

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.

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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 issues²) 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](#).

75 Recommendation 27, Wave 1 TDRP issues), Denying (NACKing) transfers³,
76 ICANN-approved transfers

77
78 The working group charter was [approved](#) by the GNSO Council on 24 March 2021. The
79 Phase 1(a) working group held its first meeting on 14 May 2021.

80
81 For additional background on this PDP, please refer to Annex A of this report.

82

83 1.2 Preliminary Recommendations

84

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

87

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

92

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

95

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

102

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

105

106 **Preliminary Recommendation 1:** [Gaining FOA](#)

107

108 **Preliminary Recommendation 2:** [Losing FOA](#)

109

110 **Preliminary Recommendation 3:** [Notification of TAC Provision](#)

111

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.

112	Preliminary Recommendation 4:	<u>Notification of Transfer Completion</u>
113		
114	Preliminary Recommendation 5:	<u>Update Term “AuthInfo Code” to “Transfer Authorization Code (TAC)”</u>
115		
116		
117	Preliminary Recommendation 6:	<u>TAC Definition</u>
118		
119	Preliminary Recommendation 7:	<u>TAC Composition</u>
120		
121	Preliminary Recommendation 8:	<u>Verification of TAC Composition</u>
122		
123	Preliminary Recommendation 9:	<u>TAC Generation, Storage, and Provision</u>
124		
125	Preliminary Recommendation 10:	<u>Verification of TAC Validity</u>
126		
127	Preliminary Recommendation 11:	<u>TAC is One-Time Use</u>
128		
129	Preliminary Recommendation 12:	<u>Service Level Agreement (SLA) for TAC Provision</u>
130		
131	Preliminary Recommendation 13:	<u>TAC Time to Live (TTL)</u>
132		
133	Preliminary Recommendation 14:	<u>Terminology Updates: Whois</u>
134		
135	Preliminary Recommendation 15:	<u>Terminology Updates: Administrative Contact and Transfer Contact</u>
136		
137		
138	Preliminary Recommendation 16:	<u>Transfer Restriction After Initial Registration</u>
139		
140	Preliminary Recommendation 17:	<u>Transfer Restriction After Inter-Registrar Transfer</u>
141		
142	Preliminary Recommendation 18:	<u>Format of Transfer Policy Section I.A.3.7</u>
143		
144	Preliminary Recommendation 19:	<u>Revised Reasons that a Registrar of Record MAY Deny a Transfer</u>
145		
146		
147	Preliminary Recommendation 20:	<u>New Reasons that a Registrar of Record MUST Deny a Transfer</u>
148		
149		
150	Preliminary Recommendation 21:	<u>Revised Reasons that a Registrar of Record MUST Deny a Transfer</u>
151		
152		
153	Preliminary Recommendation 22:	<u>Revised Reasons that a Registrar of Record MUST NOT Deny a Transfer</u>
154		
155		

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.

189 2 Working Group Approach

190
191 This section provides an overview of the working methodology and approach of the
192 working group. The points outlined below are meant to provide the reader with relevant
193 background information on the working group's deliberations and processes and should
194 not be read as representing the entirety of the efforts and deliberations of the working
195 group.
196

197 2.1 Project Plan

198
199 The working group's first deliverable was to provide the GNSO Council with a Phase 1(a)
200 project plan. To develop the project plan, the leadership team sought input from
201 members about the sequence in which to address topics and the amount of time each
202 topic would take to discuss. This input was used to develop the [project plan](#), which was
203 delivered to the GNSO Council for its consideration during the [22 July 2021](#) Council
204 meeting.
205

206 As deliberations progressed, the working group agreed that it was important to examine
207 all elements of the security model for domain name transfers in a holistic manner as
208 part of its Phase 1 deliberations. The working group determined that the topic denying
209 (NACKing) transfers should be addressed in Phase 1(a) rather than Phase 2 as originally
210 included in the charter. As a result, the working group leadership team submitted a
211 Project Change Request to the GNSO Council, which Council [adopted](#) on 16 December
212 2021. The expanded scope did not impact its target delivery dates to which the working
213 group committed.
214

215 2.2 Early Community Input

216
217 In accordance with GNSO policy development process requirements, the working group
218 [sought written input](#) on the charter topics from each Supporting Organization, Advisory
219 Committee and GNSO Stakeholder Group / Constituency. The input received was
220 incorporated into the working group's deliberations as each topic was discussed. Since
221 all groups that provided written input also had representative members or appointed
222 subject matter experts in the working group, those members were well positioned to
223 respond to clarifying questions from other members about the written input as it was
224 considered.
225

226 2.3 Methodology for Deliberations

227

228 The working group began its deliberations for Phase 1(a) on 14 May 2021. The working
229 group agreed to continue its work primarily through conference calls scheduled weekly,
230 in addition to email exchanges on its mailing list. The working group held sessions during
231 [ICANN71](#), [ICANN72](#), [ICANN73](#), [ICANN74](#), and [ICANN75](#). These sessions provided an
232 opportunity for the broader community to contribute to the working group’s
233 deliberations and provide input on the charter topics being discussed.

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234
235 All of the working group’s work is documented on its [wiki workspace](#), including its
236 meetings, mailing list, meeting notes, deliberation summaries, draft documents,
237 background materials, [early input](#) received from ICANN org, and input received from
238 ICANN’s Supporting Organizations and Advisory Committees, including the GNSO’s
239 Stakeholder Groups and Constituencies.

240
241 To develop the content included in the Initial Report, the working group progressed
242 through the charter questions by topic, following the sequence established in the
243 project plan. Because the Phase 1(a) topics are closely interrelated, the working group
244 took an iterative approach to producing and reviewing draft responses to charter
245 questions and draft preliminary recommendations to ensure that the full package of
246 outputs was coherent and comprehensive.

247
248 To ensure that all groups represented in the working group had ample opportunity to
249 provide input to the deliberations, the leadership team opened each working group
250 meeting with an invitation for members to step forward and provide any updates about
251 discussions happening within their Supporting Organization/Advisory
252 Committee/Stakeholder Group/Constituency regarding the charter topics, as well as any
253 positions or interests members wanted to share on behalf of their groups. To further
254 support fulsome discussion, the leadership team regularly deployed informal polls in the
255 meeting Zoom room to get a better sense of the “temperature of the room” and to
256 prompt the sharing of perspectives and viewpoints that may not otherwise be voiced
257 through less structured interaction.

258
259 For those working group members who were less comfortable speaking on calls, the
260 leadership team encouraged additional feedback on the mailing list and through written
261 contributions to working group documents.

262

263 2.4 Use of Working Documents

264

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

270 Report, and (iii) relevant inputs received from community groups through early
271 outreach. As the working group progressed through discussions, staff captured a
272 summary of deliberations on the charter question and eventually populated the
273 document with draft charter question responses and draft preliminary
274 recommendations to support further discussion and refinement of the text.
275
276 Working documents were updated on an ongoing basis and working group members
277 were encouraged to provide comments and input in the working documents between
278 calls.
279

280 2.5 Swim Lane Diagram

281
282 To further support deliberations and document the expected impact of proposed
283 recommendations, the working group developed a swim lane diagram to visually
284 represent the possible future-state process flow for inter-Registrar transfers as it will
285 exist if all recommendations are approved and implemented. This diagram serves as a
286 working document to support the deliberations process and is not intended to be
287 authoritative, but it is included in this Initial Report to demonstrate the working group's
288 understanding of the recommendations' impact on the inter-Registrar transfer process.
289 The swim lane diagram is included in Annex E of this report.
290

291 2.6 Data and Metrics

292
293 The [Transfer Policy Status Report](#) produced by ICANN org in 2019 served as the working
294 group's primary resource for data and metrics related to inter-Registrar transfers. In the
295 course of its deliberations, the working group identified additional data that would be
296 valuable to support its work. The additional data provided by ICANN org's Contractual
297 Compliance Department in response to these requests is available on the working
298 group's [wiki](#).
299

300 2.7 ICANN Org Interaction

301
302 To help support a smooth transition from policy development to eventual
303 implementation of GNSO Council adopted and ICANN Board approved
304 recommendations, the working group has been supported by early and ongoing
305 engagement with ICANN org subject matter experts. Liaisons from ICANN org's Global
306 Domains and Strategy (GDS) and Contractual Compliance departments regularly
307 attended working group calls, providing input and responding to questions where it was
308 possible to do so in real time. The liaisons acted as a conduit for working group
309 questions to ICANN org that required additional research or input. The liaisons also

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310 facilitated early review of working group draft outputs by ICANN org subject matter
311 experts.
312

313 2.8 Accountability to the GNSO Council

314
315 As is now the case with all GNSO working groups, the working group delivered monthly
316 “project packages” to the GNSO Council to update the Council on the status of its work.
317 An archive of these packages is available on the [wiki](#). The GNSO Council Liaison, Greg
318 DiBiase, served as an additional point of connection between Council and the working
319 group.

320

321 3 Working Group Responses to Charter Questions 322 and Preliminary Recommendations

323 The WG was chartered to provide the GNSO Council with policy recommendations
324 regarding the issues identified in the [Final Issue Report on a Policy Development Process](#)
325 [to Review the Transfer Policy](#).
326

327
328 Following its analysis of each of the questions outlined in its Charter related to this task,
329 the working group has arrived at a set of preliminary recommendations and conclusions.

330 Within the text of this document, the key words "MUST", "MUST NOT", "REQUIRED",
331 "SHALL", "SHALL NOT", "SHOULD", "SHOULD NOT", "RECOMMENDED", "NOT
332 RECOMMENDED", "MAY", and "OPTIONAL" are to be interpreted as described in [BCP](#)
333 [148 \[RFC2119\]](#) [[RFC8174](#)].

