar transfers more secure.

The added security enhancements and policy changes will have a financial impact on contracted parties as their systems will require updating to comply with the new policy requirements.

4. Period of time needed to implement recommendations

An analysis of the period of time that would likely be necessary to implement the policy.

In recognition of the extensive changes to the Transfer Policy, an 18-month implementation window is recommended.

5. External advice (if any)

The advice of any outside advisors relied upon, which should be accompanied by a detailed statement of the advisor's (i) qualifications and relevant experience; and (ii) potential conflicts of interest.

The Working Group did not rely on external advice or outside advisors during the course of its work.

6. Final Report Submission

The Final Report of the EPDP Team was submitted to the GNSO Council on 5 February 2025 and can be found here in full: [Transfer Policy Review Working Group Final Report](#). The recommendations are included as an annex to this report.

Translations of the Final Report have been requested in all the other official languages of the United Nations.

7. Council Deliberations

A copy of the minutes of the Council deliberation on the policy issue, including all opinions expressed during such deliberation, accompanied by a description of who expressed such opinions.

Please refer to the GNSO Council's resolution adopting the final recommendations from the PDP Working Group at <https://gns0.icann.org/en/council/resolutions/2020-current#202503> as well as the transcript and minutes from that Council meeting, at <https://icann82.sched.com/event/1vpbt/gns0-council-meeting> and [\[to be posted when available\]](#) respectively.

8. Consultations Undertaken

External

As required under the GNSO's PDP Manual, the Working Group reached out to both ICANN's Supporting Organizations and Advisory Committees and the GNSO's Stakeholder Groups and Constituencies to seek their input on the Working Group's Charter questions. See <https://icann-community.atlassian.net/wiki/spaces/TPRPDP/pages/103587956/Community+Input>.

The responses received include the At-Large Advisory Committee, the Business Constituency, the Non-Commercial Stakeholder Group, the Registrars Stakeholder Group, the Registries Stakeholder Group, and the Security and Stability Advisory Committee.

Also, as mandated by the GNSO's PDP Manual, the Working Group's Initial Reports were published for public comment following their publication on 21 June 2022 and 1 August 2024, respectively. (see: <https://www.icann.org/en/public-comment/proceeding/initial-report-on-the-transfer-policy-review-21-06-2022> and <https://www.icann.org/en/public-comment/proceeding/initial-report-on-the-transfer-policy-review-01-08-2024>). All public comments received were compiled into a Public Comment Review Tool and reviewed by the Working Group (see <https://docs.google.com/spreadsheets/d/1lyX27uECA5bNKRW-UOIH2bAaTRvec1YkX1EKjtHCsAQ/edit?gid=629413622#gid=629413622>).

Internal

The GNSO Council invited a liaison from ICANN Org to participate directly within the Working Group. In

addition to the dedicated liaison from ICANN org's Global Domains & Services Team, the Transfer Policy Review Working Group also welcomed regular input from ICANN org's Contractual Compliance Team. Both the ICANN Org liaison and the ICANN org Contractual Compliance representative attended most of the Working Group calls, and provided background information and assistance to the Working Group.

9. Summary and analysis of Public Comment Forum

Summary and analysis of Public Comment Forum to provide input on the Final Recommendations from the Expedited Policy Development Process on the Temporary Specification for gTLD Registration Data as adopted by the GNSO Council prior to ICANN Board consideration.

A public comment forum will soon be opened to solicit feedback on the recommendations prior to ICANN Board consideration. At the time of the publication of this report, the public comment forum had not closed yet.

10. Impact/implementation considerations from ICANN org

ICANN org considers the scope of effort required for this implementation to be significant and extensive.

Annex A: Final Recommendations from the Transfer Policy Review Working Group

Preamble to Recommendations

The Final Report serves as a formal record of the Working Group's work, discussions, and final policy recommendations. The Transfer Policy Review Working Group began its work in 2021; the past 3.5 years have included numerous discussions, agreements, and disagreements, which the Working Group has documented thoroughly within this report.

As readers may imagine, however, three years of discussions equates to a very long report, and the first iteration of the Initial Report, which was populated in the standard GNSO template, included over 100 pages of deliberations and recommendations, making it difficult for any reader to digest and respond within the time allotted during a standard public comment period of forty (40) days. The Working Group noted this potential difficulty and published its consolidated Initial Report and Final Report with the following important structural changes described below.

The main body of the report includes a **table for each policy recommendation**, which includes:

- a) **Recommendation # & Title**
- b) **Recommendation text:** the specific consensus recommendations proposed by the Working Group.
- c) **Policy Impact Indicator:** a new feature to help the reader understand the degree of change being proposed by the Working Group, i.e., how much does this recommendation differ from the current Transfer Policy.
- d) **Recommendation Rationale:** an explanation provided by the Working Group to explain and justify the proposed recommendation.
- e) **Implementation Guidance:** where applicable, the Working Group included a brief explanation to assist in the implementation phase of the policy recommendations.

POLICY IMPACT ASSESSMENT (NEW feature)

In addition to developing, at a minimum, an Initial Report and Final Report detailing the Working Group's responses to its charter questions and accompanying policy recommendations, the Working Group is required to conduct and deliver a policy impact analysis. Specifically, the Working Group's [charter](#) provides, "If the WG concludes with any recommendations, the WG shall (or recommend the subsequent policy Implementation Review Team to) conduct a policy impact analysis." Historically, the impact analysis was left to the Implementation Review Team, a group that generally serves as an advisory body to ICANN org as ICANN org works to update an existing policy or creates a new policy, depending on the respective Working Group's recommendations, and inadvertently neglects to conduct this analysis.

Recognizing the importance of this analysis, this updated format of this report is an effort to provide a policy impact analysis, which is designed to indicate how much the recommendation differs from the status quo, or existing Transfer Policy. The policy impact assessment first includes a policy impact level, or the degree (low, medium, high) that the Working Group has used to indicate the degree of change the specific policy recommendation introduces.

"Policy Impact Level" (Low, Medium, High)

- An example of a **LOW** impact represents a small degree of change such as a definitional change rather than a substantive change to policy requirements, e.g., "Change of Registrant" to "Change of Registrant Data."
- An example of a **MEDIUM** impact represents a substantive change to the policy, such as a change to an existing requirement or the inclusion of a new requirement.
- An example of a **HIGH** impact would be a significant change to the current policy, such as the removal of a previous policy requirement, such as the removal of the Post Change of Registrant 60-day transfer restriction.

When reviewing the policy impact level, it is important to note that the designated level is not a qualitative analysis of the policy recommendation. In other words, a recommendation classified as HIGH IMPACT does not, ipso facto, mean the recommendation is bad or negative, and, similarly, a recommendation classified as LOW IMPACT does not mean the recommendation is good or positive.

When considering the policy impact levels, the Working Group used the following non exhaustive criteria:

- *Degree of change from existing requirement, e.g., no change or confirmation of existing requirement, modification to existing requirement, or new requirement)*
- *Security enhancement or removal of existing security requirement*
- *Level of technical change and corresponding impact to Contracted Parties*
- *ICANN Contractual Compliance enforcement capability*
- *Impact to Registered Name Holders (such as increased or reduced protections; level of confusion)*

The Working Group has reached FULL CONSENSUS on all of the following recommendations.

Recommendation #1: Terminology Updates: Whois

The Working Group recommends the following specific terminology updates to the Transfer Policy and the Transfer Dispute Resolution Policy:

- (i) The term "Whois data" SHALL have the same meaning as "Registration Data". (ii) The term "Whois details" SHALL have the same meaning as "Registration Data". (iii) The term "Publicly accessible Whois" SHALL have the same meaning as "RDDS". (iv) The term "Whois" SHALL have the same meaning as "RDDS".

For the avoidance of doubt, the terms referenced above in Recommendation 1 (i) - (iv) are intended to correspond to the definitions in the Registry Agreement ("RA") and the Registrar Accreditation Agreement ("RAA"), as appropriate. In the event of any inconsistency, the RA/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.

Policy Impact:

LOW - Terminology changes only.

Recommendation Rationale:

This recommendation is consistent with the EPDP Team’s Phase 1 Recommendation 24. The Working Group additionally notes that for purposes of the Transfer Policy, Registration Data means the contact data collected by a Registrar from a legal or natural person in conjunction with the registration of a domain name. It is not meant to include additional customer data such as credit card details and email correspondence.

Recommendation #2: Terminology Updates: Administrative Contact and Transfer Contact The Working Group recommends removing any reference to an “Administrative Contact” or “Transfer Contact” in the Transfer Policy and Transfer Dispute Resolution Policy and replacing it with “Registered Name Holder” unless specifically indicated.

Policy Impact:

LOW - Terminology changes only.

Recommendation Rationale:

Under the upcoming Registration Data Policy, Administrative Contact data is no longer required to be collected by the Registrar, and therefore cannot be relied upon for Transfer Policy requirements. Accordingly, the Registered Name Holder (RNH) would be the only authorized transfer contact.

Recommendation #3: Transfer Restriction After Initial Registration

The Working Group recommends that the Registrar MUST restrict the RNH from transferring a domain name to a new Registrar for 720 hours from the Creation Date in RDDS.

3.1: To the extent that a Registry and/or Registrar has an existing policy and/or practice of restricting the RNH from transferring a domain name to a new Registrar for a different period of time following initial registration, all policies and practices MUST be updated to be consistent with this new requirement. For the avoidance of doubt, this includes, but is not limited to, a 60- day post-creation restriction currently specified in some Registry-Registrar Agreements (RRAs) and some Registry Agreements (RAs). Recommendation 3 seeks to standardize the inter Registrar transfer restriction period to 720 hours across all gTLDs. Accordingly, an RRA, RA, or registration agreement that specifies a period other than 720 hours would need to be amended pursuant to this recommendation, as such period would no longer be permitted under the Transfer Policy.

Policy Impact:

LOW - Restriction changed from an inconsistent use of 60 days, via Registry-Registrar agreements to

a consistent use of 30 calendar days/720 hours as part of a Consensus Policy recommendation.

