

Question Zero

Background session first?

a) Whether reporting requirements for registries to make precedent and trend information available in dispute submissions;

b) Whether additional provisions should be included on how to handle disputes when multiple transfer

and dispute providers should be developed, in order to be able to the community and allow reference to past cases

What has changed since this question

Poll stakeholders for their sentiment:

WG ran head on into the problem of situation. Data is sketchy and hard to

Registries are in favor of eliminating needs to be acknowledged and inco

led in the TDRP (Transfer Dispute Resolution Policy) cases have occurred;

Sometimes called "domain laundering"

This one is a good candidate for "me

Questions to ask

How common

What are the in recover the me

Hard to recreate the scenarios that t

Public comments

Current situation: Registrar is the "g

question was posed?

?

consistency of data when trying to collect data on current
to reconcile/analyze.

a step in the process -- comment is misplaced in this topic, but
reported into our results

this would confound efforts of Registrars to work through this at their level -- thus only they
could address it

g"

Use case -- during sunrise

When this was written, less-mature aftermarket -- which may make it easier to hijack/laun-

Much of this may have been addressed in IRTP-C -- 30 day window, and owner-change

How is TDRP being used today -- often? only needed for very unusual events

TDRP applies to all gTLDs -- but registry operators can also put supplemental rules in place
registrars agree to those rules

"more data" to determine whether there is really a problem

Anonymizing

Likely easier to get data from registries

Acknowledge that the data may be incomplete

May be indicative but not complete
registrars

At the registry level, very few data points

Registrars also have a hard time identifying
complaints are about the only way to get

is this?

Urgent/emergency issues tend to be handled before TDRP

Verisign is seeing less of this today than in the past

Two kinds of statistics -- how common for registries. how common for registrars?

Don't leave 3rd party dispute resolution providers in the statistics-collection process

implications, from the registrants' point of view -- what would they do, how would they
spend money they've spent, what would their recourse be?

it
he

this question was posed to address

"gatekeeper" between registrants and this process

the only way for a registrant to proceed is to
all domain-service contracts to provide the
let them file a TDRP directly, paralleling UD

Goal: providing a mechanism for the registrar

Option: a mechanism for the registrant to sue
the other parties to participate in the process

Concern: authenticate the registrant

the Registries

under

rules

pace -- and

Action: poll registries with regard to supplemental rules

transfers "early" in the chain

biased in this way

, as its going to be harder to get data from "late in the chain"

points

identifying these -- because they tend to look like a transfer. So
to tell

3-5/month

will be hard for Ry/Rrs to determine whether transfers have been done in good faith

a problem exists when people come into possession of stolen merchandise in any scenario

through the courts -- maybe a better solution is to require

path for the registrant to compel this -- maybe better to

DRP

registrant to participate in the process directly

start the process, which then leads to mechanisms to compel

DRP

neither thin registries or 2nd level providers have a direct mechanism to do this directly

Charter question discussion

c) Whether dispute options for registrants should
(registrants currently depend on registrars to initi

be developed and implemented as part of the policy
(to facilitate a dispute on their behalf);

3rd party dispute resolution provide

Do we know why Registrars are refus

Implication: TDRP may need to be re

Statistics have come in -- insert here

Currently very rarely used refer

What happens when a Respondent d

are all Registries dealing with TDRP

Public comments BC -- believes

Key issue -- disclosure What ar
Challeng

rs are seeing direct requests from registrants provides another avenue for registrants to jun contracts between registrant/registrar to deal

Cost?
sing? Maybe registrant could offer to pay the fee?
are Rr's in breach of the policy if they refuse? who adjudicates?

engineered to accomodate the addition of a registrant "start point" Perhaps a simpler appr

Questions

Questions for Barbara to analyze

What was the reason that the TDRP was requested?

If the decision was in the win/loss column What's How r Is the

If the decision was "no decision" What is the bre How many of th Is there any info

Bladel: Q: If the TDRP results in a "no-decision", mu UDRP? If so, is there any way to track that?

