ICANN | GNSO

Generic Names Supporting Organization

# Initial Report on the Transfer Policy Review Policy Development Process - Phase 1(a)

## Status of This Document

This is the Phase 1(a) Initial Report of the GNSO Transfer Policy Review Policy Development Process Working Group that has been posted for public comment.

## Preamble

The objective of this Initial Report is to document the working group's (i) deliberations on charter questions, (ii) preliminary recommendations, and (iii) additional identified issues to consider before the working group issues its Final Report. After the working group reviews public comments received in response to this report and completes Phase 1(b) of the PDP, the working group will submit its combined Phase 1 Final Report to the GNSO Council for its consideration.



ne 20228 June 20228 June 20228 June 20228
e 20227 June 20227 June 20223 June 20222
e 202224 May 202217 May 2022

Font: (Default) +Headings (Calibri), ipt Font: +Headings (Calibri)

Font: (Default) +Headings (Calibri), ipt Font: +Headings (Calibri)

Font: (Default) +Headings (Calibri), ipt Font: +Headings (Calibri)

Font: (Default) +Headings (Calibri), ipt Font: +Headings (Calibri)

**Style Definition:** TOC 1

**Formatted**

**Formatted:** Not Highlight

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Deleted: 8 June 20228 June 20228 June 20228 June 20228 June 20227 June 20227 June 20227 June 20223 June 20222 June 20222 June 202224 May 202217 May 2022

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

# Table of Contents

## Table of Contents

1 EXECUTIVE SUMMARY 3

2 WORKING GROUP APPROACH 7

3 WORKING GROUP RESPONSES TO CHARTER QUESTIONS AND PRELIMINARY RECOMMENDATIONS 11

4 NEXT STEPS 41

ANNEX A - BACKGROUND 42

ANNEX B - WORKING GROUP MEMBERSHIP AND ATTENDANCE 44

ANNEX C - COMMUNITY INPUT 48

ANNEX D – EPDP PHASE 1, RECOMMENDATION 27, WAVE 1 ANALYSIS 49

ANNEX E – PROPOSED TRANSFER POLICY SWIM LANE DIAGRAM 55

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

# 1 Executive Summary

## 1.1 Introduction

The Transfer Policy, formerly referred to as the Inter-Registrar Transfer Policy (IRTP), is an ICANN consensus policy that went into effect on 12 November 2004. The policy governs the procedure and requirements for registrants to transfer their domain names from one Registrar to another, also referred to as an inter-Registrar transfer. 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.

The Transfer Policy has been the subject of previous policy development work, and the most recent working group that reviewed the Transfer Policy recommended a comprehensive review of the policy-based changes to assess their efficacy and impact.[1] In addition to the policy recommendation directing a review of the policy-based changes, sweeping and significant changes to various data privacy laws affected the then current requirements related to gTLD registration data, including portions of the Transfer Policy. Accordingly, the ICANN Board adopted the Temporary Specification for gTLD Registration Data, which established temporary requirements that allowed Contracted Parties to comply with ICANN contracts and consensus policies.

In light of the policy recommendation to review the Transfer Policy and the changes to the Policy from the Temporary Specification, on 18 February 2021, the GNSO Council initiated a two-phased policy development process (PDP) to review the Transfer Policy. The PDP is tasked with addressing the following topics:

- Phase 1(a): Form of Authorization (FOA) (including EPDP Phase 1, Recommendation 27, Wave 1 FOA issues[2]) and AuthInfo Codes
- Phase 1(b): Change of Registrant (including EPDP Phase 1, Recommendation 27, Wave 1 Change of Registrant issues)
- Phase 2: Transfer Emergency Action Contact and reversing inter-Registrar transfers, Transfer Dispute Resolution Policy (including EPDP Phase 1,

[1] See Final Report on the Inter-Registrar Transfer Policy - Part D Policy Development Process, Recommendation 17, pp. 6-7. For more information on the policy development history, please refer to Annex A of this report.

[2] For additional information about the EPDP Phase 1, Recommendation 27, Wave 1 Report, please see pages 52-56 of the Final Issue Report.



Deleted: 8 June 20228 June 20228 June 20228 June 20228 June 20227 June 20227 June 20227 June 20223 June 20222 June 20222 June 202224 May 202217 May 2022

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Recommendation 27, Wave 1 TDRP issues), Denying (NACKing) transfers[3], ICANN-approved transfers

The working group charter was approved by the GNSO Council on 24 March 2021. The Phase 1(a) working group held its first meeting on 14 May 2021.

For additional background on this PDP, please refer to Annex A of this report.

## 1.2 Preliminary Recommendations

In Phase 1(a) of the PDP, the working group was tasked to provide the GNSO Council with recommendations on the following topics:

- Losing and Gaining FOAs
- AuthInfo Codes
- Denying (NACKing) transfers
- EPDP Phase 1, Recommendation 27, Wave 1 as they relate to FOA

Following its analysis of each of the questions outlined in its charter related to this task, the working group has arrived at a set of preliminary recommendations and conclusions.

The working group will not finalize its responses to the charter questions and recommendations to the GNSO Council until it has conducted a thorough review of the comments received during the public comment period on this Initial Report and completed Phase 1(b) of its work. At this time, no formal consensus call has been taken on these responses and preliminary recommendations, but this Initial Report did receive the support of the working group for publication for public comment.

Notwithstanding the above, the working group is putting forward preliminary recommendations on the following topics for community consideration:

**Preliminary Recommendation 1:** **Gaining FOA**

**Preliminary Recommendation 2:** **Losing FOA**

**Preliminary Recommendation 3:** **Notification of TAC Provision**

[3] The topic of denying (NACKing) transfers was later moved to Phase 1(a) by a Project Change Request to ensure that the working group could examine all elements of the security model for domain name transfers in a holistic manner as part of its Phase 1 deliberations.



Deleted: 8 June 20228 June 20228 June 20228 June 20228 June 20227 June 20227 June 20227 June 20223 June 20222 June 20222 June 202224 May 202217 May 2022

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Preliminary Recommendation 4:** Notification of Transfer Completion

**Preliminary Recommendation 5:** Update Term "AuthInfo Code" to "Transfer Authorization Code (TAC)"

**Preliminary Recommendation 6:** TAC Definition

**Preliminary Recommendation 7:** TAC Composition

**Preliminary Recommendation 8:** Verification of TAC Composition

**Preliminary Recommendation 9:** TAC Generation, Storage, and Provision

**Preliminary Recommendation 10:** Verification of TAC Validity

**Preliminary Recommendation 11:** TAC is One-Time Use

**Preliminary Recommendation 12:** Service Level Agreement (SLA) for TAC Provision

**Preliminary Recommendation 13:** TAC Time to Live (TTL)

**Preliminary Recommendation 14:** Terminology Updates: Whois

**Preliminary Recommendation 15:** Terminology Updates: Administrative Contact and Transfer Contact

**Preliminary Recommendation 16:** Transfer Restriction After Initial Registration

**Preliminary Recommendation 17:** Transfer Restriction After Inter-Registrar Transfer

**Preliminary Recommendation 18:** Format of Transfer Policy Section I.A.3.7

**Preliminary Recommendation 19:** Revised Reasons that a Registrar of Record MAY Deny a Transfer

**Preliminary Recommendation 20:** New Reasons that a Registrar of Record MUST Deny a Transfer

**Preliminary Recommendation 21:** Revised Reasons that a Registrar of Record MUST Deny a Transfer

**Preliminary Recommendation 22:** Revised Reasons that a Registrar of Record MUST NOT Deny a Transfer



**Deleted:** 8 June 20228 June 20228 June 20228 June 20228 June 20227 June 20227 June 20227 June 20223 June 20222 June 20222 June 202224 May 202217 May 2022

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

## 1.3 Conclusions and Next Steps

This Initial Report will be posted for public comment for 42 days. The working group will review the public comments received on this Initial Report and consider whether any changes need to be made to its Phase 1(a) recommendations. The working group will complete Phase 1(b) of its work, including a Phase 1(b) Initial Report followed by a public comment period on the Phase 1(b) Initial Report. The working group will finalize all Phase 1 recommendations in a single Phase 1 Final Report to be sent to the GNSO Council.

## 1.4 Other Relevant Sections of this Report

The following sections are included within this report:

- Explanation of the working group's methods and process for reaching preliminary recommendations;
- Responses to the charter questions, preliminary recommendations, and questions for community input;
- Background on the PDP and issues under consideration;
- Documentation of who participated in the working group's deliberations, including attendance records, and links to Statements of Interest as applicable;
- Documentation on the solicitation of community input through formal Supporting Organization/Advisory Committee and Stakeholder Group/Constituency channels and responses.
- A swim lane diagram documenting the possible future-state process flow for inter-Registrar transfers as it will exist if all recommendations are approved and implemented. Note that this diagram is a working product of the deliberations process to support understanding of the recommendations' impact. It is not intended to be authoritative.

**Deleted:** 8 June 20228 June 20228 June 20228 June 20228 June 20227 June 20227 June 20227 June 20223 June 20222 June 20222 June 202224 May 202217 May 2022

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Deleted:** xx

**Deleted:**

**Formatted**

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

# 2 Working Group Approach

This section provides an overview of the working methodology and approach of the working group. The points outlined below are meant to provide the reader with relevant background information on the working group's deliberations and processes and should not be read as representing the entirety of the efforts and deliberations of the working group.

## 2.1 Project Plan

The working group's first deliverable was to provide the GNSO Council with a Phase 1(a) project plan. To develop the project plan, the leadership team sought input from members about the sequence in which to address topics and the amount of time each topic would take to discuss. This input was used to develop the project plan, which was delivered to the GNSO Council for its consideration during the 22 July 2021 Council meeting.

As deliberations progressed, the working group agreed that it was important to examine all elements of the security model for domain name transfers in a holistic manner as part of its Phase 1 deliberations. The working group determined that the topic denying (NACKing) transfers should be addressed in Phase 1(a) rather than Phase 2 as originally included in the charter. As a result, the working group leadership team submitted a Project Change Request to the GNSO Council, which Council adopted on 16 December 2021. The expanded scope did not impact its target delivery dates to which the working group committed.

## 2.2 Early Community Input

In accordance with GNSO policy development process requirements, the working group sought written input on the charter topics from each Supporting Organization, Advisory Committee and GNSO Stakeholder Group / Constituency. The input received was incorporated into the working group's deliberations as each topic was discussed. Since all groups that provided written input also had representative members or appointed subject matter experts in the working group, those members were well positioned to respond to clarifying questions from other members about the written input as it was considered.

## 2.3 Methodology for Deliberations



Deleted: 8 June 20228 June 20228 June 20228 June 20228 June 20227 June 20227 June 20227 June 20223 June 20222 June 2022...

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

The working group began its deliberations for Phase 1(a) on 14 May 2021. The working group agreed to continue its work primarily through conference calls scheduled weekly, in addition to email exchanges on its mailing list. The working group held sessions during ICANN71, ICANN72, ICANN73, and ICANN74. These sessions provided an opportunity for the broader community to contribute to the working group's deliberations and provide input on the charter topics being discussed.

All of the working group's work is documented on its wiki workspace, including its meetings, mailing list, meeting notes, deliberation summaries, draft documents, background materials, early input received from ICANN org, and input received from ICANN's Supporting Organizations and Advisory Committees, including the GNSO's Stakeholder Groups and Constituencies.

To develop the content included in the Initial Report, the working group progressed through the charter questions by topic, following the sequence established in the project plan. Because the Phase 1(a) topics are closely interrelated, the working group took an iterative approach to producing and reviewing draft responses to charter questions and draft preliminary recommendations to ensure that the full package of outputs was coherent and comprehensive.

To ensure that all groups represented in the working group had ample opportunity to provide input to the deliberations, the leadership team opened each working group meeting with an invitation for members to step forward and provide any updates about discussions happening within their Supporting Organization/Advisory Committee/Stakeholder Group/Constituency regarding the charter topics, as well as any positions or interests members wanted to share on behalf of their groups. To further support fulsome discussion, the leadership team regularly deployed informal polls in the meeting Zoom room to get a better sense of the "temperature of the room" and to prompt the sharing of perspectives and viewpoints that may not otherwise be voiced through less structured interaction.

For those working group members who were less comfortable speaking on calls, the leadership team encouraged additional feedback on the mailing list and through written contributions to working group documents.

## 2.4 Use of Working Documents

The working group used a series of working documents, organized per charter topic, to support its deliberations. Archives of the working documents are maintained on the working group wiki. When a new charter topic was introduced, the leadership team provided a working document for the topic, including (i) charter questions related to that topic and for each charter question, (ii) context from the Transfer Policy Status



**Deleted:** 8 June 20228 June 20228 June 20228 June 20228 June 20227 June 20227 June 20227 June 20223 June 20222 June 2022

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Report, and (iii) relevant inputs received from community groups through early outreach. As the working group progressed through discussions, staff captured a summary of deliberations on the charter question and eventually populated the document with draft charter question responses and draft preliminary recommendations to support further discussion and refinement of the text.

Working documents were updated on an ongoing basis and working group members were encouraged to provide comments and input in the working documents between calls.

## 2.5 Swim Lane Diagram

To further support deliberations and document the expected impact of proposed recommendations, the working group developed a swim lane diagram to visually represent the possible future-state process flow for inter-Registrar transfers as it will exist if all recommendations are approved and implemented. This diagram serves as a working document to support the deliberations process and is not intended to be authoritative, but it is included in this Initial Report to demonstrate the working group's understanding of the recommendations' impact on the inter-Registrar transfer process. The swim lane diagram is included in Annex E of this report.