Recommendation Rationale:

The Working Group believes that a single requirement across the industry will result in a better experience for registrants. The Working Group recommends that 720 hours is the appropriate period for this requirement because:

- It provides a window of opportunity to identify issues associated with credit card payments, including unauthorized use of a credit card. This may assist with addressing criminal activity and deterring fraud.
- It provides a window of opportunity for a complainant to file a Uniform Domain Name Dispute Resolution Policy (UDRP) proceeding without the domain being transferred to a new Registrar. Once the proceeding is underway, the domain will be locked in relation to the dispute.
- For registrants who legitimately want to transfer a domain shortly after registration, the Working Group believes that 30 days is a reasonable period of time to wait.

To clarify, use of the term “lock” is not intended to imply or require a specific technical solution for implementation. Rather, it is used as shorthand meaning that the domain is ineligible for inter-registrar transfer for a period of time. Following public comment, the Working Group updated all references from “days” to hours to avoid ambiguity.

Implementation Guidance:

To the extent that a Registry and/or Registrar has an existing policy and/or practice of restricting the RNH from transferring a domain name to a new Registrar for a different period of time following initial registration, all policies and practices MUST be updated to be consistent with this new requirement.

Recommendation #4: Update Term “AuthInfo Code” to “Transfer Authorization Code (TAC)” The Working Group recommends that the Transfer Policy and all related policies MUST use the term “Transfer Authorization Code” or “TAC” in place of the currently used term “AuthInfo Code” and related terms. This recommendation is for an update to terminology only and does not imply any other changes to the substance of the policies.

Policy Impact:

LOW - Terminology changes only.

Recommendation Rationale:

The Working Group believes it is clearer for all parties, and particularly the RNH, if a single term is used universally. “Transfer Authorization Code” (TAC) provides a straightforward description of the code’s function.

Implementation Guidance:

ICANN’s publications and webpages should also be updated to reflect the recommended terminology change described in Recommendation 4.

Recommendation #5: TAC Definition

The Working Group recommends that the Transfer Authorization Code MUST be defined as follows: “A Transfer Authorization Code (TAC) is a token created by the Registrar of Record and provided upon request to the RNH or their designated representative. The TAC is required for a domain name to be transferred from one Registrar to another Registrar and when presented authorizes an eligible transfer.”¹ Relevant policy language MUST be updated to be consistent with this definition.

- "Designated representative" means an individual or entity that the RNH explicitly authorizes to request and obtain the TAC on their behalf. In the event of a dispute, the RNH's authority supersedes that of the designated representative.

¹ Note: This definition draws on elements included in Recommendation 10.

Policy Impact:

LOW - Clarification of definition.

Recommendation Rationale:

This definition is a revision of a text included on the [ICANN.org](https://www.icann.org) website, updated to make clear that the TAC's function is to verify that the Registered Name Holder (RNH) requesting the transfer is the same RNH who holds the domain. Following public comment, the Working Group observed that a TAC may not always result in an inter-Registrar transfer, as the domain name must be eligible to transfer, i.e., a domain name locked due to a court order must not be transferred even if a TAC is presented. Accordingly, the text was updated to include the term “eligible”. For the avoidance of doubt, the term “designated representative” introduced by the Working Group in Recommendation 5 is distinct from the concept of a “designated agent,” which is defined in Transfer Policy Section I.A.1.2.

Recommendation #6: Required Timing for TAC Provision

The Working Group confirms that the Transfer Policy MUST continue to require Registrars to set the TAC at the Registry and issue the TAC to the RNH or their designated representative within five calendar days of a request, although the Working Group recommends that the policy state the requirement as 120 hours rather than 5 calendar days to reduce any risk of confusion. The Working Group further recommends that the policy MUST make clear that 120 hours is the maximum and not the standard period in which the TAC is to be issued.

Policy Impact:

LOW - Clarification of status quo.

Recommendation Rationale:

The Working Group did not identify a compelling reason to change the five-day response time frame but believes that it is clearer to express the time frame in hours rather than calendar days. The Working Group recommends that the policy MUST make clear that 120 hours is the maximum and not the standard period in which the TAC is to be issued, in order to highlight that quicker turnaround is possible and desirable in many cases.

Recommendation #7: TAC Composition

The Working Group recommends that the minimum requirements for the composition of a TAC MUST be as specified in RFC 9154, including all successor standards, modifications, or additions thereto relating to Secure Authorization Information for Transfer. The requirement in section 4.1 of RFC 9154 regarding the minimum bits of entropy (i.e., 128 bits) should be a MUST in the policy until a future RFC approved as “Internet Standards” (as opposed to Informational or Experimental standards) through the applicable IETF processes updates the security recommendation.

Policy Impact:

MEDIUM - Updated security requirements to the TAC will involve planning and system changes for Registrars and enhanced security for registrants.

Recommendation Rationale:

The Working Group supports the statement in RFC 9154 section 4.1 that “For authorization information to be secure, it MUST be generated using a secure random value.” Recommendation 7 brings requirements for the composition of the TAC in line with RFC 9154, including all successor standards, modifications or additions thereto relating to Secure Authorization Information for Transfer.

Recommendation #8: Verification of TAC Composition

The Working Group recommends that, at the time that the TAC is stored in the Registry system, the Registry MUST verify that the TAC meets the syntax requirements specified in Recommendation 7.

Policy Impact:

MEDIUM - New requirements for Registries will require planning and system changes.

Recommendation Rationale:

Registry verification provides a check on the randomness of the authorization information generated by the Registrar.

Recommendation #9: TAC Time to Live (TTL)

The Working Group recommends that:

9.1: The TAC MUST be valid for 336 hours from the time it is set at the Registry, enforced by the Registry.

9.2: The Registrar of Record MAY reset the TAC to null² prior to the end of the 336 hours (i) by agreement by the Registrar of Record and the RNH OR (ii) without the agreement of the RNH in cases where when resetting the TAC to null is in the best interests of the RNH, e.g., security breach, account compromise, etc.

9.3: If the Registrar of Record resets the TAC to null without the agreement of the RNH, the Registrar of Record MUST provide the rationale to the RNH if requested by the RNH.

9.4: The Registry MAY reset any TAC to null² prior to the end of the 336 hours (i) by agreement by the Registrar of Record OR (ii) without the agreement of the Registrar of Record in cases where when resetting the TAC to null is in the best interests of the Registrar of Record or the RNH, e.g., security breach, account compromise, etc.

9.5: If the Registry resets any TAC to null without the agreement of the Registrar of Record, the Registry MUST provide the rationale to the Registrar of Record if requested by the Registrar of Record.

Policy Impact:

MEDIUM - New requirements for both Registries and Registrars will require planning and system changes.

Recommendation Rationale:

The purpose of the standard Time to Live (TTL) 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 336 hours and notes that a 336-hour period is appropriate 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 expire 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 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.

²In the context of this recommendation, “reset the TAC to null” is to have the opposite meaning of setting the TAC. In other words, Recommendation 10.2 provides that the Registrar of Record sets the TAC at the Registry; here, the Registrar/Registry is reversing that action. See RFC 9154 Sections 4.4 and 5.2 for more information.

Recommendation #10: TAC Generation, Storage, and Provision

The Working Group recommends that:

10.1: The TAC MUST only be generated by the Registrar of Record upon request by the RNH or their designated representative.

10.2: When the Registrar of Record sets the TAC at the Registry, the Registry MUST store the TAC securely, at least according to the minimum standard set forth in RFC 9154 (or its successors).

Policy Impact:

MEDIUM - Recommendation adds new TAC security requirements for both Registrars and Registries and will involve planning and system changes.

Recommendation Rationale:

Currently, it can be the case that a TAC exists and is stored over an extended period of time and therefore can be at risk of breach or theft, for example at the Registrar of Record or via an RNH’s email account. This recommendation seeks to reduce the risk of unintended disclosure of the TAC by ensuring that the TAC is only generated at the point that it is needed to initiate an inter-Registrar transfer, reducing the risk of the TAC getting in the wrong hands once it is generated (Recommendation 10.1). This recommendation further protects against breach or theft at the Registry by ensuring that the Registry stores the TAC in a secure manner (Recommendation 10.2).

Implementation Guidance:

RFC 9154 recommends using a strong one-way cryptographic hash with at least a 256-bit hash function, such as SHA-256 [FIPS-180-4], and with a per-authorization information random salt with at

Recommendation #11: Notification of TAC Issuance

The Working Group recommends that the Registrar of Record MUST send a “Notification of TAC Issuance”⁴ to the RNH without undue delay but no later than 10 minutes after the Registrar of Record issues the TAC.⁵ For the purposes of sending the notification, the Registrar of Record MUST use contact information as it was in the registration data at the time of the TAC request.

11.1: This notification MUST be provided in English and in the language of the registration agreement (if different) and MAY also be provided in other languages.

11.2: The following elements MUST be included in the “Notification of TAC Issuance”:

- Domain name(s)
- Explanation that the TAC will enable the transfer of the domain name to another Registrar
- Date and time that the TAC was issued and information about when the TAC will expire
- Instructions detailing how the RNH can take action if the request is invalid (how to invalidate the TAC)
- If the TAC has not been issued via another method of communication, this communication will include the TAC.

³[FIPS-180-4] National Institute of Standards and Technology, U.S. Department of Commerce, "Secure Hash Standard, NIST Federal Information Processing Standards (FIPS) Publication 180-4", DOI10.6028/NIST.FIPS.180-4, August 2015, <<https://csrc.nist.gov/publications/detail/fips/180/4/final>>.

⁴The Working Group recognizes that this notification MAY be sent via email, SMS, or a secure messaging system determined by the Registrar. These examples are not intended to be limiting, and it is understood that additional methods of notification MAY be created that were not originally anticipated by the Working Group.

⁵The Working Group recognizes that from a security perspective, it is best for the “Notification of TAC Issuance” to be delivered by a method of communication that is different from the method used to deliver the TAC. If this is not possible, and the same method of communication is used, the Registrar of Record MAY choose to send the "Notification of TAC Issuance" and the TAC together in a single communication.