Of the "no decision" cases -- what's the breakdown

Barbara Knight-RySG: Q: How many of the disputes

Questions for 2nd-level DR providers

Barbara Knight-RySG: Q of the Second Level TR have they received documentation from both pa

How many requests come directly from registra

Questions for Registrars

Kristine Dorrain: Q: for the Registrar mediated xfrs (this wou likely to be an improper transfer or an improper denial of tra

TDRP-related Data from ICANN Compliance, Verisign, Dispute Providers, and selected Reg

Discussion of Lars' summary/analysis of the data

to statistics here

doesn't submit information each case varies -- in many cases these result in "no-decision"

in a similar manner? what level of proof is necessary?
are the evaluations the same?

s that there should be a mechanism for Registrants to initiate a TDRP

e current practices

ge: tradeoff between ease of understanding vs tight definitions of all use-cases

would need to get back to the registrar of record

np-start the process

with hijacking?

each would be a mechanism to compel the Rr to act

Kristine Dorrain: Q: How many of the TDRP cases (first or second level) are due to an improper transfer and how many were because a transfer request was "nacked"?

Are there other reasons why TDRPs are requested? If so, what are they?

Is there a way to get a count of the number of TDRPs requested directly by Registrants (and presumably denied)?

What is the proportion of wins vs losses?

How many of these Registry decisions were eventually appealed to the 2nd level DRP?

Where is any information as to the final disposition of these disputes -- eg UDRP, TDRP, court case?

What is a breakdown of reasons why that conclusion was reached?

How many of these Registry decisions were eventually appealed to the 2nd level DRP?

Where is information as to the final disposition of these disputes -- eg UDRP, TDRP, court case?

What is the best it go to 2nd level TDRP, or could it result in a

breakdown of reasons why?

How many have been appealed to the second level providers. Of those appealed decisions, what was

the percentage of DP providers - Of those cases that they have received, what is the percentage of parties to the dispute?

What are the statistics?

What would not be for Barbara!)...are they more likely to transfer?

What are the statistics for registrars?

per

l

the proportion wins, losses, no-decisions?

IRTP-D

d) Whether requirements or best practices should be added to the policy on transfer dispute resolution options available to registrars

e) Whether existing penalties for policy violations should be updated and specific violations should be added into the policy

Is that t

should be put into place for registrars to make information
available to registrants

Public comments

BC supports e

Registry comm

are sufficient or if additional provisions/penalties for
y

Public comments

BC - hopes th

James -- draf

James -- sup
meta issue tha
and encourag

RySG satisfied

Tentative ans

Mountain - is
question abou

Bladel - quest
Ry's or staff

BC - in cases

Ry: don't elim

Graham -- re

Lars - brings i

he sort of information tht shouldd be in the Registrants Rights & Responsibilities?

stablishing requirements for Registrars publish

Mikey's supporting "require"

Bob M. is surprised that they're not available

James - this kindof goes back to Question C offer? Where would the disclosure go? We v information goes -- hopefully it goes into Re

Alan -- highlights "options availabe" in the la be informed of their *options* irrespective o

Holly -- Rights and Responsibilities docume available, and describe where it is

Simonetta -- cites an example of how cluele do, what options are -- these would be real today -- maybe in the form of an FAQ -- so options are

Barbara -- Implementation of best practice

ment (#8)

James -- reemphasises what we discussed in the BC comment

Bob -- how would best practices get written/maintained?