## 2.6 Data and Metrics

The Transfer Policy Status Report produced by ICANN org in 2019 served as the working group's primary resource for data and metrics related to inter-Registrar transfers. In the course of its deliberations, the working group identified additional data that would be valuable to support its work. The additional data provided by ICANN org's Contractual Compliance Department in response to these requests is available on the working group's wiki.

## 2.7 ICANN Org Interaction

To help support a smooth transition from policy development to eventual implementation of GNSO Council adopted and ICANN Board approved recommendations, the working group has been supported by early and ongoing engagement with ICANN org subject matter experts. Liaisons from ICANN org's Global Domains and Strategy (GDS) and Contractual Compliance departments regularly attended working group calls, providing input and responding to questions where it was possible to do so in real time. The liaisons acted as a conduit for working group questions to ICANN org that required additional research or input. The liaisons also



Deleted: 8 June 20228 June 20228 June 20228 June 20228 June 20227 June 20227 June 20227 June 20223 June 20222 June 2022

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Not Highlight

Formatted

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

facilitated early review of working group draft outputs by ICANN org subject matter experts.

## 2.8 Accountability to the GNSO Council

As is now the case with all GNSO working groups, the working group delivered monthly "project packages" to the GNSO Council to update the Council on the status of its work. An archive of these packages is available on the wiki. The GNSO Council Liaison, Greg DiBiase, served as an additional point of connection between Council and the working group.

**Deleted:** 8 June 20228 June 20228 June 20228 June 20228 June 20227 June 20227 June 20227 June 20223 June 20222 June 2022

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

# 3 Working Group Responses to Charter Questions and Preliminary Recommendations

The WG was chartered to provide the GNSO Council with policy recommendations regarding the issues identified in the Final Issue Report on a Policy Development Process to Review the Transfer Policy.

Following its analysis of each of the questions outlined in its Charter related to this task, the working group has arrived at a set of preliminary recommendations and conclusions.

Within the text of this document, the key words "MUST", "MUST NOT", "REQUIRED", "SHALL", "SHALL NOT", "SHOULD", "SHOULD NOT", "RECOMMENDED", "NOT RECOMMENDED", "MAY", and "OPTIONAL" are to be interpreted as described in BCP 148 [RFC2119] [RFC8174].

The working group will not finalize its responses to the charter questions and recommendations to the GNSO Council until it has conducted a thorough review of the comments received during the public comment period on this Initial Report and completed Phase 1(b) of its work. At this time, no formal consensus call has been taken on these responses and preliminary recommendations, but this Initial Report did receive the support of the working group for publication for public comment.

The working group believes that when it formulates its final recommendations, if approved by the GNSO Council and the ICANN Board, there will be substantial improvement to the current environment. The following sub-sections of this report are organized by topic. Within each topic, the working group provides responses to the relevant charter questions and corresponding preliminary recommendations:

- Section 3.1: Gaining and Losing Forms of Authorization (FOA)
- Section 3.2: Transfer Authorization Code/AuthInfo Code Management
- Section 3.3: EPDP Phase 1, Recommendation 27, Wave 1 Report
- Section 3.4: Denying (NACKing) Transfers

## 3.1 Gaining and Losing Forms of Authorization (FOA)

For context on this topic and the associated charter questions, please see pages 7-14 of the Final Issue Report.



**Deleted:** 8 June 20228 June 20228 June 20228 June 20228 June 20227 June 20227 June 20227 June 20223 June 20222 June 2022

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Deleted:** ¶
Where certain proposals or potential recommendations have yet to be finalized, square brackets around specific options under consideration have been used to indicate this.¶

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

### 3.1.1 Charter Question a1

*Is the requirement of the Gaining FOA still needed? What evidence did the working group rely upon in making the determination that the Gaining FOA is or is not necessary to protect registrants?*

**Working Group Response:**

The Inter-Registrar Transfer Policy - Part D Policy Development Process Working Group (IRTP WG D), previously examined the question of "Whether the universal adoption and implementation of Extensible Provisioning Protocol (EPP) AuthInfo codes has eliminated the need of FOAs." The IRTP WG D ultimately determined to retain the FOA until more evidence was gathered. The Transfer Policy Review Working Group was asked to revisit the same question and has determined there is now strong evidence that the Gaining FOA can be eliminated from the Transfer Policy without negatively affecting the security of inter-Registrar transfers. The working group further believes that requirements for a Gaining FOA or a similar replacement are unjustified under data protection law and no longer necessary from a practical perspective to facilitate the transfer. The working group recognizes that this is a significant departure from existing policy and has therefore provided a detailed rationale for its conclusion.

Prior to the General Data Protection Regulation (GDPR) coming into force, the Gaining Registrar was required to confirm the Registered Name Holder's (RNH) intent to transfer by sending an email to the RNH asking for confirmation to proceed. In order for the Gaining Registrar to be able to send the Gaining FOA, it needed to obtain the RNH's contact information from the publicly available Registration Data Directory Services (RDDS). With the introduction of the GDPR, Gaining Registrars were no longer able to obtain this information via RDDS, as personally identifiable information was largely redacted within RDDS. In recognition of this new obstacle, ICANN org deferred Contractual Compliance enforcement on Gaining FOA requirements. While still a requirement on paper, in practice the Gaining FOA does not currently exist and cannot exist.

The working group considered that it could recommend some form of replacement for the Gaining FOA to be included in future policy requirements. If it did so, there would need to be a method and a justification for the Registrar of Record to transfer the RNH's contact information to the Gaining Registrar.

The working group considered that it is likely possible from a technical perspective to facilitate the transfer of the RNH's contact information from the Registrar of Record to the Gaining Registrar for the purposes of confirming the RNH's intent to transfer.



**Deleted:** 8 June 20228 June 20228 June 20228 June 20228 June 20227 June 20227 June 20227 June 20223 June 20222 June 2022

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

However, the working group did not pursue specific methods for doing so because it did not believe this transfer is feasible from a legal perspective.

In its deliberations on applicable law, the working group considered the principles of data minimization and privacy by design. Under these principles, in order to justify the transfer of personally identifiable information (PII) from the Registrar of Record to the Gaining Registrar and the subsequent processing of this data (in order to send the Gaining FOA) by the Gaining Registrar, one would have to demonstrate that this transfer and processing of PII is necessary to facilitate the transfer. The working group noted that the transfer process has functioned without the Gaining FOA since the GDPR went into force, and the working group has not encountered any evidence that there has been an increase in unauthorized transfers since the Gaining FOA was functionally eliminated. It has not found any other indications that the transfer process is malfunctioning without the Gaining FOA requirement. Therefore, the working group sees no evidence that the Gaining FOA is needed for the purpose of facilitating the transfer or protecting the RNH from unauthorized transfers.

The working group looked at the value that the Gaining FOA provided to ensure that equivalent value is covered by elements of the process going forward.

The working group noted that when the Gaining FOA requirements were in place, the transfer could only proceed once the RNH had responded to the Gaining FOA. This meant that the RNH always actively confirmed the intent to transfer before the transfer took place. The Gaining FOA therefore served a notification function and also a confirmation function. To the extent that the party obtaining the Transfer Authorization Code (TAC) and requesting the transfer was an individual other than the RNH, the RNH had the opportunity to confirm that they were aware of the request and wanted it to proceed.

The working group believes that the new notifications detailed in Preliminary Recommendations 3-4 ensure that the RNH receives the necessary information with respect to an inter-Registrar transfer. These notifications provide instructions on what to do if the RNH wants to either stop or reverse the process because the action on the account is unauthorized or unintended. With respect to the confirmation function that the Gaining FOA served, the working group believes that this is duplicative and therefore unnecessary. The provision of the TAC is sufficient confirmation that the RNH intends to transfer the domain, and therefore the Gaining Registrar does not need to request this confirmation via another means.

The working group recalled that the Gaining FOA pre-dated the TAC, and that prior to the introduction of the TAC, the Gaining FOA was an essential element for facilitating the transfer and also provided a function that was important to prevent the unauthorized transfer of domains. With the introduction of the TAC, an additional layer of security was added to the process, and the Gaining FOA became less essential. The



**Deleted:** 8 June 20228 June 20228 June 20228 June 20228 June 20227 June 20227 June 20227 June 20223 June 20222 June 2022

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

working group further noted that it has recommended a series of measures to increase the security of the TAC and reduce the risk that the TAC is obtained by an unauthorized person, as detailed in Preliminary Recommendations 7-13. With added security measures, the TAC becomes a stronger means to demonstrate that the TAC holder is an appropriate party to request the transfer, which makes the authorization element of the Gaining FOA unnecessary.

The working group noted that while it was in use, the Gaining FOA provided a record to assist ICANN's Contractual Compliance department in investigating complaints, especially those related to unauthorized transfers. It also supported the resolution of disputes. The working group noted that new notifications detailed in Preliminary Recommendations 3-4 will provide the necessary paper trail for this purpose.

**Preliminary Recommendations:**

**Preliminary Recommendation 1**: The working group recommends eliminating from the Transfer Policy the requirement that the Gaining Registrar send a Gaining Form of Authorization. This requirement is detailed in section 1.A.2 of the Transfer Policy.

### 3.1.2 Charter Question a2

*If the working group determines the Gaining FOA should still be a requirement, are any updates (apart from the text, which will likely need to be updated due to the gTLD Registration Data Policy) needed for the process? For example, should additional security requirements be added to the Gaining FOA (two-factor authentication)?*

**Working Group Response:**

As described in the above response to charter questions a1, the working group has determined that the Gaining FOA should no longer be a requirement.

### 3.1.3 Charter Question a3

*The language from the Temporary Specification provides, "[u]ntil such time when the RDAP service (or other secure methods for transferring data) is required by ICANN to be offered, if the Gaining Registrar is unable to gain access to then-current Registration Data for a domain name subject of a transfer, the related requirements in the Transfer Policy will be superseded by the below provisions...". What secure methods (if any) currently exist to allow for the secure transmission of then-current Registration Data for a domain name subject to an inter-Registrar transfer request?*

**Working Group Response:**



Deleted: 8 June 20228 June 20228 June 20228 June 20228 June 20227 June 20227 June 20227 June 20223 June 20222 June 2022

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

As noted in the response to charter question a1, the working group considered that it is likely possible from a technical perspective to facilitate the transfer of the RNH's contact information from the Registrar of Record to the Gaining Registrar for the purposes of confirming the RNH's intent to transfer. However, the working group did not pursue specific methods for doing so because it did not believe this transfer is feasible from a legal perspective.

### 3.1.4 Charter Question a4

*If the working group determines the Gaining FOA is no longer needed, does the AuthInfo Code provide sufficient security? The Transfer Policy does not currently require specific security requirements around the AuthInfo Code. Should there be additional security requirements added to AuthInfo Codes, e.g., required syntax (length, characters), two-factor authentication, issuing restrictions, etc.?*

**Working Group Response:**

The working group has presented a series of enhancements to the security of the Transfer Authorization Code (TAC), formerly known as the AuthInfo Code, in Preliminary Recommendations 7-13. The working group believes that the TAC will provide sufficient security with these improvements in place.

### 3.1.5 Charter Question a5

*If the working group determines the Gaining FOA is no longer needed, does the transmission of the AuthInfo Code provide a sufficient "paper trail" for auditing and compliance purposes?*

**Working Group Response:**

It is the working group's view that a sufficient "paper trail" will be provided by records associated with provision of the TAC and notifications to the RNH outlined in Preliminary Recommendations 3-4.

### 3.1.6 Charter Question a6

*Survey respondents noted that mandatory domain name locking is an additional security enhancement to prevent domain name hijacking and improper domain name transfers. The Transfer Policy does not currently require mandatory domain name locking; it allows a Registrar to NACK an inter-Registrar transfer if the inter-Registrar transfer was*



**Deleted:** 8 June 20228 June 20228 June 20228 June 20228 June 20227 June 20227 June 20227 June 20223 June 20222 June 2022

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

*requested within 60 days of the domain name's creation date as shown in the Registry RDDS record for the domain name or if the domain name is within 60 days after being transferred. Is mandatory domain name locking an additional requirement the working group believes should be added to the Transfer Policy?*

**Working Group Response:**

The working group understands that this charter question refers to a lock that some Registrars apply by default to protect their customers from accidental or malicious inter-Registrar transfers. Registrants may, however, request lock removal, and Registrars must remove the lock within five days per requirements of the Transfer Policy.[4] Charter question a6 asks whether this lock, which some Registrars choose to apply today, should become a policy requirement for ALL Registrars. For the avoidance of doubt, the lock addressed in this charter question is distinct from potential requirements for a Registrar to restrict the RNH from transferring a domain name to a new Registrar within 30 days of the initial registration date and within 30 days of the completion of an inter-Registrar transfer. Unlike Preliminary Recommendations 20-21 regarding inter-Registrar transfer restrictions, the lock discussed in this charter question is a default lock that is generally removable upon the request of the registrant,[5] while the restrictions discussed in Preliminary Recommendations 20-21 are triggered by a specific event and are not removable upon the request of the registrant.

The working group does not believe that mandatory domain name locking as presented above should be added to the Transfer Policy. It is the working group's view that Registrars are in the best position to determine whether locking a domain by default upon registration is appropriate for their customers in combination with other security features implemented by the Registrar. The working group notes that there will be greater security related to inter-Registrar transfers following the implementation of Preliminary Recommendations 7-13 for enhanced security of the TAC. The working group expects that Registrars will continue to use their own discretion to implement any additional measures that may be appropriate for their business model and customer base.

### 3.1.7 Charter Question a7

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

**Working Group Response:**

[4] Please note there are some instances, which are specifically spelled out in the Transfer Policy, where a Registrar may not unlock a domain name, even if requested by the Registered Name Holder, e.g., the domain name is subject to a UDRP proceeding or locked pursuant to a court order.
[5] Ibid.