Policy Impact:

MEDIUM - This recommendation requires a new notification. Implementation of this feature will require planning and system updates for Registrars, and the RNH will experience changes from the current transfer policy.

Recommendation Rationale:

This recommendation seeks to ensure that the RNH consistently receives the necessary information with respect to an inter-Registrar transfer. If the RNH receives the notice and determines that the action

on the account is unauthorized or unintended, the RNH may seek to invalidate the TAC before the transfer completes. The Working Group has recommended additional security enhancements to the inter-Registrar transfer process, including these changes to the TAC, in recognition of the removal of the Gaining FOA and the importance of ensuring inter-Registrar transfers remain secure under the new domain name landscape. Additional details regarding the Working Group's thinking can be found in the discussions section of Annex A.

Implementation Guidance:

In cases where a customer uses a Privacy/Proxy service and the contact information associated with the underlying customer is known to the Registrar of Record, the Registrar of Record MAY send the notification directly to the underlying customer.

Recommendation #12: Verification of TAC Validity

The Working Group recommends that the Registry Operator MUST verify that the TAC provided by the Gaining Registrar is valid in order to accept an inter-Registrar transfer request.

Policy Impact:

LOW - This recommendation confirms the status quo under the Temporary Specification, i.e., no significant change is involved.

Recommendation Rationale:

This recommendation is consistent with Appendix G: Supplemental Procedures to the Transfer Policy contained in the Temporary Specification for gTLD Registration Data.

Recommendation #13 TAC is One-Time Use

The Working Group recommends that the TAC as created by the Registrar of Record according to Recommendation 10, MUST be "one-time use." In other words, it MUST be used no more than once per domain name. The Registry Operator MUST reset the TAC to null⁶ when it accepts a valid TAC from the Gaining Registrar. For the avoidance of doubt, Registrars MAY confirm the validity of the TAC prior to initiating the inter-Registrar transfer. This confirmation, or read-only verification of the TAC, is exempt from the "one-time use" requirement and is consistent with RFC 9154.

Policy Impact:

MEDIUM - New requirements for Registrars will involve planning and system changes.

Recommendation Rationale:

The one-time use principle limits the number of transactions that can be completed using a single password to one, reducing the damage that can be caused by a bad actor. The Working Group believes that it is good practice to manage the TAC following the one-time use principle.

Following public comment, the Working Group considered the concern about the read-only verification of the TAC, and noted that read-only use is exempt from the one-time use requirement. The Working Group discussed that this does not break the proposed one-time use because EPP <info> is not a mutative operation, and the TAC is not "used" when appearing in an <info> command. While the Working Group's clarifying text maintains the status quo, adding this text helps ensure compliance and uniformity.

Recommendation #14 Maintenance of Records

The Registrar MUST retain all records pertaining to the provision of the Transfer Authorization Code (TAC)⁷ to a RNH or their designated representative, as well as all notifications sent per the requirements under the Transfer Policy. At a minimum, the records retained MUST document the date/time, means, and contact(s) to whom the TAC and notifications are sent. These records fall under the ICANN Data Retention Specification; the Registrar is responsible for its own compliance with the requirements contained therein, as they may change from time to time.

⁶In the context of this recommendation, "reset the TAC to null" is to have the opposite meaning of setting the TAC. In other words, Recommendation 9.2 provides that the Registrar of Record sets the TAC at the Registry; here, the Registry is reversing that action. See RFC 9154 Sections 4.4 and 5.2 for more information. ⁷Details about the Transfer Authorization Code (TAC) were discussed in detail earlier in these recommendations.

Policy Impact:

LOW - Registrars must already maintain relevant records; this recommendation seeks to make the retention period consistent with the Registration Data Policy, because it also processes personal data of the RNH.

Recommendation Rationale:

This recommendation seeks to ensure that the necessary information is available to ICANN org in the case of a Compliance investigation related to an inter-Registrar transfer. The 15-month retention period specified in this recommendation is consistent with requirements anticipated to be included in the Registration Data Policy.

Recommendation #15: Gaining Form of Authorization (FOA)

The Working Group recommends eliminating from the Transfer Policy the requirement that the Gaining Registrar send a Gaining FOA. This requirement is detailed in section 1.A.2 of the Transfer Policy.

Policy Impact:

LOW - Since the introduction of GDPR, compliance enforcement of the Gaining FOA has been placed on hold, and Registrars do not use the Gaining FOA to confirm transfers. Accordingly, this recommendation does not change the current practice.

Recommendation Rationale:

As discussed in detail in the Working Group's response to charter question a1, the inter Registrar 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.

Recommendation #16: Registry Transmission of IANA ID to Losing Registrar The Registry Operator MUST provide the Gaining Registrar's IANA ID to the Losing Registrar in the notification of a pending transfer request, which will enable the Losing Registrar to provide this information in the Transfer Confirmation and Notification of Transfer Completion.

Policy Impact:

MEDIUM - This recommendation involves a new requirement for Registries, which will involve planning and system updates.

Recommendation Rationale:

Currently, not all Registry Operators use the Gaining Registrar's IANA ID when notifying a Losing Registrar of a pending transfer request. Instead, some Registry Operators use a separate, internal client ID that does not correspond to the IANA ID. This recommendation enables the Losing Registrar to consistently provide the IANA ID in the Transfer Confirmation and Notification of Transfer Completion. In the case of a legitimate transfer, this information allows the RNH to confirm that the desired action was completed as requested. If the transfer is not consistent with the RNH's intent, the IANA ID is an important data point to assist the RNH with investigating the issue.

Recommendation #17 Losing Form of Authorization (FOA)

The Working Group recommends the following minor modifications to the Standardized Form of Authorization (FOA):

17.1: The term “Transfer Confirmation” MUST be used in place of “Standardized Form of Authorization (FOA).”

17.2: The Transfer Confirmation language MUST include the Gaining Registrar’s IANA ID and a link to ICANN-maintained webpage listing accredited Registrars and corresponding IANA IDs. If available, the name of the Gaining Registrar MAY also be included.

17.3: The Transfer Confirmation MUST be provided in English and the language of the registration agreement (if different) and MAY also be provided in other languages.

17.4: The timeframe of five (5) calendar days specified in section I.A.3.5 of the policy MUST be expressed in hours: “Failure by the Registrar of Record to respond within 120 hours to a notification from the Registry regarding a transfer request will result in a default "approval" of the transfer.”

17.5: The Transfer Confirmation MUST NOT include a mechanism for immediately approving the inter-Registrar transfer.

Policy Impact:

LOW - Status quo largely remains unchanged.

Recommendation Rationale:

Please see response to charter question a7 for a summary of the Working Group’s deliberations on the Transfer Confirmation. Regarding the minor modifications recommended by the Working Group:

- The term “Losing Form of Authorization” may be confusing to the RNH, and therefore the Working Group recommends an update in terminology to “Transfer Confirmation,” which more accurately describes the function that is served.
- With inclusion of the IANA ID in the Transfer Confirmation, the RNH can confirm that the Gaining Registrar matches the Registrar to whom the RNH intends to transfer to domain. If the pending transfer is not consistent with the RNH’s intent, the IANA ID is an important data point to assist the RNH with investigating the issue.
- Providing the Transfer Confirmation in English and the language of the registration agreement improves accessibility for the RNH.

Consistent with the other recommendations in this report, the Working Group recommends specifying timeframes in hours for greater clarity.

Following public comment, the Working Group discussed whether to recommend that the Transfer Confirmation notification not include a mechanism to immediately approve the transfer within the

notification, as suggested by a commenter. The Working Group ultimately decided to update the recommendation text to make clear that the notice must not include a mechanism to immediately approve the transfer, as including such a mechanism in the notice could create a security issue.

Implementation Guidance:

The Working Group notes that Recommendation 17.5 does not prevent Registrars from sending a transfer approval mechanism to the RNH, but rather stipulates that this mechanism must not be included within the Transfer Confirmation.

Recommendation #18 - Transfer Restriction After Inter-Registrar Transfer The Registrar MUST restrict the RNH from transferring a domain name to a new Registrar for 720 hours from the completion of an inter-Registrar transfer. Recommendation 18, similar to Recommendation 3, seeks to standardize the inter-Registrar transfer restriction period to 720 hours across all gTLDs. Accordingly, an RRA, RA, or registration agreement that specifies a period other than 720 hours would need to be amended pursuant to this recommendation, as a such a period would no longer be permitted under the Transfer Policy.

The Registrar MAY remove the 720-hour inter-Registrar transfer restriction early only if all of the below conditions are met:

18.1: The Registrar MUST be able to demonstrate that it received a specific request from the RNH to remove the 720-hour restriction, and the request specifies the relevant domain name(s);

18.2: The specific request includes a reasonable basis for removal of the restriction, which includes but is not limited to (i) well informed, documented, clearly intentional request by the registrant; (ii) mutual agreement between the prior and current Registrar of a transfer back to the prior Registrar; (iii) legitimate circumstances surrounding an escrow intermediary affecting the completion of the acquisition of the involved registered domain name; (iv) to complete documented registered domain name acquisition (aftermarket purchase, portfolio consolidation, or bona fide purchase); (v) intentional release of the registered domain name that had transferred to the Registrar where it becomes evident the domain name use would be in violation of the Registrar's Acceptable Use Policy (AuP), Terms of Service (ToS), or local law or other similar governance; and

18.3: The Registrar MUST maintain a record demonstrating the request to remove the restriction (regardless of outcome) for a period of no fewer than fifteen (15) months following the end of the Registrar's sponsorship of the registration.

Policy Impact:

MEDIUM – The new post-transfer restriction is reduced from an inconsistently applied 60 days to a consistently-applied 30 days via Consensus Policy. NOTE: The Working Group discussed the mandatory

720-hour post-inter-Registrar transfer restriction and noted the mandatory restriction gave the group more comfort with the inability to send the Gaining FOA and other previous security features.