334 The working group will not finalize its responses to the charter questions and
335 recommendations to the GNSO Council until it has conducted a thorough review of the
336 comments received during the public comment period on this Initial Report and
337 completed Phase 1(b) of its work. At this time, no formal consensus call has been taken
338 on these responses and preliminary recommendations, but this Initial Report did receive
339 the support of the working group for publication for public comment.
340

341 The working group believes that when it formulates its final recommendations, if
342 approved by the GNSO Council and the ICANN Board, there will be substantial
343 improvement to the current environment. The following sub-sections of this report are
344 organized by topic. Within each topic, the working group provides responses to the
345 relevant charter questions and corresponding preliminary recommendations:
346

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

353

354 3.1 Gaining and Losing Forms of Authorization (FOA)

355

356 For context on this topic and the associated charter questions, please see pages 7-14 of
357 the [Final Issue Report](#).

358

359 3.1.1 Charter Question a1

360

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

364

365 **Working Group Response:**

366

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

379

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

391

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

396

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

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

402
403 In its deliberations on applicable law, the working group considered the principles of
404 data minimization and privacy by design. Under these principles, in order to justify the
405 transfer of personally identifiable information (PII) from the Registrar of Record to the
406 Gaining Registrar and the subsequent processing of this data (in order to send the
407 Gaining FOA) by the Gaining Registrar, one would have to demonstrate that this transfer
408 and processing of PII is necessary to facilitate the transfer. The working group noted
409 that the transfer process has functioned without the Gaining FOA since the GDPR went
410 into force, and the working group has not encountered any evidence that there has
411 been an increase in unauthorized transfers since the Gaining FOA was functionally
412 eliminated. It has not found any other indications that the transfer process is
413 malfunctioning without the Gaining FOA requirement. Therefore, the working group
414 sees no evidence that the Gaining FOA is needed for the purpose of facilitating the
415 transfer or protecting the RNH from unauthorized transfers.

416
417 The working group looked at the value that the Gaining FOA provided to ensure that
418 equivalent value is covered by elements of the process going forward.

419
420 The working group noted that when the Gaining FOA requirements were in place, the
421 transfer could only proceed once the RNH had responded to the Gaining FOA. This
422 meant that the RNH always actively confirmed the intent to transfer before the transfer
423 took place. The Gaining FOA therefore served a notification function and also a
424 confirmation function. To the extent that the party obtaining the Transfer Authorization
425 Code (TAC) and requesting the transfer was an individual other than the RNH, the RNH
426 had the opportunity to confirm that they were aware of the request and wanted it to
427 proceed.

428
429 The working group believes that the new notifications detailed in Preliminary
430 Recommendations 3-4 ensure that the RNH receives the necessary information with
431 respect to an inter-Registrar transfer. These notifications provide instructions on what
432 to do if the RNH wants to either stop or reverse the process because the action on the
433 account is unauthorized or unintended. With respect to the confirmation function that
434 the Gaining FOA served, the working group believes that this is duplicative and
435 therefore unnecessary. The provision of the TAC is sufficient confirmation that the RNH
436 intends to transfer the domain, and therefore the Gaining Registrar does not need to
437 request this confirmation via another means.

438
439 The working group recalled that the Gaining FOA pre-dated the TAC, and that prior to
440 the introduction of the TAC, the Gaining FOA was an essential element for facilitating
441 the transfer and also provided a function that was important to prevent the
442 unauthorized transfer of domains. With the introduction of the TAC, an additional layer
443 of security was added to the process, and the Gaining FOA became less essential. The

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

450
451 The working group noted that while it was in use, the Gaining FOA provided a record to
452 assist ICANN's Contractual Compliance department in investigating complaints,
453 especially those related to unauthorized transfers. It also supported the resolution of
454 disputes. The working group noted that new notifications detailed in Preliminary
455 Recommendations 3-4 will provide the necessary paper trail for this purpose.

456
457 **Preliminary Recommendations:**

458
459 **Preliminary Recommendation 1:** The working group recommends eliminating from the
460 Transfer Policy the requirement that the Gaining Registrar send a Gaining Form of
461 Authorization. This requirement is detailed in section 1.A.2 of the Transfer Policy.
462

463 3.1.2 Charter Question a2

464
465 *If the working group determines the Gaining FOA should still be a requirement, are any*
466 *updates (apart from the text, which will likely need to be updated due to the gTLD*
467 *Registration Data Policy) needed for the process? For example, should additional security*
468 *requirements be added to the Gaining FOA (two-factor authentication)?*

469
470 **Working Group Response:**

471
472 As described in the above response to charter questions a1, the working group has
473 determined that the Gaining FOA should no longer be a requirement.
474

475 3.1.3 Charter Question a3

476
477 *The language from the Temporary Specification provides, "[u]ntil such time when the*
478 *RDAP service (or other secure methods for transferring data) is required by ICANN to be*
479 *offered, if the Gaining Registrar is unable to gain access to then-current Registration*
480 *Data for a domain name subject of a transfer, the related requirements in the Transfer*
481 *Policy will be superseded by the below provisions...". What secure methods (if any)*
482 *currently exist to allow for the secure transmission of then-current Registration Data for*
483 *a domain name subject to an inter-Registrar transfer request?*

484
485 **Working Group Response:**

486
487 As noted in the response to charter question a1, the working group considered that it is
488 likely possible from a technical perspective to facilitate the transfer of the RNH’s contact
489 information from the Registrar of Record to the Gaining Registrar for the purposes of
490 confirming the RNH’s intent to transfer. However, the working group did not pursue
491 specific methods for doing so because it did not believe this transfer is feasible from a
492 legal perspective.
493

494 3.1.4 Charter Question a4

495
496 *If the working group determines the Gaining FOA is no longer needed, does the AuthInfo*
497 *Code provide sufficient security? The Transfer Policy does not currently require specific*
498 *security requirements around the AuthInfo Code. Should there be additional security*
499 *requirements added to AuthInfo Codes, e.g., required syntax (length, characters), two-*
500 *factor authentication, issuing restrictions, etc.?*
501

502 **Working Group Response:**

503
504 The working group has presented a series of enhancements to the security of the
505 Transfer Authorization Code (TAC), formerly known as the AuthInfo Code, in Preliminary
506 Recommendations 7-13. The working group believes that the TAC will provide sufficient
507 security with these improvements in place.
508

509 3.1.5 Charter Question a5

510
511 *If the working group determines the Gaining FOA is no longer needed, does the*
512 *transmission of the AuthInfo Code provide a sufficient “paper trail” for auditing and*
513 *compliance purposes?*
514

515 **Working Group Response:**

516
517 It is the working group’s view that a sufficient “paper trail” will be provided by records
518 associated with provision of the TAC and notifications to the RNH outlined in Preliminary
519 Recommendations 3-4.
520

521 3.1.6 Charter Question a6

522
523 *Survey respondents noted that mandatory domain name locking is an additional security*
524 *enhancement to prevent domain name hijacking and improper domain name transfers.*
525 *The Transfer Policy does not currently require mandatory domain name locking; it allows*
526 *a Registrar to NACK an inter-Registrar transfer if the inter-Registrar transfer was*

527 requested within 60 days of the domain name's creation date as shown in the Registry
528 RDDS record for the domain name or if the domain name is within 60 days after being
529 transferred. Is mandatory domain name locking an additional requirement the working
530 group believes should be added to the Transfer Policy?
531

532 **Working Group Response:**

533
534 The working group understands that this charter question refers to a lock that some
535 Registrars apply by default to protect their customers from accidental or malicious inter-
536 Registrar transfers. Registrants may, however, request lock removal, and Registrars
537 must remove the lock within five days per requirements of the Transfer Policy.⁴ Charter
538 question a6 asks whether this lock, which some Registrars choose to apply today, should
539 become a policy requirement for ALL Registrars. For the avoidance of doubt, the lock
540 addressed in this charter question is distinct from potential requirements for a Registrar
541 to restrict the RNH from transferring a domain name to a new Registrar within 30 days
542 of the initial registration date and within 30 days of the completion of an inter-Registrar
543 transfer. Unlike Preliminary Recommendations 20-21 regarding inter-Registrar transfer
544 restrictions, the lock discussed in this charter question is a default lock that is generally
545 removable upon the request of the registrant,⁵ while the restrictions discussed in
546 Preliminary Recommendations 20-21 are triggered by a specific event and are not
547 removable upon the request of the registrant.
548

549 The working group does not believe that mandatory domain name locking as presented
550 above should be added to the Transfer Policy. It is the working group's view that
551 Registrars are in the best position to determine whether locking a domain by default
552 upon registration is appropriate for their customers in combination with other security
553 features implemented by the Registrar. The working group notes that there will be
554 greater security related to inter-Registrar transfers following the implementation of
555 Preliminary Recommendations 7-13 for enhanced security of the TAC. The working
556 group expects that Registrars will continue to use their own discretion to implement any
557 additional measures that may be appropriate for their business model and customer
558 base.
559

560 3.1.7 Charter Question a7

561
562 *Is the Losing FOA still required? If yes, are any updates necessary?*
563

564 **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.

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565
566 The working group extensively discussed the function and utility of the Losing FOA, both
567 in initial deliberations leading up to publication of the Initial Report and in the context of
568 reviewing public comments on the Initial Report. Ultimately, the working group did not
569 reach agreement to eliminate or substantially change the Obligations of the Registrar of
570 Record described in Section I.A.3.1 - I.A.3.6 of the Transfer Policy, and therefore
571 anticipates that these requirements will largely remain in place with the minor
572 modifications presented in Recommendation 2.