Deleted: 8 June 20228 June 20228 June 20228 June 20228 June 20227 June 20227 June 20227 June 20223 June 20222 June 2022
Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)
Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)
Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)
Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)
Deleted: 21-22
Deleted: 21-22
Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)
Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)
Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)
Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)
Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)
Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)
Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)
Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)
Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

The working group acknowledged that the Losing FOA serves a number of important functions:

- The Losing FOA notifies the RNH that a transfer has been requested.
- In cases where the party requesting the TAC is different from the RNH receiving the Losing FOA, the Losing FOA provides an extra layer of security in the form of a "second factor" to ensure that the RNH is aware that the transfer is taking place.
- The Losing FOA provides a paper trail to assist ICANN's Contractual Compliance department in investigating complaints, especially those related to unauthorized transfers. It also supports the resolution of disputes. Following the deferral of Contractual Compliance enforcement of Gaining FOA requirements, the Losing FOA has taken on particular importance for complaint investigation.

The working group agreed that the transfer process must have appropriate security measures in place and that the RNH must continue to be notified when an inter-Registrar transfer is expected to take place. Furthermore, the working group agreed that there must be a record of events that is sufficient to facilitate ICANN Contractual Compliance's investigation of transfer-related complaints and support the resolution of disputes.

With respect to security, the working group noted that new laws have come into force since the Losing FOA was instituted that provide additional protections to the RNH with respect to personal data protection. The working group further concluded that if the TAC is managed in a more secure manner following Preliminary Recommendations 7-13, the risk of unauthorized transfer should be reduced.

The working group agreed that the transfer process should be simple, quick, and efficient. Members noted that the Losing FOA process can delay the transfer up to 5 days, which may inconvenience registrants. Therefore, it is desirable to pursue alternatives to the Losing FOA that allow for transfers to take place instantly.

Taking into account these considerations, the working group determined that the Losing FOA requirement should be eliminated and replaced with new requirements. These new requirements allow the transfer to occur in nearly real time while ensuring that: 1. The RNH is informed of an inter-Registrar transfer, and 2. A sufficient record of the process is maintained to support investigation of complaints and resolution of disputes.

**Preliminary Recommendations:**



**Deleted:** 8 June 20228 June 20228 June 20228 June 20228 June 20227 June 20227 June 20227 June 20223 June 20222 June 2022

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Preliminary Recommendation 2:** The working group recommends eliminating from the Transfer Policy the requirement that the Registrar of Record send a Losing Form of Authorization.[6] This requirement is detailed in section I.A.3 of the Transfer Policy.

**Preliminary Recommendation 3:** The working group recommends that the Registrar of Record MUST send a "Notification of TAC Provision"[7] to the RNH, as listed in the Registration Data at the time of the TAC request, without undue delay but no later than 10 minutes after the Registrar of Record provides the TAC.[8]

**3.1**: This notification MUST be written in the language of the registration agreement and MAY also be provided in English or other languages.

**3.2**: The following elements MUST be included in the "Notification of TAC Provision":

- Domain name(s)
- Date and time that the TAC was provided and information about when the TAC will expire
- Instructions detailing how the RNH can take action if the request is invalid (how to invalidate the TAC)
- If the TAC has not been provided via another method of communication, this communication will include the TAC

**Preliminary Recommendation 4:** The working group recommends that the Losing Registrar[9] MUST send a "Notification of Transfer Completion"[10] to the RNH, as listed in the Registration Data at the time of the transfer request, without undue delay but no later than 24 hours after the transfer is completed.

**4.1**: This notification MUST be written in the language of the registration agreement and MAY also be provided in English or other languages.

**4.2**: To the extent that multiple domains have been transferred to the same

[6] The working group notes that, in place of the Losing FOA, notifications are sent to the RNH in relation to an inter-Registrar transfer, as detailed in Preliminary Recommendations 3-4.
[7] The working group recognizes that this notification MAY be sent via email, SMS, or other secure messaging system. These examples are not intended to be limiting, and it is understood that additional methods of notification MAY be created that were not originally anticipated by the working group.
[8] The working group recognizes that from a security perspective, it is best for the "Notification of TAC Provision" to be delivered by a method of communication that is different from the method used to deliver the TAC. If this is not possible, and the same method of communication is used, the Registrar of Record MAY choose to send the "Notification of TAC Provision" and the TAC together in a single communication.
[9] This is the Registrar of Record at the time of the transfer request.
[10] The footnote on Preliminary Recommendation 3 regarding the method by which notifications are sent equally applies to the "Notification of Transfer Completion."



Deleted: 8 June 20228 June 20228 June 20228 June 20228 June 20227 June 20227 June 20227 June 20223 June 20222 June 2022
Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)
Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)
Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)
Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)
Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)
Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)
Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)
Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)
Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)
Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)
Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)
Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)
Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)
Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)
Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)
Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)
Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)
Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Gaining Registrar or to multiple Gaining Registrars at the same time, and the RNH listed in the Registration Data at the time of the transfer is the same for all domains, the Registrar of Record MAY consolidate the "Notifications of Transfer Completion" into a single notification.

**4.3**: The following elements MUST be included in the "Notification of Transfer Completion":

- Domain name(s)
- Text stating that the domain was transferred
- Date and time that the transfer was completed
- Instructions detailing how the RNH can take action if the transfer was invalid (how to initiate a reversal)

Note: The working group has included the following question for community input regarding Preliminary Recommendation 4.3 as part of the public comment process on the Initial Report:

*As detailed in Recommendations 3-4, the working group is recommending replacing the Standardized Losing FOA with two notifications to the Registered Name Holder: (i) a required "Notification of TAC Provision" and (ii) a required "Notification of Transfer Completion". Recommendation 4 details the minimum elements to be included in the Notification of Transfer Completion, including, for example, domain name, date/time of transfer completion, instructions on how to take action if the transfer is invalid. The working group discussed the possibility of including the IANA ID of the Gaining Registrar within this notification.*

*Note: The IANA ID is the unique number provided by ICANN to each accredited Registrar. The IANA ID can be helpful in identifying the correct Registrar, especially in situations where Registrars have similar names and/or have multiple subsidiaries with similar names.*

*In the working group's discussion, Registrars noted that not all Registry Operators use the Gaining Registrar's IANA ID when notifying a Losing Registrar of a pending transfer request. Instead, some Registry Operators use a separate, internal client ID that does not correspond to the IANA ID. Registry representatives asked if this question could be included in the public comment forum to allow additional time to discuss if it would be feasible to include the IANA ID when notifying the Registrar via EPP or otherwise, which would then allow the Losing Registrar to provide the IANA ID in the Notification of Transfer Completion. Please note all commenters are welcome to respond to this question, not just Registry Operators.*

***Question to the community: Should the Gaining Registrar's IANA ID be provided by the Registry Operator to the Losing Registrar so that it may be included in***



**Deleted:** 8 June 20228 June 20228 June 20228 June 20228 June 20227 June 20227 June 20227 June 20223 June 20222 June 2022

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

***the Notification of Transfer Completion sent by the Losing Registrar to the Registered Name Holder? Why or why not? Please explain.***

### 3.1.8 Charter Question a8

*Does the Contracted Parties House (CPH) Proposed Tech Ops Process represent a logical starting point for the future working group or policy body to start with? If so, does it provide sufficient security for registered name holders? If not, what updates should be considered?*

**Working Group Response:**

The CPH Tech Ops Group, "agreed that the requirement to notify the Registrant about a transfer request should be mandatory. As general business practices of Registrars and individual transfer scenarios vary, the group concluded that such notification does not have to be an email, but rather may incorporate other means of more modern communication."[11]

The working group agreed with Tech Ops that it is important to notify the RNH when a transfer is expected to take place and has recently taken place. The working group further supported the idea that given variations in Registrar business models and individual transfer scenarios, different secure means of communication may be appropriate for the provision of notifications.

### 3.1.9 Charter Question a9

*Are there additional inter-Registrar transfer process proposals that should be considered in lieu of or in addition to the CPH TechOps Proposal? For example, should affirmative consent to the Losing FOA be considered as a measure of additional protection?*

**Working Group Response:**

The working group did not identify any additional proposals to pursue in this regard.

## 3.2 Transfer Authorization Code/AuthInfo Code Management

For context on this topic and the associated charter questions, please see pages 15-19 of the Final Issue Report.

[11] Full text of the CPH Tech Ops proposal can be found in Annex B of the TPR Final Issue Report.



**Deleted:** 8 June 20228 June 20228 June 20228 June 20228 June 20227 June 20227 June 20227 June 20223 June 20222 June 2022

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

### 3.2.1 Charter Question b1

*Is AuthInfo Code still a secure method for inter-Registrar transfers? What evidence was used by the working group to make this determination?*

**Working Group Response:**

The working group agreed that it should first establish clarity around the function and definition of the AuthInfo Code and ensure that terminology is clear before addressing specific security requirements. The working group used the following text on ICANN.org as a starting point for discussion on the definition of the Transfer Authorization Code (TAC): "An Auth-Code (also called an Authorization Code, Auth-Info Code, or transfer code) is a code created by a Registrar to help identify the Registered Name Holder of a domain name in a generic top-level domain (gTLD). An Auth-Code is required for a Registered Name Holder to transfer a domain name from one Registrar to another." The working group agreed that the term "identify" is inappropriate in this context, because the code does not verify identity in practice. Instead, the TAC is used to verify that the Registered Name Holder (RNH) requesting the transfer is the same RNH who holds the domain.

The working group considered that a number of different terms currently apply to the same concept, including AuthInfo Code, Auth-Info Code, Auth-Code, Authorization Code, and transfer code. None of these terms clearly describe the function of the code. The working group believes that it is clearer for all parties, and particularly the RNH, if a single term is used universally. The working group believes that "Transfer Authorization Code" (TAC) provides a straightforward description of the code's function, and therefore should serve as the standard term in place of the alternatives.

Regarding the security of the TAC, the working group agreed that metrics could support deliberations on charter question b1. In particular, working group members were interested to see if there has been a change in the number of unauthorized transfers following adoption of the Temporary Specification for gTLD Registration Data. ICANN's Contractual Compliance Department provided the working group with updated metrics regarding complaints received, which covered the periods both before and after the Temporary Specification went into effect.[12] Contractual Compliance subsequently shared additional metrics that included the "closure codes" associated with complaints

[12] Available at: https://community.icann.org/download/attachments/181307054/Compliance_Transfer%20Data_presented%2029%20June%202021.xlsx?version=1&modificationDate=1638449700087&api=v2



Deleted: 8 June 20228 June 20228 June 20228 June 20228 June 20227 June 20227 June 20227 June 20223 June 20222 June 2022

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

about unauthorized transfers.[13] While the working group agreed that it is difficult to draw conclusions from the data, the working group noted that there was no notable increase in complaints following the date that the Temporary Specification went into effect.

The working group considered that in addition to examining metrics regarding past performance, it is important to consider future-state objectives for the TAC. The working group agreed that from this perspective, additional security features are appropriate to protect the RNH, particularly in light of working group preliminary recommendations to replace requirements for the Gaining and Losing FOA with notifications to the RNH. In considering potential security enhancements, the working group considered the benefits of requiring these measures, while also taking into account usability considerations and operational impacts on contracted parties in implementing new requirements.

**Preliminary Recommendations:**

**Preliminary Recommendation 5:** The working group recommends that the Transfer Policy and all related policies MUST use the term "Transfer Authorization Code (TAC)" in place of the currently-used term "AuthInfo Code" and related terms. This recommendation is for an update to terminology only and does not imply any other changes to the substance of the policies.

**Preliminary Recommendation 6:** The working group recommends that the Transfer Authorization Code MUST be defined as follows: "A Transfer Authorization Code (TAC) is a token created by the Registrar of Record and provided upon request to the RNH or their designated representative.[14] The TAC is required for a domain name to be transferred from one Registrar to another Registrar and when presented authorizes the transfer."[15] Relevant policy language MUST be updated to be consistent with this definition.

**Preliminary Recommendation 7:** The working group recommends that the minimum requirements for the composition of a TAC MUST be as specified in RFC 9154 (and its

[13] Available at: https://community.icann.org/download/attachments/181307054/Compliance_Unauthorized%20Transfer%20Data%20Aug%202020-Sept%202021_presented%209%20November%202021.xlsx?version=1&modificationDate=1638449975000&api=v2

[14] "Designated representative" means an individual or entity that the Registered Name Holder explicitly authorizes to obtain the TAC on their behalf.

[15] Note: This definition draws on elements included in Preliminary Recommendation 9.



Deleted: 8 June 20228 June 20228 June 20228 June 20228 June 20227 June 20227 June 20227 June 20223 June 20222 June 2022

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) Calibri, Complex Script Font: Calibri, 10 pt

Formatted: Font: (Default) Calibri, Complex Script Font: Calibri, 10 pt

Formatted: Font: (Default) Calibri, Complex Script Font: Calibri, 10 pt

Formatted: Font: (Default) Calibri, Complex Script Font: Calibri, 10 pt

Formatted: Font: (Default) Calibri, Complex Script Font: Calibri, 10 pt

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

update and replacement RFCs). In addition, where random values are required by RFC 9154, such values MUST be created according to BCP 106.[16]

**Preliminary Recommendation 8:** The working group recommends that the Registry verifies at the time that the TAC is stored in the Registry system that the TAC meets the requirements specified in Preliminary Recommendation 7.

