**Public Comment Review Tool – Proposed Implementation of GNSO PDP Recommendations on Inter-Registrar Transfer Policy (IRTP) Part C**

*19 May 2015*

| **#** | **Comment and/or suggested changes** | **By** |  |  |
| --- | --- | --- | --- | --- |
| **Related to IRTP Section 1** | | | | | |
|  | Registries do not have access to the RADAR system, thus preventing communication with the TEAC. | Donuts | Out of scope |  |
|  | When a losing registrar does not respond within four hours, it is not defined what a registry is expected to do. | Donuts | Out of scope |  |
|  | The policy proposal calls for the arbitrary assignment of fees for transfers involving more than 50,000 names. Donuts does not believe fees should be a built-in part of a policy; it is more appropriate for each registry operator to negotiate a fee. | Donuts | Out of scope |  |
|  | Time Limiting of FOAs - In some situations, the expiration of the FOA may result in an ambiguous situation. It is unclear from the proposed language what a registrar should do in the event that the FOA expires b/w the transmission of the “transfer” command and the completion of the transfer process. Suggestion: if the FOA expires pursuant to one of the aforementioned circumstances described in 2.2.3(a) – 2.2.3(c), prior to submitting the “transfer” request to the registry, the gaining registrar must re-authorize the transfer request via a new FOA. | Google | Section I, 2.2.4 |  |
| **Related to Definition of Change of Registrant** | | | | | |
|  | The current definition of a change of registrant is too broad and would likely cause an undue burden on registrars and lead to customer service issues if implemented as written. This will involve a huge undertaking would require system changes or manual intervention for each change. (Pushes b/w reseller accounts would trigger this policy even if the registrant remains the same.) eNom suggests leaving the change of registrant definition up to the individual registrar so long as it follows ICANN guidelines. (definition was clear in the Final Report) | eNom | Keep WG’s definition |  |
|  | We recommend limiting the definition of Change of Registrant to Registrant Name and Registrant Organization. | BC | Keep WG’s definition |  |
|  | We do not agree that a change to the Registrant email address alone is a material change. | BC | Keep WG’s definition |  |
| **Related to Change of Registrant Process** | | | | | |
|  | The proposed policy appears to add additional steps and layers to the process that were not recommended or otherwise contemplated by the Working Group, and as such, may have negative unintended consequences on various stakeholders, such as registries, registrars and registrants. (For example, the proposed policy incorporates another confirmation/approval step beyond the transmission of the credentials, which was not recommended by the Working Group, and may add unnecessary restrictions and complexity to the process.) | NameJet | Section II, 3.2 |  |
|  | The rigid implementation of consent requirements would give a poor experience for registrants. A more flexible approach would be: “Registrars must obtain and record evidence of consent from both the previous and new Registrants.” | Rr Stakeholder Group | Section II, 3.2 |  |
|  | RySG is concerned that the definition of “Change of Registrant Credential” is overly narrow and may not give registrars the latitude and flexibility to implement more streamlined and effective means by which to gain authorization to change the registrant. | Ry Stakeholder Group | Section II, 3.2 |  |
|  | Against the COR credential: it’s unclear how a registrant would receive this authorization code; why such a credential is any more secure (or immune to hijacking) than any other data field in a customer account7 | Donuts | Section II, 3.2 |  |
|  | Change of Registrant Process: The implementation as written calls for a Unique PIN, password, string or code that is transmitted to both prior registrant and the new registrant for both to approve. We believe this process should be left to the discretion of the registrar. The current system where a registrant needs to login to their control panel or contact a customer service representative is sufficient for a registrant change. We would welcome a recommendation from ICANN that registrars implement better security measures, such as two factor authentication, but believe these should be recommendations with specific implementation decided by the registrars. | eNom | Section II, 3.2 |  |
|  | Change of Registrant Credential- The process for transmitting the change of registrant credential should be open to alternative methods as long as they are secure. We suggest that the IRTP-C IRT rethink the implementation of the “change of registrant credential”. | BC | Section II, 3.2 |  |
|  | The current approach to “Change of Registrant Credentials” is overly narrow and does not minimize the risk of hijacking. “Shared secret” is not the best way. “A registrar might seek to have a registrant authorize the transfer by use of two-factor authentication or through the use of a digital certificate.” Suggestion: Remove the concept of “change of registrant credential” entirely and edit II.3.2(a) to read: to obtain the requisite confirmation, the Registrar must use a secure mechanism to confirm that each of the Prior Registrant and the New Registrant approves the change. | Google | Section II, 3.2 |  |
| **Related to Names that should be exempt from COR** | | | | | |
|  | The policy does not sufficiently address change of registrants resulting from court order action, decisions by UDRP or other administrative proceedings, law enforcement actions, settlements, fraud or abuse. We recommend that this Plan be modified to explicitly state that consent is not required for change of registrant resulting from these scenarios. | Rr Stakeholder Group | Section II, 2.3 |  |
|  | The proposed implementation fails to consider all actions that trigger a change of registrant (e.g., UDRP decisions, court orders, post-expiry activities). The inability to enforce a UDRP decision or update Whois data to reflect a purchase on the domain name aftermarket is untenable. | Endurance Group | Section II, 2.3 |  |
