



Introduction: GNSO Policy Development Process to Review the Transfer Policy

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Session Objectives

-  What is this policy development process (PDP) about?
-  Why are these issues important to ICANN's contracted parties and registrants?
-  What are the opportunities to get involved in the PDP?

Agenda

1. Overview of the Transfer Policy and the PDP

2. Topics in Phase 1 of the PDP

With community perspectives provided by:

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3. Next Steps

4. Q & A

Overview of the Transfer Policy and the PDP

What is the Transfer Policy?

ICANN **consensus policy** governing the procedure and requirements for **registrants to transfer their domain names from one registrar to another.**

- Goal: Enhanced **domain name portability**
 - greater consumer and business choice
 - registrants may select the registrar that offers the best services and price for their needs
- Formerly called the Inter-Registrar Transfer Policy (IRTP)
- Went into effect on 12 November 2004
- GNSO reviewed the policy once before, shortly after implementation

About the PDP

- February 2021: GNSO Council initiated a PDP to review the Transfer Policy
 - Are changes needed to improve the ease, security, and efficacy of inter-registrar and inter-registrant transfers?
- All GNSO Stakeholder Groups/Constituencies and ICANN Supporting Organizations/Advisory Committees may contribute members to the PDP Working Group.

Documents supporting the Council's decision to initiate the PDP:



[Transfer Policy Status Report](#)

- Registrar & registrant survey
- Metrics from ICANN org's Global Support Center, Monthly Registry Reports, and Contractual Compliance Department

[Transfer Policy Scoping Paper](#)

[Final Issue Report](#)

Why is the GNSO Council Initiating the PDP?

Key considerations:

- Due to changes to the Registration Directory Service related to GDPR and other data protection laws, certain provisions of the policy are no longer feasible for registrars to comply with in all cases.
- In response to GDPR, the Temporary Specification introduced a workaround for the Transfer Policy that the EPDP ultimately included verbatim in its recommendations, which were adopted by the ICANN Board.
- Compliance action is temporarily deferred pending policy work in this area.
- Previous policy development process on the Transfer Policy recommended that further analysis/review take place after all of the recommendations had been implemented (IRTP-D Working Group Recommendation 17).

What Issue Areas will the PDP Consider?

A phased approach:

Phase 1(a):