### 3.2.2 Charter Question b2

*The Registrar is currently the authoritative holder of the AuthInfo Code. Should this be maintained, or should the Registry be the authoritative AuthInfo Code holder? Why?*

**Working Group Response:**

In considering this charter question, the working group focused on evaluating and defining specific roles and responsibilities of Registries and Registrars in the transfer process, noting that each party has an important role to play in the transfer process. While some working group members expressed the view that Registry management of the TAC would be more uniform, standardized, and transparent, others noted that standards will be set through policy and enforced by ICANN Contractual Compliance regardless of whether the authoritative holder is the Registry or Registrar; therefore, it is not clear why it would be better to have the Registry be the authoritative holder.

The working group ultimately did not identify a compelling reason to shift ownership of the TAC to the Registry and therefore determined that the Registrar should continue to generate the TAC, set the TAC in the Registry platform, and provide the TAC to the RNH or their designated representative. The working group further agreed that the Registry should continue to verify the validity of the TAC. The working group provided preliminary recommendations to improve security practices with respect to the TAC to be implemented at the Registry.

**Preliminary Recommendations:**

**Preliminary Recommendation 9**: The working group recommends that:

[16] BCP 106 is a Best Current Practice and is an idempotent reference to the most recent version of the specification entitled "Randomness Requirements for Security", currently RFC 4086, which is how it is referenced in RFC 9154. For clarity, idempotent means the BCP 106 URL reference is static, and will automatically point to the updated RFC, without the need for action by the Contracted Party.



Deleted: 8 June 20228 June 20228 June 20228 June 20228 June 20227 June 20227 June 20227 June 20223 June 20222 June 2022

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) Calibri, Complex Script Font: Calibri

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**9.1**: The TAC MUST only be generated by the Registrar of Record upon request by the RNH or their designated representative.

**9.2**: When the Registrar of Record sets the TAC at the Registry, the Registry MUST store the TAC securely, at least according to the minimum standard set forth in RFC 9154.

**Implementation Guidance for Recommendation 9.2**: RFC 9154 recommends using a strong one-way cryptographic hash with at least a 256-bit hash function, such as SHA-256 [FIPS-180-4], and with a per-authorization information random salt with at least 128 bits.[18]

**9.3**: When the Registrar of Record provides the TAC to the RNH or their designated representative, the Registrar of Record MUST also provide information about when the TAC will expire.

**Preliminary Recommendation 10:** The working group confirms the following provision of Appendix G: Supplemental Procedures to the Transfer Policy contained in the Temporary Specification for gTLD Registration Data: "4. Registry Operator MUST verify that the "AuthInfo" code provided by the Gaining Registrar is valid in order to accept an inter-registrar transfer request," with terminology updates in accordance with other relevant recommendations.

**Preliminary Recommendation 11:** The working group recommends that the TAC as created by the Registrar of Record according to Preliminary Recommendation 7, MUST be "one-time use." In other words, it MUST be used no more than once per domain name. The Registry Operator MUST clear the TAC as part of completing the successful transfer request.

### 3.2.3 Charter Question b3

*The Transfer Policy currently requires Registrars to provide the AuthInfo Code to the registrant within five [calendar] days of a request. Is this an appropriate Service Level Agreement (SLA) for the Registrar's provision of the AuthInfo Code, or does it need to be updated?*

**Working Group Response:**

[18] [FIPS-180-4] National Institute of Standards and Technology, U.S. Department of Commerce, "Secure Hash Standard, NIST Federal Information Processing Standards (FIPS) Publication 180-4", DOI10.6028/NIST.FIPS.180-4, August 2015, <https://csrc.nist.gov/publications/detail/fips/180/4/final>.



Deleted: 8 June 20228 June 20228 June 20228 June 20228 June 20227 June 20227 June 20227 June 20223 June 20222 June 2022

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Deleted: be only

Deleted: [17]

Formatted: Font: Bold, Complex Script Font: Bold

Deleted: [FIPS-180-4] National Institute of Standards and Technology, U.S. Department of Commerce, "Secure Hash Standard, NIST Federal Information Processing Standards (FIPS) Publication 180-4", DOI10.6028/NIST.FIPS.180-4, August 2015, <https://csrc.nist.gov/publications/detail/fips/180/4/final>.

Deleted: ¶

Formatted: Font colour: Text 1

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

The working group agreed that the Transfer Policy should continue to require Registrars to provide the TAC to the RNH or their designated representative within a specified period of time following a request. While some working group members felt that the standard time frame for provision of the TAC should be shorter than five calendar days, working group members noted that exceptions may be necessary to accommodate specific circumstances. The working group did not identify a compelling reason to change the five-day response timeframe but believes that it is appropriate to update the policy language to highlight that five calendar days is the maximum and not the standard period in which the TAC is to be provided.

**Preliminary Recommendations:**

**Preliminary Recommendation 12:** The working group confirms that the Transfer Policy MUST continue to require Registrars to set the TAC at the Registry and provide the TAC to the RNH or their designated representative within five calendar days of a request, although the working group recommends that the policy state the requirement as 120 hours rather than 5 calendar days to reduce any risk of confusion. The working group further recommends that the policy MUST make clear that 120 hours is the maximum and not the standard period in which the TAC is to be provided.

### 3.2.4 Charter Question b4

*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.)?*

**Working Group Response:**

The working group clarified its understanding that the Time to Live (TTL) is the period of time that the TAC is valid once the TAC has been created. The working group noted that there are no existing policy requirements regarding TTL. The working group believes that it is good security practice to have a standard TTL for the TAC, because old, unused TACs are vulnerable to exploitation.

**Preliminary Recommendations:**

**Preliminary Recommendation 13:**

The working group recommends that:

> **13.1**: A standard Time to Live (TTL) for the TAC MUST be 14 calendar days from the time it is set at the Registry, enforced by the Registries.



Deleted: 8 June 20228 June 20228 June 20228 June 20228 June 20227 June 20227 June 20227 June 20223 June 20222 June 2022

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**13.2:** The Registrar of Record MAY set the TAC to null after a period of less than 14 days by agreement by the Registrar of Record and the RNH.

Note: The working group has included the following question for community input regarding Preliminary Recommendation 13.1 as part of the public comment process on the Initial Report:

*The working group noted that the standard Time to Live (TTL), as referenced in Preliminary Recommendation 13.1 is the period of time that the TAC is valid once the TAC has been created. The purpose of the standard TTL is to enforce security around unused TACs (e.g., requested/received but not used), in a situation where the TAC may be stored in a registrant's email or other communications storage. The working group agreed to a maximum standard TTL of 14 days.*

*In discussing this Charter Question, the working group initially discussed the benefits of placing the Registry in the role of enforcing the standard TTL. The working group noted that Registry authority would be more secure and streamlined due to the lesser number of Registry Operators as compared to ICANN-accredited Registrars.*

*Registry Operators, however, have expressed two concerns in taking on this role: 1) Registries do not have a customer relationship with registrants, and, accordingly, cautioned that having Registries preemptively invalidate a TAC directly impacts registrants; 2) this gives Registries a compliance responsibility over Registrars since they would be required to respond to authorities and potentially registrants investigating any concerns with the efficacy or expiry of a TAC.*

***Question to the community: Who is best positioned to manage the standard 14 day TTL – the Registry or the Registrar, and why? Are there specific implications if the TTL is managed by the Losing Registrar?***

## 3.2.5 Charter Question b5

*Should the ability for registrants to request AuthInfo Codes in bulk be streamlined and codified? If so, should additional security measures be considered?*

**Working Group Response:**

As a general rule, the working group believes that one randomly generated TAC should be provided per domain name, because this is a good security practice (see Preliminary Recommendation 7). The Working Group recognizes that for cases where multiple



**Deleted:** 8 June 20228 June 20228 June 20228 June 20228 June 20227 June 20227 June 20227 June 20223 June 20222 June 2022

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Deleted:** :¶ A

**Formatted:** Indent: Before: 1,27 cm, No bullets or numbering, Font Alignment: Auto

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

domains are being transferred, it would be more convenient to have a streamlined approach for requesting and using TACs. Some working group members suggested a carveout to the standard TAC requirements that would allow use of the same TAC for multiple domains if specific additional requirements were met to ensure security of the transaction. At the time of publication of the Initial Report, the working group did not agree on specific conditions under which this should be possible. Therefore, the working group is not making any recommendations with respect to exceptions for multi-domain transfers.

### 3.2.6 Charter Question b6

*Does the CPH TechOps research provide a logical starting point for future policy work on AuthInfo Codes, or should other options be considered?*

**Working Group Response:**

The working group carefully reviewed the TechOps proposal[19] and considered input from those involved in development of the proposal. The working group appreciated the expertise and relevant experience of those who developed the proposal and therefore considered it a logical starting point for discussion. The working group agreed, however, that it is important to consider (i) the range of views and interests that may not have been represented in the development of the proposal, and (ii) any new information or interests that have come to light since the development of the proposal. Therefore, in developing its preliminary recommendations, the working group deliberated on each of the charter questions, taking into account both the relevant elements of the TechOps paper as well as all other available information and inputs.

### 3.2.7 Charter Question b7

*Should required differentiated control panel access also be considered, i.e., the registered name holder is given greater access (including access to the auth code), and additional users, such as web developers would be given lower grade access in order to prevent domain name hijacking?*

**Working Group Response:**

The working group does not believe that there should be any new policy requirements in this regard.

[19] Available in Annex B of the TPR Final Issue Report.



Deleted: 8 June 20228 June 20228 June 20228 June 20228 June 20227 June 20227 June 20227 June 20223 June 20222 June 2022

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) Calibri, Complex Script Font: Calibri

Formatted: Font: (Default) Calibri, Complex Script Font: Calibri

Formatted: Font: (Default) Calibri, Complex Script Font: Calibri

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

## 3.3 EPDP Phase 1, Recommendation 27, Wave 1 Report

For context on this topic and the associated charter questions, please see pages 52-56 of the Final Issue Report.

### 3.3.1 Charter Question c1

*How should the identified issues be addressed?*

**Working Group Response:**

The working group reviewed the Transfer Policy-related issues from Section 3.11 of the Wave 1 Report and noted seven (7) of the ten (10) "key issues" were relevant to the current phase (Phase 1(a)) of its work.[20] The working group reviewed and discussed these seven issues and has provided a response to each issue. The detailed responses can be found in Annex D of this report.

**Preliminary Recommendations:**

**Preliminary Recommendation 14:** The working group recommends the following specific terminology updates to the Transfer Policy:

(i) The term "Whois data" SHALL have the same meaning as "Registration Data".

(ii) The term "Whois details" SHALL have the same meaning as "Registration Data".

(iii) The term "Publicly accessible Whois" SHALL have the same meaning as "RDDS".

(iv) The term "Whois" SHALL have the same meaning as "RDDS".

For the avoidance of doubt, the terms referenced in above in Recommendation 14 (i) - (iv) are intended to correspond to the definitions in the Registrar Accreditation Agreement ("RAA"). In the event of any inconsistency, the RAA definitions, if updated, will supersede. The working group also recommends that the outdated terms should be replaced with the updated terms, e.g., all references to "Whois Data" should be replaced with the term "Registration Data," etc.

> **Rationale:** This recommendation is consistent with the EPDP Team's Phase 1 Recommendation 24.

[20] Key Issues 4, 6, and 7 related to Change of Registrant, and, accordingly, the working group agreed to discuss these issues during Phase 1(b) of its work.



Deleted: 8 June 20228 June 20228 June 20228 June 20228 June 20227 June 20227 June 20227 June 20223 June 20222 June 2022

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) Calibri, Complex Script Font: Calibri

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Preliminary Recommendation 15:** The working group recommends removing any reference to an "Administrative Contact" or "Transfer Contact" in the Transfer Policy and replacing it with "Registered Name Holder" unless specifically indicated.

> **Rationale:** Under the Registration Data Policy, Administrative Contact data is no longer collected by the Registrar. Accordingly, the Registered Name Holder would be the only authorized transfer contact.

### 3.3.2 Charter Question c2

*Can the FOA-related Transfer Policy issues (identified in paragraphs 5 and 9 of Wave 1 Report), as well as the proposed updates to the Gaining and Losing FOAs, be discussed and reviewed during the review of FOAs?*

**Working Group Response:**

As noted above, the working group reviewed the seven key issues from Section 3.11 of the Wave 1 Report that are directly related to Phase 1(a) of its work, including the issues related to the Gaining and Losing FOAs. The working group determined these specific issues are in scope for it to address during Phase 1(a) and discussed and reviewed these issues during its plenary meetings. For the detailed responses on the key issues, please refer to Annex D of this report.

The working group noted many key issues alluded to terminology inconsistencies, which are the direct result of the EPDP Phase 1 recommendations. For example, EPDP Phase 1, Recommendation #5 provides an updated list of data elements to be collected by Registrars. Notably, the administrative contact field, which was a required data field under the 2013 RAA, is no longer a required data element for Registrar collection and subsequent processing. Because the administrative contact field is referenced many times within the Transfer Policy, the working group noted those references should be removed.[21] Similarly, the working group observed that the multiple references to "Whois" need to be updated.

## 3.4 Denying (NACKing) Transfers

The topic of denying (NACKing) transfers was originally planned for Phase 2 of the PDP. It was later moved to Phase 1(a) by a Project Change Request to ensure that the working

[21] Additional context from the working group's discussion can be found in Annex D of this report.



Deleted: 8 June 20228 June 20228 June 20228 June 20228 June 20227 June 20227 June 20227 June 20223 June 20222 June 2022

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) Calibri, Complex Script Font: Calibri

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

group could examine all elements of the security model for domain name transfers in a holistic manner as part of its Phase 1 deliberations.

For context on this topic and the associated charter questions, please see pages 43-48 of the Final Issue Report.