Recommendation Rationale:

The Working Group believes that a single requirement across the industry will result in a better experience for registrants and will also consistently prevent the transfer of a domain multiple times in rapid succession, a practice associated with domain theft. The Working Group recommends that 30 days is the appropriate period for this requirement because:

- It provides a window of opportunity to identify issues associated with credit card payments, including unauthorized use of a credit card. This may assist with addressing criminal activity and deterring fraud.
- For registrants who legitimately want to transfer a domain again shortly after an inter Registrar transfer has taken place, 30 days is a reasonable period of time to wait.

Implementation Guidance:

The Working Group notes that the 720-hour post-transfer restriction is an important security mechanism to prevent Registrar hopping and potential domain theft, however the Working Group also recognizes that there may be situations where early removal of the 720-hour post transfer restriction is necessary. Such situations identified by the Working Group may include, but are not limited to:

- Well informed, documented, clearly intentional request by the registrant
- Mutual agreement between the prior and current Registrar of a transfer back to the prior Registrar
- Legitimate circumstances surrounding an escrow intermediary affecting the completion of the acquisition of the involved registered domain name
- To complete documented registered domain name acquisition (aftermarket purchase, portfolio consolidation, or bona fide purchase)
- Intentional release of the registered domain name that had transferred to the Registrar where it becomes evident the domain name use would be in violation of the Registrar's Acceptable Use Policy (AuP), Terms of Service (ToS), or local law or other similar governance.

To the extent that a Registry and/or Registrar has an existing policy and/or practice of restricting the RNH from transferring a domain name to a new Registrar for a different period of time following an inter-Registrar transfer, all policies and practices MUST be updated to be consistent with this new requirement. However, the Working Group recognizes that there may be situations where early removal of the 720-hour restriction described in Recommendation 18 is appropriate.

Recommendation #19 Notification of Transfer Completion

The Working Group recommends that the Losing Registrar, the Registrar of Record at the time of the transfer request, MUST send a "Notification of Transfer Completion"⁸ to the RNH without undue delay but no later than 24 hours after the transfer is completed. For the purposes of sending the notification, the Losing Registrar MUST use contact information as it was in the registration data at the time of the transfer request.

19.1: This notification MUST be provided in English (if different) and in the language of the registration agreement and MAY also be provided in other languages.

19.2: To the extent that multiple domains have been transferred to the same Gaining Registrar or to multiple Gaining Registrars at the same time, and the RNH listed in the Registration Data at the time of the transfer is the same for all domains, the Registrar of Record MAY consolidate the “Notifications of Transfer Completion” into a single notification.

19.3: The following elements MUST be included in the “Notification of Transfer Completion”:

- Domain name(s)
- IANA ID(s) of Gaining Registrar(s) and link to ICANN-maintained webpage listing accredited Registrars and corresponding IANA IDs. If available, the name of the Gaining Registrar(s) may also be included.
- Text stating that the domain was transferred
- Date, time, and time zone that the transfer was completed
- Instructions detailing how the RNH can contact the Losing (Prior)
- Registrar for support if they believe the transfer was invalid, and any deadlines or policies which may be relevant.

⁸The footnote on Recommendation 11 regarding the method by which notifications are sent equally applies to the “Notification of Transfer Completion.”

Policy Impact:

MEDIUM - This recommendation requires a new notification, which will require planning and system updates for Registrars.

Recommendation Rationale:

This recommendation seeks to ensure that the RNH consistently receives the necessary information with respect to an inter-Registrar transfer. If the RNH receives the notice and determines that the transfer is unauthorized or unintended, the RNH may seek the appropriate remedy.

Implementation Guidance:

In cases where a customer uses a Privacy/Proxy service and the contact information associated with the underlying customer is known to the Registrar of Record, the Registrar of Record MAY send the notification directly to the underlying customer.

For this recommendation and others, the following definitions from the Transfer Dispute Resolution Policy reflect the accurate meaning of the terms referenced throughout this Final Report:

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

Losing Registrar: The Registrar who was the Registrar of Record at the time a request for the transfer

of domain is submitted.

Registrar of Record:

The Registrar who sponsors a domain name at the Registry.

Recommendation #20 Format of Transfer Policy Section I.A.3.7

I.A.3.7 of the Transfer Policy currently reads, “Upon denying a transfer request for any of the following reasons, the Registrar of Record must provide the RNH and the potential Gaining Registrar with the reason for denial. The Registrar of Record MAY deny a transfer request only in the following specific instances:” The Working Group recommends the following revision, in bold, to the first sentence: “Upon denying a transfer request for any of the following reasons, the Registrar of Record must provide the RNH and, **upon request**, the potential Gaining Registrar with the reason for denial.” The Working Group further recommends expressing the two sentences of this provision as two distinct provisions of the policy.

Policy Impact:

LOW - This recommendation is meant to clarify the status quo.

Recommendation Rationale:

The addition of the words “upon request” to the first sentence is intended to clarify that while the Registrar of Record always provides the reason for denial to the RNH, the Registrar of Record only provides the reason for denial to the Gaining Registrar upon request. There is no automated process to provide the reason for denial to the Gaining Registrar. This is currently the case and is expected to continue to be the case in the future. The two sentences of I.A.3.7 express two distinct concepts and therefore should be separated into two different provisions.

Recommendation #21 Revised Reasons that a Registrar of Record MAY Deny a Transfer

The Working Group recommends revising the following reasons that the Registrar of Record MAY deny a transfer request as follows:

Reference	Current Text	Revision	Rationale
-----------	--------------	----------	-----------

<p>I.A.3.7.1</p>	<p>Evidence of fraud.</p>	<p>(a) Evidence of fraud or (b) evidence of DNS Abuse as defined in Section 3.18.1 of the Registrar Accreditation Agreement. If the Registrar denies a transfer request for this reason, the Registrar MAY provide specific evidence/rationale to the RNH upon request.</p>	<p>ICANN’s Contractual Compliance Department has observed difficulties from Registrars tying transfer denials involving domain names suspended for abusive activities to the denial instances contemplated by the Transfer Policy. The Working Group considered several possible revisions to I.A.3.7.1, including those submitted through public comment on the Phase 1(a) Initial Report, to appropriately address the issue identified while ensuring that the text is clear and narrowly-tailored. The Working Group wanted to avoid recommending broad language that might enable a Registrar to either a) prevent a transfer arbitrarily or b) prevent an RNH from transferring a domain from a jurisdiction where certain content or activity is illegal or restricted to another jurisdiction where that same content or activity is considered legitimate speech. The Working Group’s proposed revision seeks to strike this balance. The Working Group intentionally references the RAA to allow for changes in the specific threats that may be considered DNS Abuse in the ICANN context.</p>
<p>I.A.3.7.2</p>	<p>Reasonable dispute over the identity of the Registered Name Holder or Administrative Contact.</p>	<p>Reasonable dispute over the identity of concern that the transfer was not requested by the Registered Name Holder or Administrative Contact.</p>	<p>The Working Group believes that the term “identity” is not appropriate in this context, in part due to concerns regarding data privacy implications. Because the issue at hand is more precisely about authority over the domain, the Working Group refined the text to focus on the key underlying concern, namely that the transfer request was made by a party other than the Registered Name Holder.</p> <p>Under the Registration Data Policy, Administrative Contact data is no longer collected by the Registrar, therefore this term has been removed. This update is consistent with Recommendation 2.</p>

			<p>The Working Group considered adding language to address other types of invalid requests or disputes by other parties. The Working Group determined that the use cases they discussed are appropriately covered by the revised language in I.A.3.7.2.</p>
I.A.3.7.3	<p>No payment for previous registration period (including credit card charge-backs) if the domain name is past its expiration date or for previous or current registration periods if the domain name has not yet expired. In all such cases, however, the domain name must be put into "Registrar Hold" status by the Registrar of Record prior to the denial of transfer.</p>	<p>Nonpayment for previous registration period (including payment disputes or credit card charge-backs) if the domain name is past its expiration date at the current Registrar of Record or for previous or current registration periods if the domain name has not yet expired. In all such cases, however, the domain name must be put into "Registrar Hold" status by the Registrar of Record prior to the denial of transfer.</p>	<p>The Working Group has added the term "payment disputes" to reflect problems related to payments other than a credit card charge-back.</p> <p>The Working Group received input from ICANN's Contractual Compliance Department that the term "expiration date" in this provision is not sufficiently precise, because during the Auto-Renew Grace Period, the domain will not show as expired at the Registry level, but will show as expired at the Registrar of Record. By adding "at the current Registrar of Record" the Working Group has clarified that if the domain name is past its expiration date at the current Registrar of Record and the RNH has not paid for the registration period prior to that expiration date, the Registrar of Record may deny the transfer.</p> <p>The Working Group notes that the sentence beginning "In all such cases. . ." dates back as early as the 2002 ICANN DNSO Transfers Task Force Final Report & Recommendations. The Working Group believes that the Expired Registration Recovery Policy now provides the necessary guidance on treatment of domains post expiration and that this sentence is unnecessary in the Transfer Policy text.</p>

Policy Impact:

LOW - Clarification of existing text.

Recommendation Rationale:

The Working Group reviewed the text and proposed the above edits for clarity. The rationale for the proposed changes is described within the table above.

Recommendation #22 Revised Reasons that a Registrar of Record MUST Deny a Transfer The Working Group recommends changing the following reasons that the Registrar of Record currently MAY deny a transfer into reasons that the Registrar of Record MUST deny a transfer and revising the text as follows:

Reference	Current Text	Revision	Rationale
I.A.3.7.4	Express objection to the transfer by the authorized Transfer Contact. Objection could take the form of specific request (either by paper or electronic means) by the authorized Transfer Contact to deny a particular transfer request, or a general objection to all transfer requests received by the Registrar, either temporarily or indefinitely. In all cases, the objection must be provided with the express and informed consent of the authorized Transfer Contact on an opt-in basis and upon request by the authorized Transfer Contact, the Registrar must remove the lock or provide a reasonably accessible method for the authorized Transfer Contact to remove the lock within five (5) calendar days. removes this objection, then the transfer must be permitted within the standard timeframe.	Express objection to the transfer by the authorized Transfer Contact Registered Name Holder . Objection could take the form of specific request (either by paper or electronic means) by the authorized Transfer Contact Registered Name Holder to deny a particular transfer request, or a general objection to all transfer requests received by the Registrar, either temporarily or indefinitely. In all cases, the objection must be provided by the Registered Name Holder on an opt-in basis. If the Registered Name Holder	Under the Registration Data Policy, Administrative Contact data is no longer collected by the Registrar. Accordingly, the RNH would be the only authorized transfer contact. The Working Group believes that it is logical that the Registrar of Record must deny a transfer if the Registered Name Holder expressly objects to the transfer. This update is consistent with Recommendation 2.

