

Oversee.net Comment on IRTF Issues

This comment is submitted on behalf of Oversee.net and its group of accredited registrars, including Moniker.com. Moniker has provided domain name services to its customers since 1999.

In addition to domain name registrations, Oversee's operations include various functions and transactions that help facilitate what is sometimes referred to as the "secondary" market—meaning the exchange of domain name registrations between two parties (e.g., a buyer and seller) and, often, two registrars. We conduct hundreds of these transactions every year as businesses, philanthropies, and individuals elect to make existing domain names available to others or search for and acquire names for their own use. Further, to responsibly and securely handle these types of transactions, Moniker offers brokerage and escrow services.

In that context, Oversee raises its serious concern over, and objection to, section 3.2 of the proposed procedure, as follows (emphasis added):

"ERTP must be initiated by the PTRa within 60 days of the completion of an Inter-Registrar domain name transfer, corresponding to the 60-day Transfer Lock / Reason For Denial period that is implemented by most Registries and Registrars, or within 60 days of the Registrant becoming aware of the transfer (but in no event more than **six (6) months after the Inter-Registrar domain name transfer)."**

The reasoning behind this idea may have been well-intentioned, but allowing such a long window of opportunity to reclaim a domain name from a succeeding registrant would introduce *instability* in the transfer process, and in Internet usability in general, by:

- creating uncertainty for the acquiring party. A six-month window for redemption would cause the new registrant, who may have paid a substantial sum for the name, to be unsure that the name would actually remain under his/her control.
- delaying use of the domain name. If the new registrant is uncertain of the stability of the name, the registrant will hesitate to put the name to productive use until the ERTF window has finally closed. Six months is unnecessarily long, considering acquiring registrants have ideas or concepts in mind when acquiring the name and will want to put the name to immediate use.
- disrupting an already trusted, well-established transfer process. Registrars offering brokerage, escrow and other services—on which registrants have come to rely as safeguards in the system—would be constrained from providing tools that make transfers trustworthy and safe.
- involving the legal system more heavily in transfers. As a hypothetical, a previous registrant could misuse the ERTF to revoke a name after the succeeding registrant has (in six months, a sufficient amount of time) built a well-known, attractive website or business. The previous registrant could attempt to force those assets, which are dependent on the domain name, away from the succeeding registrant. While the recovery of that name may seem a simple enough step, the interruption of the services associated with the name would surely cause legal action involving the two parties, their respective registrars, and potentially ICANN.

- reduce trust in the domain name system in general. Registrants who aren't fully versed in transfer rules minutiae but learn of bad faith losses of names through a loophole like the one proposed, would be hesitant to rely on other domain name services, to the detriment of registries, registrars, service providers, and end users.
- negatively impact service providers and registrars who have built a healthy and safe market and process for exchanging domain names between interested parties.

Accordingly, the six-month revocation window in the proposed ERTTP cannot be responsibly considered by the ICANN community.

Oversee thanks the IRTTP WT for its work and looks forward to continuing the discussion on dependable and sound transfer procedures.