

Change of Registrant (COR)

TPR Group 1(b): Part II

Meeting #114



Recap: Preliminary COR Recommendations

COR: Preliminary Recommendations

Preliminary Recommendation 1: The Working Group recommends that, following a Change of Registrant,* the Registrar **MUST** send a notification of the Change of Registrant to both the Prior Registrant (as listed in the Registration Data immediately prior to the Change of Registrant) and the New Registrant. **Additionally, the Registrar MUST send this notification** without undue delay, but no later than 24 hours after the Change of Registrant occurred.

* Definition in Progress

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

1.2 The Registrar **MUST** include the following elements in the Change of Registrant notification:

- ❖ Domain name(s)
- ❖ Text stating that the contact information was updated
- ❖ Date and time that the Change of Registrant was completed
- ❖ **Instructions detailing how the Prior/New Registrant can take action if the change was invalid (how to initiate a reversal)**

COR: Preliminary Recommendations

Preliminary Recommendation 1: The Working Group recommends that, following a Change of Registrant,* the Registrar MUST send a notification of the Change of Registrant to both the Prior Registrant (as listed in the Registration Data immediately prior to the Change of Registrant) and the New Registrant. Additionally, the Registrar MUST send this notification without undue delay, but no later than 24 hours after the Change of Registrant occurred.

1.3. The Registrar MAY send the notification 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.

1.4. If the Change of Registrant involves an update to the Registrant Name* or Registrant Organization* only, then the Registrar does NOT need to send separate notifications to both the Prior Registrant's email address/phone number and the New Registrant's email address/phone number. Instead, the Registrar MUST send one notification to the email address/phone number as listed in the Registration Data Directory Service (RDDS).

*Subject to change based on definition of Change of Registrant, which is still under discussion by the WG.

COR: Preliminary Recommendations

Preliminary Recommendation 2: The Working Group recommends eliminating from the Transfer Policy the requirement that the Registrar impose a 60-day inter-registrar transfer lock following a Change of Registrant. This requirement is detailed in section II.C.2 of the Transfer Policy. Additionally, the Working Group recommends eliminating from the Transfer Policy the text regarding opting out of the 60-day lock, as this text has been overtaken by the removal of the lock requirement from the Transfer Policy.

Rationale: The Working Group has noted the 60-day lock has been a source of confusion and frustration among registrants, and has not definitively demonstrated that it effectively prevents domain hijacking/hopping. The removal of this lock is therefore recommended, in lieu of the working group's other recommendations to provide greater security, namely:

1. enhanced security measures surrounding TAC issuance (WG Reference: [See Primer](#))
2. mandatory 30-day transfer restriction following an inter-Registrar transfer (WG Reference: [See Primer](#))
3. notifications to New and Prior Registrant when COR occurs, containing instructions for taking action if the change is invalid

COR: Preliminary Recommendations

~~**Preliminary Recommendation 3 (Group 1A: 12.1): When a TAC request follows a recent Change of Registrant*, Registrars shall utilize the five calendar day (120 hour) period for TAC issuance to ensure due diligence that the TAC request is requested/authorized by the Registered Name Holder or their designated representative.**~~

Preliminary Recommendation 3: When a TAC request occurs within 30 calendar days (720 hours) of a completed Change of Registrant, the Registrar MUST, at a minimum, send the Notification of TAC Issuance as described in Group 1(A) Recommendation 3 to the Prior Registrant (as listed in the Registration Data immediately prior to the Change of Registrant). For the avoidance of doubt, Registrar MUST also send the Notification of TAC Issuance to the Registered Name Holder, as outlined in Recommendation 3.*

Group 1(A) - Relevant Preliminary Recommendation 3

* **Group 1(A) Prelim. Rec. 3:** The working group recommends that the **Registrar of Record MUST send a “Notification of T[ransfer] A[uthorization] C[ode] Issuance” to the RNH** without undue delay but no later than 10 minutes after the Registrar of Record issues the TAC. For the purposes of sending the notification, the **Registrar of Record MUST use contact information as it was in the registration data at the time of the TAC request.**

