Dear all,

Following the Group's discussion on the input provided by ICANN Compliance regarding Charter Question F (the need for FOAs), we have received further clarification. You may remember that in its report, ICANN Compliance stated that 31 of 47 of unauthorized transfer complaints related to a hijacked email address or stolen control panel access – and suggested that this could be preventable through the FOA. It was not the intention to suggest that in these cases no FOA was received, but rather that by hijacking the email/panel access the perpetrator was also able to pose as both admin contact and RNH and so the transfer went through in spite of the FOA being required.

However, the WG may also want to consider the scenario, in which the hijacker does not update both the Admin Contact and the RNH details, but only one of these. In such a case the FOA would still be sent out to the original owner (RNH/admin contact) who may be alerted to the hijacking and could possibly prevent the illegitimate transfer.

In short, as also outlined in the Final Issue Report, the FOA, in addition to serving as possible evidence in dispute proceedings, also has the function of informing the registrant that a transfer has been requested, which in the case of a hijacking may serve as an alert to the registrant that something is going on.