573
574 Early working group deliberations revealed that a number of working group members
575 supported eliminating the Losing FOA in light of other working group recommendations
576 that sought to increase security and improve efficiency of the transfer process. Those
577 advocating for this approach raised the following points:

- 578
- 579 • The working group is recommending that the Registrar of Record must send a
580 Notification of TAC Provision to the RNH when the TAC is provided and a
581 Notification of Transfer Completion to the RNH following completion of the
582 transfer. These notifications largely fulfill the notification function that is
583 currently provided by the Losing FOA.
 - 584 • It is not necessary to give the RNH an opportunity to confirm or deny the
585 transfer via the Losing FOA, because the act of logging into the control panel at
586 the Registrar of Record in order to request the TAC is, in itself, an indication of
587 consent. If the registrant has a high-value domain, the registrant should select a
588 Registrar of Record that offers extra features and services to protect the security
589 of the account and domain transactions. It is outside of the scope of the Transfer
590 Policy to address Registrar account security.
 - 591 • The registrant always has the opportunity to select a Registrar of Record who
592 conducts additional due diligence after the TAC is requested and before the
593 Registrar of Record provides the TAC. The working group has recommended that,
594 as is the case in the current Transfer Policy, the Registrar of Record must have up
595 to 5 days to provide the TAC. If notifications replace the Losing FOA, and the
596 registrant selects a Registrar who takes extra time for due diligence, the
597 registrant will also have additional time to receive and respond to Notification of
598 TAC Provision, allowing them to stop the transfer process if it is unwanted.
 - 599 • The current Losing FOA process can delay the transfer for up to an additional five
600 calendar days. By eliminating the Losing FOA, the working group reduces the
601 overall maximum time of the transfer process, making it possible to transfer a
602 domain almost instantaneously, which is beneficial for some registrants.
 - 603 • The working group is recommending additional security features, which will
604 reduce the security risks associated with transfers. In particular, the working
605 group has recommended that the TAC must be generated on demand, reducing
606 the window of time in which the TAC is vulnerable to theft. In addition, the
607 recommended 30-day post-transfer lock helps to ensure that if a domain is

608 stolen, domain hopping will be slowed, allowing the Losing and Gaining
609 Registrars to work together to resolve the problem.

- 610 • Further, during its work in Phase 2, the working group could potentially
611 recommend a mechanism to more quickly reverse an unwanted transfer,
612 fulfilling the principle of being able to “reject” the transfer.
- 613 • In the current process, the Losing FOA has limited utility in a common attack
614 scenario. Specifically, if an attacker obtains access to the control panel, the
615 attacker can change the recipient of the FOA to the attacker’s own email
616 address, thereby eliminating the utility of the FOA.

617

618 In line with the above points, the working group’s Phase 1A Initial Report included a
619 recommendation to eliminate the Losing FOA and replace it with a Notification of TAC
620 Provision and a Notification of Transfer Completion. In its review of public comments
621 and subsequent deliberations, the working group extensively discussed key concerns
622 that were raised:

- 623 • Domains are important and valuable assets. It is important for registrants to
624 have a genuine opportunity to approve or reject a transfer before the transfer
625 takes place. In some cases under the procedure recommended in the Initial
626 Report, the transfer will have already taken place by the time the registrant has
627 received the Notice of TAC Provision and wants to take action to stop the
628 transfer. This process takes agency away from the registrant. It increases the risk
629 of a domain being stolen without the knowledge of the registrant, in particular
630 where an unauthorized party has accessed the TAC to initiate a transfer that the
631 registrant doesn’t want.
- 632 • Some working group members indicated that the working group could introduce
633 a “fast undo” process in Phase 2 to more quickly reverse an unauthorized
634 transfer. It is not yet clear if the working group will be able to obtain consensus
635 to recommend such a mechanism. Even if such a mechanism is recommended
636 and ultimately implemented, transfer reversal is less desirable than the ability to
637 reject a transfer before it occurs. Once the domain is transferred away, there has
638 been a disruption. The DNS has changed and service may have stopped. It
639 requires a higher level of effort to remedy the situation and more parties will
640 need to be involved.

641

642 While there was disagreement among working group members about the utility of the
643 Losing FOA from a security perspective, it was understood that from a registrant
644 perspective, elimination of the Losing FOA results in a sense among some registrants
645 that they have lost an important element of agency in the process. Working group
646 members acknowledged that in many cases of theft, the email and/or Registrar account
647 is hacked, eliminating the value of the Losing FOA, but this is not true in every case. If
648 the TAC is stolen once it has been generated, the Losing FOA can assist the registrant in
649 stopping an unwanted transfer.

650

651 Some working group members advocated for an alternative means to provide additional
 652 agency to the registrant while reducing the overall maximum timeline of the transfer
 653 process. Specifically, they proposed that the Registrar of Record must be required to
 654 send a notification to the registrant once a TAC is requested. The registrant can respond
 655 to the notice by either accepting or rejecting the release of the TAC. If there is no
 656 response by a given period of time (a period of less than 5 days), the Registrar proceeds
 657 to issue the TAC. Those advocating for this approach noted that the proposal provides
 658 notice and opportunity to accept or reject at the moment the registrant is thinking
 659 about the transfer, shortly after they have requested the TAC.

660 Those opposing the proposal noted the following concerns:

- 661 • The proposal can stop the initiation of a transfer but does not stop a transfer
 662 that is pending. The TAC is vulnerable to theft once it is generated, and if the TAC
 663 is stolen once created, the registrant does not have a way to NACK the transfer
 664 as it does with the Losing FOA.
- 665 • The proposal creates a need for system updates, process updates, and user
 666 education and may not fully satisfy those who want to keep the Losing FOA.
 667 Therefore, the change is not worth the effort.

668 Ultimately the working group did not come to agreement to pursue this proposal
 669 further. As a default, the Losing FOA will be maintained.

670 Preliminary Recommendations:

671 Preliminary Recommendation 2: The working group did not reach agreement to
 672 eliminate or substantially change the Obligations of the Registrar of Record described in
 673 Section I.A.3.1 - I.A.3.6 of the Transfer Policy. Therefore, the working group anticipates
 674 that these requirements will largely remain in place. The working group recommends
 675 the following minor modifications:

- 676 • The term ["Transfer Confirmation"] must be used in place of "Standardized Form
 677 of Authorization (FOA)."
- 678 • [The [Transfer Confirmation] must include the Gaining Registrar's IANA ID]
- 679 • [The [Transfer Confirmation] must include both an opportunity for the RNH to
 680 proactively accept the transfer AND an option to cancel the transfer]
- 681 • [The [Transfer Confirmation] must be provided in English and the language of the
 682 registration agreement and may also be provided in other languages]

683 Rationale: Please see response to Charter Question A7 for a summary of the working
 684 group's deliberations on the Losing FOA. [Include a brief summary of the rationale for
 685 any proposed minor adjustments to the Losing FOA requirements, once agreed.]
 686

687

688

689

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691

Deleted: The working group acknowledged that the Losing FOA serves a number of important functions:⁴

The Losing FOA notifies the RNH that a transfer has been requested.⁵

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.⁶

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.⁷

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.⁸

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.⁹

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.¹⁰

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.¹¹

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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.⁷

799 **Preliminary Recommendation 3:** The working group recommends that the Registrar of
 800 Record MUST send a “Notification of TAC issuance”⁷ to the RNH without undue delay
 801 but no later than 10 minutes after the Registrar of Record issues the TAC.⁸ For the
 802 purposes of sending the notification, the Registrar of Record MUST use contact
 803 information as it was in the registration data at the time of the TAC request.

804
 805 Implementation Guidance: In cases where a customer uses a Privacy/Proxy service and
 806 the contact information associated with the underlying customer is known to the
 807 Registrar of Record, the Registrar of Record MAY send the notification directly to the
 808 underlying customer.

809
 810 **3.1:** This notification MUST be provided in English and in the language of the
 811 registration agreement and MAY also be provided in other languages.

812
 813 **3.2:** The following elements MUST be included in the “Notification of TAC
 814 Provision”:

- 815 • Domain name(s)
- 816 • Explanation that the TAC will enable the transfer of the domain name to
 817 another registrar,
- 818 • Date and time that the TAC was issued and information about when the
 819 TAC will expire
- 820 • Instructions detailing how the RNH can take action if the request is invalid
 821 (how to invalidate the TAC)
- 822 • If the TAC has not been issued via another method of communication,
 823 this communication will include the TAC

824
 825 **Preliminary Recommendation 4:** The working group recommends that the Losing
 826 Registrar⁹ MUST send a “Notification of Transfer Completion”¹⁰ to the RNH without
 827 undue delay but no later than 24 hours after the transfer is completed. For the purposes
 828 of sending the notification, the Registrar of Record MUST use contact information as it
 829 was in the registration data at the time of the transfer request.
 830

Commented [A1]: To the extent the WG settles on the proposed update in terminology, corresponding changes will be made throughout the report for consistency.

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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.”

Implementation Guidance: In cases where a customer uses a Privacy/Proxy service and the contact information associated with the underlying customer is known to the Registrar of Record, the Registrar of Record MAY send the notification directly to the underlying customer.

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

4.2: To the extent that multiple domains have been transferred to the same 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)
- IANA ID(s) of Gaining Registrar(s) and link to ICANN-maintained webpage listing accredited Registrars and corresponding IANA IDs. If available, the name of the Gaining Registrar(s) may also be included.
- 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) and any deadlines by which the RNH must take action.

Preliminary Recommendation xx: The Registry Operator MUST provide the Gaining Registrar’s IANA ID to the Losing Registrar in the notification of a pending transfer request, which will enable the Losing Registrar to provide this information in the Losing FOA and Notification of Transfer Completion.