- MUST be provided in English and language of registration agreement
- Notice MUST include:
 - Domain Name
 - **Explanation that the TAC will enable the transfer of the domain name to another registrar**
 - Date and Time TAC was issued and when it will expire
 - **Instructions on how to take action/invalidate the TAC**
 - If the TAC has not been issued via another method of communication, **the communication will include the TAC**

COR: Preliminary Recommendations

Preliminary Recommendation 3: When a TAC request occurs within 30 calendar days (720 hours) of a completed Change of Registrant, the Registrar MUST, at a minimum, send the Notification of TAC Issuance as described in Group 1(a) Recommendation 3 to the Prior Registrant (as listed in the Registration Data immediately prior to the Change of Registrant). For the avoidance of doubt, Registrar MUST also send the Notification of TAC Issuance to the Registered Name Holder, as outlined in Recommendation 3.

3.1. The Notification of TAC Issuance sent to the Prior Registrant MUST NOT contain the TAC.

3.2. The Registrar MUST maintain all records pertaining to a Change of Registrant as well as all notifications sent per the requirements under the Transfer Policy. At a minimum, the records retained in accordance with this section MUST document the date/time, the registration data before and after the requested change, and the contact(s) to whom notifications are sent. The Registrar MUST maintain these records for the shorter of 15 months or the longest period permitted by applicable law, and during such period, MUST provide such records to ICANN upon reasonable notice. (Similar to Group 1a Preliminary Rec xx - [See Primer](#))

Note, staff will recommend an implementation note pointing to RAA and Reg Data Policy, section 12 on Retention of Registration data and for TDRP.

Definition Updates

“Change of Control” and “Material Change”

Change of Control

The WG previously discussed that the current definition of “Change or Registrant” is not fit for purpose, and should be replaced with “Change of Control”.

**Should “Change of Control” be defined as a (material) change to the registrant’s
A.) “contactability”, B.) “primary contact method”, or C.) “anchor contact method” ?**

- Should the primary method of contactability (currently the email address) be considered the “anchor” with all other changes being incidental (e.g. name and organization)?
- Should registrars determine for themselves which information constitutes a Change of Control?
- Is a Change of Control signaled by a new registration agreement being signed?
- Is “material change” still relevant and worth incorporating into Change of Control?

Change of Registrant

“Change of Registrant” as currently defined in the Transfer Policy:

I.A.1.1 "Change of Registrant" means a Material Change to any of the following:

1.1.1 Prior Registrant name

1.1.2 Prior Registrant organization

1.1.3 Prior Registrant email address

~~1.1.4 Administrative Contact email address, if there is no Prior Registrant email address. (1a: Prelim Rec 15)~~

I.A.1.2 "Designated Agent" means an individual or entity that the Prior Registrant or New Registrant explicitly authorizes to approve a Change of Registrant on its behalf.

I.A.1.4 "Prior Registrant" means the Registered Name Holder at the time a Change of Registrant is initiated.

I.A.1.5 "New Registrant" means the entity or person to whom the Prior Registrant proposes to transfer its domain name registration.

Material Change

“Material Change” as currently defined in the Transfer Policy:

I.A.1.3 "Material Change" means a change which is not a typographical correction. The following will be considered material changes:

- 1.3.1 A change to the Registered Name Holder's **name or organization** that does not appear to be merely a typographical correction;
- 1.3.2 Any change to the Registered Name Holder's **name or organization** that is **accompanied by a change of address or phone number**;
- 1.3.3 Any change to the Registered Name Holder's **email address**.

Registrars have some flexibility to determine what a typographical correction is. Examples of typographical corrections could include:

1. Changing the Registrant Name field from oJhn Smith to John Smith.
2. Changing the Registrant Name field from Jane Kgan to Jane Kang.
3. Changing the Registrant Organization from Example, lcn. to Example, Inc.
4. Changing the Registrant Organization from ExampleCorp. to Example Corp.

For avoidance of doubt, nothing prevents the Registrar from treating any change to the Registrant Name or Registrant Organization field as a Material Change.

