

October 5, 2009

Registrar Stakeholder Group Position on Inter-Registrar Transfer Policy Part B Policy Development Process

BACKGROUND

In September 2009, the Registrar Stakeholder Group (“RSG”) was asked to provide feedback regarding the Inter-Registrar Transfer Policy Part B Policy Development Process (“IRTP B”). This Position Paper captures the overall sentiment expressed by the RSG Members who provided feedback about this matter. Due to time constraints, however, no formal vote regarding this Position Paper was taken.

RSG POSITION

The RSG notes that there are five issues published for consideration in IRTP B and these issues are of great interest to RSG Members. As such, RSG Members look forward to gathering more information about each issue, discussing the issues, and sharing additional comments with the IRTP B Working Group in the future.

The RSG's position on each of the five issues contained in IRTP B is currently as follows:

- A. 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 (SAC-40)¹.

The Registrar Transfer Dispute Resolution Policy (“TDRP”) already exists to deal with disputes related to Inter-Registrar domain name transfers. The RSG recognizes, however, that the timeframes in the TDRP may not currently serve its users as well as possible. As such, it may be time to consider adjusting and refining the TDRP to make it more effective. For example, by adjusting the existing TDRP, it may be possible to resolve domain name transfer disputes more quickly in cases where there is sufficient evidence of fraud.

The RSG encourages more discussion about whether the TDRP is currently serving the needs of its users, and if not, what specific adjustments can be made to improve its effectiveness. Moreover, the registrar community should discuss potential best practices for the voluntary transfer of names in cases of fraud.

- 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.

In the RSG's view, the current policy regarding disputes between a Registrant and Admin Contact ("AC") is clear. This policy exists for security purposes. While RSG Members are willing to consider changes to this policy, the security impact of any proposed change cannot be overlooked. Further, if some registrars are not enforcing this policy, or applying it inconsistently, then ICANN might consider publishing an advisory notice, providing guidance for registrars on the implementation of current policy.

- 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.

The RSG offers two suggestions regarding issues "C", "D", and "E" for consideration by the IRTP B Working Group.

First, it is important to agree upon clear definitions of terms prior to considering these issues. For example, regarding issue "C" above, it is important to note that a difference exists between a "change of registrant" and a "transfer." The RSG strongly encourages the IRTP B Working Group to agree on definitions for terms such as these prior to discussing the issues.

Second, domain name transfer issues must always be considered along with relevant security issues. For example, regarding issues "D" and "E" above, the Security and Stability Advisory Committee ("SSAC") has published Reports recommending that security implications be seriously considered when dealing with domain name transfer related issues.¹ The RSG agrees with the SSAC's view regarding the importance of security, and encourages the IRTP B Working Group to also be cognizant of security implications of policy change.

The RSG looks forward to providing additional comments about IRTP B in the future.

CONCLUSION

The opinions expressed by the RSG in this Position Paper should not be interpreted to reflect the individual opinion of any particular RSG Member.

¹ SAC 40, *Measures to Protect Domain Registration Services Against Exploitation or Misuse*, available at: <http://www.icann.org/en/committees/security/sac040.pdf>.