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

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

934 individual transfer scenarios vary, the group concluded that such notification does not
935 have to be an email, but rather may incorporate other means of more modern
936 communication.”¹¹

937
938 The working group agreed with Tech Ops that it is important to notify the RNH when a
939 transfer is expected to take place and has recently taken place. The working group
940 further supported the idea that given variations in Registrar business models and
941 individual transfer scenarios, different secure means of communication may be
942 appropriate for the provision of notifications.
943

944 3.1.9 Charter Question a9

945
946 *Are there additional inter-Registrar transfer process proposals that should be considered*
947 *in lieu of or in addition to the CPH TechOps Proposal? For example, should affirmative*
948 *consent to the Losing FOA be considered as a measure of additional protection?*
949

950 **Working Group Response:**

951
952 The working group did not identify any additional proposals to pursue in this regard.
953

954 3.2 Transfer Authorization Code/AuthInfo Code Management

955
956 For context on this topic and the associated charter questions, please see pages 15-19
957 of the [Final Issue Report](#).
958

959 3.2.1 Charter Question b1

960
961 *Is AuthInfo Code still a secure method for inter-Registrar transfers? What evidence was*
962 *used by the working group to make this determination?*
963

964 **Working Group Response:**

965
966 The working group agreed that it should first establish clarity around the function and
967 definition of the AuthInfo Code and ensure that terminology is clear before addressing
968 specific security requirements. The working group used the following text on [ICANN.org](#)
969 as a starting point for discussion on the definition of the Transfer Authorization Code
970 (TAC): “An Auth-Code (also called an Authorization Code, Auth-Info Code, or transfer
971 code) is a code created by a Registrar to help identify the Registered Name Holder of a

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

972 domain name in a generic top-level domain (gTLD). An Auth-Code is required for a
973 Registered Name Holder to transfer a domain name from one Registrar to another.” The
974 working group agreed that the term “identify” is inappropriate in this context, because
975 the code does not verify identity in practice. Instead, the TAC is used to verify that the
976 Registered Name Holder (RNH) requesting the transfer is the same RNH who holds the
977 domain.

978
979 The working group considered that a number of different terms currently apply to the
980 same concept, including AuthInfo Code, Auth-Info Code, Auth-Code, Authorization
981 Code, and transfer code. None of these terms clearly describe the function of the code.
982 The working group believes that it is clearer for all parties, and particularly the RNH, if a
983 single term is used universally. The working group believes that “Transfer Authorization
984 Code” (TAC) provides a straightforward description of the code’s function, and therefore
985 should serve as the standard term in place of the alternatives.

986
987 Regarding the security of the TAC, the working group agreed that metrics could support
988 deliberations on charter question b1. In particular, working group members were
989 interested to see if there has been a change in the number of unauthorized transfers
990 following adoption of the Temporary Specification for gTLD Registration Data. ICANN’s
991 Contractual Compliance Department provided the working group with updated metrics
992 regarding complaints received, which covered the periods both before and after the
993 Temporary Specification went into effect.¹² Contractual Compliance subsequently
994 shared additional metrics that included the “closure codes” associated with complaints
995 about unauthorized transfers.¹³ While the working group agreed that it is difficult to
996 draw conclusions from the data, the working group noted that there was no notable
997 increase in complaints following the date that the Temporary Specification went into
998 effect.

999
1000 The working group considered that in addition to examining metrics regarding past
1001 performance, it is important to consider future-state objectives for the TAC. The
1002 working group agreed that from this perspective, additional security features are
1003 appropriate to protect the RNH, particularly in light of working group preliminary
1004 recommendations to replace requirements for the Gaining and Losing FOA with
1005 notifications to the RNH. In considering potential security enhancements, the working
1006 group considered the benefits of requiring these measures, while also taking into

¹²Available at:

https://community.icann.org/download/attachments/181307054/Compliance_Transfer%20Data_presented%2029%20June%202021.xlsx?version=1&modificationDate=163844970087&api=v2

¹³Available at:

https://community.icann.org/download/attachments/181307054/Compliance_Unauthorized%20Transfer%20Data%20Aug%202020-Sept%202021_presented%209%20November%202021.xlsx?version=1&modificationDate=163844997500&api=v2

1007 account usability considerations and operational impacts on contracted parties in
1008 implementing new requirements.

1009
1010 **Preliminary Recommendations:**

1011
1012 **Preliminary Recommendation 5:** The working group recommends that the Transfer
1013 Policy and all related policies MUST use the term “Transfer Authorization Code (TAC)” in
1014 place of the currently-used term “AuthInfo Code” and related terms. This
1015 recommendation is for an update to terminology only and does not imply any other
1016 changes to the substance of the policies.

1017
1018 **Implementation Guidance:** [ICANN publications and webpages should also be updated](#)
1019 [to reflect the recommended terminology change described in Preliminary](#)
1020 [Recommendation 5.](#)

1021
1022 **Preliminary Recommendation 6:** The working group recommends that the Transfer
1023 Authorization Code MUST be defined as follows: “A Transfer Authorization Code (TAC) is
1024 a token created by the Registrar and provided upon request to the RNH or
1025 their designated representative. The TAC is required for a domain name to be
1026 transferred from one Registrar to another Registrar and when presented authorizes the
1027 transfer.”¹⁵ Relevant policy language MUST be updated to be consistent with this
1028 definition.

- 1029 • ["Designated representative" means an individual or entity that the Registered](#)
1030 [Name Holder explicitly authorizes to request and obtain the TAC on their behalf.](#)
1031 [In the event of a dispute, the RNH’s authority supersedes that of the designated](#)
1032 [representative.](#)

1033
1034 **Preliminary Recommendation 7:** [The working group recommends that the minimum](#)
1035 [requirements for the composition of a TAC MUST be as specified in RFC 9154, including](#)
1036 [all successor standards, modifications or additions thereto relating to Secure](#)
1037 [Authorization Information for Transfer. The requirement in section 4.1 of RFC 9154](#)
1038 [regarding the minimum bits of entropy \(i.e., 128 bits\) should be a MUST in the policy](#)
1039 [until a future RFC approved as “Internet Standards” \(as opposed to Informational or](#)
1040 [Experimental standards\) through the applicable IETF processes updates the security](#)
1041 [recommendation.](#)

1042
1043
1044 **Preliminary Recommendation 8:** The working group recommends that, [at the time that](#)
1045 [the TAC is stored in the Registry system,](#) the Registry [MUST verify](#) that the TAC meets
1046 [the syntax requirements specified in Preliminary Recommendation 7.](#)

1047

Deleted: ¹⁴

Deleted: The working group recommends that the minimum requirements for the composition of a TAC MUST be as specified in RFC 9154 (and its update and replacement RFCs). In addition, where random values are required by RFC 9154, such values MUST be created according to BCP 106.¹⁶

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Deleted: [at the time that the TAC is stored in the Registry system ...](#)

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

1057 3.2.2 Charter Question b2

1058

1059 *The Registrar is currently the authoritative holder of the AuthInfo Code. Should this be*
1060 *maintained, or should the Registry be the authoritative AuthInfo Code holder? Why?*

1061

1062 **Working Group Response:**

1063

1064 In considering this charter question, the working group focused on evaluating and
1065 defining specific roles and responsibilities of Registries and Registrars in the transfer
1066 process, noting that each party has an important role to play in the transfer process.
1067 While some working group members expressed the view that Registry management of
1068 the TAC would be more uniform, standardized, and transparent, others noted that
1069 standards will be set through policy and enforced by ICANN Contractual Compliance
1070 regardless of whether the authoritative holder is the Registry or Registrar; therefore, it
1071 is not clear why it would be better to have the Registry be the authoritative holder.

1072

1073 The working group ultimately did not identify a compelling reason to shift ownership of
1074 the TAC to the Registry and therefore determined that the Registrar should continue to
1075 generate the TAC, set the TAC in the Registry platform, and provide the TAC to the RNH
1076 or their designated representative. The working group further agreed that the Registry
1077 should continue to verify the validity of the TAC. The working group provided
1078 preliminary recommendations to improve security practices with respect to the TAC to
1079 be implemented at the Registry.

1080

1081 **Preliminary Recommendations:**

1082

1083 **Preliminary Recommendation 9:** The working group recommends that:

1084

1085 **9.1:** The TAC MUST only be generated by the Registrar of Record upon request
1086 by the RNH or their designated representative.

1087

1088 **9.2:** When the Registrar of Record sets the TAC at the Registry, the Registry
1089 MUST store the TAC securely, at least according to the minimum standard set
1090 forth in RFC 9154 ([or its successors](#)).

1091

1092 **Implementation Guidance for Recommendation 9.2:** RFC 9154 recommends
1093 using a strong one-way cryptographic hash with at least a 256-bit hash function,
1094 such as SHA-256 [FIPS-180-4], and with a per-authorization information random
1095 salt with at least 128 bits.¹⁷

¹⁷ [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", DOI:10.6028/NIST.FIPS.180-4, August 2015, <<https://csrc.nist.gov/publications/detail/fips/180/4/final>>.

