

GNSO gTLD Registries Stakeholder Group Statement

Issue: Inter-Registrar Transfer Policy Set B Request for Constituency Comments

Date: 31 July 2010

Inter Registrars Transfer Policy – PDP Part B Initial Report

URL: <http://gns0.icann.org/issues/transfers/irtp-b-initial-report-29may10-en.pdf>

Regarding the issue noted above, the following positions represent the views of the ICANN GNSO gTLD Registries Stakeholder Group (RySG) as indicated. Unless stated otherwise, the RySG positions were arrived at through a combination of RySG e-mail list discussions and RySG meetings (including teleconference meetings).

A. Issue 1

Whether a process for urgent return/resolution of a domain name should be developed, as discussed within the Security and Stability Advisory Committee (SSAC) hijacking report (<http://www.icann.org/announcements/hijacking-report-12jul05.pdf>); see also (<http://www.icann.org/correspondence/cole-to-tonkin-14mar05.htm>).

It is the opinion of the members of the Registries Stakeholder Group that the Inter Registrar Transfer Policy (IRTP) and associated Transfer Dispute Resolution Policy (TDRP) were not intended to address the urgent return / resolution of a domain name that has been hijacked. The RySG continues to believe that the need for quick resolution of issues of this type is best served when they are addressed at the registrar level since the registrars involved maintain the relationship with the parties and have direct access to the specific circumstances surrounding the event.

However, to the extent that there is community support for the proposed Expedited Transfer Return Policy (ETRP) that has been proposed by the IRTP WG, the RySG is agreeable to supporting the implementation of this policy by facilitating the return of domain names as outlined in the proposed ETRP. With regard to the timeframes proposed, the RYSG's position is that the period of time by which a registrant can pursue an expedited transfer return under the ETRP should be significantly shorter than the 60 days proposed. If, indeed, the domain name was hijacked and initiating a return under the proposed ETRP is warranted, then a more appropriate time period would be 7 days.

B. Issue 2

Whether additional provisions on undoing inappropriate transfers are needed, especially with regard to disputes between a Registrant and Admin Contact (AC). The policy is clear that the Registrant can overrule the AC, but how this is implemented is currently at the discretion of the registrar.

The recommendations of the IRTP WG focused more on requiring all gTLD registries to provide “thick” Whois data to allow for a secure method for a gaining registrar to gain access to the registrant contact information to be developed rather than the question posed in issue 2. While this recommendation may result in making the registrant contact information more readily available for the gaining registrar to obtain the information, it could potentially make it more readily available for individuals with nefarious intent to obtain access to the information as well. The current policy already affords the losing registrar the option to have the registrant confirm the transfer via the Standardized Form of Authorization – Domain Name Transfer - Confirmation of Registrar Transfer Request. This process, which if implemented consistently among losing registrars, could help to reduce the number of instances when a transfer dispute arises because a transfer has been requested by the administrative contact without the knowledge or consent of the registrant.

In addressing this issue, the Registries Stakeholder Group continues to recommend that registrars implement a consistent policy regarding the proof required to undo a domain name transfer, particularly in cases where the administrative contact initiated and approved the transfer but the Registrant did not. Based on transfer dispute cases that have been submitted by registrars, the Registries Stakeholder Group members suggest that the losing registrar provide a sworn certificate signed by the registrant of the domain name and accompanied by proof of identify in the form of government issued photo identification such as a passport or driver’s license. A template should be provided as a guide to ensure that all pertinent information is included.

C. Issue 3

Whether special provisions are needed for a change of registrant when it occurs near the time of a change of registrar. The policy does not currently deal with change of registrant, which often figures in hijacking cases.

The Registries Stakeholder Group is in agreement with the preliminary conclusions of the IRTP WG that any move to implement policy to force use of a change in registrant details as an indicator of potential fraudulent activity would be documented policy and therefore would be short lived fraud protection.

The RySG continues to be supportive of allowing individual registrars to implement security related policies or services as they deem appropriate to prevent fraudulent activity from occurring.

D. Issue 4

Whether standards or best practices should be implemented regarding use of a Registrar Lock status (e.g. when it may/may not, should/should not be applied).

