

Registries Stakeholder Group Statement



Initial Report on the Transfer Policy Review - Phase 1(a)

Date statement submitted¹: **29 July 2022**

Reference url:

<https://www.icann.org/en/public-comment/proceeding/initial-report-on-the-transfer-policy-review-21-06-2022>.

Background²

The working group is seeking input on the preliminary recommendations contained in the Initial Report as well as several outstanding questions on which the working group has not yet reached agreement. The Public Comment proceeding is presented as a series of structured questions.

[Transfer Policy Review Initial Report \(pdf, 966.43 KB\)](#)

Registries Stakeholder Group (RySG) comment

- [Section 2: Preliminary Recommendations 1-4 on Losing and Gaining Forms of Authorization](#)
- [Section 3: Preliminary Recommendations 5-13 on Transfer Authorizations Codes \(TAC\)](#)
- [Section 4: Preliminary Recommendations 14-15 on EPDP Phase 1, Recommendation 27, Wave 1 Report Items](#)
- [Section 5: Preliminary Recommendations 16-22 on Denying \(NACKing\) Transfers](#)
- [Section 6: Other Comments and Submission](#)

¹ This is a copy of the comment submitted via the ICANN Public comment platform.

² Background: intended to give a brief context for the comment and to highlight what is most relevant for RO's in the subject document – it is not a summary of the subject document.

Section 2: Preliminary Recommendations 1-4 on Losing and Gaining Forms of Authorization

Preliminary Recommendation 1: Gaining FOA

Please find the text of Preliminary Recommendation 1 on page 14 of the Initial Report.

Please choose your level of support for Preliminary Recommendation 1: [single select, optional]

- **Support Recommendation as written**
- Support Recommendation intent with wording change
- Significant change required: changing intent and wording
- Recommendation should be deleted
- No opinion

If your response requires an edit or deletion of Preliminary Recommendation 1, please indicate the revised wording and rationale here. [open ended response, optional]

Preliminary Recommendation 2: Losing FOA

Please find the text of Preliminary Recommendation 2 on page 18 of the Initial Report.

Please choose your level of support for Preliminary Recommendation 2: [single select, optional]

- **Support Recommendation as written**
- Support Recommendation intent with wording change
- Significant change required: changing intent and wording
- Recommendation should be deleted
- No opinion

If your response requires an edit or deletion of Preliminary Recommendation 2, please indicate the revised wording and rationale here. [open ended response, optional]

Preliminary Recommendation 3: Notification of TAC Provision

Please find the text of Preliminary Recommendation 3 on page 18 of the Initial Report.

Please choose your level of support for Preliminary Recommendation 3: [single select, optional]

- **Support Recommendation as written**
- Support Recommendation intent with wording change
- Significant change required: changing intent and wording
- Recommendation should be deleted
- No opinion

If your response requires an edit or deletion of Preliminary Recommendation 3, please indicate the revised wording and rationale here. [open ended response, optional]

Preliminary Recommendation 4: Notification of Transfer Completion

Please find the text of Preliminary Recommendation 4 on pages 18-19 of the Initial Report.

Please choose your level of support for Preliminary Recommendation 4: [single select, optional]

- **Support Recommendation as written**
- Support Recommendation intent with wording change
- Significant change required: changing intent and wording
- Recommendation should be deleted
- No opinion

If your response requires an edit or deletion of Preliminary Recommendation 4, please indicate the revised wording and rationale here. [open ended response, optional]

Question for Community Input

As detailed in Recommendations 3-4, the working group is recommending replacing the [Standardized Losing FOA](#) with two notifications to the Registered Name Holder: (i) a required “Notification of TAC Provision” and (ii) a required “Notification of Transfer Completion”. Recommendation 4 details the minimum elements to be included in the Notification of Transfer Completion, including, for example, domain name, date/time of transfer completion, instructions on how to take action if the transfer is invalid. The working group discussed the possibility of including the IANA ID of the Gaining Registrar within this notification.