- Form of Authorization (including Rec. 27, Wave 1 FOA issues)
- AuthInfo Codes

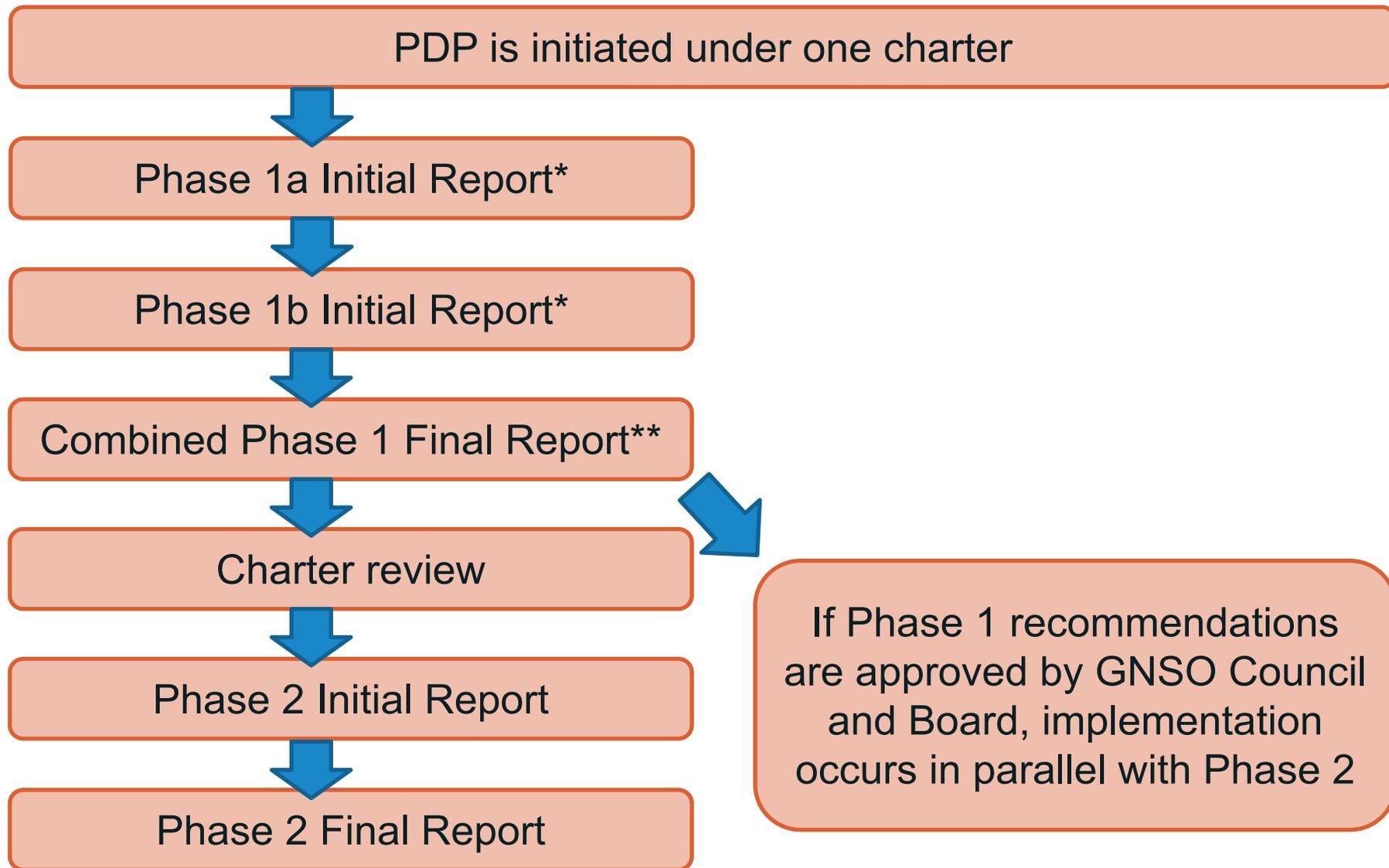
Phase 1(b):

- Change of Registrant (including Rec. 27, Wave 1 Change of Registrant issues)

Phase 2:

- Transfer Emergency Action Contact
- Transfer Dispute Resolution Policy (including Rec. 27, Wave 1 TDRP issues)
- Reversing and NACKing transfers
- ICANN-approved transfers

PDP Milestones



* Phase 1a and Phase 1b Initial Reports will each have their own public comment period

** Combined Phase 1 Final Report helps to ensure coherence/consistency between 1a and 1b recs

Topics in Phase 1

Gaining & Losing Registrar Form of Authorization (FOA)

Terms:



Gaining Registrar: The registrar to which the registrant is transferring the domain name.



Losing Registrar: The registrar from which the registrant is transferring the domain name.



Gaining Form of Authorization: A required form sent by the Gaining Registrar to the Registered Name Holder to confirm the Registered Name Holder's intent to transfer the domain name.

- Typically an email to Registered Name Holder to confirm intent by clicking a designated link.



Losing Form of Authorization: Losing Registrar sends the Registered Name Holder a notice to confirm Registered Name Holder's intent to transfer.

FOA: Standard Inter-Registrar Transfer Pre-GDPR



Registry Operator



4. Gaining Registrar Notifies RO of the transfer



Losing Registrar

5. Registry Operator sends notice of pending transfer to both Registrars



Gaining Registrar

6. Losing Registrar sends Losing FOA to Registered Name Holder

7. Absent objection to the transfer within 5 calendar days, Losing Registrar processes request



1. Registered Name Holder contacts Gaining Registrar

2. If domain name is eligible for transfer, Gaining Registrar sends Gaining FOA to Registered Name Holder

3. Registered Name Holder confirms intent to transfer



Registered Name Holder



FOA: Inter-Registrar Transfer post-GDPR

Where the gaining registrar is unable to obtain current registration data via RDDS. . .