I.A.3.7.5	The transfer was requested within 60 days of the creation date as shown in the registry Whois record for the domain name.	The transfer was requested within 60 days 720 hours of the creation date as shown in the Registry Whois RDDS record for the domain name.	Per Working Group Recommendation 3, the Registrar MUST restrict the RNH from transferring a domain name to a new Registrar within 720 hours of the creation date in RDDS. "Whois" has been updated to "RDDS" consistent with Recommendation 1.
-----------	---	--	--

I.A.3.7.6	No payment for previous registration period (including credit card charge-backs) if the domain name is past its expiration date or for previous or current registration periods if the domain name has not yet expired. In all such cases, however, the domain name must be put into "Registrar Hold" status by the Registrar of Record prior to the denial of transfer.	A domain name is within 60 days 720 hours (or a lesser period to be determined) after being transferred (apart from being transferred back to the original Registrar in cases where both Registrars so agree and/or where a decision in the dispute resolution process so directs). "Transferred" shall only mean that an inter-Registrar transfer has occurred in accordance with the procedures of this policy. This restriction does not apply in cases where the conditions described in [policy references to be inserted] are met.	Per Working Group Recommendation 18, the Registrar MUST restrict the RNH from transferring a domain name to a new Registrar within 720 hours of the completion of an inter-Registrar transfer, unless the conditions described in Rec. 18.1-18.3 are met.
-----------	--	--	--

Policy Impact:

LOW - Textual changes for clarity and consistency with other policy recommendations in this report.

Recommendation Rationale:

The Working Group believes changing MAY to MUST allows for increased consistency across the industry and provides more predictability to registrants.

Recommendation #23 Revised Reasons that a Registrar of Record MUST Deny a Transfer The Working Group recommends revising the reasons that the Registrar of Record MUST deny a transfer request as follows:

Reference	Current Text	Revision	Rationale
I.A.3.8.1	A pending UDRP proceeding that the Registrar has been informed of.	A p Pending UDRP proceeding that the Registrar has been informed- notified of by the Provider in accordance with the UDRP Rules.	The Working Group has refined 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.
I.A.3.8.2	Court order by a court of competent jurisdiction.	N/A	The Working Group believes that this provision continues to be appropriate and that the language is sufficiently clear.
I.A.3.8.3	Pending dispute related to a previous transfer, pursuant to the Transfer Dispute Resolution Policy.	Pending dispute related to a previous transfer, pursuant to under the Transfer Dispute Resolution Policy.	This revision is editorial in nature. It is not intended to change the meaning of the provision.
I.A.3.8.4	URS proceeding or URS suspension that the Registrar has been informed of.	Pending URS proceeding or URS suspension that the Registrar has been informed- notified of by the Provider in accordance with the URS Procedure.	The term “pending” has been added for consistency with language in I.A.3.8.1 and I.A.3.8.3. In addition, the Working Group has refined 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 URS Provider of a URS proceeding or URS suspension in accordance with the URS Procedure.
I.A.3.8.5	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.	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.	The Working Group is removing this text entirely as the Working Group recommends removal of the 60-day inter-Registrar transfer lock from the Change of Registrant Data Policy. (See Rec. 26.4 and associated rationale for further information).

Policy Impact:

LOW - Textual changes for clarity.

Recommendation Rationale:

The Working Group reviewed the reasons a Registrar MUST deny an inter-Registrar transfer request and proposed textual edits for clarity to both Registrars and registrants.

Recommendation #24 Revised Reasons that a Registrar of Record MUST NOT Deny a Transfer The Working Group recommends changing the following reasons that the Registrar of Record currently MAY NOT deny a transfer into reasons that the Registrar of Record MUST NOT deny a transfer and revising the text as follows:

Reference	Current Text	Revision	Rationale
I.A.3.9.1	Nonpayment for a pending or future registration period.	<u>Implementation Guidance Regarding the Auto-Renew Grace Period</u> : Registrars are prohibited from denying domain name transfer requests based on non-payment of fees for pending or future registration periods during the Auto-Renew Grace Period, provided that any auto-renewal costs borne by the Registrar are reversible for future period.	The Working Group has provided Implementation Guidance in response to input from ICANN’s Contractual Compliance Department that it would be helpful to provide additional guidance consistent with the Registrar Advisory dated 3 April 2008 which states, “Pursuant to the Transfer Policy, Registrars are prohibited from denying domain name transfer requests based on non payment of fees for pending or future registration periods during the Auto-Renew Grace Period.”

I.A.3.9.2	No response from the Registered Name Holder or Administrative Contact.	No response from the Registered Name Holder. or Administrative Contact	Under the Registration Data Policy, Administrative Contact data is no longer collected by the Registrar. Accordingly, the RNH would be the only authorized transfer contact. This update is consistent with Recommendation 2.
I.A.3.9.3	Domain name in Registrar Lock Status, unless the Registered Name Holder is provided with the reasonable opportunity and ability to unlock the domain name prior to the Transfer Request.	A Registrar-applied inter Registrar transfer lock is in place on the Domain name in Registrar Lock Status , for reasons other than those specified in I.A.3.7 and I.A.3.8 unless and the Registered Name Holder is not provided with the reasonable opportunity and ability to unlock the domain name prior to the Transfer Request pursuant to the requirements in sections I.A.5.1 - I.A.5.4.	The updates are primarily intended to improve clarity of the provision, use terminology that will be commonly understood, and refer to the relevant provisions that should be referenced alongside I.A.3.9.3.
I.A.3.9.4	Domain name registration period time constraints, other than during the first 60 days of initial registration, during the first 60 days after a Registrar transfer, or during the 60-day lock following a Change of Registrant pursuant to Section	Domain name registration period time constraints, other than as defined in I.A.3.7.5 and I.A.3.7.6 ⁹ during the first 60 days of initial registration, during the first 60 days after a Registrar transfer, or during the 60-day lock following a Change of Registrant pursuant to Section II.C.2.	The Working Group updated the language to reference the applicable provisions of the policy rather than repeating the details of those provisions.
I.A.3.9.5	General payment defaults between Registrar and business partners / affiliates in cases where the Registered Name Holder for the domain in question has paid for the registration.	General payment defaults between Registrar and Reseller, as defined in the RAA, business partners / affiliates in cases where the Registered Name Holder for the domain in question has paid for the registration.	The update is not intended to change the meaning of the provision, but rather to update legacy language to be consistent with currently used and defined terminology.

Policy Impact:

LOW - Textual changes for clarity.

Recommendation Rationale:

The Working Group reviewed the reasons a Registrar MUST DENY an inter-Registrar transfer request and proposed textual edits for clarity.

Implementation Guidance:

For Section I.A.3.9.3, a Registrar-applied inter-Registrar transfer lock is likely the ClientTransferProhibited EPP Status, but a Registrar may instead prevent an inter-Registrar transfer via some other method.

Recommendation #25: Change of Registrant Data

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.

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, subject to the language in 25.3.

25.2: The Working Group affirms that the current definition of “Material Change” remains applicable and fit for purpose.

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.

¹⁰ According to Section II.A.1.4 of the Transfer Policy, “Prior Registrant” means the Registered Name Holder at the time a Change of Registrant is initiated.

¹¹ According to Section 11.A.1.5 of the Transfer Policy, “New Registrant” means the entity or person to whom the Prior Registrant proposes to transfer its domain name registration.

¹² Section II.A.1.3 of the Transfer Policy defines Material Change to mean a non-typographical correction. Additional guidance in this regard is provided in the notes to the Transfer Policy.

Policy Impact:

25: **LOW** - Update to terminology only.

25.1: **LOW** - Confirms status quo.

25.2: **LOW** - Confirms status quo.

25.3: **MEDIUM** - Provides new guidance on the addition/removal of privacy services, i.e., the addition or removal of a privacy service does not constitute a Change of Registrant Data.

Recommendation Rationale:

The Working Group believes this updated terminology and text related to exceptions more clearly

denotes the purpose of the policy, and helps ensure that it is followed where relevant and appropriate. In discussing the addition and removal of Privacy data, the Working Group decided to exclude this from the definition of Change of Registrant Data because an addition of a privacy service was not considered relevant or appropriate for a Change of Registrant Data.

Following public comment, the Working Group discussed a comment which noted that a change of a proxy service provider would constitute a Change of Registrant Data, and accordingly, removed references to proxy service providers from 25.3.

Recommendation #26: Standalone Policy and Updates to Section II of Transfer Policy

The Working Group recommends eliminating Section II from the Transfer Policy; instead, the Working Group recommends that a standalone “Change of Registrant Data” policy MUST be established, existing outside of the revised Transfer Policy. For the avoidance of doubt, the Working Group is not recommending a new PDP to establish this standalone policy; instead, the Working Group is recommending the Change of Registrant Data Policy be created as part of the implementation of these policy recommendations. As part of the implementation of the new standalone Change of Registrant Data Policy, the Working Group recommends the following changes from the existing policy language in Section II of the Transfer Policy.

26.1: The Working Group recommends that the role and definition of “Designated Agent” is no longer fit for purpose. Accordingly, the Working Group recommends all references to Designated Agent MUST be eliminated from the future standalone Change of Registrant Data Policy.

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”.

26.3: 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 prior to processing a Change of Registrant Data as detailed in Sections II.C.1.2 and II.C.1.4 of the Transfer Policy.