James -- there isn't to do this

at the 2013 RAA addresses this issue

Comment was made before the RAA had finalized

it RAA does include more of a "gradient" structure - with increasing sancitions --

ports an overarching sanction structure, rather than policy by polic -- perhaps this is a at we need to recommend -- but it's a tricky scope issue -- maybe we can recommend, e a broader discussion either in future PDPs or as an independent one --

with 2009 RAA agreement

wer - "yes, they're sufficient"

this a change of info in the FOA (needing Rrs to change systems), or is this just the it eliminating the "second channel"?

tion assumes that EPP that is universally accepted? not sure whether that's required. --

involving unauthorized requests this helps protect from hijacking - useful paper trail

inate a document that's needed to support resolution of disputes

dundant point is worth talking about, may cause confusion

up the coments from Compliance -- supporting the "this is useful" view

Is there a workload concern? Otherwise I can't think of any other reason not to support this

-- if Registrars aren't offering that, what would they
could prefer not to have ICANN prescribing where this
gistration Agreement, or Rights and Responsibilities

More information and disclosure

James -- was primary drafter of
customer services available, and
that general support

language -- Alan tends to agree, that Registrants need to
f whether we expand availability

Want to avoid crossing the line a

Alan Greenberg: In rights and re
that it is a registrar option

Agrees with Simonetta's points

Clarifies -- I'm not sure that list

nt is out for comment -- put general information that it's

ss a customer is - they don't know who to contact, what to
ly helpful, right now it's very hard to find this information
that you as a customer know what to do and what your

If the registrar isn't responsible

could be a link back to an ICANN-maintained page

ICANN has already done a lot with regard
add best practices on that page -- then

James: advantage would be a centralized
many hits that page gets

: a process for developing Best Practice documents -- no shared/common protocol

Maybe

is always good

of the "rights and responsibility" section of the RAA -- info about the
d how to raise concerns and resolve disputes -- it should be part of

and offering a guarantee of any outcome

esp IF it iis a right that we give them. BUt now, it is just awaremness

ing these things as a "right" unless it really is

-- then who is? If they aren't, you're leaving the registrant in a bad spot -- the only reason
them is their registrar

Registrants not being able to figure out what to do is not a good situation

d to FAQs and transfer-dispute options -- maybe we could
make the link back to that page required

ed location for consistency etc. -- side thought, wondering how

this could be done in Implementation Review Team context -- Mikey

able entity that can help

f) Whether the universal adoption and implement of FOAs.

Any further comments Ry: Please underscor

Additional IRTP issues identified during the WG discussion

This is the last inst

Question: whether like UDRP?

New charter questi of the TDRP chang

new members

updated Council

continued analysis of charter questions

ation of EPP AuthInfo codes has eliminated the need

Public comments

Compliance cc
AuthInfo code
the Admin Cor

However, ICAN
unauthorized
credentials to
from either th
given the RNH
can attempt to
may have the

31 (66%) of th
2012 to Febru
credentials. W
able to actual
never filed as
transfer requ
registrars' obl

Bladel - mayb
processes

Tentative ans

the role of Resellers in the issues addressed by this PDP

Bladel: new draft RAA states tha

Mountain -- can they clarify what

Blad: we're the last in the chain c
as well.

ance of IRTP

Risk of overload

But this is the last time

Requires balance

Caution is the watchword

registries should even be in the 1st-level resolution role? Maybe go to something

May ti

"Chan

Many

Drama
disput

ion?: Given the other changes, especially those arising from IRTP-C, has the nature
ed in a fundamental way?

Curre
the pc

comment: Concerning legitimate transfer requests, it may seem redundant to have the FOA sent by the Registered Name Holder (RNH), and the mandatory FOA sent by the RNH or Admin Contact, to the gaining registrar.

ICANN's Contractual Compliance Department is of the view that, in cases involving transfer requests in which the RNH's email address has been hijacked, or its access to the control panel have been stolen, the gaining registrar's obligation to obtain the FOA from the RNH or the Admin Contact can help protect the domain names from being hijacked, and the Registrar's Whois contact information is different from the Admin Contact's. The Admin Contact can deny the transfer request or, at the least, is alerted of a pending transfer request and has the opportunity to take appropriate action against the hijacker.