Registry Operator



3. Gaining Registrar Notifies RO of the transfer

4. Registry Operator confirms AuthInfo Code

5. Registry Operator sends notice of pending transfer to both Registrars



Gaining Registrar

6. Losing Registrar sends Losing FOA to Registered Name Holder

7. Absent objection to the transfer within 5 calendar days, Losing Registrar processes request



Registered Name Holder

1. Registered Name Holder contacts Gaining Registrar

2. If domain name is eligible for transfer, Registered Name Holder independently enters data with Gaining Registrar



FOA: Further Work Needed

- **EPDP** included the **workaround from the Temporary Specification in its recommendations**, which were **adopted by the ICANN Board**.
- Registrars identified challenges in ICANN org's position that a Gaining Registrar is required to send a Gaining FOA where the email address "is available", as there is no guarantee that the email goes directly to the registrant.
- ICANN Board passed a resolution to **defer contractual compliance enforcement of the Gaining FOA requirement** pending further work in this area.
- Contracted Party House Tech Ops Subcommittee has developed a proposal for a proposed transfer process.

FOA: Focus of Charter Questions

- Is the requirement of the **Gaining FOA still needed**, and if so, are updates necessary? If not, does the AuthInfo Code provide sufficient security and “paper trail”?
- In light of provisions of the Temporary Specification, what secure methods (if any) currently exist to allow for the **secure transmission** of then-current **Registration Data** for a domain name subject to an **inter-registrar transfer request**?
- Should **mandatory domain name locking** be included in the Transfer Policy?
- Is the **Losing FOA is still required**, and if so, are updates necessary?
- Is **CPH Proposed Tech Ops Process** a logical starting point for future work on this issue? Other proposals to consider?

AuthInfo Code Management: Inter-Registrar Transfers

What is the AuthInfo Code?

Unique code created by a registrar on a per-domain basis to identify the registrant of the domain name.

How is it used in transfers?

AuthInfo Code needs to be provided to the gaining registrar as part of the inter-registrar transfer process.

How is it provided?

Losing registrar may provide AuthInfo Code via control panel, or by other means within 5 calendar days (email, SMS, etc).

AuthInfo Code: Focus of Charter Questions

- Is the **AuthInfo Code** still a **secure method** for inter-registrar transfers?
- Should the **registrar remain the authoritative holder** of the AuthInfo Code or should it be the registry?
- Is the current **SLA** for provision of the AuthInfo Code still appropriate?
- Should the AuthInfo Code **expire** after a certain amount of time?
- Should there be additional policy work on **bulk use** of AuthInfo Codes?

FOA and AuthInfo Code Management: Why Get Involved?

- For Contracted Parties:
 - What do Contracted Parties hope to accomplish with respect to discussions regarding FOA and AuthInfo Codes?
 - Apart from the changes resulting from the Temporary Specification, why is this topic of interest to registrars, and why is it important for different business models to be represented?

- For Registrants:
 - The discussion of FOAs seems very technical - even so, is it important for members of the community to contribute to the discussion from the registrant's perspective? Why or why not?
 - Why should registrants be concerned with changes to the authinfo code?

Change of Registrant (CoR)

What is Change of Registrant (CoR)?

Requirements that seek to prevent domain name hijacking by **ensuring that certain changes to registrant information have been authorized.**

What is required?

Registrars must **obtain confirmation from the Prior Registrant and New Registrant before a material change** is made to: Prior Registrant name, Prior Registrant organization, Prior Registrant email address, and/or Administrative Contact email address, if no Prior Registrant email address.

What elements of the CoR Policy need review?

- **“60-day inter-registrar transfer lock”** prevents transfer to another registrar for sixty (60) days following a CoR. Registrants have difficulty with the 60-day lock, especially that they are not able to remove the lock once it is applied.
- **Designated Agent:** an individual or entity that the Prior Registrant or New Registrant authorizes to approve a CoR.
 - Appear to be different interpretations of role and authority.
- **Compliance enforcement is being deferred** in relation to CoR as it applies to removal or addition of **privacy/proxy services**, pending further work to clarify implementation of relevant IRTP-C provisions.

CoR Lock: Transfer Policy Status Report Data

-  **ICANN's Global Support Center:** Inquiries regarding transfers increased at a higher rate than inquiries overall, likely due to issues related to CoR lock.
-  **ICANN Aggregate Transfer-Related Monthly Registry Reporting:** Large spike in transfers in 2016 just before implementation of IRTP-C, including CoR lock.
-  **Metrics from ICANN's Contractual Compliance Department:** Complaints about inter-registrar transfers have been decreasing, complaints related to CoR lock increased.
-  **Survey of Registries and Registrants:** Registrants are confused and frustrated when the CoR lock prevents them from completing a transfer. Some want to eliminate or change it.