26.4: 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. This requirement is detailed in section II.C.2 of the Transfer Policy. Additionally, the Working Group recommends eliminating from the Transfer Policy the text regarding opting out of the 60-day lock, as this text has been overtaken by the removal of the lock requirement from the Transfer Policy.

Policy Impact:

26: LOW - Recommendation suggests separation of policies only.

26.1: MEDIUM - Change from status quo, which will require planning and system changes for Registrars. This recommendation is not meant to explicitly prohibit the use of designated agents or representatives in other contexts where this is allowable.

26.2: LOW - Current requirements under Section II.B are largely duplicative of existing policies and therefore do not need to be restated.

26.3: HIGH - Removal of requirements to obtain confirmation from Prior and New Registrant **26.4: HIGH** - Removal of post-Change of Registrant transfer restriction (AKA 60-day lock)

Recommendation Rationale:

The Working Group believes separating the two policies is the best way to ensure that the Change of Registrant Data (CORD) process is clearly documented and defined. The CORD is not a Registrar transfer and, accordingly, the requirements should reside in a standalone policy.

Additionally, the Working Group believes the CORD process should be available at any time during a domain's registration period. Rationale regarding the Working Group's proposed elimination of the 60-day lock can be found in its responses to Charter Questions d4-d8.

Following public comment, the Working Group considered the submitted concern regarding 26.2 and decided to update the text of Rec 26.2 to retain the language "In general, registrants must be permitted to update their Registration Data".

The Working Group maintains its rationale for 26.3, noting for example, that if there is a breach of a registrant's email address, the confirmation process would already be compromised (additionally, the RDDS verification process already requires the Registrar to verify the new email address). The Working Group argues that the confirmation process is not the first line of defense and does not prevent hijacking in cases of compromised emails or accounts.

Recommendation #27: Change of Registrant Data Notification

As part of the implementation of the new standalone Change of Registrant Data Policy, the Working Group recommends that, following a Change of Registrant Data and ***subject to the opt out requirements described in Recommendation 28***, the Registrar **MUST** send a Change of Registrant Data notification to the RNH without undue delay, but no later than 24 hours after the Change of Registrant Data occurred. (emphasis added)

27.1: This notification **MUST** be written in the language of the registration agreement and **MAY** also be provided in English or other languages.

27.2: The Registrar **MUST** include the following elements in the Change of Registrant Data notification:

- Domain name(s)

- Text stating which registrant data field(s) were updated
- Date and time that the Change of Registrant Data was completed
- Instructions detailing how the registrant can take action if the change was invalid (how to initiate a reversal)

27.3: The Registrar MUST send the notification via email, SMS, or other secure messaging system. These examples are not intended to be limiting, and it is understood that additional methods of notification may be created that were not originally anticipated by the Working Group.

27.4: When a change to the RNH's email address occurs, and subject to the opt out requirements described in Recommendation 28:

- a) the Registrar MUST send the Change of Registrant Data notification to the RNH's prior email address (the email address that was on file with the Registrar immediately prior to the change).
- b) the Registrar MAY send the Change of Registrant Data notification to the RNH's new email address.
- c) the Registrar MAY additionally send the Change of Registrant Data notification to the RNH via SMS or other secure messaging system.

27.5: The Registrar MAY send additional notifications resulting from changes to the RNH's phone number, postal address, Account Holder information, or other contact information used by the Registrar to associate the RNH with their domain name or relevant account.

27.6: To the extent that the Change of Registrant Data is requested for multiple domains, and the RNH is the same for all domains, the Registrar of Record MAY consolidate the Change of Registrant Data notifications into a single notification.

27.7: To the extent that the Change of Registrant Data may incur a verification request to be sent to the RNH pursuant to the RDDS Accuracy Program Specification, the Registrar of Record MAY consolidate the optional Change of Registrant Data notification and the verification request into a single notification, where applicable.

27.8: The Registrar MUST retain all records pertaining to the provision of the Change of Registrant Data notification to the RNH. At a minimum, the records retained MUST document the date/time, means, and contact(s) to whom the notification is sent. The Registrar MUST maintain these records for the shorter of 15 months or the longest period permitted by applicable law, and during such period MUST provide such records to ICANN upon reasonable notice. These records fall under the ICANN Data Retention Specification; the Registrar MUST provide such records to ICANN upon reasonable notice.

Policy Impact:

HIGH - Read together with Recommendation 28, these two recommendations (Rec. 27 and Rec. 28) have a high impact, in that a mandatory notification is now a notification that registrants may opt out of.

Recommendation Rationale:

The Working Group believes that notifying the RNH of the CORD update helps to ensure that unintended or unexpected changes are caught and addressed promptly. Further, many RNHs prefer not to receive this type of notification, so the Working Group recommends they be permitted to opt out of having their registration data used for this purpose (See Recommendation 28). With regard to the language and required elements of the CORD notification, the Working Group wants to ensure the RNH understands the language of the notification and is empowered with full context of the update.

The Working Group believes it is important to ensure that the RNH receives this information. The group also recognizes that communications methods change with time and technological advances, and that Registrars may have different preferred paths for communication based on their relationships with their registrants. The Working Group understands that the Registrar should be able to determine the best communication method and experience for the RNH.

With regard to the RDDS Accuracy Program Specification (RAPS), the Working Group recognizes that these two processes are related and may be used together for the best registrant experience.

Implementation Guidance:

Regarding Recommendation 27.6, in instances where the number of affected domain names is too large to be sufficiently contained within a single CORD notification (e.g., 1000 domain names), instead of listing all affected domains within the CORD notification(s), the Registrar MAY provide the RNH with a link to where they can identify which domains were affected by the Change of Registrant Data.

Recommendation #28: Opt out of Change of Registrant Data Notification

The Working Group recommends that Registrars MAY provide RNH with the option to opt out of receiving Change of Registrant Data notifications. IF the Registrar chooses to provide the Change of Registrant Data notification opt-out option to the RNH, THEN the following recommendations apply:

28.1: The Registrar MUST enable Change of Registrant Data notifications by default (i) when a domain name is initially registered AND (ii) when a domain name is transferred in from another Registrar.

28.2: If the RNH elects to opt out of Change of Registrant Data notifications, the Registrar MAY disable Change of Registrant Data notifications, provided the opt out occurs AFTER initial domain name registration or the completion of an inter-Registrar transfer.

28.3: The Registrar MUST provide clear instructions for how the RNH can opt out of (and opt back in to) Change of Registrant Data notifications. Additionally, the Registrar MUST provide warning of the consequences associated with opting out of these notifications, enabling the RNH to make an informed decision whether to opt out.

28.4: The Registrar MUST maintain a record demonstrating that the Registrar validated that the opt-out was requested by the RNH. The Registrar MUST retain this record for a period of no fewer than fifteen (15) months following the end of the Registrar’s sponsorship of the registration.

28.5: The Change of Registrant Data notification opt-out option does not apply to any verification notices sent pursuant to the RDDS Accuracy Program Specification.

28.6: The Registrar MAY modify their opt-out option at the data field level. For example, a Registrar may choose to offer an opt out for material changes to the Registrant Name or Registrant Organization but not allow an opt out for a change to the RNH’s email address.

Policy Impact:

HIGH - Read together with Recommendation 27, these two recommendations (Rec. 27 and Rec. 28) have a high impact, in that a mandatory notification is now a notification that registrants may opt out of.

Recommendation Rationale:

The Working Group believes it is beneficial to ensure that the RNH is notified of changes to their domain registration data, in case the change was inadvertent (e.g., they thought they were updating a different domain) or unauthorized (e.g., someone accessed their account without permission), while the RNH should also be empowered to turn off these notices.

The Working Group understands that these notifications are a personal data processing activity which may not be deemed absolutely necessary, and so the Working Group recommends the RNH be able to decide if they want to receive these notices or not. Since the notification is sent for security purposes, it should be required by default with the option to turn it off provided. The Working Group also believes the mandatory provision of the consequences associated with opting out of these notifications will help the RNH understand their options which have security benefits.

With regard to the RDDS Accuracy Program Specification (RAPS), the Working Group believes RAPS is for a different purpose and should not be affected by this CORD process.

Recommendation #29: Timing for Initiating Contact with a Transfer Emergency Action Contact (TEAC)

Section I.A.4.6.3 of the Transfer Policy states, “Messages sent via the TEAC communication channel must generate a non-automated response by a human representative of the Gaining Registrar. The person or team responding must be capable and authorized to investigate and address urgent transfer issues. Responses are required within 4 hours of the initial request, although final resolution

of the incident may take longer.” The Working Group recommends that the policy must be revised to update the required timeframe for initial response from 4 hours to 24 hours.

Policy Impact:

LOW - Time for responding to communications via the TEAC channel has been extended from 4 hours to 24 hours, reducing the operational burden on Registrars while still requiring timely response to issues.

Recommendation Rationale:

The text of this recommendation sets clear and consistent expectations regarding a “reasonable period of time” while allowing flexibility to use the channel outside of this timeframe under exceptional circumstances that may still constitute an emergency. Under such circumstances, the Gaining Registrar must provide the Losing Registrar with a written justification. As discussed in the Working Group’s response to charter question f4, the 30-day timeframe for initial contact aligns with the 30-day transfer restriction following initial registration and inter-Registrar transfer, detailed in Recommendations 3 and 18.

Following public comment, the Working Group has updated all references from days to hours to avoid ambiguity.

Recommendation #30: Timing for Additional Interactions with the TEAC

Section I.A.4.6.2 of the Transfer Policy states in part, “. . . 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 Working Group recommends that the Transfer Policy must be updated to state that the initial communication to a TEAC is expected to occur no more than 720 hours following the alleged unauthorized loss of a domain. If the initial communication to the TEAC occurs more than 720 hours following the alleged unauthorized loss of a domain, the Losing Registrar must provide a detailed written explanation to the Gaining Registrar’s TEAC justifying why this is an emergency situation that must be addressed through the TEAC channel and providing information about why earlier contact to the TEAC was not possible.

Policy Impact:

LOW - Sets a new outer bound for communications to a TEAC. The majority of initial communications to the TEAC already occur within this outer bound, making this a low impact change.