Note: The IANA ID is the unique number provided by ICANN to each accredited Registrar. The IANA ID can be helpful in identifying the correct Registrar, especially in situations where Registrars have similar names and/or have multiple subsidiaries with similar names.

In the working group’s discussion, Registrars noted that 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. Registry representatives asked if this question could be included in the public comment forum to allow additional time to discuss if it would be feasible to include the IANA ID when notifying the Registrar via EPP or otherwise, which would then allow the Losing Registrar to provide the IANA ID in the Notification of Transfer Completion. Please note all commenters are welcome to respond to this question, not just Registry Operators.

Question to the community: Should the Gaining Registrar’s IANA ID be provided by the Registry Operator to the Losing Registrar so that it may be included in the Notification of Transfer Completion sent by the Losing Registrar to the Registered Name Holder? Why or why not? Please explain. [open ended response, optional]

RySG comment:

Registry Operators acknowledge the security benefit of notifying a RNH both of a completed transfer and of the identity of the Gaining Registrar. This notification provides a confirmation to the RNH that the desired action was completed as requested. Further, Registry Operators understand that in order to achieve this it will be incumbent of Registry Operators to provide this information to the Losing Registrar via EPP upon completion of the transfer as the Losing Registrar would not otherwise have access to this information.

Section 3: Preliminary Recommendations 5-13 on Transfer Authorizations Codes (TAC)

Preliminary Recommendation 5: Update Term “AuthInfo Code” to “Transfer Authorization Code (TAC)”

Please find the text of Preliminary Recommendation 5 on page 22 of the Initial Report.

Please choose your level of support for Preliminary Recommendation 5: [single select, optional]

- **Support Recommendation as written**
- Support Recommendation intent with wording change
- Significant change required: changing intent and wording
- Recommendation should be deleted
- No opinion

If your response requires an edit or deletion of Preliminary Recommendation 5, please indicate the revised wording and rationale here. [open ended response, optional]

Preliminary Recommendation 6: TAC Definition

Please find the text of Preliminary Recommendation 6 on page 22 of the Initial Report.

Please choose your level of support for Preliminary Recommendation 6: [single select, optional]

- **Support Recommendation as written**
- Support Recommendation intent with wording change
- Significant change required: changing intent and wording
- Recommendation should be deleted
- No opinion

If your response requires an edit or deletion of Preliminary Recommendation 6, please indicate the revised wording and rationale here. [open ended response, optional]

Preliminary Recommendation 7: TAC Composition

Please find the text of Preliminary Recommendation 7 on pages 22-23 of the Initial Report.

Please choose your level of support for Preliminary Recommendation 7: [single select, optional]

- **Support Recommendation as written**
- Support Recommendation intent with wording change
- Significant change required: changing intent and wording
- Recommendation should be deleted
- No opinion

If your response requires an edit or deletion of Preliminary Recommendation 7, please indicate the revised wording and rationale here. [open ended response, optional]

Preliminary Recommendation 8: Verification of TAC Composition

Please find the text of Preliminary Recommendation 8 on page 23 of the Initial Report.

Please choose your level of support for Preliminary Recommendation 8: [single select, optional]

- Support Recommendation as written
- **Support Recommendation intent with wording change**
- Significant change required: changing intent and wording
- Recommendation should be deleted
- No opinion

If your response requires an edit or deletion of Preliminary Recommendation 8, please indicate the revised wording and rationale here. [open ended response, optional]

RySG comment:

Proposed revised wording:

The working group recommends that the Registry verifies at the time that the TAC is stored in the Registry system that the TAC meets the **syntax** requirements specified in Preliminary Recommendation 7.

Rationale:

The proposed change is to add the word “syntax” to be prescriptive about the requirements the Registry is to verify. This is necessary because many of the requirements in Recommendation 7 are operational requirements for Registrars and the TAC value itself does not provide any indication of whether or not these requirements were properly executed. Given a TAC value the only verifications a Registry can perform is to check that the TAC consists only of allowed characters and is of the minimum length required, i.e., verification of the syntax of the TAC.

