

GNSO gTLD Registries Stakeholder Group

Response to: Inter-Registrar Transfer Policy Part C Policy Development Process

This is a response by the GNSO gTLD Registries Stakeholder Group (RySG) to the following request:

The GNSO Council has formed a Working Group of interested stakeholders and Stakeholder Group / Constituency representatives, to collaborate broadly with knowledgeable individuals and organizations, in order to consider recommendations for a number of issues related to the Inter-Registrar Transfer Policy (IRTP).

Part of the working group's effort will be to incorporate ideas and suggestions gathered from Stakeholder Groups and Constituencies through this Stakeholder Group / Constituency Statement. Inserting your Stakeholder Group's / Constituency's response in this form will make it much easier for the Working Group to summarize the responses. This information is helpful to the community in understanding the points of view of various stakeholders. However, you should feel free to add any information you deem important to inform the working group's deliberations, even if this does not fit into any of the questions listed below.

Process

- Please identify the member(s) of your stakeholder group / constituency who is (are) participating in this working group
 - o Barbara Steele – Primary
 - o Paul Diaz – Backup
- Please identify the members of your stakeholder group / constituency who participated in developing the perspective(s) set forth below.
 - o Verisign, Inc. (.com, .net, .name)
 - o Afilias (.info, .mobi)
 - o dotCooperation LLC (.coop)
 - o DotAsia Organization (.asia)
 - o Employ Media (.jobs)
 - o Fundacio puntCAT (.cat)
 - o ICM, Inc. (.xxx)
 - o Museum Domain Management Association (.museum)

- NeuStar (.biz)
 - Public Interest Registry – PIR (.org)
 - Registry Pro (.pro)
 - Societe Internationale de Telecommunication Aeronautiques – SITA (.aero)
 - Telnix (.tel)
 - Tralliance Registry Management Company – TRMC (.travel)
- Please describe the process by which your stakeholder group / constituency arrived at the perspective(s) set forth below.
- This statement was arrived at through a combination of RySG email list discussion and feedback and RySG teleconference meetings.

Questions

Please provide your stakeholder group's / constituency's views on the IRTP Part C Charter

Questions:

- a) "Change of Control"¹ function, including an investigation of how this function is currently achieved, if there are any applicable models in the country-code name space that can be used as a best practice for the gTLD space, and any associated security concerns. It should also include a review of locking procedures, as described in Reasons for Denial #8 and #9, with an aim to balance legitimate transfer activity and security.

As indicated in the RySG comments previously submitted, the RySG supports the concept of the IRTP PDP C Working Group conducting a more detailed study of the best practices used by the various country-code TLD operators to facilitate the change of control of domain names, including those in place for .uk, .eu and .ie. Further, the RySG is also supportive of the Working Group recommending that appropriate best practices be implemented by gTLDs in this area. It is the opinion of the RySG that since registrars own the relationship with the registrant, and change of control is directly related to the registrant, that only the registrar be permitted to effect a change of control. Even in the case of a UDRP directive, the registrar of record should bear the responsibility for effecting changes of control as registrars are obligated to comply with the UDRP consensus policy.

¹ From the Final Issue Report: "the IRTP is widely used to affect a 'change of control', namely by moving the domain name to a new Registered Name Holder, in conjunction with a transfer to another registrar. For example, in the domain name aftermarket it is not uncommon to demonstrate control of a domain name registration through the ability to transfer the domain name registration to another registrar following which the registrant information is changed to the new registrant. Nevertheless, the concept of 'change of control' is not defined in the context of gTLDs".

With regard to Reasons for Denial #8, many registries have a systematic restriction on the transfer of domains within 60 days of the creation date. Therefore, for those registries that have this in place, any transfer requests within the first 60 days of the domain creation date will automatically be denied. Since this is the case, it is the view of the RySG that measures are in place to reduce fraud in the early days of a domain's existence and so further clarification is not needed.