1096
1097 **9.3:** When the Registrar of Record provides the TAC to the RNH or their
1098 designated representative, the Registrar of Record MUST also provide
1099 information about when the TAC will expire.
1100

1101 **Preliminary Recommendation 10:** The working group [recommends that the Transfer](#)
1102 [Policy include the following requirement:](#) Registry Operator MUST verify that the [TAC](#)
1103 [provided by the Gaining Registrar is valid in order to accept an inter-registrar transfer](#)
1104 [request](#),
1105

1106 **Preliminary Recommendation 11:** The working group recommends that the TAC as
1107 created by the Registrar of Record according to Preliminary Recommendation 7, MUST
1108 be “one-time use.” In other words, it MUST be used no more than once per domain
1109 name. The Registry Operator MUST [reset the TAC to null](#)¹⁸ as part of completing the
1110 successful transfer request.
1111

1112 3.2.3 Charter Question b3

1113
1114 *The Transfer Policy currently requires Registrars to provide the AuthInfo Code to the*
1115 *registrant within five [calendar] days of a request. Is this an appropriate Service Level*
1116 *Agreement (SLA) for the Registrar’s provision of the AuthInfo Code, or does it need to be*
1117 *updated?*
1118

1119 Working Group Response:

1120
1121 The working group agreed that the Transfer Policy should continue to require Registrars
1122 to provide the TAC to the RNH or their designated representative within a specified
1123 period of time following a request. While some working group members felt that the
1124 standard time frame for provision of the TAC should be shorter than five calendar days,
1125 working group members noted that exceptions may be necessary to accommodate
1126 specific circumstances. The working group did not identify a compelling reason to
1127 change the five-day response timeframe but believes that it is appropriate to update the
1128 policy language to highlight that five calendar days is the maximum and not the
1129 standard period in which the TAC is to be provided.
1130

1131 Preliminary Recommendations:

1132
1133 **Preliminary Recommendation 12:** The working group confirms that the Transfer Policy
1134 MUST continue to require Registrars to set the TAC at the Registry and [issue](#) the TAC to

Deleted: confirms the following provision of Appendix G: Supplemental Procedures to the Transfer Policy contained in the Temporary Specification for gTLD Registration Data: “4.

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¹⁸ In the context of this recommendation, “reset the TAC to null” is to have the opposite meaning of setting the TAC. In other words, Recommendation 9.2 provides that the Registrar of Record sets the TAC at the Registry; here, the Registry is reversing that action.

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1147 the RNH or their designated representative within five calendar days of a request,
 1148 although the working group recommends that the policy state the requirement as 120
 1149 hours rather than 5 calendar days to reduce any risk of confusion. The working group
 1150 further recommends that the policy MUST make clear that 120 hours is the maximum
 1151 and not the standard period in which the TAC is to be issued.
 1152

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1153 3.2.4 Charter Question b4

1154
 1155 *The Transfer Policy does not currently require a standard Time to Live (TTL) for the*
 1156 *AuthInfo Code. Should there be a standard Time to Live (TTL) for the AuthInfo Code? In*
 1157 *other words, should the AuthInfo Code expire after a certain amount of time (hours,*
 1158 *calendar days, etc.)?*
 1159

1160 Working Group Response:

1161
 1162 The working group clarified its understanding that the Time to Live (TTL) is the period of
 1163 time that the TAC is valid once the TAC has been created. The working group noted that
 1164 there are no existing policy requirements regarding TTL. The working group believes
 1165 that it is good security practice to have a standard TTL for the TAC, because old, unused
 1166 TACs are vulnerable to exploitation.
 1167

1168 Preliminary Recommendations:

1169 Preliminary Recommendation 13:

1170 The working group recommends that:

1171
 1172
 1173
 1174 **13.1:** The TAC MUST be valid for 14 calendar days from the time it is set at the
 1175 Registry, enforced by the Registry.
 1176

1177 **13.2:** The Registrar of Record MAY reset the TAC to null¹⁹ prior to the end of the
 1178 14th calendar day by agreement by the Registrar of Record and the RNH.
 1179

1180 Note: The working group has included the following question for community
 1181 input regarding Preliminary Recommendation 13.1 as part of the public
 1182 comment process on the Initial Report:
 1183

1184 3.2.5 Charter Question b5

1185

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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? ¶

¹⁹ [Ibid.](#)

1226 *Should the ability for registrants to request AuthInfo Codes in bulk be streamlined and*
1227 *codified? If so, should additional security measures be considered?*

1228
1229 **Working Group Response:**

1230
1231 As a general rule, the working group believes that one randomly generated TAC should
1232 be provided per domain name, because this is a good security practice (see Preliminary
1233 Recommendation 7). The Working Group recognizes that for cases where multiple
1234 domains are being transferred, it would be more convenient to have a streamlined
1235 approach for requesting and using TACs. Some working group members suggested a
1236 carveout to the standard TAC requirements that would allow use of the same TAC for
1237 multiple domains if specific additional requirements were met to ensure security of the
1238 transaction. At the time of publication of the Initial Report, the working group did not
1239 agree on specific conditions under which this should be possible. Therefore, the working
1240 group is not making any recommendations with respect to exceptions for multi-domain
1241 transfers.
1242

1243 3.2.6 Charter Question b6

1244
1245 *Does the CPH TechOps research provide a logical starting point for future policy work on*
1246 *AuthInfo Codes, or should other options be considered?*

1247
1248 **Working Group Response:**

1249
1250 The working group carefully reviewed the TechOps proposal²⁰ and considered input
1251 from those involved in development of the proposal. The working group appreciated the
1252 expertise and relevant experience of those who developed the proposal and therefore
1253 considered it a logical starting point for discussion. The working group agreed, however,
1254 that it is important to consider (i) the range of views and interests that may not have
1255 been represented in the development of the proposal, and (ii) any new information or
1256 interests that have come to light since the development of the proposal. Therefore, in
1257 developing its preliminary recommendations, the working group deliberated on each of
1258 the charter questions, taking into account both the relevant elements of the TechOps
1259 paper as well as all other available information and inputs.
1260

1261 3.2.7 Charter Question b7

1262
1263 *Should required differentiated control panel access also be considered, i.e., the*
1264 *registered name holder is given greater access (including access to the auth code), and*

²⁰ Available in Annex B of the TPR [Final Issue Report](#).

1265 *additional users, such as web developers would be given lower grade access in order to*
1266 *prevent domain name hijacking?*

1267
1268 **Working Group Response:**

1269
1270 The working group does not believe that there should be any new policy requirements
1271 in this regard.
1272

1273 3.3 EPDP Phase 1, Recommendation 27, Wave 1 Report

1274
1275 For context on this topic and the associated charter questions, please see pages 52-56
1276 of the [Final Issue Report](#).
1277

1278 3.3.1 Charter Question c1

1279
1280 *How should the identified issues be addressed?*

1281
1282 **Working Group Response:**

1283
1284 The working group reviewed the Transfer Policy-related issues from Section 3.11 of the
1285 Wave 1 Report and noted seven (7) of the ten (10) "key issues" were relevant to the
1286 current phase (Phase 1(a)) of its work.²¹ The working group reviewed and discussed
1287 these seven issues and has provided a response to each issue. The detailed responses
1288 can be found in Annex D of this report.
1289

1290 **Preliminary Recommendations:**

1291
1292 **Preliminary Recommendation 14:** The working group recommends the following
1293 specific terminology updates to the Transfer Policy:

- 1294 (i) The term "Whois data" SHALL have the same meaning as "Registration Data".
- 1295 (ii) The term "Whois details" SHALL have the same meaning as "Registration Data".
- 1296 (iii) The term "Publicly accessible Whois" SHALL have the same meaning as "RDDS".
- 1297 (iv) The term "Whois" SHALL have the same meaning as "RDDS".

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²¹ 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.

1299 For the avoidance of doubt, the terms referenced in above in Recommendation 14 (i) -
1300 (iv) are intended to correspond to the definitions in the [Registry Agreement \("RA"\) and](#)
1301 Registrar Accreditation Agreement ("RAA"), [as appropriate](#). In the event of any
1302 inconsistency, the [RA/RAA](#) definitions, if updated, will supersede. The working group
1303 also recommends that the outdated terms should be replaced with the updated terms,
1304 e.g., all references to "Whois Data" should be replaced with the term "Registration
1305 Data," etc.

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1306
1307 **Rationale:** This recommendation is consistent with the EPDP Team's Phase 1
1308 Recommendation 24. [The working group additionally notes that for purposes of](#)
1309 [the Transfer Policy, Registration Data means the contact data collected by a](#)
1310 [Registrar from a legal or natural person in conjunction with the registration of a](#)
1311 [domain name. It is not meant to include additional customer data such as credit](#)
1312 [card details and email correspondence.](#)

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1313
1314 **Preliminary Recommendation 15:** The working group recommends removing any
1315 reference to an "Administrative Contact" or "Transfer Contact" in the Transfer Policy
1316 and replacing it with "Registered Name Holder" unless specifically indicated.

1317
1318 **Rationale:** Under the [upcoming](#) Registration Data Policy, Administrative Contact
1319 data is no longer [required to be](#) collected by the Registrar, [and therefore cannot](#)
1320 [be relied upon for Transfer Policy requirements](#). Accordingly, the Registered Name
1321 Holder would be the only authorized transfer contact.

1323 3.3.2 Charter Question c2

1324
1325 *Can the FOA-related Transfer Policy issues (identified in paragraphs 5 and 9 of Wave 1*
1326 *Report), as well as the proposed updates to the Gaining and Losing FOAs, be discussed*
1327 *and reviewed during the review of FOAs?*

1329 Working Group Response:

1330
1331 As noted above, the working group reviewed the seven key issues from Section 3.11 of
1332 the Wave 1 Report that are directly related to Phase 1(a) of its work, including the issues
1333 related to the Gaining and Losing FOAs. The working group determined these specific
1334 issues are in scope for it to address during Phase 1(a) and discussed and reviewed these
1335 issues during its plenary meetings. For the detailed responses on the key issues, please
1336 refer to Annex D of this report.