Of the 47 unauthorized transfer complaints received by ICANN in the period from January, 2013, 32 involved the RNH's hijacked email address or its stolen control panel access. While ICANN does not have visibility on all the instances in which the Admin Contacts were hijacked, ICANN can deny the transfer requests or take action against potential hijackers, as these were IRTTP-related complaints, this percentage suggests that two-thirds of all unauthorized transfer requests can potentially be denied or addressed by the Admin Contacts due to the gaining registrar's obligation to obtain the FOA from any of the Transfer Contacts.

Can we merge the processes? Mikey: there may be issues diving that deep into the actual

Is

processes -- "no, they're needed credentials for xfer"

Do Registrars are completely responsible for the actions of their resellers

- highlight?
- reiterate?
- reference?
- discuss?

What are they're looking for?

Impact of IRTTP -- doesn't hurt to remind people that these apply to Resellers

How does the "open to registrants" question -- smaller number of providers may be relevant

to "open to registrant" also needs dispute resolution - that may be another topic for this

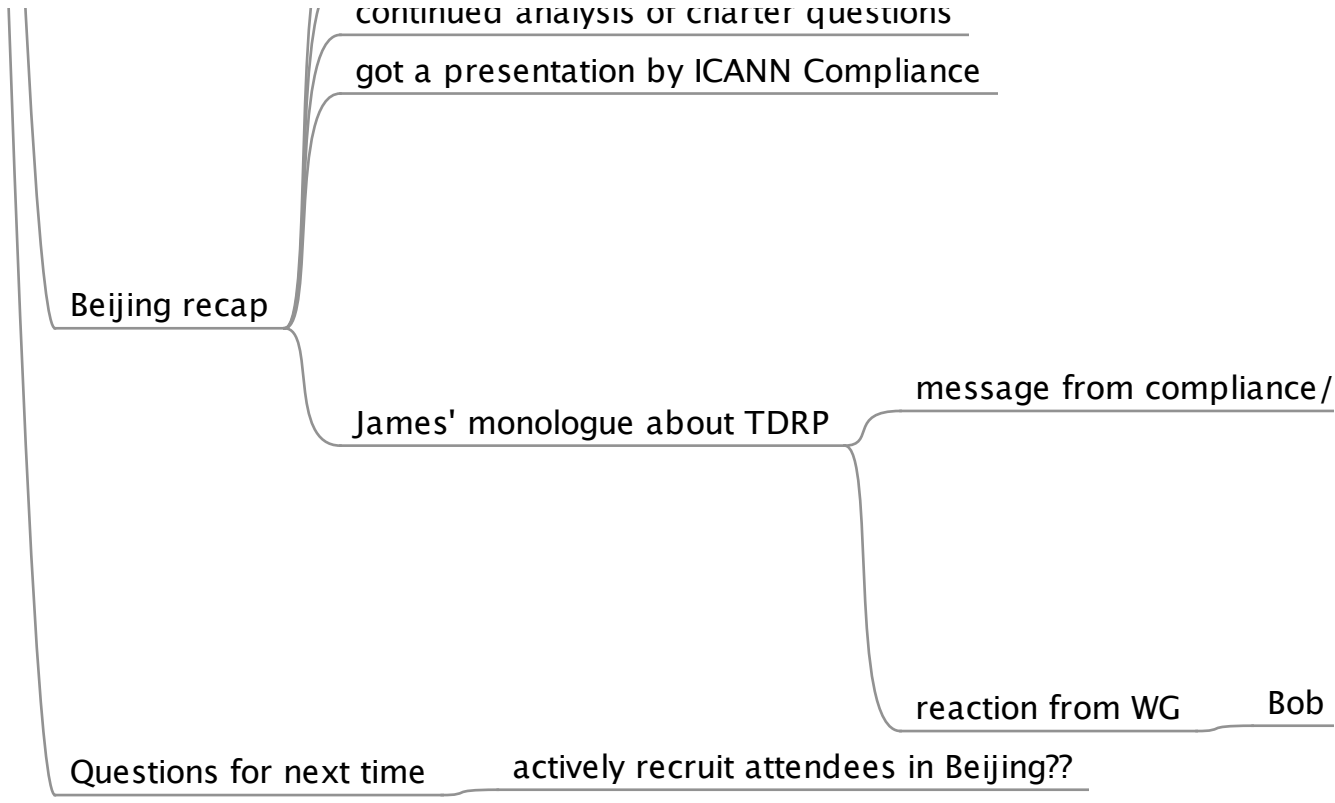
part of the charter questions deal with TDRP