Preliminary Recommendation 9: TAC Generation, Storage, and Provision

Please find the text of Preliminary Recommendation 9 on pages 23-24 of the Initial Report.

Please choose your level of support for Preliminary Recommendation 9: [single select, optional]

- **Support Recommendation as written**
- Support Recommendation intent with wording change
- Significant change required: changing intent and wording
- Recommendation should be deleted
- No opinion

If your response requires an edit or deletion of Preliminary Recommendation 9, please indicate the revised wording and rationale here. [open ended response, optional]

Preliminary Recommendation 10: Verification of TAC Validity

Please find the text of Preliminary Recommendation 10 on page 24 of the Initial Report.

Please choose your level of support for Preliminary Recommendation 10: [single select, optional]

- **Support Recommendation as written**
- Support Recommendation intent with wording change
- Significant change required: changing intent and wording
- Recommendation should be deleted
- No opinion

If your response requires an edit or deletion of Preliminary Recommendation 10, please indicate the revised wording and rationale here. [open ended response, optional]

Preliminary Recommendation 11: TAC is One-Time Use

Please find the text of Preliminary Recommendation 11 on page 24 of the Initial Report.

Please choose your level of support for Preliminary Recommendation 11: [single select, optional]

- **Support Recommendation as written**
- Support Recommendation intent with wording change
- Significant change required: changing intent and wording
- Recommendation should be deleted
- No opinion

If your response requires an edit or deletion of Preliminary Recommendation 11, please indicate the revised wording and rationale here. [open ended response, optional]

Preliminary Recommendation 12: Service Level Agreement (SLA) for TAC Provision

Please find the text of Preliminary Recommendation 12 on page 25 of the Initial Report.

Please choose your level of support for Preliminary Recommendation 12: [single select, optional]

- **Support Recommendation as written**
- Support Recommendation intent with wording change
- Significant change required: changing intent and wording
- Recommendation should be deleted
- No opinion

If your response requires an edit or deletion of Preliminary Recommendation 12, please indicate the revised wording and rationale here. [open ended response, optional]

Preliminary Recommendation 13: TAC Time to Live (TTL)

Please find the text of Preliminary Recommendation 13 on pages 25-26 of the Initial Report.

Please choose your level of support for Preliminary Recommendation 13: [single select, optional]

- Support Recommendation as written
- Support Recommendation intent with wording change
- **Significant change required: changing intent and wording**
- Recommendation should be deleted
- No opinion

If your response requires an edit or deletion of Preliminary Recommendation 13, please indicate the revised wording and rationale here. [open ended response, optional]

RySG comment:

Proposed wording change:

13.1: A standard Time to Live (TTL) for the TAC MUST be 14 calendar days from the time it is set at the Registry.

Rationale:

The suggested wording change is to drop the phrase “enforced by the Registries”, because Registries do not support this element of the recommendation. Registries acknowledge that having a time-to-

live for the TAC is a good security practice, however we do not believe we are the best choice for enforcing this practice. The enforcement MUST remain with the Losing Registrar.

Transferring a domain name is an activity very much engaged with a RNH. Registries currently serve only in the role of facilitator of transfers, in part because we have no direct relationship with a RNH. Preemptively invalidating a TAC is an expansion of the role of a facilitator. In such a scenario, the Registry would be directly impacting a RNH with no way to communicate that action, control the message to the registrant, or address complaints or appeals of the registrant. In order for Registries to consider supporting this Recommendation as proposed, these issues would need to be addressed, including appropriate recommendations specifying the change in role and the requirements of the new role.

Further, Recommendation 13.2 allows for a shorter TAC if mutually agreed by the Registrar of Record and the RNH, presumably for operational reasons. Therefore it also seems reasonable that a RNH and Registrar of Record might agree to a short extension of the TAC lifetime for operational reasons. Enforcement of the 14-day deadline by the Registry eliminates this option and introduces further friction into the transfer process.