1337
1338 The working group noted many key issues alluded to terminology inconsistencies, which
1339 are the direct result of the EPDP Phase 1 recommendations. For example, EPDP Phase 1,
1340 Recommendation #5 provides an updated list of data elements to be collected by
1341 Registrars. Notably, the administrative contact field, which was a required data field

1344 under the 2013 RAA, is no longer a required data element for Registrar collection and
1345 subsequent processing. Because the administrative contact field is referenced many
1346 times within the Transfer Policy, the working group noted those references should be
1347 removed.²² Similarly, the working group observed that the multiple references to
1348 “Whois” need to be updated.
1349

1350 3.4 Denying (NACKing) Transfers

1351
1352 The topic of denying (NACKing) transfers was originally planned for Phase 2 of the PDP.
1353 It was later moved to Phase 1(a) by a [Project Change Request](#) to ensure that the working
1354 group could examine all elements of the security model for domain name transfers in a
1355 holistic manner as part of its Phase 1 deliberations.
1356

1357 For context on this topic and the associated charter questions, please see pages 43-48
1358 of the [Final Issue Report](#).
1359

1360 3.4.1 Charter Question h1

1361
1362 *Are the current reasons for denying or NACKing a transfer sufficiently clear? Should*
1363 *additional reasons be considered? For instance, ICANN Contractual Compliance has*
1364 *observed difficulties from Registrars tying transfer denials involving domain names*
1365 *suspended for abusive activities to the denial instances contemplated by the Transfer*
1366 *Policy; or should any reasons be removed?*
1367

1368 **Working Group Response:**

1369
1370 The working group conducted a thorough review of the reasons for denying or NACKing
1371 a transfer and has provided a series of preliminary recommendations detailed below.
1372 Please see the rationale for each proposed change for additional information about why
1373 these updates are being recommended.
1374

1375 While discussing sections I.A.3.7 through I.A.3.9 of the Transfer Policy, the working
1376 group spent a significant amount of time considering I.A.3.7.5 and I.A.3.7.6 and the fact
1377 that in some cases, a domain is locked against inter-Registrar transfer for 60 days
1378 following the registration of the domain name or the transfer of the domain name to a
1379 new Registrar. Requirements regarding post-registration and post-transfer locks appear
1380 in some Registry Agreements and are reflected in corresponding Registry-Registrar

²² Additional context from the working group’s discussion can be found in Annex D of this report.

1381 Agreements. This practice is neither required nor prohibited in the Transfer Policy and is
1382 applied inconsistently across the industry.

1383
1384 The working group considered that this inconsistent practice may cause confusion
1385 among registrants and may lead to poor registrant experience. The working group
1386 supported establishing a standard set of requirements that apply across the industry.
1387 While some members also supported opportunities for opt-outs or flexibility in the
1388 requirements (for example a minimum lock period with an option to implement a longer
1389 lock period), the working group ultimately agreed that consistency needs to be
1390 maintained.

1391
1392 In the course of deliberations, the working group discussed three possible time periods
1393 for post-registration and post-transfer locks:²³ 10 days, 30 days, and 60 days. Working
1394 group members supported maintaining consistency between the period that a transfer
1395 is prohibited following registration and following inter-Registrar transfer. Some working
1396 group members have advocated for establishing a “fast undo” process along the lines of
1397 the Expedited Transfer Reverse Process (ETRP) considered in Inter-Registrar Transfer
1398 Policy (IRTP) Part B Policy Development Process. The IRTP Part B Working Group
1399 ultimately did not adopt the ETRP proposal. “Fast undo” discussions will continue in
1400 Phase 2 of the Transfer Policy Review PDP, and the working group has not yet
1401 considered this topic in depth. At this stage, some working group members noted that if
1402 a “fast undo” process is ultimately adopted, the period for which a domain is eligible for
1403 “fast undo” following an inter-Registrar transfer should likely correspond to the lock
1404 periods, and should be sufficiently long to identify the need to invoke the “fast undo”
1405 process.

1406
1407 **Preliminary Recommendations:**

1408
1409 **Preliminary Recommendation 16:** The Registrar MUST restrict the RNH from
1410 transferring a domain name to a new Registrar within 30 days of the initial registration
1411 date.²⁴

1412
1413 **Rationale:** The working group believes that a single requirement across the
1414 industry will result in a better experience for registrants. The working group
1415 recommends that 30 days is the appropriate period for this requirement because:
1416

- 1417 • It provides a window of opportunity to identify issues associated with
1418 credit card payments, including unauthorized use of a credit card. This may
assist with addressing criminal activity and deterring fraud.

Commented [A2]: See small group proposal under WG consideration, which gives registrars the option to opt out of the lock for “Established Customers”:
<https://mm.icann.org/pipermail/gnso-tp/2022-December/000714.html>

²³ 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.

²⁴ [The initial registration date referenced in this recommendation corresponds to the Creation Date in the RDDS.](#)

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- 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.

1427 **Preliminary Recommendation 17:** The Registrar MUST restrict the RNH from
1428 transferring a domain name to a new Registrar within 30 days of the completion of an
1429 inter-Registrar transfer.
1430

1431 **Rationale:** The working group believes that a single requirement across the
1432 industry will result in a better experience for registrants and will also consistently
1433 prevent the transfer of a domain multiple times in rapid succession, a practice
1434 associated with domain theft. The working group recommends that 30 days is the
1435 appropriate period for this requirement because:

- 1436
- 1437
- 1438
- 1439
- 1440
- 1441
- 1442
- 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.

1443 **Preliminary Recommendation 18:** I.A.3.7 of the Transfer Policy currently reads, “Upon
1444 denying a transfer request for any of the following reasons, the Registrar of Record must
1445 provide the Registered Name Holder and the potential Gaining Registrar with the reason
1446 for denial. The Registrar of Record **MAY** deny a transfer request only in the following
1447 specific instances:” The working group recommends the following revision, in bold, to
1448 the first sentence: “**Upon denying a transfer request for any of the following reasons,**
1449 **the Registrar of Record must provide the Registered Name Holder and, upon request,**
1450 **the potential Gaining Registrar with the reason for denial.**” The working group **further**
1451 recommends expressing the two sentences of this provision as two distinct provisions of
1452 the policy.
1453

1454 **Rationale:** The addition of the words “upon request” to the first sentence is
1455 intended to clarify that while the Registrar of Record always provides the reason
1456 for denial to the RNH, the Registrar of Record only provides the reason for denial
1457 to the Gaining Registrar upon request. There is no automated process to provide
1458 the reason for denial to the Gaining Registrar. This is currently the case and is
1459 expected to continue to be the case in the future. The two sentences of I.A.3.7
1460 express two distinct concepts and therefore should be separated into two
1461 different provisions.
1462

Commented [A3]: See small group proposal under WG consideration, which gives registrars the option to opt out of the lock for “Established Customers”:
<https://mm.icann.org/pipermail/gnso-tp/2022-December/000714.html>

1463 **Preliminary Recommendation 19:** The working group recommends revising the
 1464 following reasons that the Registrar of Record **MAY** deny a transfer request as follows:
 1465

Reference	Current Text	Revision	Rationale
I.A.3.7.1	Evidence of fraud.	Evidence of (a) fraud or (b) the domain presents an active DNS Security Threat as defined here: https://www.icann.org/dns-security-threat .	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 <u>proposed revision</u> seeks to strike this balance. <u>The WG intentionally points to an ICANN-maintained webpage in the text to allow for changes in the specific threats that may be considered a DNS Security Threat in the ICANN context.</u>
I.A.3.7.2	Reasonable dispute over the identity of the Registered Name Holder or Administrative Contact.	Reasonable dispute over the identity of concern that the transfer was not requested by the Registered Name Holder or Administrative Contact.	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 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. 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. 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.

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<p>I.A.3.7.3</p>	<p>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.</p>	<p>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.</p>	<p>The working group has added the term "payment disputes" to reflect problems related to payments other than a credit card charge-back.</p> <p>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.</p> <p>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 necessary guidance on treatment of domains post-expiration and that this sentence is unnecessary in the Transfer Policy text.</p>
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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	Express objection to the transfer by the authorized Transfer Contact Registered Name Holder . Objection could take the form of specific request (either	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

	<p>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.</p>	<p>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 the lock within five (5) calendar days.</p>	<p>Holder expressly objects to the transfer. This update is consistent with Preliminary Recommendation 15.</p>
I.A.3.7.5	<p>The transfer was requested within 60 days of the creation date as shown in the registry Whois record for the domain name.</p>	<p>The transfer was requested within 60 30 days of the creation date as shown in the registry Whois RDDS record for the domain name.</p>	<p>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.</p> <p>“Whois” has been updated to “RDDS” consistent with Preliminary Recommendation 14.</p>
I.A.3.7.6	<p>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</p>	<p>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</p>	<p>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.</p>

	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.	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.	
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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 Pending 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.
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.
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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.	<u>Implementation Guidance Regarding the Auto-Renew Grace Period</u> : 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, provided that any auto-renewal costs borne by the Registrar are reversible for future period.	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 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	A registrar-applied inter-registrar transfer lock is in place on the domain name in Registrar Lock Status , for reasons other	The updates are primarily intended to improve clarity of the provision, use terminology that will be commonly understood, and refer to the relevant

	with the reasonable opportunity and ability to unlock the domain name prior to the Transfer Request.	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.	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.3.7.6²⁵ 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. 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).
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.

1487

1488 3.4.2 Charter Question h2

1489

1490 *Should additional guidance around cases subject to a UDRP decision be provided to*
 1491 *ensure consistent treatment by all Registrars? If so, is this something that should be*

²⁵ In implementation, to the extent that there is re-numbering of applicable provisions, this reference should be updated accordingly.

