Dear ICANN,

On the following pages you find Openprovider's comments to the "Preliminary Issue Report on a Policy Development Process to Review the Transfer Policy."

We decided not to provide input on all questions of section 3.5 of the report. In most cases, the reason is that we either don't have the expertise to write a useful comment, or that we are fine with the current transfer policy on that topic.

Apart from answers to questions of section 3.5 of the report, we have added some generic comments and input on the current transfer policy that is not covered in the report.

In case of any further questions, feel free to contact me at registry-liaison@openprovider.nl.

Kind regards,

Siemen Roorda
Hosting Concepts B.V. d/b/a Openprovider
IANA ID 1647

Public comment to the "Preliminary Issue Report on a Policy Development Process to Review the Transfer Policy"

Section "Gaining Registrar FOA and Losing Registrar FOA (Inter-Registrar Transfers)"

Sub-section "Gaining FOA"

Now that the updates based on IRTP B, IRTP C, and IRTP D have been in place for a few years and the ICANN Community has seen it in practice, what evidence or facts was the Working Group able to identify that shows the Gaining FOA is still needed, or is no longer necessary?

In our opinion, the Gaining FOA is no longer necessary. Our experience over the past 20 years is that it complicates the transfer process; registrants are used to an AuthInfo-only process. Also, in a wholesale model, the registrant often does not know the registrar. And might be confused or reject the transfer for the wrong reasons. We experience far lower failure rates since the Temporary Specification allowed us to abandon the Gaining FOA in most cases. At the same time, we have not noticed any change in illegally transferred domain names because of abandoning the Gaining FOA.

Does the AuthInfo provide sufficient security?

With the growing value and importance of domain names, it may be wise to review the AuthInfo process. We believe more security can be added by requiring a minimum syntax and limiting the validity period of an AuthInfo.

Does the transmission of the AuthInfo Code provide for a sufficient "paper trail" for auditing and compliance purposes?

From our experience with many different ccTLD registries, where AuthInfo-only is a common process, we believe this to be true. Especially if there are clear processes for auditing and reverting a transfer in case of complaints.

Sub-section "Losing FOA"

Is the Losing FOA still required? If yes, are any updates necessary?

In our opinion it would be better to change the Losing FOA into a "transferred out" notification. The 5-days waiting period is a source of confusion for registrants, and a source of frustration if the losing registrar refuses to expedite the transfer by explicitly approving it, or even rejects the transfer. By turning it into a notification, the transfer can be processed in realtime while still keeping the registrant informed. Preferably this notification is sent by the registry instead of the losing registrar. There should be clear and easy processes for auditing and reverting a transfer in case of complaints. The current "reasons for denying an outgoing transfer" could be changed to "reasons for denying an unlock of the domain name".

Section "AuthInfo Code Management (Inter-Registrar Transfers)"

Sub-section "Auth-Info Codes Details"

The Transfer Policy currently requires registrars to provide the AuthInfo Code to the registrant within five business days of a request. Is this an appropriate SLA for the registrar's provision of the AuthInfo Code, or does it need to be updated?

Five days is a reasonable period, especially when taking into account a wholesale model. A shorter timeframe makes it less feasible to redirect the request to a reseller. A longer timeframe is not good from registrant's point of view.

The Transfer Policy does not currently require a standard Time to Live (TTL) for the AuthInfo Code. Should there be a standard Time To Live (TTL) for the AuthInfo Code? In other words, should the AuthInfo Code expire after a certain amount of time (hours, calendar days, etc.)?

Yes, it is a safe habit to reduce the lifetime of an AuthInfo code. 14-30 days sounds most reasonable. We prefer that this TTL is defined by the registry; if each registrar can set his own TTL, that might cause confusion for the registrant.

Additional comment (not related to a listed question)

An aspect which is not covered in the document, is the case where the losing registrar does not cooperate or is out of business. We would like to see a standard process through which a registrant can get the AuthInfo from the registry directly, without involvement of the current registrar. We understand that will be very complex for thin registries, but other registries could take a look at how registry EURid is dealing with this (and there are many others).

Section "Change of Registrant (Inter-Registrant Transfers)"

General comment (not related to a listed question)

We recognize all frustrations and confusions as listed in the report. To our understanding the primary goal of the CoR policy is to protect the registrant against unauthorized changes. At the same time, we know that many registrars implemented a designated agent to auto-approve for both the previous and new registrant. From that perspective, we believe that a simple notification to the previous and new registrant, together with clear policies to review and revert unauthorized changes, should be sufficient. No locks, no opt-ins or opt-outs, no confirmations, no designated agents.

Section "ICANN-Approved Transfers"

General comment (not related to a listed question)

The current scope of ICANN-Approved Transfers is restricted to "all registrations" and it is restricted to "acquisition" of the registrar or its assets, "lack of accreditation" and lack of "authorization with the Registry Operator". On top of that, the current ICANN transfer policy prescribes (very high) fees.

At the same time, section 1.1 of the report writes "The goal of the Transfer Policy was to provide for enhanced domain name portability, resulting in greater consumer and business choice and enabling registrants to select the registrar that offers the best services and price for their needs."

From our business as a wholesale registrar, we urgently request ICANN to develop a policy that allows for easier and faster voluntary bulk transfers between two registrars, similar to what many ccTLD registries already offer.

At this moment, registrants and resellers that want to move their domain portfolio to another registrar are hindered by the bureaucratic processes, high fees, lack of standardization and lack of registry's cooperation. As such a bulk transfer request is often inspired by price or service improvements at the gaining registrar, we consider the current policy contrary to the registrants' benefits and contrary to the above-cited text from §1.1. In other words: it strongly limits competition and free trade.

Our proposal is to include in section I.B of the transfer policy the concept of a voluntary (full or partial) transfer. Such a voluntary transfer should be based on a mutual agreement between gaining and losing registrar. The registry operator should be free to define the price for such a transfer; any reference to a fee should be removed from the ICANN transfer policy.