

Motion on the Adoption of the IRTP Part B Final Report and Recommendations

WHEREAS on 24 June 2009, the GNSO Council launched a Policy Development Process (PDP) on IRTP Part B addressing the following five charter questions:

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

WHEREAS this PDP has followed the prescribed PDP steps as stated in the Bylaws, resulting in a Final Report delivered on 30 May 2011;

WHEREAS the IRTP Part B WG has reached full consensus on the recommendations in relation to each of the five issues outlined above;

WHEREAS the GNSO Council has reviewed and discussed these recommendations.

RESOLVED (A), the GNSO Council recommends to the ICANN Board of Directors:

1. Requiring Registrars to provide a Transfer Emergency Action Contact (TEAC). To this end the language of section 4 (Registrar Coordination) and Section 6 (Registry Requirements of the Inter-Registrar Transfer Policy should be updated as follows:

Transfer Emergency Action Contact (Append to Section 4)

Registrars will establish a Transfer Emergency Action Contact (TEAC) for urgent communications relating to transfers. The goal of the TEAC is to quickly establish a real-time conversation between registrars (in a language that both parties can understand) in an emergency. Further actions can then be taken towards a resolution, including initiating existing (or future) transfer dispute or undo processes.

Communications to TEACs will be reserved for use by ICANN-Accredited Registrars, gTLD Registry Operators and ICANN Staff. The TEAC point of contact may be designated as a telephone number or some other real-time communication channel and will be recorded in, and protected by, the ICANN RADAR system.

Communications to a TEAC must be initiated in a timely manner, within a reasonable period of time following the alleged unauthorized loss of a domain.

Messages sent via the TEAC communication channel must generate a non-automated response by a human representative of the gaining Registrar. The person or team responding must be capable and authorized to investigate and address urgent transfer issues. Responses are required within 4 hours of the initial request, although final resolution of the incident may take longer.

The losing registrar will report failures to respond to a TEAC communication to ICANN Compliance and the registry operator. Failure to respond to a TEAC communication may result in a transfer-undo in accordance with Section 6 of this policy and may also result in further action by ICANN, up to and including non-renewal or termination of accreditation.

Both parties will retain correspondence in written or electronic form of any TEAC communication and responses, and share copies of this documentation with ICANN and the registry operator upon request. This documentation will be retained in accordance with Section 3.4 of the Registrar Accreditation Agreement (RAA). Users of the TEAC communication channel should report non-responsive Registrars to ICANN. Additionally, ICANN may conduct periodic tests of the Registrar TEAC communication channel in

situations and a manner deemed appropriate to ensure that registrars are indeed responding to TEAC messages.

(Append to Section 6) 6 iv. Documentation provided by the Registrar of Record prior to transfer that the Gaining Registrar has not responded to a message via the TEAC within the timeframe specified in Section 4.

In addition, update section 6 to reflect that the registry, in case of a transfer undo, will reverse the transfer and reset the registrar of record filed to its original state ('In such case, the transfer will be reversed and the Registrar of Record field ~~domain name~~ reset to its original state'). (IRTP Part B Recommendation #1)

2. Modifying section 3 of the IRTP to require that the Registrar of Record/Losing Registrar be required to notify the Registered Name Holder/Registrant of the transfer out. The Registrar of Record has access to the contact information for the Registrant and could modify their systems to automatically send out the Standardized Form for Losing Registrars ("Confirmation FOA") to the Registrant. (IRTP Part B Recommendation #5)
3. Modifying Reason for Denial #6 as follows: Express objection to the transfer by the authorized Transfer Contact. Objection could take the form of specific request (either by paper or electronic means) by the authorized Transfer Contact to deny a particular transfer request, or a general objection to all transfer requests received by the Registrar, either temporarily or indefinitely. In all cases, the objection must be provided with the express and informed consent of the authorized Transfer Contact on an opt-in basis and upon request by the authorized Transfer Contact, the Registrar must remove the lock or provide a reasonably accessible method for the authorized Transfer Contact to remove the lock within five (5) calendar days. (IRTP Part B Recommendation #6)

RESOLVED (B), the GNSO Council recommends the promotion by ALAC and other ICANN structures of the measures outlined in the recent report of the Security and Stability Advisory Committee on A Registrant's Guide to Protecting Domain Name Registration Accounts (SAC 044). In particular, the GNSO Council recommends that registrants consider the measures to protect domain registrar accounts against compromise and misuse described in SAC044, Section 5. These include practical measures that registrants can implement "in house", such as ways to

protect account credentials and how to incorporate domain name registrations into employee or resource management programs typically found in medium and large businesses. It suggests ways that registrants can use renewal and change notifications from registrars as part of an early warning or alerting system for possible account compromise. The GNSO Council Chair will reach out to the ALAC and other ICANN structures to inform them of this recommendation and discuss how the GNSO may contribute to this promotion. (IRTP Part B Recommendation #2)

RESOLVED (C), the GNSO Council recommends that if a review of the UDRP is conducted in the near future, the issue of requiring the locking of a domain name subject to UDRP proceedings is taken into consideration. (IRTP Part B Recommendation #7)

RESOLVED (D), (Recommendation #8) (Recommendation #9)

RESOLVED (E), the GNSO Council requests an Issues Report on the requirement of 'thick' WHOIS for all incumbent gTLDs. Such an Issue Report and possible subsequent Policy Development Process should not only consider a possible requirement of 'thick' WHOIS for all incumbent gTLDs in the context of IRTP, but should also consider any other positive and/or negative effects that are likely to occur outside of IRTP that would need to be taken into account when deciding whether a requirement of 'thick' WHOIS for all incumbent gTLDs would be desirable or not. (IRTP Part B Recommendation #3)

RESOLVED (F), the GNSO Council requests an Issue Report on IRTP Part C, which should include:

- "Change of Control" 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. (IRTP Part B Recommendation #4)
- Whether provisions on time-limiting FOAs 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.

- Whether requirements should be in place for Registrars of Record to send an FOA to the Registrant or Admin Contact. [*Is this issue addressed by IRTP Part B Recommendation #5?*]
- Whether the process could be streamlined by a requirement that registries use IANA IDs for registrars rather than proprietary IDs.