1492 *considered by the RPMs PDP Working Group's review of the UDRP, or should it be*
1493 *conducted within a Transfer Policy PDP?*

1494
1495 **Working Group Response:**

1496
1497 The working group reviewed the World Intellectual Property Organization's (WIPO)
1498 [detailed comment](#) in response to the [Transfer Policy Status Report](#) and has noted two
1499 concerns involving a UDRP proceeding vis-à-vis the Transfer Policy. Specifically, WIPO
1500 has noted issues related to: (i) the locking of a domain name subject to a UDRP
1501 proceeding (in order to prevent an inter-Registrar transfer during the pendency of the
1502 proceeding),²⁶ and (ii) the implementation of a UDRP Panel's order to transfer a domain
1503 name to a complainant.²⁷

1504
1505 **Domain Name Locking**

1506
1507 UDRP Rule 4(b) provides, in part, "Within two (2) business days of receiving the
1508 Provider's verification request, the Registrar shall [. . .] confirm that a Lock²⁸ of the
1509 domain name has been applied. [. . .] The Lock shall remain in place through the
1510 remaining Pendency of the UDRP proceeding. [. . .]" Additionally, Paragraph I.A.3.8.1
1511 of the Transfer Policy requires registrars to deny any requests for inter-registrar
1512 transfers during "a pending UDRP proceeding that the Registrar has been informed of."

1513
1514 Within its preliminary recommendations, the working group has proposed to update the
1515 current Transfer Policy language to:

1516
1517 "The Registrar of Record MUST deny a transfer request in the following circumstances:
1518 • Pending UDRP proceeding that the Registrar has been notified of by the Provider
1519 in accordance with the UDRP Rules."

1520
1521 The working group is proposing a slight refinement to the current text in an effort to
1522 clarify that Registrars must deny inter-Registrar transfer requests that are received after
1523 a Registrar has been notified by a UDRP Provider of a UDRP Proceeding in accordance
1524 with the UDRP Rules.

1525
1526 In response to WIPO's related concern that "the ambiguity associated with 'locking' a
1527 domain name has resulted in many improper domain name transfers," the working
1528 group notes that the definition of Locking is part of the UDRP Rules, and, accordingly,

²⁶ 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](#).

²⁷ For specific policy requirements, please see [UDRP Section 4\(i\)](#), [4\(k\)](#), [UDRP Rule 16\(a\)](#).

²⁸ [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."

1529 appears out of scope for this working group to address. The working group does note,
1530 though, that the proposed updates to the Transfer Policy endeavor to make clear that
1531 Registrars are forbidden from implementing inter-Registrar transfer requests received
1532 following a notification from a UDRP Provider of a pending UDRP proceeding.

1533
1534 In the event a Registrar mistakenly or purposefully effects an inter-Registrar transfer
1535 during the pendency of a UDRP proceeding, this would be a clear violation of the
1536 Transfer Policy and should be referred to ICANN org Contractual Compliance for review.
1537 The working group will flag the definitional issue of “locking” with the Rights Protection
1538 Mechanisms (RPMs) Phase 2 Working Group, who will be closely reviewing the UDRP,
1539 and will be in a better position to determine if updates are needed.

1540 1541 Implementation of UDRP Panel Decisions

1542
1543 The working group also discussed WIPO’s noted concern regarding the reported refusal
1544 of some Registrars to effect a UDRP Panel’s decision to transfer a disputed domain
1545 name(s) to the Complainant.

1546
1547 Paragraph 4(i) of the UDRP provides that a UDRP Complainant may request the
1548 following remedies in its UDRP Complaint, “the cancellation of [a disputed] domain
1549 name or the *transfer* of [a disputed] domain name registration to the complainant.”
1550 (emphasis added). Paragraph 4(k) goes on to provide, in part, “if an Administrative Panel
1551 decides that [the disputed] domain name registration should be canceled or transferred,
1552 [the Registrar of Record] will wait ten (10) business days [. . .] before *implementing* that
1553 decision [to cancel or transfer the disputed domain name].” (emphasis added)

1554
1555 Registrar representatives within the working group noted various methods their
1556 companies use to implement UDRP decisions, including, for example, providing the
1557 AuthInfo Code to the Complainant to effect the inter-Registrar transfer, setting up an
1558 account for the Complainant and transferring the name to the new account, et. al. The
1559 working group discussed that so long as the Registrar of Record effects the Panel’s
1560 decision by allowing transfer of the domain name, the Registrar would be in compliance
1561 with the UDRP, and the working group was reluctant to recommend specific
1562 implementation restrictions.

1563
1564 The working group noted that a Registrar refusal to implement a UDRP Panel’s decision
1565 to cancel or transfer the disputed domain name to the Complainant, absent official
1566 documentation of a court proceeding,²⁹ would be a violation of the UDRP, and,
1567 accordingly, should be referred to ICANN org Contractual Compliance for review. The
1568 working group noted that it will refer this reported issue of UDRP decision
1569 implementation to the RPMs Phase 2 Working Group, as the working group believed the

²⁹ See UDRP, Paragraph 4(k).

1570 specific implementation around UDRP decisions to be out of scope for the Transfer
1571 Policy.

1572

1573 4 Next Steps

1574

1575 This Initial Report will be posted for public comment for 42 days. The working group will
1576 review the public comments received on this Initial Report and consider whether any
1577 changes need to be made to its Phase 1(a) recommendations. The working group will
1578 complete Phase 1(b) of its work, including a Phase 1(b) Initial Report followed by a
1579 public comment period on the Phase 1(b) Initial Report. The working group will finalize
1580 all Phase 1 recommendations in a Final Report to be sent to the GNSO Council for
1581 review. If adopted by the GNSO Council, the Final Report would then be forwarded to
1582 the ICANN Board of Directors for its consideration and, potentially, approval as an
1583 ICANN Consensus Policy.

1584

1585 Following a charter review process, Phase 2 of the PDP will commence.

1586

1587

1588

1589 Annex A - Background

1590

1591 The Transfer Policy, formerly referred to as the Inter-Registrar Transfer Policy (IRTP), is
1592 an ICANN consensus policy that went into effect on 12 November 2004. The policy
1593 governs the procedure and requirements for registrants to transfer their domain names
1594 from one Registrar to another, also referred to as an inter-Registrar transfer. The goal of
1595 the Transfer Policy was to provide for enhanced domain name portability, resulting in
1596 greater consumer and business choice and enabling registrants to select the Registrar
1597 that offers the best services and price for their needs.

1598

1599 On April 22, 2019, ICANN org delivered the [Transfer Policy Status Report](#) to the GNSO
1600 Council. ICANN org delivered the Transfer Policy Status Report pursuant to
1601 Recommendation 17 of the Inter-Registrar Transfer Policy (IRTP) Part D PDP Working
1602 Group's [Final Report](#), which provides, "[t]he Working Group recommends that
1603 contracted parties and ICANN should start to gather data and other relevant
1604 information that will help inform a future IRTP review team in its efforts." The Transfer
1605 Policy Status Report provided a foundation to review the history and underlying goals of
1606 Transfer Policy, the five policy development processes that sought to improve the
1607 Transfer Policy, and associated metrics on the Transfer Policy.

1608

1609 During its meeting on September 19, 2019, the GNSO Council agreed to launch a call for
1610 volunteers for a Transfer Policy Review Scoping Team, comprised of interested and
1611 knowledgeable GNSO members that were tasked with advising the GNSO Council by
1612 providing recommendations on the following:

- 1613 • approach to the review (for example, by initiating a new PDP);
- 1614 • composition of the review team or PDP working group, and
- 1615 • scope of the review and future policy work related to the Transfer Policy.

1616

1617 On April 6, 2020, the Transfer Policy Review Scoping Team delivered its [Transfer Policy](#)
1618 [Review Scoping Paper](#) to the GNSO Council for its consideration. The Scoping Team
1619 recommended that the GNSO Council instruct ICANN org policy support staff to draft an
1620 Issue Report, outlining, et.al., the issues described in its Scoping Report. On 23 June
1621 2020, the GNSO Council voted to approve a motion requesting a Preliminary Issue
1622 Report, for delivery as expeditiously as possible, on the issues identified in the Transfer
1623 Policy Initial Scoping Paper, to assist in determining whether a PDP or series of PDPs
1624 should be initiated regarding changes to the Transfer Policy.

1625

1626 The [Final Issue Report](#) addressed eight issues associated with the Transfer Policy, seven
1627 of which were specifically identified by the Transfer Policy Review Scoping Team:

1628

- 1629 a. Gaining & Losing Registrar Form of Authorization ("FOA")
- 1630 b. AuthInfo Code Management
- 1631 c. Change of Registrant

- 1632 d. Transfer Emergency Action Contact (“TEAC”)
1633 e. Transfer Dispute Resolution Policy (“TDRP”)
1634 f. Reversing/NACKing Transfers
1635 g. ICANN-Approved Transfers
1636 h. EPDP Phase 1, Recommendation 27, Wave 1 Report
1637

1638 On 18 February 2021, The GNSO Council passed a [resolution](#) to initiate a two-phased
1639 PDP to review the Transfer Policy using the approach recommended in the Final Issue
1640 Report:

- 1641
- 1642 • Phase 1(a): Form of Authorization (including EPDP Phase 1, Recommendation 27,
1643 Wave 1 FOA issues) and AuthInfo Codes
 - 1644 • Phase 1(b): Change of Registrant (including EPDP Phase 1, Recommendation 27,
1645 Wave 1 Change of Registrant issues)
 - 1646 • Phase 2: Transfer Emergency Action Contact and reversing inter-Registrar
1647 transfers, Transfer Dispute Resolution Policy (including EPDP Phase 1,
1648 Recommendation 27, Wave 1 TDRP issues), Denying (NACKing) transfers, ICANN-
1649 approved transfers
- 1650

1651 The topic of denying (NACKing) transfers was later moved to Phase 1(a) by [Project](#)
1652 [Change Request](#) to ensure that the working group could examine all elements of the
1653 security model for domain name transfers in a holistic manner as part of its Phase 1
1654 deliberations.