An additional concern in such a scenario is that the Registry role is being expanded from being a facilitator to include a compliance responsibility over a Registrar. In any challenge or appeal related to the efficacy of a TAC, the registry will now be required to be responsive to RNH's as well as any other authority that may be investigating a concern. As a facilitator, a Registry's role in a transfer is strictly reactive to external triggers, e.g., responding to a transfer request from a Gaining Registrar. Enforcing a TTL would create the need for an internal trigger at the Registry, which imposes a new responsibility for which the requirements are not specified.

Finally, splitting the management role of the TAC requires additional investigation of issues related to the use of "locks". While it is understood – but worth noting it is not explicitly stated so it is a potential point of ambiguity – that a Registrar MUST remove all Registrar "locks" upon request of a TAC, Registry "locks" remain and appear to be considered out-of-scope for this group. The presumed interpretation of this is that it is Registry Policy for how its Registry Lock Service interacts with a transfer. The presumption is that when a transfer request is received and validated, a Registry would then invoke its "disable Registry Lock Service protocol", which likely includes contacting the Losing Registrar to contact the Registrant to perform the necessary validation for the request. Suppose the timing of this is such that the TTL expires while this is in progress. If the Registrar is wholly responsible for the TAC then it seems reasonable for the Registrar to decide if the transfer should be rejected and required to restart. On the other hand, if the Registry is responsible for the TTL enforcement then it seems reasonable for the Registry to decide if the transfer should be rejected and required to restart. Other options are possible and should be considered; the options described here are not prescriptive of a preferred solution.

Question for Community Input

The working group noted that the standard Time to Live (TTL), as referenced in [Preliminary Recommendation 13.1](#) is the period of time that the TAC is valid once the TAC has been created. The purpose of the standard 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 agreed to a maximum standard TTL of 14 days.

In discussing this Charter Question, the working group initially discussed the benefits of placing the Registry in the role of enforcing the standard TTL. The working group noted that Registry authority

would be more secure and streamlined due to the lesser number of Registry Operators as compared to ICANN-accredited Registrars.

Registry Operators, however, have expressed two concerns in taking on this role: 1) Registries do not have a customer relationship with registrants, and, accordingly, cautioned that having Registries preemptively invalidate a TAC directly impacts registrants; 2) this gives Registries a compliance responsibility over Registrars since they would be required to respond to authorities and potentially registrants investigating any concerns with the efficacy or expiry of a TAC.

Question to the community: Who is best positioned to manage the standard 14 day TTL – the Registry or the Registrar, and why? Are there specific implications if the TTL is managed by the Losing Registrar? [open ended response, optional]

RySG comment:

The Registrar is the first, best choice for enforcing a TTL on a TAC. There are several reasons for this, listed here in no particular order:

1. The Registrar has all other responsibilities associated with a TAC. If enforcement of the TTL is to be put on any other entity, e.g., the registry, the benefit(s) of this move should be clearly articulated and supported in such a way as to make the move self-evident.
2. The Registry has no defined, scalable way of notifying the Registrar of Record that it has expired a TAC, which should require a further notification to be passed to the RNH. This mechanism would need to be designed, standardized, and implemented, the correct implementation of which would become its own compliance obligation for both Registries and Registrars. Further, this notification would change the relationship between Registries and RNHs, presumably with the registrar acting as a proxy. We believe this issue needs further investigation.
3. Recommendation 13.2 allows for the Registrar to set a TAC to null at any time before the TTL expires as mutually agreed by the Registrar and the RNH. However, there is no discussion of how this action is expected to interact with the Registry TTL enforcement. Presumably a Registry would stop its TTL countdown, but if the Registry does not take this action what action should it take if it discovers there is no TAC to expire? This issue needs further investigation.
4. An interpretation of Recommendation 13.2 is that a Registrar has the authority, upon agreement with the RNH, to set a shorter TTL for the TAC. Thus, a Registry is required to enforce a maximum TTL and the Registrar is enforcing a minimum TTL. There is no support or motivation of the benefit of this split in enforcement responsibility.
5. Currently, there is no guidance regarding changes to a TAC's TTL. Although a TAC is required to be single use, can the same TAC be stored with a different TTL, while the TAC is still active? Should this restart the Registry enforcement of the maximum TTL? If not, what is the desired behavior the new TTL value would result in the TAC expiring before the value is reached?