### 3.4.1 Charter Question h1

*Are the current reasons for denying or NACKing a transfer sufficiently clear? Should additional reasons be considered? For instance, ICANN Contractual Compliance has observed difficulties from Registrars tying transfer denials involving domain names suspended for abusive activities to the denial instances contemplated by the Transfer Policy; or should any reasons be removed?*

**Working Group Response:**

The working group conducted a thorough review of the reasons for denying or NACKing a transfer and has provided a series of preliminary recommendations detailed below. Please see the rationale for each proposed change for additional information about why these updates are being recommended.

While discussing sections I.A.3.7 through I.A.3.9 of the Transfer Policy, the working group spent a significant among of time considering I.A.3.7.5 and I.A.3.7.6 and the fact that in some cases, a domain is locked against inter-Registrar transfer for 60 days following the registration of the domain name or the transfer of the domain name to a new Registrar. Requirements regarding post-registration and post-transfer locks appear in some Registry Agreements and are reflected in corresponding Registry-Registrar Agreements. This practice is neither required nor prohibited in the Transfer Policy and is applied inconsistently across the industry.

The working group considered that this inconsistent practice may cause confusion among registrants and may lead to poor registrant experience. The working group supported establishing a standard set of requirements that apply across the industry. While some members also supported opportunities for opt-outs or flexibility in the requirements (for example a minimum lock period with an option to implement a longer lock period), the working group ultimately agreed that consistency needs to be maintained.



**Deleted:** 8 June 20228 June 20228 June 20228 June 20228 June 20227 June 20227 June 20227 June 20223 June 20222 June 2022

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

In the course of deliberations, the working group discussed three possible time periods for post-registration and post-transfer locks:[22] 10 days, 30 days, and 60 days. Working group members supported maintaining consistency between the period that a transfer is prohibited following registration and following inter-Registrar transfer. Some working group members have advocated for establishing a "fast undo" process along the lines of the Expedited Transfer Reverse Process (ETRP) considered in Inter-Registrar Transfer Policy (IRTP) Part B Policy Development Process. The IRTP Part B Working Group ultimately did not adopt the ETRP proposal. "Fast undo" discussions will continue in Phase 2 of the Transfer Policy Review PDP, and the working group has not yet considered this topic in depth. At this stage, some working group members noted that if a "fast undo" process is ultimately adopted, the period for which a domain is eligible for "fast undo" following an inter-Registrar transfer should likely correspond to the lock periods, and should be sufficiently long to identify the need to invoke the "fast undo" process.

**Preliminary Recommendations:**

**Preliminary Recommendation 16**: The Registrar MUST restrict the RNH from transferring a domain name to a new Registrar within 30 days of the initial registration date.

**Rationale**: The working group believes that a single requirement across the industry will result in a better experience for registrants. The working group recommends that 30 days is the appropriate period for this requirement because:

- It provides a window of opportunity to identify issues associated with credit card payments, including unauthorized use of a credit card. This may assist with addressing criminal activity and deterring fraud.
- It provides a window of opportunity for a complainant to file a Uniform Domain Name Dispute Resolution Policy (UDRP) proceeding without the domain being transferred to a new registrar. Once the proceeding is underway, the domain will be locked in relation to the dispute.
- For registrants who legitimately want to transfer a domain shortly after registration, the working group believes that 30 days is a reasonable period of time to wait.

**Preliminary Recommendation 17**: The Registrar MUST restrict the RNH from transferring a domain name to a new Registrar within 30 days of the completion of an inter-Registrar transfer.

[22] Use of the term "lock" is not intended to imply or require a specific technical solution for implementation. Rather, it is used as shorthand meaning that the domain is ineligible for inter-Registrar transfer for a period of time.



Deleted: 8 June 20228 June 20228 June 20228 June 20228 June 20227 June 20227 June 20227 June 20223 June 20222 June 2022

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted

Formatted: Font: (Default) Calibri, Complex Script Font: Calibri

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Rationale**: The working group believes that a single requirement across the industry will result in a better experience for registrants and will also consistently prevent the transfer of a domain multiple times in rapid succession, a practice associated with domain theft. The working group recommends that 30 days is the appropriate period for this requirement because:

- It provides a window of opportunity to identify issues associated with credit card payments, including unauthorized use of a credit card. This may assist with addressing criminal activity and deterring fraud.
- For registrants who legitimately want to transfer a domain again shortly after an inter-registrar transfer has taken place, 30 days is a reasonable period of time to wait.

**Preliminary Recommendation 18:** I.A.3.7 of the Transfer Policy currently reads, "Upon denying a transfer request for any of the following reasons, the Registrar of Record must provide the Registered Name Holder and the potential Gaining Registrar with the reason for denial. The Registrar of Record **MAY** deny a transfer request only in the following specific instances:" The working group recommends expressing the two sentences of this provision as two distinct provisions of the policy.

**Rationale**: The two sentences of I.A.3.7 express two distinct concepts and therefore should be separated into two different provisions.

**Preliminary Recommendation 19**: The working group recommends revising the following reasons that the Registrar of Record **MAY** deny a transfer request as follows:

| Reference | Current Text | Revision | Rationale |
|---|---|---|---|
| I.A.3.7.1 | Evidence of fraud. | Evidence of fraud **or violation of the Registrar's domain use or anti-abuse policies.** | ICANN's Contractual Compliance Department has observed difficulties from Registrars tying transfer denials involving domain names suspended for abusive activities to the denial instances contemplated by the Transfer Policy. The working group considered several possible revisions to I.A.3.7.1 with the goal of ensuring that the text is clear and narrowly-tailored while appropriately addressing the issue identified. The working group's addition of "violation of the Registrar's domain use or anti-abuse policies" seeks to strike this balance. |
| I.A.3.7.2 | Reasonable dispute over the identity of the Registered Name Holder or | Reasonable ~~dispute over the identity of~~ **concern that the transfer was not requested by** the | The working group believes that the term "identity" is not appropriate in this context, in part due to concerns regarding data privacy implications. Because the |



Deleted: 8 June 20228 June 20228 June 20228 June 20228 June 20227 June 20227 June 20227 June 20223 June 20222 June 2022

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Deleted: Registration Agreement

Deleted: Implementation Guidance: The intent of "violation of the Registration Agreement" is not to allow the blocking of transfers due to minor violations, but to allow action in case of substantive contravention of the Registration Agreement.

Deleted: noted that such abusive activities typically constitute a violation of the Registration Agreement, and therefore by including "violation of the Registration Agreement" to the reasons that the Registrar of Record **MAY** deny a transfer, the Policy will explicitly permit denials in these circumstances. The Implementation Guidance provides additional "guardrails" to protect against denial of transfers for minor, inadvertent violations of the Registration Agreement. The Working Group notes that Registration Agreement violations have in the past formed the basis of formal ICANN Compliance enforcement relating to domain transfer….

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

| | | | |
|---|---|---|---|
| | Administrative Contact. | Registered Name Holder ~~or Administrative Contact~~. | issue at hand is more precisely about authority over the domain, the working group refined the text to focus on the key underlying concern, namely that the transfer request was made by a party other than the Registered Name Holder.<br><br>Under the Registration Data Policy, Administrative Contact data is no longer collected by the Registrar, therefore this term has been removed. This update is consistent with Preliminary Recommendation 15.<br><br>The Working Group considered adding language to address other types of invalid requests or disputes by other parties. The Working Group determined that the use cases they discussed are appropriately covered by the revised language in I.A.3.7.2. |
| I.A.3.7.3 | No payment for previous registration period (including credit card charge-backs) if the domain name is past its expiration date or for previous or current registration periods if the domain name has not yet expired. In all such cases, however, the domain name must be put into "Registrar Hold" status by the Registrar of Record prior to the denial of transfer. | Nonpayment for previous registration period (including **payment disputes or** credit card charge-backs) if the domain name is past its expiration date **at the current Registrar of Record** or for previous or current registration periods if the domain name has not yet expired. ~~In all such cases, however, the domain name must be put into "Registrar Hold" status by the Registrar of Record prior to the denial of transfer.~~ | The working group has added the term "payment disputes" to reflect problems related to payments other than a credit card charge-back.<br><br>The working group received input from ICANN's Contractual Compliance Department that the term "expiration date" in this provision is not sufficiently precise, because during the Auto-Renew Grace Period, the domain will not show as expired at the Registry level, but will show as expired at the Registrar of Record. By adding "at the current Registrar of Record" the working group has clarified that if the domain name is past its expiration date at the current Registrar of Record and the RNH has not paid for the registration period prior to that expiration date, the Registrar of Record may deny the transfer.<br><br>The working group notes that the sentence beginning "In all such cases. . ." dates back as early as the 2002 ICANN DNSO Transfers Task Force Final Report & Recommendations. The working group believes that the Expired Registration Recovery Policy now provides the |

**Deleted:** 8 June 20228 June 20228 June 20228 June 20228 June 20227 June 20227 June 20227 June 20223 June 20222 June 2022

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

| | | | |
|---|---|---|---|
| | | | necessary guidance on treatment of domains post-expiration and that this sentence is unnecessary in the Transfer Policy text. |

**Preliminary Recommendation 20**: The working group recommends changing the following reasons that the Registrar of Record currently **MAY** deny a transfer into reasons that the Registrar of Record **MUST** deny a transfer and revising the text as follows:

| Reference | Current Text | Revision | Rationale |
|---|---|---|---|
| I.A.3.7.4 | Express objection to the transfer by the authorized Transfer Contact. Objection could take the form of specific request (either by paper or electronic means) by the authorized Transfer Contact to deny a particular transfer request, or a general objection to all transfer requests received by the Registrar, either temporarily or indefinitely. In all cases, the objection must be provided with the express and informed consent of the authorized Transfer Contact on an opt-in basis and upon request by the authorized Transfer Contact, the Registrar must remove the lock or provide a reasonably accessible method for the authorized Transfer Contact to remove the lock within five (5) calendar days. | Express objection to the transfer by the ~~authorized Transfer Contact~~ **Registered Name Holder**. Objection could take the form of specific request (either by paper or electronic means) by the ~~authorized Transfer Contact~~ **Registered Name Holder** to deny a particular transfer request, or a general objection to all transfer requests received by the Registrar, either temporarily or indefinitely. In all cases, the objection must be provided with the express and informed consent of the ~~authorized Transfer Contact~~ **Registered Name Holder** on an opt-in basis and upon request by the ~~authorized Transfer Contact~~ **Registered Name Holder**, the Registrar must remove the lock or provide a reasonably accessible method for the ~~authorized Transfer Contact~~ **Registered Name Holder** to remove | Under the Registration Data Policy, Administrative Contact data is no longer collected by the Registrar. Accordingly, the RNH would be the only authorized transfer contact. The working group believes that it is logical that the Registrar of Record must deny a transfer if the Registered Name Holder expressly objects to the transfer. This update is consistent with Preliminary Recommendation 15. |

**Deleted:** 8 June 20228 June 20228 June 20228 June 20228 June 20227 June 20227 June 20227 June 20223 June 20222 June 2022

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

| | | | |
|---|---|---|---|
| | | the lock within five (5) calendar days. | |
| I.A.3.7.5 | The transfer was requested within 60 days of the creation date as shown in the registry Whois record for the domain name. | The transfer was requested within ~~60~~ **30** days of the creation date as shown in the registry ~~Whois~~ **RDDS** record for the domain name. | Per working group Preliminary Recommendation 16, the Registrar MUST restrict the RNH from transferring a domain name to a new Registrar within 30 days of the initial registration date.<br><br>"Whois" has been updated to "RDDS" consistent with Preliminary Recommendation 14. |
| I.A.3.7.6 | A domain name is within 60 days (or a lesser period to be determined) after being transferred (apart from being transferred back to the original Registrar in cases where both Registrars so agree and/or where a decision in the dispute resolution process so directs). "Transferred" shall only mean that an inter-registrar transfer has occurred in accordance with the procedures of this policy. | A domain name is within ~~60~~ **30** days (or a lesser period to be determined) after being transferred (apart from being transferred back to the original Registrar in cases where both Registrars so agree and/or where a decision in the dispute resolution process so directs). "Transferred" shall only mean that an inter-registrar transfer has occurred in accordance with the procedures of this policy. | Per working group Preliminary Recommendation 17, the Registrar MUST restrict the RNH from transferring a domain name to a new Registrar within 30 days of the completion of an inter-Registrar transfer. |

**Preliminary Recommendation 21**: The working group recommends revising the reasons that the Registrar of Record **MUST** deny a transfer request as follows:

| Reference | Current Text | Revision | Rationale |
|---|---|---|---|
| I.A.3.8.1 | A pending UDRP proceeding that the Registrar has been informed of. | ~~A p~~**P**ending UDRP proceeding that the Registrar has been ~~informed~~ **notified** of **by the Provider in accordance with the UDRP Rules**. | The working group has refined the current text in an effort to clarify that Registrars must deny inter-Registrar transfer requests that are received after a Registrar has been notified by a UDRP Provider of a UDRP proceeding in accordance with the UDRP Rules. |



Deleted: 8 June 20228 June 20228 June 20228 June 20228 June 20227 June 20227 June 20227 June 20223 June 20222 June 2022