|  | The current recommendation does not have a provision to exempt the change of registrant process from changes due to fraud or abuse. Additionally, there are specific instances during a UDRP where the Complainant requests a renewal. This requires an update to the Whois to reflect a pending UDRP. The implementation as written does not allow for this process to occur and we therefore ask for this language to be changed in the proposal.  The credential process should not be triggered when there is a change due to initiation or lifting of a P/P service. ICANN does mention this in a footnote but is not explicit and we hereby request clarification that these actions would not constitute a change in registrant. | eNom | Section II, 2.3 |  |
|  | Change of registrant due to lifting of privacy service, court order, UDRP, or other administrative proceedings – these types of changes should be explicitly excluded from the definition of change of registrant. | Google | Section II, 2.3 |  |
| **Related to Expired Domain Names** | | | | | |
|  | Proposed policy would overly restrict the efficient sale and transfer of domain names between registrants thereby severely hampering the established and thriving market for good and valuable domain names. Further, we would oppose the notion that a Prior Registrant must transmit a Change of Registrant Credential to a New Registrant when that Prior Registrant has allowed the registration to expire and has no further rights regarding the domain name. | NameJet | Section II, 2.3 |  |
|  | We recommend that this plan be modified to explicitly state that the policy only applies during the normal domain registration life cycle, and does not apply post-expiry, including the Auto Renew, Redemption of PendingDelete grace periods or any future post-expiry grace periods. | Rr Stakeholder Group | Section II, 2.3 |  |
|  | We oppose the notion that a prior registrant must transmit a change of registrant credential to a new registrant when the prior registrant has allowed the registration to expire and has no further rights regarding the name. It is clear from the Report that the WG did not contemplate or recommend the implementation of a transfer approval process for the transfer of expired names. | Web.com | Section II, 2.3 |  |
|  | Post-expiration of domain names: this implementation proposal should only apply during the domain registration life cycle and not apply during the domain registration life cycle and not apply after expiration including the Auto Renew, Redemption, or Pending Delete grace periods, or any future post-expiry grace periods. There is a specific set of rules that cover expired domain names (ex: ERRP). In addition, most Rrs have explicit policies and plans that occur for domains post-expiration, which are clear in each registration agreements. This proposal may violate terms in these agreements. | eNom | Section II, 2.3 |  |
|  | Important protections such as the redemption grace period are only available to the domain’s registrant, and these protections would be significantly undercut if it remains possible to alter the registrant simply because the domain name has expired. | Google | Section II, 2.2(a) |  |
| **Change of Registrant Process – who can approve** | | | | | |
|  | Working Group made it clear that pre-approval and/or approval by proxy on the part of the prior registrant was acceptable, provided such pre-approvals are secured using a generally accepted method of authentication. This is noticeably absent from the policy.  A change of registrant can be requested by the registrant or an authorized representative of the registrant – another aspect absent from the current Policy draft. | NameJet | Section II 3.2(b) – (c) |  |
|  | The WG made it clear that that pre-approval and/or approval by proxy by on the part of the prior registrant was acceptable, provided such pre-approvals are secured using a generally accepted method of authentication. However, this stipulation is noticeably absent from the proposed policy update and conflicts with the recommendations and intent of the WG. In addition, per the Report a change of registrant can be requested by the registrant or an authorized representative of the registrant, however, this language is noticeably absent from the policy. | Web.com | Section II 3.2(b) – (c) |  |
| **Related to the 60-day Lock – Simultaneous Change of Rr/Rt** | | | | | |
|  | Definition of “Registrar Lock”: should be a defined term. Clarity on this point will help registries and registrars engineer with greater precision. | Donuts | Out of scope |  |
|  | Opposed to 60-day lock: This is problematic for a customer who wishes to house the domain name with another registrar; the registrant of a name near expiry may also unnecessarily incur a renewal fee, as well as the automatic one-year renewal upon transfer, as a result. Donuts observes an opt-out of the transfer lock provision is proposed, though in actuality, the registrant may or may not notice it and therefore make use. Should a previous registrant to opt out as well. | Donuts | Keep WG’s recommendation |  |
|  | 60-Day Lock on transfers: This lock will cause confusion. We recommend that if a 60-day lock is implemented, that the customer may opt-out of the 60-day lock at any time, not only prior to the change in registrant. | eNom | Keep WG’s recommendation |  |
|  | 60-day lock impedes simultaneous change of registrar and registrant. We recommend that the IRTP support a means of authorizing simultaneous change of registrant and registrar to avoid complications where all parties can agree to and authorize the combined transfer. | Google |  |  |
|  | It is not clear if the statement that a “change of registrant cannot take place simultaneously with the change of registrar” is a prohibition, or merely an observation of the technical fact that the losing registrar cannot implement a change of registrant without triggering the 60-day lock, and the gaining registrar cannot implement a change of registrant until the transfer has been completed and the registrar has gained control of the domain. How can this be made to appear to take place simultaneously? This is an important operational detail, because if the new registrant is required to convince the prior registrant to complete two separate consent or confirmation processes at different times, there is a risk that the prior registrant may complete the first step but not the second, resulting in inaccurate whois information. | IPC |  |  |