CoR: Focus of Charter Questions

- Does the **policy achieve its stated goals**? Is it still relevant in the current domain ownership system?
- Can **requirements be simplified** to make them less burdensome and confusing, especially regarding the 60-day lock?
- To what extent should there be a process or options to **remove** the 60-day lock?
- To what extent **should the Change of Registrant policy, and the 60-day lock, apply** to underlying registrant data when the registrant uses a **privacy/proxy service**?
- Is the **Designated Agent function operating as intended**? If not, should it be retained and modified? Eliminated?

CoR: Why Get Involved?

- For contracted parties:
 - Why is CoR an important issue for registrars to discuss?
 - Are there particular areas of expertise or types of business models that should be represented in order to have a comprehensive discussion of this issue?

- For registrants:
 - The term “change of registrant” seems like it may be an important issue for registrants since the word registrant is in the definition. Is this a correct assumption? Why or why not?

EPDP Recommendation 27

Overview:

- Recommendation 27 in the [EPDP Team's Phase 1 Final Report](#) recommends **updating existing policies / procedures** to ensure **consistency** with the EPDP's outputs.
- In its Wave 1 Report, **ICANN org performed a detailed analysis** of 15 policies and procedures, including the Transfer Policy and Transfer Dispute Resolution Policy.

Focus of Charter Questions:

- How **should the issues in the Wave 1 report be addressed with respect to the Transfer Policy and TDRP?** Do any need to be resolved urgently rather than waiting for the respective PDP Working Group?
- Can issues in the Wave 1 report related to FOA, Change of Registrant, and TDRP be discussed and reviewed by the PDP Working Group during its review of those topics?

Phase 2 Topics

- **Transfer Emergency Action Contact (TEAC):** Registrars are required to designate a TEAC to facilitate urgent, real-time communications relating to transfers in an emergency.
- **Transfer Dispute Resolution Policy (TDRP):** Policy detailing the requirements and process for registrars to file disputes relating to inter-registrar domain name transfers.
- **Reversing/Denying (NACKing) Transfers:** Circumstances in which a Losing Registrar must or may deny a transfer.
- **ICANN Approved Transfers:** Procedures for when a registrar's domain names need to be transferred to another ICANN-accredited registrar, most commonly when a registrar's RAA is terminated or expires without renewal. (see De-Accredited Registrar Transition Procedure).

Next Steps

Next Steps

- GNSO Council is expected to vote to adopt the PDP WG charter at its meeting during ICANN70 on 24 March at 17:30 UTC.
- SO/ACs and GNSO SG/Cs will be invited to appoint a limited number of members and alternates to the Working Group. WG structure informed by:
 - Recommendations from the Scoping Team
 - Proposal in the Final Issue Report
 - Input from SO/AC/SG/C chairs
- The GNSO Council will appoint a qualified Chair for the WG. The WG, once formed, may select one or two Vice Chairs.

Working Group Membership Structure

As presented in the proposed Charter:



Members: Responsible for active participation, preliminary deliberations, and consensus



Alternates: Participate if a Member is not available, and keep up with Working Group



Observers: Follow the work but do not have posting or speaking rights during WG meetings

Working Group Composition

Maximum number per group:

GROUP	MEMBERS	ALTERNATES
ALAC	2	2
ASO	2	2
BC	2	2
GAC	2	2
IPC	2	2
ISPCP	2	2
NCSG	2	2
RSSAC	2	2
RrSG	10	10
RySG	3	3
SSAC	2	2

Who Can Participate in Consensus Designation

Key points from the proposed Charter:

- Limited to appointed members who may consult with their respective SO/AC/SG/C.
- Groups that do not fill all member slots should not be disadvantaged.
- As this subject is not equally of interest to and impactful on all SG/C/SO/ACs, membership structure more heavily represents ICANN's contracted parties, and specifically registrars.
- Registrant's perspective will be important to factor in.
- The Chair shall ensure that all perspectives are appropriately taken into account in assessing Consensus designations.
- Chair makes designations in accordance with Section 3.6 of the Working Group Guidelines.

Opportunities to Get Involved

-  Interested in serving as a member? Coordinate with the leadership of your SO/AC/SG/C.
-  Interested in following the work? Become an observer.
-  Share your input during public comment periods.
-  Engage through your SO/AC/SG/C to support your group's representatives in the WG.

Questions?