Section 4: Preliminary Recommendations 14-15 on EPDP Phase 1, Recommendation 27, Wave 1 Report Items

[Preliminary Recommendation 14: Terminology Updates: Whois](#)

Please find the text of Preliminary Recommendation 14 on page 28 of the Initial Report.

Please choose your level of support for Preliminary Recommendation 14: [single select, optional]

- **Support Recommendation as written**
- Support Recommendation intent with wording change
- Significant change required: changing intent and wording
- Recommendation should be deleted
- No opinion

If your response requires an edit or deletion of Preliminary Recommendation 14, please indicate the revised wording and rationale here. [open ended response, optional]

[Preliminary Recommendation 15: Terminology Updates: Administrative Contact and Transfer Contact](#)

Please find the text of Preliminary Recommendation 15 on page 29 of the Initial Report.

Please choose your level of support for Preliminary Recommendation 15: [single select, optional]

- **Support Recommendation as written**
- Support Recommendation intent with wording change
- Significant change required: changing intent and wording
- Recommendation should be deleted
- No opinion

If your response requires an edit or deletion of Preliminary Recommendation 15, please indicate the revised wording and rationale here. [open ended response, optional]

Section 5: Preliminary Recommendations 16-22 on Denying (NACKing) Transfers

Preliminary Recommendation 16: Transfer Restriction after Initial Registration

Please find the text of Preliminary Recommendation 16 on page 31 of the Initial Report.

Please choose your level of support for Preliminary Recommendation 16: [single select, optional]

- **Support Recommendation as written**
- Support Recommendation intent with wording change
- Significant change required: changing intent and wording
- Recommendation should be deleted
- No opinion

If your response requires an edit or deletion of Preliminary Recommendation 16, please indicate the revised wording and rationale here. [open ended response, optional]

Preliminary Recommendation 17: Transfer Restriction after Inter-Registrar Transfer

Please find the text of Preliminary Recommendation 17 on page 31 of the Initial Report.

Please choose your level of support for Preliminary Recommendation 17: [single select, optional]

- **Support Recommendation as written**
- Support Recommendation intent with wording change
- Significant change required: changing intent and wording
- Recommendation should be deleted
- No opinion

If your response requires an edit or deletion of Preliminary Recommendation 17, please indicate the revised wording and rationale here. [open ended response, optional]

Preliminary Recommendation 18: Format of Transfer Policy Section I.A.3.7

Please find the text of Preliminary Recommendation 18 on page 32 of the Initial Report.

Please choose your level of support for Preliminary Recommendation 18: [single select, optional]

- Support Recommendation as written
- **Support Recommendation intent with wording change**
- Significant change required: changing intent and wording
- Recommendation should be deleted
- No opinion

If your response requires an edit or deletion of Preliminary Recommendation 18, please indicate the revised wording and rationale here. [open ended response, optional]

RySG comment:

Proposed wording change:

Preliminary Recommendation 18: 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 Registered Name Holder 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 expressing the two sentences of this provision as two distinct provisions of the policy. In addition, the I.A.3.7 policy should be updated to clarify that the Registrar does not provide the

reason for the denial to the potential Gaining Registrar as follows: replace the phrase “the Registered Name Holder and the potential Gaining Registrar with the reason for denial” with “the reason for the denial to the Registered Name Holder and the Registry, and the Registry will pass the reason for the denial to the potential Gaining Registrar”.

Rationale for wording change:

The proposed change is to add a sentence that recommends updating the policy to make it clear that Registrars can not directly provide the reason for the denial to the potential Gaining Registrar.