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

| | | | |
|---|---|---|---|
| I.A.3.8.2 | Court order by a court of competent jurisdiction. | N/A | The working group believes that this provision continues to be appropriate and that the language is sufficiently clear. |
| I.A.3.8.3 | Pending dispute related to a previous transfer, pursuant to the Transfer Dispute Resolution Policy. | Pending dispute ~~related to a previous transfer, pursuant to~~ **under** the Transfer Dispute Resolution Policy. | This revision is editorial in nature. It is not intended to change the meaning of the provision. |
| I.A.3.8.4 | URS proceeding or URS suspension that the Registrar has been informed of. | **Pending** URS proceeding or URS suspension that the Registrar has been ~~informed~~ **notified** of **by the Provider in accordance with the URS Procedure**. | The term "pending" has been added for consistency with language in I.A.3.8.1 and I.A.3.8.3. In addition, the working group has refined the current text in an effort to clarify that Registrars must deny inter-Registrar transfer requests that are received after a Registrar has been notified by a URS Provider of a URS proceeding or URS suspension in accordance with the URS Procedure. |
| I.A.3.8.5 | The Registrar imposed a 60-day inter-registrar transfer lock following a Change of Registrant, and the Registered Name Holder did not opt out of the 60-day inter-registrar transfer lock prior to the Change of Registrant request. | N/A | The Working Group is not proposing any revisions at this time. Per the working group charter, Change of Registrant will be addressed in Phase 1(b) of the PDP. The working group will revisit I.A.3.8.5 once it has completed deliberations on Change of Registrant. |

**Preliminary Recommendation 22**: The working group recommends changing the following reasons that the Registrar of Record currently **MAY NOT** deny a transfer into reasons that the Registrar of Record **MUST NOT** deny a transfer and revising the text as follows:

| Reference | Current Text | Revision | Rationale |
|---|---|---|---|
| I.A.3.9.1 | Nonpayment for a pending or future registration period. | Implementation Guidance: Registrars are prohibited from denying domain name transfer requests based on non-payment of fees for pending or future | The Working Group has provided Implementation Guidance in response to input from ICANN's Contractual Compliance Department that it would be helpful to provide additional guidance consistent with the Registrar Advisory dated 3 April 2008 which states, "Pursuant |



Deleted: 8 June 20228 June 20228 June 20228 June 20228 June 20227 June 20227 June 20227 June 20223 June 20222 June 2022

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

| | | | |
|---|---|---|---|
| | | registration periods during the Auto-Renew Grace Period, provided that any auto-renewal costs borne by the Registrar are reversible for future period. | to the Transfer Policy, registrars are prohibited from denying domain name transfer requests based on non-payment of fees for pending or future registration periods during the Auto-Renew Grace Period." |
| I.A.3.9.2 | No response from the Registered Name Holder or Administrative Contact. | No response from the Registered Name Holder. ~~or Administrative Contact~~ | Under the Registration Data Policy, Administrative Contact data is no longer collected by the registrar. Accordingly, the RNH would be the only authorized transfer contact. This update is consistent with Preliminary Recommendation 15. |
| I.A.3.9.3 | Domain name in Registrar Lock Status, unless the Registered Name Holder is provided with the reasonable opportunity and ability to unlock the domain name prior to the Transfer Request. | **A registrar-applied inter-registrar transfer lock is in place on the** ~~**D**~~**d**omain name ~~in Registrar Lock Status,~~ for reasons other than those specified in I.A.3.7 and I.A.3.8 ~~unless~~ **and** the Registered Name Holder is **not** provided with the reasonable opportunity and ability to unlock the domain name prior to the Transfer Request **pursuant to the requirements in sections I.A.5.1 - I.A.5.4**. | The updates are primarily intended to improve clarity of the provision, use terminology that will be commonly understood, and refer to the relevant provisions that should be referenced alongside I.A.3.9.3. |
| I.A.3.9.4 | Domain name registration period time constraints, other than during the first 60 days of initial registration, during the first 60 days after a registrar transfer, or during the 60-day lock following a Change of Registrant pursuant to Section II.C.2. | Domain name registration period time constraints, other than **as defined in I.A.3.7.5 and I.A.3.7.6**[23] ~~during the first 60 days of initial registration, during the first 60 days after a registrar transfer~~ , or during the 60-day lock following a Change of Registrant pursuant to Section II.C.2. | The working group updated the language to reference the applicable provisions of the policy rather than repeating the details of those provisions.<br><br>Change of Registrant will be addressed in Phase 1(b) of the PDP. Reference to the "60-day lock following a Change of Registrant pursuant to Section II.C.2" may need to be revisited following completion of Phase 1(b). |

[23] In implementation, to the extent that there is re-numbering of applicable provisions, this reference should be updated accordingly.



**Deleted:** 8 June 20228 June 20228 June 20228 June 20228 June 20227 June 20227 June 20227 June 20223 June 20222 June 2022

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) Calibri, Complex Script Font: Calibri

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

| | | | |
|---|---|---|---|
| I.A.3.9.5 | General payment defaults between Registrar and business partners / affiliates in cases where the Registered Name Holder for the domain in question has paid for the registration. | General payment defaults between Registrar and **Reseller, as defined in the RAA,** ~~business partners / affiliates~~ in cases where the Registered Name Holder for the domain in question has paid for the registration. | The update is not intended to change the meaning of the provision, but rather to update legacy language to be consistent with currently used and defined terminology. |

## 3.4.2 Charter Question h2

*Should additional guidance around cases subject to a UDRP decision be provided to ensure consistent treatment by all Registrars? If so, is this something that should be considered by the RPMs PDP Working Group's review of the UDRP, or should it be conducted within a Transfer Policy PDP?*

**Working Group Response:**

The working group reviewed the World Intellectual Property Organization's (WIPO) detailed comment in response to the Transfer Policy Status Report and has noted two concerns involving a UDRP proceeding vis-à-vis the Transfer Policy. Specifically, WIPO has noted issues related to: (i) the locking of a domain name subject to a UDRP proceeding (in order to prevent an inter-Registrar transfer during the pendency of the proceeding),[24] and (ii) the implementation of a UDRP Panel's order to transfer a domain name to a complainant.[25]

Domain Name Locking

UDRP Rule 4(b) provides, in part, "Within two (2) business days of receiving the Provider's verification request, the Registrar shall [ . . . ] confirm that a Lock[26] of the domain name has been applied. [ . . . ] The Lock shall remain in place through the remaining Pendency of the UDRP proceeding. [ . . . ]." Additionally, Paragraph I.A.3.8.1 of the Transfer Policy requires registrars to deny any requests for inter-registrar transfers during "a pending UDRP proceeding that the Registrar has been informed of."

[24] For specific policy requirements, please see UDRP Rule 1 (definitions of Lock and Pendency, respectively), UDRP Rule 4(b), and Paragraph I.A.3.8.1 of the Transfer Policy.
[25] For specific policy requirements, please see UDRP Section 4(i), 4(k), UDRP Rule 16(a).
[26] UDRP Rule 1 defines Lock as "a set of measures that a Registrar applies to a domain name, which prevents at a minimum any modification to the registrant and Registrar information by the Respondent, but does not affect the resolution of the domain name or the renewal of the domain name."



**Deleted:** 8 June 20228 June 20228 June 20228 June 20228 June 20227 June 20227 June 20227 June 20223 June 20222 June 2022
**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)
**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)
**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)
**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)
**Formatted:** Font: (Default) Calibri, Complex Script Font: Calibri
**Formatted:** Font: (Default) Calibri, Complex Script Font: Calibri
**Formatted:** Font: (Default) Calibri, Complex Script Font: Calibri
**Formatted:** Font: (Default) Calibri, Complex Script Font: Calibri
**Formatted:** Font: (Default) Calibri, Complex Script Font: Calibri
**Formatted:** Font: (Default) Calibri, Complex Script Font: Calibri
**Formatted:** Font: (Default) Calibri, Complex Script Font: Calibri
**Formatted:** Font: (Default) Calibri, Complex Script Font: Calibri
**Formatted:** Font: (Default) Calibri, Complex Script Font: Calibri
**Formatted:** Font: (Default) Calibri, Complex Script Font: Calibri
**Formatted:** Font: (Default) Calibri, Complex Script Font: Calibri
**Formatted:** Font: (Default) Calibri, Complex Script Font: Calibri
**Formatted:** Font: (Default) Calibri, Complex Script Font: Calibri
**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)
**Formatted** ... [1]
**Formatted** ... [2]
**Formatted** ... [3]
**Formatted** ... [4]
**Formatted** ... [5]

Deleted: 8 June 20228 June 20228 June 20228 June 20228 June 20227 June 20227 June 20227 June 20223 June 20222 June 2022

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Within its preliminary recommendations, the working group has proposed to update the current Transfer Policy language to:

"The Registrar of Record MUST deny a transfer request in the following circumstances:

- Pending UDRP proceeding that the Registrar has been notified of by the Provider in accordance with the UDRP Rules."

The working group is proposing a slight refinement to the current text in an effort to clarify that Registrars must deny inter-Registrar transfer requests that are received after a Registrar has been notified by a UDRP Provider of a UDRP Proceeding in accordance with the UDRP Rules.

In response to WIPO's related concern that "the ambiguity associated with 'locking' a domain name has resulted in many improper domain name transfers," the working group notes that the definition of Locking is part of the UDRP Rules, and, accordingly, appears out of scope for this working group to address. The working group does note, though, that the proposed updates to the Transfer Policy endeavor to make clear that Registrars are forbidden from implementing inter-Registrar transfer requests received following a notification from a UDRP Provider of a pending UDRP proceeding.

In the event a Registrar mistakenly or purposefully effects an inter-Registrar transfer during the pendency of a UDRP proceeding, this would be a clear violation of the Transfer Policy and should be referred to ICANN org Contractual Compliance for review. The working group will flag the definitional issue of "locking" with the Rights Protection Mechanisms (RPMs) Phase 2 Working Group, who will be closely reviewing the UDRP, and will be in a better position to determine if updates are needed.

Implementation of UDRP Panel Decisions

The working group also discussed WIPO's noted concern regarding the reported refusal of some Registrars to effect a UDRP Panel's decision to transfer a disputed domain name(s) to the Complainant.

Paragraph 4(i) of the UDRP provides that a UDRP Complainant may request the following remedies in its UDRP Complaint, "the cancellation of [a disputed] domain name or the *transfer* of [a disputed] domain name registration to the complainant." (emphasis added). Paragraph 4(k) goes on to provide, in part, "if an Administrative Panel decides that [the disputed] domain name registration should be canceled or transferred, [the Registrar of Record] will wait ten (10) business days [ . . . ] before *implementing* that decision [to cancel or transfer the disputed domain name]." (emphasis added)

Registrar representatives within the working group noted various methods their companies use to implement UDRP decisions, including, for example, providing the

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

AuthInfo Code to the Complainant to effect the inter-Registrar transfer, setting up an account for the Complainant and transferring the name to the new account, et. al. The working group discussed that so long as the Registrar of Record effects the Panel's decision by allowing transfer of the domain name, the Registrar would be in compliance with the UDRP, and the working group was reluctant to recommend specific implementation restrictions.

The working group noted that a Registrar refusal to implement a UDRP Panel's decision to cancel or transfer the disputed domain name to the Complainant, absent official documentation of a court proceeding,[27] would be a violation of the UDRP, and, accordingly, should be referred to ICANN org Contractual Compliance for review. The working group noted that it will refer this reported issue of UDRP decision implementation to the RPMs Phase 2 Working Group, as the working group believed the specific implementation around UDRP decisions to be out of scope for the Transfer Policy.

[27] See UDRP, Paragraph 4(k).



**Deleted:** 8 June 20228 June 20228 June 20228 June 20228 June 20227 June 20227 June 20227 June 20223 June 20222 June 2022

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Deleted:** -

**Formatted:** Font: (Default) Calibri, Complex Script Font: Calibri

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

# 4 Next Steps

This Initial Report will be posted for public comment for 42 days. The working group will review the public comments received on this Initial Report and consider whether any changes need to be made to its Phase 1(a) recommendations. The working group will complete Phase 1(b) of its work, including a Phase 1(b) Initial Report followed by a public comment period on the Phase 1(b) Initial Report. The working group will finalize all Phase 1 recommendations in a Final Report to be sent to the GNSO Council for review. If adopted by the GNSO Council, the Final Report would then be forwarded to the ICANN Board of Directors for its consideration and, potentially, approval as an ICANN Consensus Policy.

Following a charter review process, Phase 2 of the PDP will commence.

**Deleted:** 8 June 20228 June 20228 June 20228 June 20228 June 20227 June 20227 June 20227 June 20223 June 20222 June 2022

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Deleted:** xx

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

# Annex A - Background

The Transfer Policy, formerly referred to as the Inter-Registrar Transfer Policy (IRTP), is an ICANN consensus policy that went into effect on 12 November 2004. The policy governs the procedure and requirements for registrants to transfer their domain names from one Registrar to another, also referred to as an inter-Registrar transfer. 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.

On April 22, 2019, ICANN org delivered the Transfer Policy Status Report to the GNSO Council. ICANN org delivered the Transfer Policy Status Report pursuant to Recommendation 17 of the Inter-Registrar Transfer Policy (IRTP) Part D PDP Working Group's Final Report, which provides, "[t]he Working Group recommends that contracted parties and ICANN should start to gather data and other relevant information that will help inform a future IRTP review team in its efforts." The Transfer Policy Status Report provided a foundation to review the history and underlying goals of Transfer Policy, the five policy development processes that sought to improve the Transfer Policy, and associated metrics on the Transfer Policy.

During its meeting on September 19, 2019, the GNSO Council agreed to launch a call for volunteers for a Transfer Policy Review Scoping Team, comprised of interested and knowledgeable GNSO members that were tasked with advising the GNSO Council by providing recommendations on the following:

- approach to the review (for example, by initiating a new PDP);
- composition of the review team or PDP working group, and
- scope of the review and future policy work related to the Transfer Policy.

