Date: May 15, 2015

Issue: Proposed Implementation of GNSO PDP Recommendations on Inter-Registrar Transfer Policy (IRTP) Part C

On behalf of eNom, Inc. and Name.com, I would like to thank ICANN for taking the initiative with the implementation details for IRTP-C and understand how difficult a task it is. It is never easy to find a one size fits all plan for a diverse set of businesses and operations that will have the desired effect. Unfortunately, after careful review, We do not believe the current proposed implementation meets the policy goals and may cause more problems than it is looking to solve.

"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.
    - The idea of separating a "material change" from a typographical correction is understandable, but in practice this is a massive undertaking for registrars for just this piece of the implementation. This would require system changes or manual intervention for each change to determine if the change was material or not.
    - Many registrars including ourselves, operate a vast reseller and sub-reseller system that allows for "pushes" between accounts for resellers. Many times this is a movement between accounts of the same person, which would trigger the change of registrant process, when in actuality the Registered Name Holder remains the same.
- We suggest leaving the definition of a change of registrant up to the individual registrar to determine so long such determination follows ICANN policy. The registrar must publish the rules but would then determine what constitutes a material change.

" Change of Registrant Process"
- The implementation as written calls for a Unique PIN, password, string or code that is transmitted to both the prior registrant and the new registrant for both to approve. We believe that the process should be left to the discretion of the registrar, as well. We have a varied and unique registrar world, from high touch to low touch registrars and the requirement of a pin, password, string or code will necessitate massive changes to registrar systems where none may be needed.
    - We believe 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.

- o We also would request that this process is no more cumbersome than a transfer that involves a change in registrar. Currently this process is set for 5 days with an "auto-ack" if no further action is taken.
- There are many occasions where a registrant no longer has access to a previous email address (for example, a change in job) and thus not be able to update their information, and ultimately not able to move ahead with the change of registrant.
- The current recommendation does not take into account bulk changes for registrants. We have many customers with hundreds and thousands of domain names in their account and a simple change to organization name would trigger thousands of credential requests for this customer.
- The current recommendation does not have a provision to exempt the change of registrant process from changes due to fraud or abuse. There are numerous times when a registrar must move the domain to another account due to fraud or other malicious activity.
- If ICANN requires this process to go forward, we recommend that this be at the option of the registrant, where they may decline to participate in this process and their election would be recorded and escrowed by their registrar.

Post Expiration Domains
- We believe that the implementation proposal should only 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 registrars have explicit policies and plans that occur for domains post-expiration, which are clear in each Registration Agreements. This proposal may violate the terms in those agreements.

60-Day Lock on Transfers
- While we understand the intent of this provision, in practice this recommendation would cause massive customer confusion.
  - o Many registrants begin their transfer process with a transfer request at the gaining registrar. They will then go to the losing registrar and request an "auth" code.
  - o This is when registrants may update their information at the losing registrar.

- o The current policy would require the registrant to opt-out of the 60-day lock prior to changes to their contact information at the losing registrar.
- o 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.

Privacy/ Proxy Registrations
- The credential process should not be triggered when there is a change due to initiation or lifting of a Privacy / Proxy 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.

UDRP concerns
- 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.

Conclusion
As a registrar, we are responsible for implementing the IRTP policy and understand the registry – registrar – registrant relationship best as well as understand our customers best. For this reason we ask that registrars continue to work with ICANN on the implementation to develop a plan that meets the policy goals, yet is flexible to meet the needs of all parties. This is a complicated issue and bad actors are constantly changing their tactics, and allowing Registrars and ICANN to continue to develop plans to adapt to ever changing abuse methods is the best path forward.

Thank you again for you the opportunity to comment on this important policy.