1655

1656 A small group of Councilors reviewed the draft charter included in the Final Issue Report
1657 and finalized the document. The charter was [approved](#) by Council on 24 March 2021.
1658

1659 The Phase 1(a) working group held its first meeting on 14 May 2021.
1660

1661 Annex B - Working Group Membership and 1662 Attendance

1663
1664 The Working Group held its first meeting in April 2021. Recordings and transcripts of the
1665 group's discussions can be found on its [wiki space](#). It has conducted its work primarily
1666 through weekly conference calls, in addition to email exchanges on its mailing list.

1667
1668 As instructed by the GNSO Council, the Working Group prepared a [work plan](#), which it
1669 reviewed on a regular basis. The Working Group Chair and the GNSO Council Liaison to
1670 the Working Group also provided regular reports to the GNSO Council regarding the
1671 status and progress of the group's work. Details of the project schedule, attendance and
1672 action items can be found in the monthly project packages.

1673
1674 The Working Group email archives can be found at
1675 <https://mm.icann.org/pipermail/gns0-tpr/>.

1676
1677
1678 **Plenary Meetings:**

- 1679 • 50 Plenary calls (w/ 4 cancelled) for 68.5 call hours for a total of 1506.0 person
1680 hours
- 1681 • 81.4% total participation rate

1682
1683 **Small Team Meetings:**

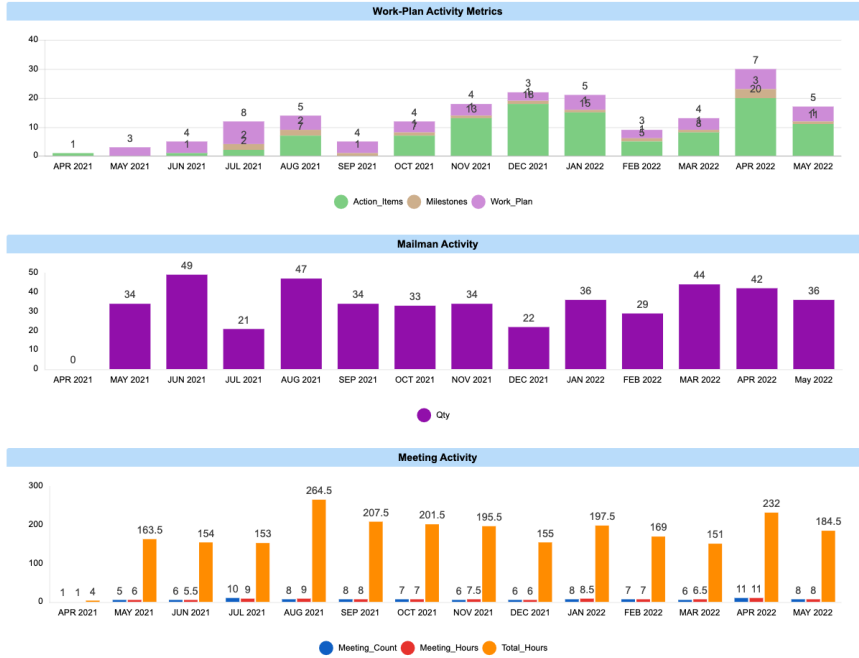
- 1684 • 8 Small team calls for 8.0 call hours for a total of 78.0 person hours
- 1685 • 100.0% total participation rate

1686
1687 **Leadership Meetings:**

- 1688 • 49 Leadership calls (w/6 cancelled) for 23.0 call hours for a total of 212.0 person
1689 hours

1690

1691 Working Group Activity Metrics:



1692
1693
1694
1695

1696 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%	

1697
1698
1699

1700 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%	

1701 There are a total of 33 Observers to the Working group.

1702
1703 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					

1705 Annex C - Community Input

1706

1707 4.1 Request for Input

1708

1709 According to the GNSO's PDP Manual, a PDP working group should formally solicit
1710 statements from each GNSO Stakeholder Group and Constituency at an early stage of its
1711 deliberations. A PDP working group is also encouraged to seek the opinion of other
1712 ICANN Supporting Organizations and Advisory Committees who may have expertise,
1713 experience or an interest in the issue. As a result, the working group reached out to all
1714 ICANN Supporting Organizations and Advisory Committees as well as GNSO Stakeholder
1715 Groups and Constituencies with a request for input at the start of its deliberations. In
1716 response, statements were received from:

1717

- 1718 ■ The GNSO Business Constituency (BC)
- 1719 ■ The Registries Stakeholder Group (RySG)
- 1720 ■ The At-Large Advisory Committee (ALAC)
- 1721 ■ The Security and Stability Advisory Committee (SSAC)

1722

1723 The full statements can be found on the working group wiki here:

1724 <https://community.icann.org/x/tIT8CQ>.

1725

1726 4.2 Review of Input Received

1727

1728 All of the statements received were added to the to the relevant working documents
1729 and considered by the working group in the context of deliberations on each topic.

1730 **Annex D – EPDP Phase 1, Recommendation 27, Wave 1 Analysis**

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1732
1733

For context on this analysis, please see pages 52-56 of the [Final Issue Report](#).

Wave 1 Analysis Key Points	TPR Working Group Response
<p>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.</p>	<p>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.”</p> <p>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”.</p>
<p>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.</p>	<p>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”.</p>

<p>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.</p>	<p>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.</p>
<p>4. <i>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.</i></p>	<p><i>Defer further discussion to Phase 2 of the PDP.</i></p>
<p>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</p>	<p>In its preliminary recommendations, the working group is recommending eliminating the requirement that the Gaining Registrar send a Gaining Form of Authorization.</p> <p>For further rationale on the proposed elimination of the Gaining FOA, please see the working group’s response to charter question a1.</p> <p>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</p>

<p>(covered in section I.A.3) is still achievable as the registrar does not need to rely on publicly available data.</p>	<p>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).</p>
<p>6. <i>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.</i></p>	<p><i>Defer discussion to Phase 1(b) of the PDP.</i></p>
<p>7. <i>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.</i></p>	<p><i>Defer discussion to Phase 1(b) of the PDP.</i></p>
<p>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</p>	<p>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.)</p> <p>Discussions related to Section II of the policy (Change of Registrant) will be deferred to Phase 1(b) of the PDP.</p>

<p>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.</p>	
<p>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:</p> <p>(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:</p> <p>(a1) The Gaining Registrar is not REQUIRED to obtain a Form of Authorization from the Transfer Contact.</p> <p>(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.</p> <p>(b) As used in the Transfer Policy:</p>	<p>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).</p> <p>In Preliminary Recommendation 14, the working group is recommending the terminology changes from EPDP Phase 1, Recommendation #24. Specifically:</p> <p>(b) As used in the Transfer Policy:</p> <p>(b1) The term "Whois data" SHALL have the same meaning as "Registration Data".</p> <p>(b2) The term "Whois details" SHALL have the same meaning as "Registration Data".</p> <p>(b3) The term "Publicly accessible Whois" SHALL have the same meaning as "RDDs".</p>

<p>(b1) The term "Whois data" SHALL have the same meaning as "Registration Data".</p> <p>(b2) The term "Whois details" SHALL have the same meaning as "Registration Data".</p> <p>(b3) The term "Publicly accessible Whois" SHALL have the same meaning as "RDDS".</p> <p>(b4) The term "Whois" SHALL have the same meaning as "RDDS".</p> <p>(c) Registrar and Registry Operator SHALL follow best practices in generating and updating the "AuthInfo" code to facilitate a secure transfer process.</p> <p>(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.</p> <p>These requirements are being implemented as part of implementing the Registration Data Policy.</p>	<p>(b4) The term "Whois" SHALL have the same meaning as "RDDS".</p> <p>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.</p>
<p>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.</p>	<p>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.</p>
<p><i>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</i></p>	<p><i>Defer discussion to Phase 1(b) of the PDP.</i></p>

<i>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.</i>	
<i>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.</i>	<i>Defer discussion to Phase 1(b) of the PDP.</i>

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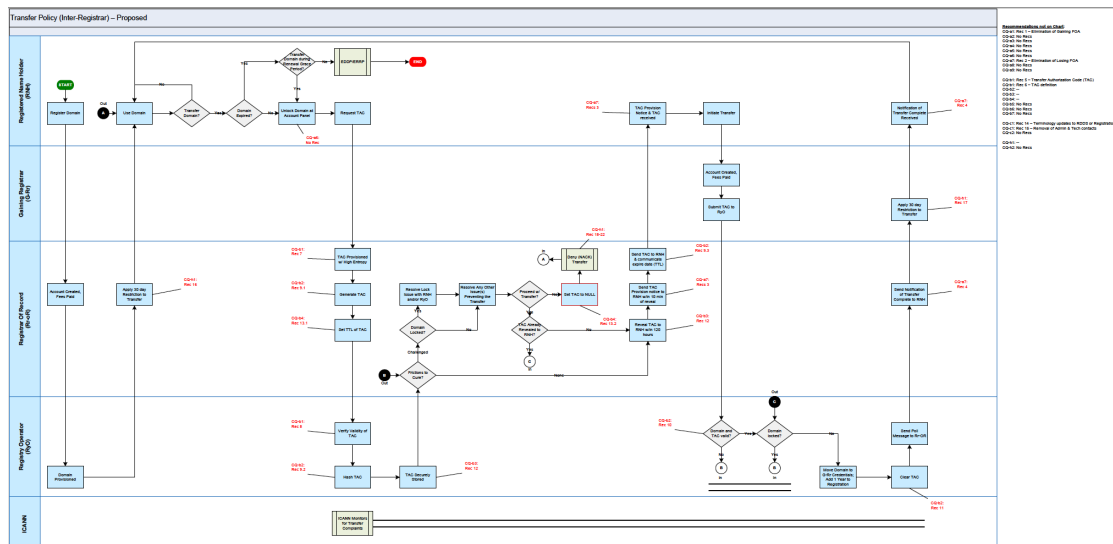
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Annex E – Proposed Transfer Policy Swim Lane Diagram

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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](#).



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