On April 6, 2020, the Transfer Policy Review Scoping Team delivered its Transfer Policy Review Scoping Paper to the GNSO Council for its consideration. The Scoping Team recommended that the GNSO Council instruct ICANN org policy support staff to draft an Issue Report, outlining, et.al., the issues described in its Scoping Report. On 23 June 2020, the GNSO Council voted to approve a motion requesting a Preliminary Issue Report, for delivery as expeditiously as possible, on the issues identified in the Transfer Policy Initial Scoping Paper, to assist in determining whether a PDP or series of PDPs should be initiated regarding changes to the Transfer Policy.

The Final Issue Report addressed eight issues associated with the Transfer Policy, seven of which were specifically identified by the Transfer Policy Review Scoping Team:

a. Gaining & Losing Registrar Form of Authorization ("FOA")
b. AuthInfo Code Management
c. Change of Registrant



**Deleted:** 8 June 20228 June 20228 June 20228 June 20228 June 20227 June 20227 June 20227 June 20223 June 20222 June 2022

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

d. Transfer Emergency Action Contact ("TEAC")
e. Transfer Dispute Resolution Policy ("TDRP")
f. Reversing/NACKing Transfers
g. ICANN-Approved Transfers
h. EPDP Phase 1, Recommendation 27, Wave 1 Report

On 18 February 2021, The GNSO Council passed a resolution to initiate a two-phased PDP to review the Transfer Policy using the approach recommended in the Final Issue Report:

- Phase 1(a): Form of Authorization (including EPDP Phase 1, Recommendation 27, Wave 1 FOA issues) and AuthInfo Codes
- Phase 1(b): Change of Registrant (including EPDP Phase 1, Recommendation 27, Wave 1 Change of Registrant issues)
- Phase 2: Transfer Emergency Action Contact and reversing inter-Registrar transfers, Transfer Dispute Resolution Policy (including EPDP Phase 1, Recommendation 27, Wave 1 TDRP issues), Denying (NACKing) transfers, ICANN-approved transfers

The topic of denying (NACKing) transfers was later moved to Phase 1(a) by Project Change Request to ensure that the working group could examine all elements of the security model for domain name transfers in a holistic manner as part of its Phase 1 deliberations.

A small group of Councilors reviewed the draft charter included in the Final Issue Report and finalized the document. The charter was approved by Council on 24 March 2021.

The Phase 1(a) working group held its first meeting on 14 May 2021.

**Deleted:** 8 June 20228 June 20228 June 20228 June 20228 June 20227 June 20227 June 20227 June 20223 June 20222 June 2022

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

# Annex B - Working Group Membership and Attendance

The Working Group held its first meeting in April 2021. Recordings and transcripts of the group's discussions can be found on its wiki space. It has conducted its work primarily through weekly conference calls, in addition to email exchanges on its mailing list.

As instructed by the GNSO Council, the Working Group prepared a work plan, which it reviewed on a regular basis. The Working Group Chair and the GNSO Council Liaison to the Working Group also provided regular reports to the GNSO Council regarding the status and progress of the group's work. Details of the project schedule, attendance and action items can be found in the monthly project packages.

The Working Group email archives can be found at https://mm.icann.org/pipermail/gnso-tpr/.

**Plenary Meetings:**

- 50 Plenary calls (w/ 4 cancelled) for 68.5 call hours for a total of 1506.0 person hours
- 81.4% total participation rate

**Small Team Meetings:**

- 8 Small team calls for 8.0 call hours for a total of 78.0 person hours
- 100.0% total participation rate

**Leadership Meetings:**

- 49 Leadership calls (w/6 cancelled) for 23.0 call hours for a total of 212.0 person hours



**Deleted:** 8 June 20228 June 20228 June 20228 June 20228 June 20227 June 20227 June 20227 June 20223 June 20222 June 2022

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Deleted:** [This section will only be updated upon completion of all WG calls. If members wish to view activity metrics and attendance, please refer to the latest project package: https://community.icann.org/x/MQDQCQ] ¶

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

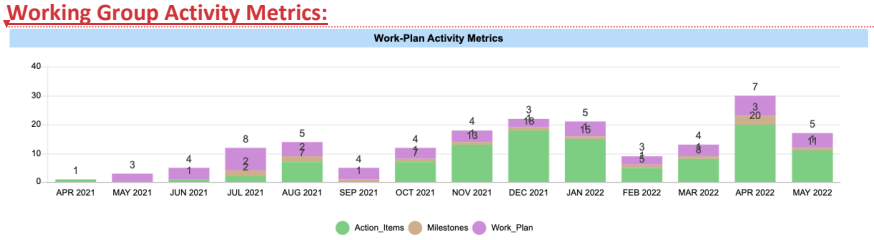
**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

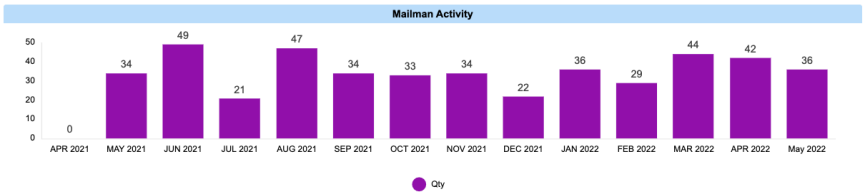
**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

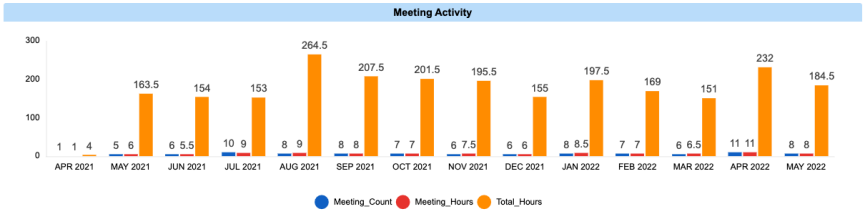
**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

## Working Group Activity Metrics:






**Deleted:** 8 June 20228 June 20228 June 20228 June 20228 June 20227 June 20227 June 20227 June 20223 June 20222 June 2022

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Deleted:** **The detailed attendance records can be found at https://community.icann.org/x/U4aUCQ.¶**
**¶**
**The working group email archives can be found at https://mm.icann.org/pipermail/gnso-tpr/.¶**

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

The Members of the Working Group are:

| Represented Group | SOI | Start Date | Depart Date | Attended % | Role |
|---|---|---|---|---|---|
| **At-Large Advisory Committee (ALAC)** | | | | **73.9%** | |
| Nanghaka Daniel Khauka | SOI | 5/4/2021 | | 69.6% | |
| Steinar Grøtterød | SOI | 5/5/2021 | | 78.3% | |
| **Commercial Business Users Constituency (BC)** | | | | **91.3%** | |
| Zak Muscovitch | SOI | 4/23/2021 | | 91.3% | |
| **GNSO Council** | | | | **86.4%** | |
| Gregory DiBiase | SOI | 6/4/2021 | | 71.4% | Liaison |
| Roger Carney | SOI | 4/23/2021 | | 100.0% | Chair |
| **Independent** | | | | **23.9%** | |
| Steve Crocker | SOI | 4/26/2021 | | 23.9% | |
| **Intellectual Property Constituency (IPC)** | | | | **32.6%** | |
| Mike Rodenbaugh | SOI | 4/21/2021 | | 47.8% | |
| Salvador Camacho Hernandez | SOI | 4/26/2021 | | 17.4% | |
| **Internet Service Providers and Connectivity Providers Constituency (ISPCP)** | | | | **84.8%** | |
| John Woodworth | SOI | 4/14/2021 | | 84.8% | |
| **Non-Commercial Stakeholder Group (NCSG)** | | | | **53.5%** | |
| Farzaneh Badiei | SOI | 6/1/2021 | | 37.2% | |
| Wisdom Donkor | SOI | 6/1/2021 | | 69.8% | |
| **Registrar Stakeholder Group (RrSG)** | | | | **88.7%** | |
| Antonia Nan Chu | SOI | 5/6/2021 | | 97.8% | |
| Catherine Merdinger | SOI | 4/27/2021 | | 80.4% | |
| Crystal Ondo | SOI | 4/23/2021 | | 76.1% | |
| Eric Rokobauer | SOI | 4/26/2021 | | 95.6% | |
| Keiron Tobin | SOI | 6/7/2021 | | 90.5% | |
| Owen Smigelski | SOI | 4/27/2021 | | 87.0% | |
| Prudence Malinki | SOI | 4/27/2021 | | 97.8% | |
| Richard Merdinger | SOI | 5/5/2021 | 6/7/2021 | 100.0% | |
| Sarah Wyld | SOI | 4/23/2021 | | 87.0% | |
| Theo Geurts | SOI | 4/23/2021 | | 89.1% | |
| Thomas Keller | SOI | 4/26/2021 | 9/27/2021 | 56.3% | |
| Volker Greimann | SOI | 4/24/2021 | | 97.4% | |
| **Registry Stakeholder Group (RySG)** | | | | **82.1%** | |
| James Galvin | SOI | 4/27/2021 | | 80.4% | |
| Richard Wilhelm | SOI | 3/4/2022 | | 90.0% | |
| **Totals:** | | | | **75.8%** | |

Deleted: 8 June 20228 June 20228 June 20228 June 20228 June 20227 June 20227 June 20227 June 20223 June 20222 June 2022

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

The Alternates of the Working Group are:

| Represented Group | SOI | Start Date | Depart Date | Attended % | Role |
|---|---|---|---|---|---|
| **At-Large Advisory Committee (ALAC)** | | | | **90.7%** | |
| Lutz Donnerhacke | SOI | 5/8/2021 | | 89.7% | |
| Raymond Mamattah | SOI | 5/4/2021 | | 92.0% | |
| **Commercial Business Users Constituency (BC)** | | | | **100.0%** | |
| Arinola Akinyemi | SOI | 8/12/2021 | | 100.0% | |
| **Non-Commercial Stakeholder Group (NCSG)** | | | | **71.4%** | |
| Akinremi Peter Taiwo | SOI | 6/2/2021 | | 71.4% | |
| **Registrar Stakeholder Group (RrSG)** | | | | **97.1%** | |
| Andrew Reberry | | | | 0.0% | |
| Arnaud Wittersheim | SOI | 5/5/2021 | | 96.7% | |
| Essie Musailov | SOI | 4/23/2021 | | 100.0% | |
| Jacques Blanc | SOI | 4/29/2021 | | 66.7% | |
| Jody Kolker | SOI | 5/7/2021 | | 100.0% | |
| Jothan Frakes | SOI | 4/23/2021 | | 100.0% | |
| Min Feng | SOI | 4/26/2021 | | 50.0% | |
| Pam Little | SOI | 4/26/2021 | | 50.0% | |
| Richard Brown | SOI | 4/26/2021 | | 100.0% | |
| **Registry Stakeholder Group (RySG)** | | | | **97.0%** | |
| Beth Bacon | SOI | 5/4/2021 | | 97.0% | |
| **Totals:** | | | | **95.8%** | |

There are a total of 33 Observers to the Working group.

ICANN org Policy Staff Support for the Working Group:

| Represented Group | SOI | Start Date | Depart Date | Attended % | Role |
|---|---|---|---|---|---|
| **Internet Corporation for Assigned Names & Numbers (ICANN)** | | | | | |
| Berry Cobb | | | | | |
| Caitlin Tubergen | | | | | |
| Devan Reed | | | | | |
| Emily Barabas | | | | | |
| Holida Yanik | | | | | |
| Isabelle Colas | | | | | |
| Julie Bisland | | | | | |
| Julie Hedlund | | | | | |
| Michelle DeSmyter | | | | | |
| Nathalie Peregrine | | | | | |
| Terri Agnew | | | | | |

Deleted: 8 June 20228 June 20228 June 20228 June 20228 June 20227 June 20227 June 20227 June 20223 June 20222 June 2022

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Deleted: 8 June 20228 June 20228 June 20228 June 20228 June 20227 June 20227 June 20227 June 20223 June 20222 June 2022

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Deleted: Page Break

# Annex C - Community Input

## 4.1 Request for Input

According to the GNSO's PDP Manual, a PDP working group should formally solicit statements from each GNSO Stakeholder Group and Constituency at an early stage of its deliberations. A PDP working group is also encouraged to seek the opinion of other ICANN Supporting Organizations and Advisory Committees who may have expertise, experience or an interest in the issue. As a result, the working group reached out to all ICANN Supporting Organizations and Advisory Committees as well as GNSO Stakeholder Groups and Constituencies with a request for input at the start of its deliberations. In response, statements were received from:

- The GNSO Business Constituency (BC)
- The Registries Stakeholder Group (RySG)
- The At-Large Advisory Committee (ALAC)
- The Security and Stability Advisory Committee (SSAC)

The full statements can be found on the working group wiki here: https://community.icann.org/x/tIT8CQ.

## 4.2 Review of Input Received

All of the statements received were added to the to the relevant working documents and considered by the working group in the context of deliberations on each topic.