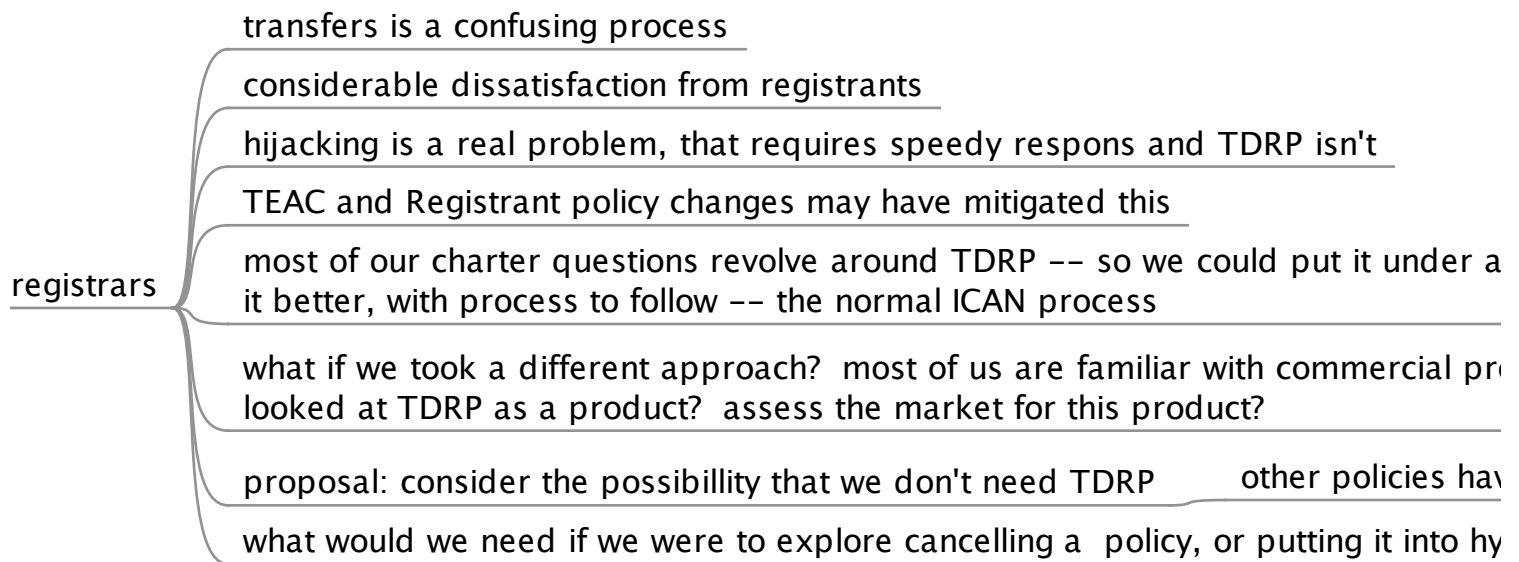
Impact of a significant increase in the number of registries -- many of whom (eg brands) may not have much experience with dispute resolution

Can the language MAY be flexible enough, but it would be worth taking a look to ensure consistency of policies

Is there any harm that's being caused? Potential benefits seem outweigh the harm

—
:
—





M --

. microscop and make

oducts. what if we

there's a market

but the target customer isn't using this product

ve been proposed but haven't been enacted yet

bernation?