Recommendation Rationale:

The text of this recommendation sets clear and consistent expectations regarding a “reasonable period of time” while allowing flexibility to use the channel outside of this timeframe under exceptional

circumstances that may still constitute an emergency. Under such circumstances, the Gaining Registrar must provide the Losing Registrar with a written justification. As discussed in the Working Group's response to charter question f4, the 30-day timeframe for initial contact aligns with the 30-day transfer restriction following initial registration and inter-Registrar transfer, detailed in recommendations 3 and 18.

Following public comment, the Working Group has updated all references from days to hours to avoid ambiguity.

Implementation Guidance:

N/A

Links to Charter Question(s) & Summary of Deliberations:

[f4](#)

Recommendation #31: Additional Communications with TEAC

Once a Gaining Registrar has provided an initial non-automated response to a TEAC communication as described in Section I.A.4.6.3 of the Transfer Policy, the Gaining Registrar must provide additional, substantive updates by email to the Losing Registrar at least every 72 hours until work to resolve the issue is complete. These updates must include specific actions taken by the Gaining Registrar to work towards resolution.

Policy Impact:

MEDIUM - New requirement for response time for Registrars, which will require planning and system changes.

Recommendation Rationale:

The Working Group agreed that it is important for a Gaining Registrar to demonstrate progress towards resolving an issue raised through the TEAC channel. The Working Group further agreed the policy needs to provide some degree of flexibility with respect to timeframe for resolution, given that each case is unique. A requirement to provide regular updates introduced transparency and accountability, without setting strict deadlines that may not be appropriate or feasible to meet, even when both Registrars are working diligently towards resolution of the issue. In determining the frequency of updates, the Working Group agreed that it is appropriate to require updates every 72 hours / 3 calendar days. Updates at this cadence provide clear indication to the Losing Registrar as to whether resolution is proceeding while not being excessively burdensome to the Gaining Registrar who is required to provide the updates.

Following public comment, the Working Group has updated all references from days to hours to avoid ambiguity.

Recommendation #32: Method of Communication with TEAC

The Working Group recommends that initial communication to the TEAC described in Section I.A.4.6.2 of the Transfer Policy MUST either be in the form of email or, if the primary TEAC communication channel is designated as a phone number or other method, the verbal/non email communication MUST be accompanied by an email communication to the TEAC. This email “starts the clock” for the 24-hours response timeframe specified in Recommendation 29.

Policy Impact:

MEDIUM - Policy change to initial communication with TEAC, which may involve planning and system changes for Registrars.

Recommendation Rationale:

As described in the Working Group’s response to Charter Question f5, requiring the initial TEAC exchange by email ensures that there is a paper trail associated with each initial TEAC contact without creating complex new requirements for a system of record that may be seldom used.

Recommendation #33: Request to GNSO for further work on Transfer Dispute Resolution Policy and Potential New Dispute Mechanism

The Working Group recommends the GNSO request an Issues Report or other suitable mechanism to further research and explore the pros and cons of (i) expanding the TDRP to registrant filers and (ii) creating a new standalone dispute resolution mechanism for registrants who wish to challenge improper transfers, including compromised and stolen domain names. There remains a need for an intermediary mechanism to remedy unauthorized transfers between ToS claw backs and litigation as well as other issues as may be identified by the GNSO. The Working Group recommends that any such additional dispute mechanism that empowers registrants should be in addition to and not prohibit any informal resolution that Registrars successfully employ in the overwhelming number of instances.

Policy Impact:

LOW/HIGH - The changes, or lack of changes, to the TDRP results in a low impact to the policy; however, the high indication denotes the potential future policy work in completing an Initial Report on the requested issues.

Recommendation Rationale:

Because the Working Group observed that many issues fall outside the limited scope of the TDRP, it

believes further policy work is needed in terms of potential expansion of the TDRP and/or creating a new dispute mechanism. By way of example, 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.

Additionally, 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.

Recommendation #34: Fees Associated with Full Portfolio Transfers over 50,000 domain names

34.1: The Working Group recommends that a Registry Operator MAY charge a fee to implement a full domain name portfolio transfer¹³ of 50,000 or more domain names from one ICANN accredited Registrar to another ICANN-accredited Registrar(s)¹⁴, provided the conditions described in sections I.B.1.1 and I.B.1.2 are satisfied.

34.2: The Registry MAY waive the fee associated with full portfolio transfers.

34.3: The Registry MUST waive any fee associated with a full portfolio transfer in full portfolio transfers resulting from an involuntary Registrar termination, i.e., where a Registrar is terminated by ICANN due to non-compliance with the Registrar Accreditation Agreement.

Policy Impact:

34.1: **LOW** - Retention of status quo.

34.2: **LOW** - Retention of status quo.

34.3: **LOW** - Involuntary full portfolio transfers, resulting from Registrar or RRA terminations AND involving greater than 50,000 names are very rare, and, accordingly, this recommendation has a low impact.

Recommendation Rationale:

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 a voluntary 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 limited instances.

Implementation Guidance:

N/A

¹³ Note: this could include all of the domain names a Registrar has within a gTLD or all of the gTLD domain names a Registrar has under management

¹⁴ In the majority of instances, ICANN org will choose one Gaining Registrar to take over the Losing Registrar's domain name portfolio; this is the preferred scenario to avoid customer confusion. However, there may be a situation where multiple Gaining Registrars will be chosen. For example, if there is no Registrar who offers all of the TLDs of the Losing Registrar, ICANN org will need to identify more than one Gaining Registrar to which the domain names will be transferred to.

Recommendation #35: Retainment of Current Full Portfolio Transfer Fee Ceiling and Minimum Domain Name Threshold

The Working Group recommends retaining both (i) the current minimum number of domain names that trigger the fee at 50,000 names and (ii) the current price ceiling of USD \$50,000. If the voluntary full portfolio transfer involves multiple Registry Operators who transfer greater than 50,000 names, the affected Registry Operators MUST ensure the collective fee does not exceed the recommended ceiling of USD \$50,000, and the fee MUST be apportioned based on the number of domain names transferred.

Additionally, for the purpose of assessing the 50,000 minimum domain name threshold, if there is an Affiliate relationship between the affected Registry Operators, the affected Registry Operators MAY calculate the fee as Affiliates to meet the minimum domain name threshold. For example, if Registry A transfers 25,000 names and Registry B transfers 25,000 names, and Registry A and Registry B are Affiliates, the minimum current minimum domain name threshold would be reached.

Example 1: if Registry A transfers 55,000 names, and Registry B transfers 5,000 names, totaling 60,000 names, Registry A MAY charge up to \$50,000, but Registry B cannot charge a fee.

Example 2: If Registry A transfers 40,000 names, and Registry B transfers 20,000 names, totaling 60,000 names, neither Registry A nor Registry B may charge a fee, as neither registry meets the 50,000 names threshold.

Example 3: If Registry A transfers 40,000 names, and Registry B transfers 20,000 names, totaling 60,000 names, AND Registry A and Registry B are in the same Registry Family, the Registry Family MAY charge up to \$50,000.

Example 4: If Registry A transfers 55,000 names, and Registry B transfers 55,000 names, totaling 110,000 names, Registry A MAY charge up to \$25,000 (or 50% of the \$50,000 fee), and Registry B MAY charge up to \$25,000 (or 50% of the \$50,000 fee), as each Registry transferred 50% of the total names.

Example 5: If Registry A transfers 25,000 names and Registry B transfers 25,000 names, and Registry A and Registry B are Affiliates, the minimum current minimum domain name threshold would be reached. In this instance, Registry A MAY charge a fee of up to \$25,000 and Registry B MAY charge a fee of up to \$25,000.

Policy Impact:

MEDIUM - The recommendation, in combination with Recommendations 36-38 introduces the idea of Affiliate relationships into the calculus of the minimum domain threshold. Specifically, rather than a threshold of 50,000 PER TLD, this introduces a threshold of 50,000 across Registry Affiliates, which could increase the amount of full portfolio transfers where fees are involved. Additionally, these recommendations create new coordination requirements for Registrars, Registries, and ICANN org.

Recommendation Rationale:

The Working Group has noted retaining a price ceiling promotes transparency and has recommended keeping the status quo; however, the Working Group believes it is important to specify the price ceiling encompasses a collective fee. In other words, the \$50,000 fee is the total amount a Registrar would pay for a full portfolio transfer. The Working Group made this update in recognition of the changes to the industry that have occurred since this policy was first drafted, i.e., the number of Registry Operators and TLDs has increased significantly, which could result in unintended high fees.

Implementation Guidance:

“Affiliate” means a person or entity that, directly or indirectly, through one or more intermediaries, or in combination with one or more other persons or entities, controls, is controlled by, or is under common control with, the person or entity specified, and (ii) “control” (including the terms “controlled by” and “under common control with”) means the possession, directly or indirectly, of the power to direct or cause the direction of the management or policies of a person or entity, whether through the ownership of securities, as trustee or executor, by serving as an employee or a member of a board of directors or equivalent governing body, by contract, by credit arrangement or otherwise.

Recommendation #36: Restriction of Fee Adjustments for Voluntary Full Portfolio Transfers Involving Multiple Registry Operators

The Working Group recommends that if the voluntary full portfolio transfer involves multiple Registry Operators, and one or more affected Registry Operators chooses to waive its portion of the collective fee, the remaining Registry Operators MUST NOT adjust their fees to a higher percentage due to another Registry Operator’s waiver.

Policy Impact:

MEDIUM - The recommendation, in combination with Recommendations 36-38 introduces the idea of Affiliate relationships into the calculus of the minimum domain threshold. Specifically, rather than a threshold of 50,000 PER TLD, this introduces a threshold of 50,000 across Registry Affiliates, which could increase the amount of full portfolio transfers where fees are involved. Additionally, these recommendations create new coordination requirements for Registrars, Registries, and ICANN org.

Recommendation Rationale:

The Working Group notes the fee apportionment was designed to be equitable, and this recommendation aims to ensure a voluntary fee waiver does not result in an unintended consequence or gaming.

