

Change of Registrant (COR)

TPR Group 1(b): Part II

Meeting #115



Should the Change of Registrant policy be sunsetted?

RECAP: Current COR Preliminary Recommendations

Prelim Rec 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.

The Change of Registrant notification:

- 1.1 **MUST** be written in the language of the registration agreement and **MAY** also be provided in English or other languages
- 1.2 **MUST** provide instructions how the Prior/New Registrant can take action if the change was invalid (how to initiate reversal)
- 1.3 **MAY** be sent via email, SMS, or other secure messaging system (non-limiting)
- 1.4 does **NOT** need to be sent duplicatively (if only Registrant Name or Organization changed)*

Prelim Rec 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.

TRANSFER POLICY: II. Inter-Registrant Transfer (Change of Registrant)

A. Definitions*

(1.1)“Change of Registrant”, (1.2)“Designated Agent”, (1.3)“Material Change”, (1.4)“Prior Registrant”, (1.5)“New Registrant”

B. Availability of Change of Registrant

(1) “In general, registrants must be permitted to update their registration/Whois data and transfer their registration rights to other registrants freely.”

(2) A Registrar **MUST deny** a COR request under the following circumstances:

2.1 the domain name registration agreement has expired

2.2 the COR was not properly authorized by Prior Registrant

2.3 the domain name is subject to a domain name related dispute (UDRP, URS, UDRP, or court order)

(3) The COR process **does not apply** in the following circumstances:

3.1 the registration agreement expires

3.2 the registration agreement is terminated by the Registrar

3.3 the Registrar or Registry Operator updates the Prior Registrant's information pursuant to a court order

3.4 the Registrar updates the Prior Registrant's information in the implementation of a UDRP decision

3.5 the Registrar updates the Prior Registrant's information in accordance with the Expired Domain Deletion Policy

3.6 the Registrar updates the Prior Registrant's information in response to an abuse complaint

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C. Change of Registrant Process

(1) To process a Change of Registrant, the Registrar must do all of the following:

1.1 **Confirm** the domain name is **eligible** for a COR (Section II.B)

~~1.2 **Obtain confirmation** of the COR request **from the New Registrant** via secure mechanism, and inform~~

~~the New Registrant they must enter into a new registration agreement with the Registrar~~

~~1.3 **Inform** the Prior Registrant of the **60-day lock** (unless already opted out)~~

~~1.4 **Obtain confirmation** of the COR request **from the Prior Registrant**~~

~~1.5 **Process** the COR within **1 day** of obtaining the above confirmations~~

1.6 **Notify** the Prior and New Registrant before or **within 1 day of COR completion**. The notification **MUST**:

1.6.1. be sent to both the New Registrant and Prior Registrant

1.6.2. explain the request and list the domain(s) in question

1.6.3. include contact information for questions

~~1.6.4. advise the Prior Registrant and New Registrant of the 60-day inter-registrant transfer lock~~

~~(2) The Registrar must impose a **60-day inter-registrant transfer lock** following a Change of Registrant, provided,~~

COR Definition change or COR Elimination?

Currently:

“Change of Registrant” = a Material Change to the Prior Registrant’s name, organization, or email address

Proposed COR:

- Any COR (regardless of TAC request) triggers a notification to both the Prior Registrant and New Registrant
- The notification would provide instructions for how to take action if the COR is invalid (how to initiate a reversal)
- COR does NOT trigger confirmation requests to the Prior and New Registrants, nor the 60-day registrar transfer lock

(Group 1a Recs: increased TAC security + required 30-day transfer lock following Registrar transfer)

Option 1: No change to COR definition (*COR = name, organization, email address*)

Option 2: Expand COR definition (*COR = name, organization, email address, and phone number*)

Option 3: Reduce COR definition (or retitle to Change of Control) to *email address only*

Option 4: Add Change of Control definition (*email address or other anchor contact method*) that is treated differently/separately from a COR

Option 5: Eliminate the Change of Registrant policy (*no notifications are required when updating any registrant data*)

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?