TPR Charter Questions d9 - d11

Privacy/Proxy Customers

2013 RAA Definitions: Privacy/Proxy

1. Definitions. For the purposes of this Specification, the following definitions shall apply.

1.1 "P/P Customer" means, regardless of the terminology used by the P/P Provider, the licensee, customer, beneficial user, beneficiary, or other recipient of Privacy Services and Proxy Services.

1.2 "**Privacy Service**" is a service by which a **Registered Name is registered to its beneficial user as the Registered Name Holder, but for which alternative, reliable contact information is provided by the P/P Provider for display of the Registered Name Holder's contact information** in the Registration Data Service (Whois) or equivalent services.

1.3 "**Proxy Service**" is a service through which a **Registered Name Holder licenses use of a Registered Name to the P/P Customer in order to provide the P/P Customer use of the domain name, and the Registered Name Holder's contact information is displayed** in the Registration Data Service (Whois) or equivalent services **rather than the P/P Customer's contact information**.

1.4 "P/P Provider" or "Service Provider" is the provider of Privacy/Proxy Services, including Registrar and its Affiliates, as applicable.

Charter Question d9) - Privacy/Proxy

d9) A Change of Registrant is defined as “a Material Change to any of the following: Prior Registrant name, Prior Registrant organization, Prior Registrant email address Administrative Contact email address, if there is no Prior Registrant email address.” **Registrars have taken the position that the addition or removal to a privacy/proxy service is not a Change of Registrant; however, there is not currently an explicit carve-out for changes resulting from the addition or removal of privacy/proxy services vs. other changes.**

To what extent should the Change of Registrant policy, and the 60-day lock, apply to **underlying registrant data** when the registrant uses a privacy/proxy service?

- Registrars have identified a series of specific **scenarios to consider** in clarifying the application of COR policy requirements where the customer uses a privacy/proxy service.* Are there additional scenarios that need to be considered that are not included in this list?

* See Appendix A to the 1 December 2016 letter from the GNSO Council to the ICANN Board:
<https://gns0.icann.org/sites/default/files/file/field-file-attach/bladel-to-crocker-01dec16-en.pdf>

Charter Question d9) - Privacy/Proxy

d10) Should the policy be the same regardless of whether the registrant uses a privacy service or a proxy service? If not, how should these be treated differently?

Charter Question d10) - Privacy/Proxy

d11) Are notifications provided to privacy/proxy customers regarding COR and changes to the privacy/proxy service information sufficient? For example, should there be additional notifications or warnings given to a privacy/proxy customer if the privacy/proxy service regularly changes the privacy/proxy anonymized email address?

TPR Charter Questions d12 - d16

Designated Agent

Charter Question d12) - Designated Agent

Transfer Policy I.A.1.2 "**Designated Agent**" means an **individual or entity that the Prior Registrant or New Registrant explicitly authorizes to approve a Change of Registrant on its behalf.**

d12) In its survey response, the Registrar Stakeholder Group indicated that, "There is. . . overuse of the Designated Agent, which has basically circumvented the policy." To what extent is this the case? What is the impact?

Charter Question d13) - Designated Agent

d13) If the Designated Agent function is not operating as intended, should it be retained and modified?
Eliminated?

Charter Question d14) - Designated Agent

d14) Are there alternative means to meet the objectives of Designated Agent role?

Charter Question d15) - Designated Agent

d15) Based on complaints received by ICANN's Contractual Compliance Department, there appear to be different interpretations of the role and authority of the Designated Agent. If the Designated Agent function remains, should this flexibility be retained? Does the flexibility create the potential for abuse?

Charter Question d16) - Designated Agent

d16) If the role of the Designated Agent is to be clarified further, should it be narrowed with more specific instructions on when it is appropriate and how it is to be used?

- Should the Designated Agent be given blanket authority to approve any and all CORs? Or should the authority be limited to specific COR requests? Does the authority to approve a COR also include the authority to request/initiate a COR without the Registered Name Holder requesting the COR?

Additional Charter Question d17

Additional Charter Question d17

d17) The Registrar Stakeholder Group recommended the following in its survey response: “For a Change of Registrant, both the gaining and losing registrants should be notified of any requests, and should have the option accept or reject, over EPP notifications.” Should this proposal be pursued further? Why or why not?