Recommendation 18 overlooks the fact noted in Sub-Recommendation 4.3 that the Losing Registrar does not know the identity of the Gaining Registrar, which suggests it is not possible for the Losing Registrar to provide any reason for the denial to the Gaining Registrar. Registries do understand that the reason for the denial, as an ordinary part of executing the transfer process, is actually passed to the Registry from the Losing Registrar, who then passes it to the Gaining Registrar. We believe this should be clarified in the Recommendation.

Preliminary Recommendation 19: Revised Reasons that a Registrar of Record MAY Deny a Transfer

Please find the text of Preliminary Recommendation 19 on pages 32-34 of the Initial Report.

Please choose your level of support for Preliminary Recommendation 19: [single select, optional]

- **Support Recommendation as written**
- Support Recommendation intent with wording change
- Significant change required: changing intent and wording
- Recommendation should be deleted
- No opinion

If your response requires an edit or deletion of Preliminary Recommendation 19, please indicate the revised wording and rationale here. [open ended response, optional]

Preliminary Recommendation 20: New Reasons that a Registrar of Record MUST Deny a Transfer

Please find the text of Preliminary Recommendation 20 on pages 34-35 of the Initial Report.

Please choose your level of support for Preliminary Recommendation 20: [single select, optional]

- **Support Recommendation as written**
- Support Recommendation intent with wording change
- Significant change required: changing intent and wording
- Recommendation should be deleted
- No opinion

If your response requires an edit or deletion of Preliminary Recommendation 20, please indicate the revised wording and rationale here. [open ended response, optional]

Preliminary Recommendation 21: Revised Reasons that a Registrar of Record MUST Deny a Transfer

Please find the text of Preliminary Recommendation 21 on pages 35-36 of the Initial Report.

Please choose your level of support for Preliminary Recommendation 21: [single select, optional]

- **Support Recommendation as written**
- Support Recommendation intent with wording change

- Significant change required: changing intent and wording
- Recommendation should be deleted
- No opinion

If your response requires an edit or deletion of Preliminary Recommendation 21, please indicate the revised wording and rationale here. [open ended response, optional]

Preliminary Recommendation 22: Revised Reasons that a Registrar of Record MUST NOT Deny a Transfer

Please find the text of Preliminary Recommendation 22 on page 36-38 of the Initial Report.

Please choose your level of support for Preliminary Recommendation 22: [single select, optional]

- Support Recommendation as written
- Support Recommendation intent with wording change
- Significant change required: changing intent and wording
- Recommendation should be deleted
- No opinion

If your response requires an edit or deletion of Preliminary Recommendation 22, please indicate the revised wording and rationale here. [open ended response, optional]

Section 6: Other Comments and Submission

Are there any recommendations the Working Group has not considered? If yes, please provide details below.[open ended response, optional]

Are there any other comments or issues you would like to raise pertaining to the Initial Report? If yes, please enter your comments here. If applicable, please specify the section or page number in the Initial Report to which your comments refer. [open ended response, optional]

RySG comment:

The Registries note an ambiguity between Recommendations 3 and 12 that we believe should be clarified. Recommendation 3 states that the Registrar of Record is required to notify an RNH of the provision of a TAC within 10 minutes of its request. However, Recommendation 12 states that the TAC itself must be provided within at most 5 days. The use of “provision” and “provide” are ambiguous. Perhaps Recommendation 3 is intended to notify an RNH of the “request” for a TAC as opposed to its provision? Other resolutions are possible and our suggestion does not indicate a preferred choice.

Summary of Submission:*

The RySG welcomes the opportunity to provide feedback on the **Initial Report on the Transfer Policy Review - Phase 1(a)** and provided comments and alternative language for recommendation 8, 13 and 18.

**This summary should include a statement that reflects the overall position of your Submission and other high-level observations or recommendations. This summary is public and published on the Public Comment Submission page along with a link to your Submission (max. of 2,000 characters).*