Recommendation #37: Registry Operator Notice to ICANN of Voluntary Full Portfolio Transfer Completion

The Working Group recommends that following the completion of the transfer, the Registry Operator(s) MUST provide notice to ICANN that the transfer is complete, and the notice to ICANN MUST include the number of domain names transferred.

Policy Impact:

MEDIUM - The recommendation, in combination with Recommendations 36-38 introduces the idea of Affiliate relationships into the calculus of the minimum domain threshold. Specifically, rather than a threshold of 50,000 PER TLD, this introduces a threshold of 50,000 across Registry Affiliates, which could increase the amount of full portfolio transfers where fees are involved. Additionally, these recommendations create new coordination requirements for Registrars, Registries, and ICANN org.

Recommendation Rationale:

As the entity responsible for effecting the transfer, the Registry Operator is responsible for providing the official number of domain names transferred to ICANN.

Recommendation #38: ICANN Notice to Affected Registry Operators of Associated Domain Name Numbers for Voluntary Full Portfolio Transfers

The Working Group recommends that following receipt of notices from all affected Registry Operators, ICANN MUST send a notice to affected Registry Operators, i.e., Registry Operators who transfer greater than 50,000 names, with the reported numbers and corresponding percentages of domain names involved in the bulk transfer, e.g., 26% of names for .ABC and 74% of names for .DEF. The Registry Operators MAY then charge the Gaining Registrar a fee.

Policy Impact:

MEDIUM - The recommendation, in combination with Recommendations 36-38 introduces the idea of Affiliate relationships into the calculus of the minimum domain threshold. Specifically, rather than a threshold of 50,000 PER TLD, this introduces a threshold of 50,000 across Registry Affiliates, which could increase the amount of full portfolio transfers where fees are involved.

Additionally, these recommendations create new coordination requirements for Registrars, Registries, and ICANN org.

Recommendation Rationale:

The Working Group noted that ICANN org is the appropriate entity to notify affected Registry Operators of the numbers transferred after receiving notice from the affected Registries. The Working Group provided example percentages for clarity of implementation.

Implementation Guidance:

Pursuant to Recommendation 35, the number of domain names transferred by Registry Affiliates may be considered in the calculus of the minimum domain name threshold. If Registry Affiliates exceed the minimum domain name threshold and choose to charge a fee, the affected Registry Affiliates are responsible for notifying ICANN of this intent for purposes of ICANN's notification to affected Registry Operators.

Recommendation #39: Gaining Registrar Responsibility for Payment of Fees Associated with Voluntary Full Portfolio Transfer

The Working Group recommends that the Gaining Registrar MUST be responsible for paying the relevant Registry's fee (if any).

Policy Impact:

LOW - Maintains but clarifies the status quo.

Recommendation Rationale:

The Working Group recognizes that a voluntary request to transition a domain name portfolio to another Registrar will require internal coordination and work from the relevant Registry Operator, and accordingly, the Registry Operator may charge a fee for this process. Due to the voluntary nature of the portfolio transfer request, the Gaining Registrar should be responsible for paying this fee to the Registry Operator as (i) the Gaining Registrar, through the transfer, is inheriting new customers, and (ii) the Losing Registrar may be going out of business and, accordingly, may be unable to pay the fee.

Recommendation #40: Inclusion of Bulk Transfer After Partial Portfolio Acquisition (BTAPPA) in Transfer Policy

40.1: The Working Group recommends updating the Transfer Policy to include the Bulk Transfer After Partial Portfolio Acquisition (BTAPPA) directly into the Transfer Policy, which would apply to all Registry Operators.

40.2: For the avoidance of doubt, the Working Group is recommending that the BTAPPA would be included as part of the Transfer Policy, and when the updated Transfer Policy becomes effective, Registry Operators will no longer have to file an RSEP to offer the BTAPPA.

Policy Impact:

HIGH - This recommendation involves a significant expansion of the BTAPPA service.

Recommendation Rationale:

The Working Group believes including the BTAPPA in the Transfer Policy creates more consistency across all Registries.

Recommendation #41: Expansion of Bulk Transfer After Partial Portfolio Acquisition (BTAPPA) to Registrar Customers

The Working Group recommends that the standard Bulk Transfer After Partial Portfolio Acquisition (BTAPPA) be expanded to include circumstances where a customer of the Registrar elects to transfer its portfolio of domain names to a new gaining Registrar, and the registration agreement explicitly permits the transfer.

Policy Impact:

HIGH - This recommendation involves a significant expansion of the BTAPPA service.

Recommendation Rationale:

The Working Group supported an expansion of the BTAPPA to allow for additional partial bulk transfers, such as Resellers or service providers to transfer their names to a different sponsoring Registrar. The Working Group recognized there are situations where this may be necessary, such as when Registrar's customer (such a reseller) may need to change its sponsoring Registrar due to data privacy concerns within a particular jurisdiction, and there is currently not a way to do this that does not involve a significant manual effort.

Following public comment, the Working Group updated the terminology in the recommendation, as the term agent was ambiguous to public commenters. The Working Group believes the word “customer” is clearer and is consistent with the intent of the recommendation.

Recommendation #42: Required Registrar Notification of BTAPPA

42.1: In the event of a BTAPPA, Registrars shall either notify or ensure their Resellers (where applicable) notify affected Registrants approximately one month / at least 720 hours before the change of sponsorship is expected to occur. This notification must provide instructions on (i) how to opt out (if applicable), (ii) how to transfer the name to a Registrar other than the Gaining Registrar before the date of the sponsorship change, if desired, (iii) the expected date of the change of sponsorship, (iv) the name of the Gaining Registrar, and (v) a link to the Gaining Registrar’s (or their Reseller’s) terms of service.

42.2: The Working Group recognizes that some flexibility is required in the timing of Change of Sponsorship (BTAPPA) notifications. As such, one month should be treated as no less than 624 hours and no more than 840 hours. A Registrar is not precluded from sending additional notifications earlier or later than this required one month notification.

42.3: A notice MAY encompass multiple TLDs if a RNH has registered domain names under more than one TLD and the same parameters apply to the transfers, i.e., the date of transfer, instructions, etc.

42.4: Regardless of the means used to notify registrants, notifications sent MUST be properly documented, retained, and made available to Compliance to facilitate the investigation of a BTAPPA complaint.

Policy Impact:

MEDIUM - New notice requirement for Registrars.

Recommendation Rationale:

Advance notice will give affected registrants the ability to transfer their name elsewhere if they so desire or opt out of the transfer if that option is available. In some instances, such as a Registrar consolidation where a Registrar will cease to exist upon the transfer, the option to opt out may not be available. Clarifying when the transfer will take place, to which Registrar it will transfer, and what their terms of service are enables registrants to familiarize themselves with the new Registrar and their terms before the change of sponsorship takes place.

Recommendation #43: Domain Name Expiration Dates During BTAPPA

The Working Group recommends that for a change of sponsorship, the expiration dates of transferred registrations are not affected, and, therefore, there are no ICANN fees. Once the change of sponsorship is complete, the Working Group recommends that there is no grace period to reverse a transfer.

Policy Impact:

LOW - Status quo (current boilerplate language in BTAPPA).

Recommendation Rationale:

The Working Group reviewed the language in the BTAPPA boilerplate and noted this is an important provision to include in the Transfer Policy. Because this is a transfer initiated by the Registrar rather than the registrant, there is no change to the expiration date.

Recommendation #44: Permitted Rejection of BTAPPA Request

The Working Group recommends a Registry Operator **MUST** reject a change of sponsorship request if there is reasonable evidence that the change of sponsorship is being requested in order to avoid fees otherwise due to the Registry Operator or ICANN. A Registry Operator has discretion to reject a change of sponsorship request if a Registrar with common ownership or management or both has already requested a change of sponsorship within the preceding six month period.

Policy Impact:

LOW - Status quo (current boilerplate language in BTAPPA).

Recommendation Rationale:

The Working Group reviewed the language in the BTAPPA boilerplate and noted this is an important provision to include in the Transfer Policy because it allows discretion for Registry Operators to reject BTAPPA requests under certain circumstances.

Recommendation #45: Required Registration Agreement Language for BTAPPA

The Working Group recommends the Losing Registrar's existing Registration Agreement with customers **MUST** permit the transfer of domain names in the event of the scenarios described in the Transfer Policy with respect to a change of sponsorship. Additionally, the Losing Registrar's Registration Agreement **MUST** inform registrants that in the event of a change of sponsorship, the affected

registrants will be deemed to have accepted the new Registrar's terms, unless the registrant transfers their domain name(s) to a different Registrar prior to the change of sponsorship.

Policy Impact:

LOW - This may require changes to some Registrars' registration agreement to allow for these transfers.

Recommendation Rationale:

The Working Group added this language to ensure registrants receive notice via their registration agreements.

Recommendation #46: Notice of Registry Fees for BTAPPA

The Working Group recommends that a Registry Operator MAY charge a fee for a change of sponsorship, but Registry Operators MUST provide notice to Registrars of any fees associated with a change of sponsorship upon request and prior to the initiation of the transfer. How Registry Operators choose to provide notice of fees will be up to the Registry to decide, i.e., password protected portal, website, written notice, etc.

Policy Impact:

MEDIUM - May involve changes for Registries, which could include planning and system changes.

Recommendation Rationale:

The policy language clarifies that Registries may charge a fee; however, in order to do so, they must provide notice to Registrars.

Recommendation #47: Prohibition on Post-BTAPPA Transfer Restriction

The Working Group recommends that in the case of a change of sponsorship, the Gaining Registrar MUST NOT impose a new inter-Registrar transfer lock preventing affected registrants from transferring their domains to another Registrar.

Policy Impact:

MEDIUM - New requirements may trigger planning and system changes for Registrars.

Recommendation Rationale:

The Working Group notes that a change of sponsorship is not initiated by registrants and does not affect their domain name expiration dates; therefore, the transfer lock that would otherwise follow a typical inter-Registrar transfer should not apply in this instance. Transfer locks that are triggered by other means set out in the Transfer Policy would still apply.