Relating to Reasons for Denial #9, since some transfer disputes are raised as a result of a registrar's practice of locking down a domain when modifications are made to the registrant details, the RySG recommends that additional clarification be added to specifically state that registrars are prohibited from restricting transfers for 60 days after changes to registrant details. To the extent that a new policy is developed to address the "change of control" function, then that policy could also address any specific restrictions / impacts that a change of registrant details would have on inter-registrar transfers.

- b) Whether provisions on time-limiting Form Of Authorization (FOA) should be implemented to avoid fraudulent transfers out. For example, if a Gaining Registrar sends and receives an FOA back from a transfer contact, but the name is locked, the registrar may hold the FOA pending adjustment to the domain name status, during which time the registrant or other registration information may have changed.

The RySG continues to support the concept of time-limiting the FOA but defers to the registrar community to determine what a reasonable time limit should be. Since it is the responsibility of the registrars to obtain and retain FOAs in conjunction with the transfer of a domain name, the RySG would look to the registrar community to provide input and data into this issue such as the number of days between the receipt of the FOA and the actual transfer in order to determine how big an issue this is and what a reasonable time limit should be.

- c) Whether the process could be streamlined by a requirement that registries use IANA IDs for registrars rather than proprietary IDs.

It is generally agreed that registrar name changes often do make it difficult to ensure that the correct registrar is identified and use of the IANA ID may be helpful in confirming registrar identification. At this point in time, all registries that provide Monthly Registry Operator Reports to ICANN are required to provide both the registrar name and the IANA ID to identify registrar information in the Per Registrar Activity Report file so it is reasonable to think that all registries do maintain this information in their registration systems.

In addition, the Working Group has identified the following specific issues / questions it would like to receive further input on:

- In relation to Charter Question A, the Issue Report notes that ‘data on the frequency of hijacking cases is a pivotal part of this analysis. Mechanisms should be explored to develop accurate data around this issue in a way that meets the needs of registrars to protect proprietary information while at the same time providing a solid foundation for data-based policy making. Data on legitimate transfer activity benefitting from the current locking policy wording needs to be collected’.

Registries do not have a comprehensive view of hijacking cases as very few cases ever reach the registries for action. It is agreed that data relating to the frequency of hijacking instances is critical to understanding the extent of the issue. The RySG is hopeful that registrars may be able to propose a mechanism by which to gather and provide information in a manner that will protect the proprietary nature of the data.

- In addition to the ccTLDs described in the Issue Report that do have a procedure or process for a ‘change of control’ (.ie, .eu and .uk) are there any other ccTLDs that have similar procedures or processes which the WG should review in the context of charter question A? Furthermore, the WG would be interested to receive feedback on the experiences with these or other ccTLD procedures or processes for a ‘change of control’ as well as identifying potential benefits and/or possible negative consequences from applying similar approaches in a gTLD context.

The RySG defers to the registrar community for feedback on this issue.

- In relation to Charter Question B and C, the WG would be interested in further input or data in relation to the incidence of this issue to determine its scope and the most appropriate way to address it.

The RySG defers to the registrar community for feedback relating to Charter Question B since the RySG has little to no information relating to age of FOA used in the transfer of domain names from one registrar to another.

- In relation to Charter Question C, Registries and Registrars are asked to provide specific information as to where proprietary IDs are currently being used by registries and whether the use of IANA IDs instead would be preferred / beneficial.

At least two registries have been identified as using proprietary IDs instead of the IANA assigned IDs. In the case of at least one of these registries, proprietary IDs are used in all

registrar/registry communications including reports that are produced for registrars, financial reporting such as invoicing and audit reports, login credentials into the shared registrar system, contact (customer relationship management) databases and Whois databases. The primary driver behind the use of proprietary IDs versus IANA IDs is security. The registries that currently use proprietary IDs have indicated that the use of proprietary IDs aids in the prevention of mining of Whois data based on publicly available IANA IDs.

Further feedback from registries using the proprietary IDs contends that there would need to be a compelling reason to transition to the use of IANA IDs as the level of effort involved would be significant given that all systems would be impacted.