It is the opinion of the Registries Stakeholder Group that how and when clientprohibited statuses should or should not be used should be left up to the individual registrars. Whether to offer services that allow the registrant to secure their domain names should be the registrar's decision and will allow a registrar to differentiate itself and compete with the other registrars based on the products and services that it makes available to its customers.

It should be noted that, with the transition to EPP, the cited RFC references in the report should be updated along with the terminology relating to the clientprohibited statuses that registrars can use to prevent deletes, transfers or updates to a domain name.

E. Issue 5

Whether, and if so, how best to clarify denial reason #7: A domain name was already in 'lock status' provided that the Registrar provides a readily accessible and reasonable means for the Registered Name Holder to remove the lock status.

The Registries Stakeholders Group is supportive of the IRTP WG's recommendation to modify the denial reason #7. However, the RySG recommends that it be updated to reflect current terminology. Suggested language is as follows:

“Prior to receipt of the transfer request, the domain name was assigned a “clienttransferprohibited” status and may have other “clientprohibited” statuses (i.e. clientupdateprohibited or clientdeleteprohibited) assigned as well, pursuant to the Registrar's published security policy or at the direction of the Registered Name Holder. Provided, however, the Registrar must include in its registration agreement, the terms and conditions upon which it locks domain names. Further, Registrar must provide a readily accessible and reasonable means for the Registered Name Holder to remove the “clientprohibited” statuses.”

The proposed language affords registrars the flexibility to offer additional services while putting some reasonable requirements around the “locking” of domains.

General RySG Information

- Total # of eligible RySG Members¹: 14
- Total # of RySG Members: 13
- Total # of Active RySG Members²: 13
- Minimum requirement for supermajority of Active Members: 9
- Minimum requirement for majority of Active Members: 7
- # of Members that participated in this process: 13
 - Afiliás (.info and .mobi)
 - DotAsia Organisation (.asia)
 - Dot Cooperation LLC (.coop)
 - Employ Media (.jobs)
 - Fundació puntCAT (.cat)
 - Museum Domain Management Association – MuseDoma (.museum)
 - NeuStar (.biz)
 - Public Interest Registry – PIR (.org)
 - RegistryPro (.pro)
 - Societe Internationale de Telecommunication Aeronautiques – SITA (.aero)
 - Telnic, Limited (.tel)
 - Trailliance Corporation – TTPC (.travel)
 - VeriSign (.com, .net and .name)

- Names and e-mail addresses for points of contact:
 - Chair: David Maher, dmaher@pir.org
 - Vice Chair: Jeff Neuman, Jeff.neuman@Neustar.us
 - Secretariat: Cherie Stubbs, CherStubbs@aol.com
 - RySG Representatives for these comments: Barbara Steele, bsteale@verisign.com

¹ All top-level domain sponsors or registry operators that have agreements with ICANN to provide Registry Services in support of one or more gTLDs are eligible for membership upon the “effective date” set forth in the operator’s or sponsor’s agreement (RySG Articles of Operation, Article III, Membership, ¶ 1). The RySG Articles of Operation can be found at <<http://gnso.icann.org/files/gnso/en/improvements/registries-sg-proposed-charter-30jul09-en.pdf>>. The Universal Postal Union recently concluded the .POST agreement with ICANN, but as of this writing the UPU has not applied for RySG membership.

² Per the RySG Articles of Operation, Article III, Membership, ¶ 6: Members shall be classified as “Active” or “Inactive”. A member shall be classified as “Active” unless it is classified as “Inactive” pursuant to the provisions of this paragraph. Members become Inactive by failing to participate in a RySG meeting or voting process for a total of three consecutive meetings or voting processes or both. An Inactive member shall have all rights and duties of membership other than being counted as present or absent in the determination of a quorum. An Inactive member may resume Active status at any time by participating in a RySG meeting or by voting.

Summary of the Registries Stakeholder Group Support of the Comments Included in this Document

E.1 Level of Support of Active Members: Unanimous

E.2 # of Members in Favor: 13

E.3 # of Members Opposed: 0

E.4 # of Members that Abstained: 0

E.5 # of Members that did not vote: 0

Minority Position: N/A

General impact on the RySG: Minimal

Financial impact on the RySG: Minimal

Analysis of the period of time that would likely be necessary to implement the policy: Minimal