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

# Annex D – EPDP Phase 1, Recommendation 27, Wave 1 Analysis

For context on this analysis, please see pages 52-56 of the Final Issue Report.

| Wave 1 Analysis Key Points | TPR Working Group Response |
|---|---|
| 1. Transfer Policy section I.A.1.1 provides that either the Registrant or *the Administrative Contact* can approve or deny a transfer request. (emphasis added) Under the Registration Data Policy, Administrative Contact data is no longer collected by the registrar. Accordingly, the registrant would be the only authorized transfer contact. | In its current set of preliminary recommendations, the TPR Working Group does not include the Administrative Contact as an entity that can approve an inter-Registrar transfer; instead, the preliminary recommendations only refer to the Registered Name Holder, or, in some instances, the "Registered Name Holder or their designated representative."<br><br>In light of the obsolescence of the Administrative Contact under the EPDP Phase 1 recommendations, any reference to an "Administrative Contact" or "Transfer Contact" within the Transfer Policy MUST be eliminated and replaced with "Registered Name Holder" unless specifically indicated, per Preliminary Recommendation 15. For example, Preliminary Recommendation 6, et. al., refers to the "Registered Name Holder or their designated representative". |
| 2. Transfer Policy section I.A 2.1, Gaining Registrar Requirements, relies on the specification of transfer authorities in section 1.1, defining either the Registrant and Administrative Contact as a "Transfer Contact." Given that Administrative Contact data is no longer collected by the registrar, there may not be a need for "transfer contact" terminology, but such references can be replaced by "registrant" as the registrant is the only valid transfer authority. "Transfer Contact" terminology is referenced in part I (A) of the policy in sections 2.1, 2.1.1, 2.1.2, 2.1.2.1, 2.1.3.1(b), 2.1.3.3, 2.2.1, 3.2, 3.3, 3.6, 3.7.4, and 4.1. | As noted above in Key Point 1, the preliminary recommendations currently refer to the "Registered Name Holder" instead of the "Transfer Contact", noting that the Registered Name Holder is the now the valid transfer authority, rather than the "Transfer Contact" or "Administrative Contact". |

| | | |
|---|---|---|
| 3. | Transfer Policy section I.A.3 enumerates the reasons a registrar of record may deny a transfer. These include section 3.7.2, "reasonable dispute over the identity of the Registered Name Holder or Administrative Contact." The Administrative Contact reference may be eliminated as the Administrative Contact data is no longer collected by the registrar. Section I.A.3 also enumerates the reasons a registrar of record may not use to deny a transfer request. These include section 3.9.2, "no response from the Registered Name Holder or Administrative Contact." The Administrative Contact reference may be eliminated as the Administrative Contact data is no longer collected by the registrar. | The working group is recommending that the reference to Administrative Contact in Section I.A.3.7.2 must be removed due to the EPDP recommendation for elimination of the Administrative Contact. See also TPR Preliminary Recommendation 15. |
| *4.* | *Transfer Policy section I.A.4.6.5 provides that both registrars will retain correspondence in written or electronic form of any Transfer Emergency Action Contact (TEAC) communication and responses, and share copies of this documentation with ICANN and the registry operator upon request. This requirement does not appear to be affected by the new Registration Data Policy, which provides for retention of data elements for a period of 18 months following the life of the registration.* | *Defer further discussion to Phase 2 of the PDP.* |
| 5. | Transfer Policy section I.A.5.6 provides that the "AuthInfo" codes must be used solely to identify a Registered Name Holder, whereas the Forms of Authorization (FOAs) still need to be used for authorization or confirmation of a transfer request, as described in Sections I.A.2, I.A.3, and I.A.4 of the policy. Where registrant contact data is not published, and absent an available mechanism for the Gaining Registrar to obtain such contact data, it is not feasible for a Gaining Registrar to send an FOA to the registrant contact data associated with an existing registration, as required by the policy. However, the requirement for the Registrar of Record to send an FOA confirming a transfer request | In its preliminary recommendations, the working group is recommending eliminating the requirement that the Gaining Registrar send a Gaining Form of Authorization.<br><br>For further rationale on the proposed elimination of the Gaining FOA, please see the working group's response to charter question a1.<br><br>With respect to the Losing FOA, the working group is recommending to replace the requirement for the Losing FOA (see Preliminary Recommendation 2). Instead, the working group is recommending to introduce two new required notifications to be sent from the Losing Registrar to the Registered Name Holder, namely (i) a notification of |



Deleted: 8 June 20228 June 20228 June 20228 June 20228 June 20227 June 20227 June 20227 June 20223 June 20222 June 2022

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Deleted: pp. [x-x] of the Initial Report

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

| | | |
|---|---|---|
| | (covered in section I.A.3) is still achievable as the registrar does not need to rely on publicly available data. | provision of the Transfer Authorization Code (TAC), formerly referred to as the Auth-Info Code (see Preliminary Recommendation 3), and (ii) and a notification of inter-Registrar transfer request completion (Preliminary Recommendation 4). |
| 6. | *Transfer Policy section II.B.1, Availability of Change of Registrant, provides that "Registrants must be permitted to update their registration/Whois data and transfer their registration rights to other registrants freely." This language may be updated to clarify what updating registration data means, i.e., whether requirements differ according to whether a change of registrant changes anything that is displayed.* | *Defer discussion to Phase 1(b) of the PDP.* |
| 7. | *Transfer Policy section II.B.1.1.4 references the Administrative Contact. The context of this provision is to define a change of registrant as a material change to certain fields, including "Administrative Contact email address, if there is no Prior Registrant email address." This section may no longer be necessary, as, under the new Registration Data Policy, Administrative Contact data is no longer collected by the registrar.* | *Defer discussion to Phase 1(b) of the PDP.* |
| 8. | The Transfer Policy contains references to Whois in sections I.A.1.1, I.A.2.1.2, I.A.2.2.1, I.A.3.6, I.A.3.7.5, I.B.1, and the Notes section titled "Secure Mechanism." If updates are considered to this policy as a result of GNSO policy work, it may be beneficial to consider replacing these references with RDDS. (The Temporary Specification, Appendix G, Section 2.2.4, on Supplemental Procedures to the Transfer Policy, provides that the term "Whois" SHALL have the same meaning as "RDDS." This is carried over in the EPDP Phase 1 recommendation 24) Transfer Policy section II.C.1.4 provides that a registrar must obtain confirmation of a Change of Registrant request from the Prior Registrant, or the Designated Agent of such, using a secure mechanism to | For terminology consistency, the working group is recommending replacing current references to Whois to RDDS throughout the Transfer Policy for any references to Whois that remain. (Please see response to Key Item 9 below for more detail and Preliminary Recommendation 14.)<br><br>Discussions related to Section II of the policy (Change of Registrant) will be deferred to Phase 1(b) of the PDP. |



**Deleted:** 8 June 20228 June 20228 June 20228 June 20228 June 20227 June 20227 June 20227 June 20223 June 20222 June 2022

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Formatted:** Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

| | |
|---|---|
| confirm that the Prior Registrant and/or their respective Designated Agents have explicitly consented to the Change of Registrant. The footnote to this section notes that "The registrar may use additional contact information on file when obtaining confirmation from the Prior Registrant and is not limited to the publicly accessible Whois." If changes are considered to this policy as a result of GNSO policy work, it may be beneficial to consider updating this footnote to eliminate the reference to Whois. | |
| 9. The EPDP Team's Phase 1 Recommendation 24 recommends that the following requirements apply to the Transfer Policy until superseded by recommendations from the Transfer Policy review being undertaken by the GNSO Council:<br><br>(a) Until such time when the RDAP service (or other secure methods for transferring data) is required by ICANN to be offered, if the Gaining Registrar is unable to gain access to then-current Registration Data for a domain name subject of a transfer, the related requirements in the Transfer Policy will be superseded by the below provisions:<br><br>(a1) The Gaining Registrar is not REQUIRED to obtain a Form of Authorization from the Transfer Contact.<br><br>(a2) The Registrant MUST independently re-enter Registration Data with the Gaining Registrar. In such instance, the Gaining Registrar is not REQUIRED to follow the Change of Registrant Process as provided in Section II.C. of the Transfer Policy.<br><br>(b) As used in the Transfer Policy: | In its preliminary recommendations, the working group is recommending eliminating the requirement that the Gaining Registrar send a Gaining Form of Authorization (Preliminary Recommendation 1).<br><br>In Preliminary Recommendation 14, the working group is recommending the terminology changes from EPDP Phase 1, Recommendation #24. Specifically:<br><br>(b) As used in the Transfer Policy:<br><br>(b1) The term "Whois data" SHALL have the same meaning as "Registration Data".<br><br>(b2) The term "Whois details" SHALL have the same meaning as "Registration Data".<br><br>(b3) The term "Publicly accessible Whois" SHALL have the same meaning as "RDDS". |



Deleted: 8 June 20228 June 20228 June 20228 June 20228 June 20227 June 20227 June 20227 June 20223 June 20222 June 2022

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

| | |
|---|---|
| (b1) The term "Whois data" SHALL have the same meaning as "Registration Data".<br><br>(b2) The term "Whois details" SHALL have the same meaning as "Registration Data".<br><br>(b3) The term "Publicly accessible Whois" SHALL have the same meaning as "RDDS".<br><br>(b4) The term "Whois" SHALL have the same meaning as "RDDS".<br><br>(c) Registrar and Registry Operator SHALL follow best practices in generating and updating the "AuthInfo" code to facilitate a secure transfer process.<br><br>(d) Registry Operator MUST verify that the "AuthInfo" code provided by the Gaining Registrar is valid in order to accept an inter-registrar transfer request.<br><br>These requirements are being implemented as part of implementing the Registration Data Policy. | (b4) The term "Whois" SHALL have the same meaning as "RDDS".<br><br>With respect to (c) and (d), the working group has a list of very specific preliminary recommendations regarding generating and updating the TAC (formerly referred to as Auth-Info Code) that can be found in Section 3.2 of the Initial Report. |
| 10. Feedback from some stakeholders in June 2019 during an ICANN65 session suggested an approach of starting from a clean slate rather than looking at specific transfer issues individually. This appears to be the path the GNSO is taking, based on discussions at the September Council meeting. | The working group has methodically worked through its charter questions, which has enabled it to review previously identified and longstanding issues in the Transfer Policy by proposing slight adjustments to specific transfer issues and/or proposing new methods. |
| *Cross-reference: Transfer Policy section I.B.3.1 contains a footnote referencing the Expired Registration Recovery Policy. The context for this reference is a provision specifying when the Change of Registrant Procedure does not apply, in this case, when the registration agreement expires. The footnote provides that if registration and* | *Defer discussion to Phase 1(b) of the PDP.* |



Deleted: 8 June 20228 June 20228 June 20228 June 20228 June 20227 June 20227 June 20227 June 20223 June 20222 June 2022

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

| | |
|---|---|
| *Whois details are changed following expiration of the domain name pursuant to the terms of the registration agreement, the protections of the Expired Registration Recovery Policy still apply.* | |
| *Cross-reference: Transfer Policy section I.B.3.5 references the Expired Domain Deletion Policy. The context for this reference is a provision specifying when the Change of Registrant Procedure does not apply, in this case, when the Registrar updates the Prior Registrant's information in accordance with the Expired Domain Deletion Policy.* | *Defer discussion to Phase 1(b) of the PDP.* |



Deleted: 8 June 20228 June 20228 June 20228 June 20228 June 20227 June 20227 June 20227 June 20223 June 20222 June 2022

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

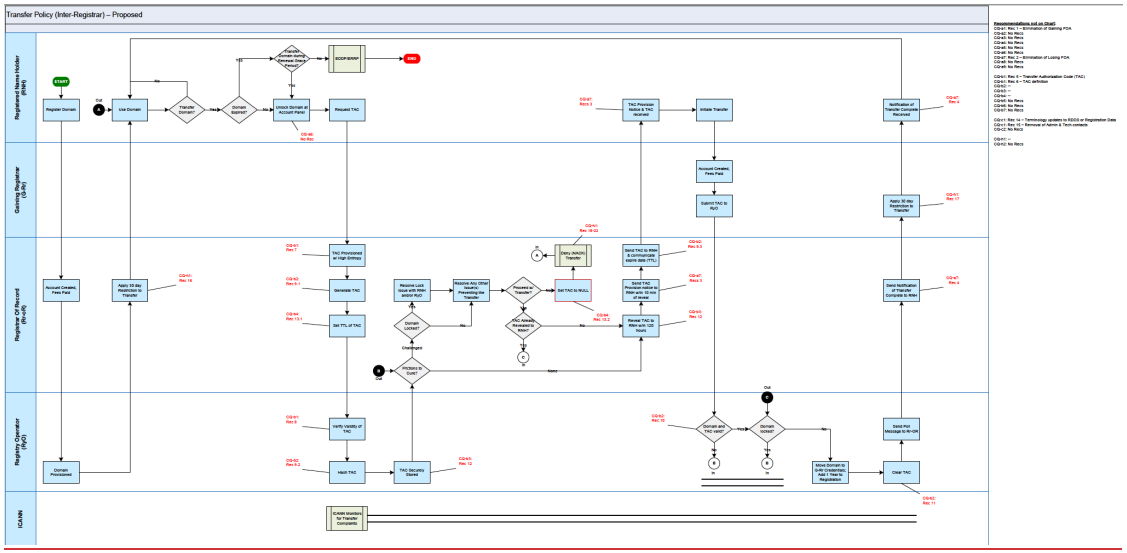
Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

# Annex E – Proposed Transfer Policy Swim Lane Diagram

This swim lane diagram should be reviewed alongside a detailed review of each the proposed recommendations listed in this report. It attempts to outline the beginning-to-end process of executing the transfer of a domain by the roles that are played within the transaction. Each spot that coincides with a working group recommendation will contain a small callout to the relevant charter question(s) and recommendation number(s).

A full PDF version of this swim lane diagram can be found on the working group's wiki space.






Deleted: 8 June 20228 June 20228 June 20228 June 20228 June 20227 June 20227 June 20227 June 20223 June 20222 June 2022

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Deleted:

Deleted:

Deleted: WG

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

Formatted: Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Page 6: [1] Formatted Author**

Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Page 6: [2] Formatted Author**

Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Page 6: [3] Formatted Author**

Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Page 6: [4] Formatted Author**

Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)

**Page 6: [5] Formatted Author**

Font: (Default) +Headings (Calibri), Complex Script Font: +Headings (Calibri)