

Public Comment Summary Report

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

Open for Submissions Date:

Tuesday, 21 June 2022

Closed for Submissions Date:

Tuesday, 16 August 2022 (Extended from Tuesday, 02 August 2022)

Summary Report Due Date:

Tuesday, 30 August 2022 (Extended from Tuesday, 16 August 2022)

Category:

Policy

Requester:

Generic Names Supporting Organization (GNSO)

ICANN org Contact(s):

policy-staff@icann.org

Open Proceeding Link:

<https://www.icann.org/en/public-comment/proceeding/initial-report-on-the-transfer-policy-review-21-06-2022>

Outcome:

This Public Comment proceeding was initially scheduled to remain open from 21 June 2022 through 2 August 2022. The Public Comment proceeding was extended by two weeks in response to requests for additional time to submit input. The working group received a total of 34 submissions from groups, organizations, and individuals.

The working group is now beginning a thorough review of the Public Comment submissions received on this Initial Report and will consider whether any changes need to be made to its Phase 1(a) recommendations.

Section 1: What We Received Input On

The Transfer Policy Review's Phase 1(a) focuses on the following issues: Form of Authorization (FOA) (including EPDP Phase 1, Recommendation 27, Wave 1 FOA issues), AuthInfo Codes, and Denying (NACKing) transfers. The Phase 1(a) Initial Report outlines the core issues discussed, includes proposed responses to charter questions, and provides accompanying preliminary recommendations.

The working group sought input on the preliminary recommendations contained in its Phase 1(a) Initial Report as well as several outstanding questions on which the working group has not yet reached agreement. The Public Comment proceeding was presented as a series of structured questions and also provided an opportunity for respondents to provide general submissions. The working group requested that responses to the questions include detailed rationale to support further analysis of the relevant issues.

Section 2: Submissions

Organizations and Groups:

Name	Submitted by	Initials
Security and Stability Advisory Committee (SSAC)	ICANN staff supporting SSAC	
DataCube.com	Brad Mugford	
Tucows	Sarah Wyld	
Registries Stakeholder Group (RySG)	RySG	
Business Constituency (BC)	BC	
Article 19	Ephraim Percy Kenyanito	
Internet Commerce Association	Zak Muscovitch	
ICANN org	Isabelle Colas-Adeshina	
Incredible Names	Mark Ageeb	
At-Large Advisory Committee (ALAC)	ICANN staff supporting ALAC	
GoDaddy	Jody Kolker	
Leap of Faith Financial Services Inc.	George Kirikos	
Com Laude	Sophie Hey	
NonCommercial Stakeholder Group (NCSG)	Mesumbe Tomslin Samme-Nlar	
Namecheap	Owen Smigelski	
Registrars Stakeholder Group (RrSG)	Zoe Bonython	
Newfold Digital	Eric Rokobauer	
Dynadot LLC	Alexander Levit	
Hiperderecho	Lucía León	

Individuals:

Name	Affiliation (if provided)	Initials
Andrew Alleman	N/A	AA
Edward Seaford	N/A	ES
Ted Chang	N/A	TC
Jason Banks	N/A	JB
Tanner Tootosis	N/A	TT
Meka Egbor	N/A	ME
David Johnson	N/A	DJ
Ron Jackson	N/A	RJ
M Omair Haroon	N/A	MOH
Elizabeth G. Harris	N/A	EH

Keolebogile Rantsetse	N/A	KR
Samwel Kariuki	AFRALO	SK
Philip Busca	N/A	PB
John Poole	Editor of DomainMondo.com	JP

Section 2a: Late Submissions

At its discretion, ICANN org accepted a late submission, which has been appended to this summary report.

Organizations and Groups:		
Name	Submitted by	Initials
Intellectual Property Constituency (IPC)	Mike Rodenbaugh	

Section 3: Summary of Submissions

The working group welcomed feedback from the community on any of the draft recommendations in the report, which included:

- Preliminary Recommendation 1: Gaining FOA
- Preliminary Recommendation 2: Losing FOA
- Preliminary Recommendation 3: Notification of TAC Provision
- Preliminary Recommendation 4: Notification of Transfer Completion
- Preliminary Recommendation 5: Update Term “AuthInfo Code” to “Transfer Authorization Code (TAC)”
- Preliminary Recommendation 6: TAC Definition
- Preliminary Recommendation 7: TAC Composition
- Preliminary Recommendation 8: Verification of TAC Composition
- Preliminary Recommendation 9: TAC Generation, Storage, and Provision
- Preliminary Recommendation 10: Verification of TAC Validity
- Preliminary Recommendation 11: TAC is One-Time Use
- Preliminary Recommendation 12: Service Level Agreement (SLA) for TAC Provision
- Preliminary Recommendation 13: TAC Time-to-Live (TTL)
- Preliminary Recommendation 14: Terminology Updates: Whois
- Preliminary Recommendation 15: Terminology Updates: Administrative Contact and Transfer Contact
- Preliminary Recommendation 16: Transfer Restriction After Initial Registration
- Preliminary Recommendation 17: Transfer Restriction After Inter-Registrar Transfer
- Preliminary Recommendation 18: Format of Transfer Policy Section I.A.3.7
- Preliminary Recommendation 19: Revised Reasons that a Registrar of Record MAY Deny a Transfer
- Preliminary Recommendation 20: New Reasons that a Registrar of Record MUST Deny a Transfer
- Preliminary Recommendation 21: Revised Reasons that a Registrar of Record MUST Deny a Transfer

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

The working group also sought specific guidance with respect to the following preliminary recommendations:

- Preliminary Recommendation 4: 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?
- Preliminary Recommendation 13: Who is best positioned to manage the standard 14-day TTL – the Registry or the Registrar, and why?

To facilitate its review of the Public Comment submissions, the staff support team developed a set of Public Comment review tools, which provide a high-level assessment of the views expressed on the preliminary recommendations as well as the detailed submissions provided by each contributor. All contributions received and Public Comment review tools can be reviewed [here](#).

Section 4: Analysis of Submissions

The working group is responsible for the review and analysis of submissions, and will be reviewing all submissions via the [Public Comment review tools](#) and further deliberations during meetings. Please note at the time of publication of this report, review of the submissions by the working group was in the early stages.

In organizing the Public Comment submissions, the support staff team took note of subject areas where there is a relatively high concentration of submissions expressing concerns or proposing alternative language, which may provide an initial indication that a greater share of the working group's attention should be devoted to the corresponding preliminary recommendations. Examples of such topics include Elimination of the Losing FOA and replacement with notifications to the RNH (see Preliminary Recommendations 2, 3, and 4), TAC time to live (see Preliminary Recommendation 13), and transfer restriction after initial registration and inter-Registrar transfer (see Preliminary Recommendations 16 and 17). In addition, the working group received a number of substantive responses to the questions it posed for community input, which will be an additional area of focus.

For the avoidance of doubt, the working group will carefully consider all submissions on all recommendations in the course of its Public Comment review.

Section 5: Next Steps

After reviewing the Public Comment submissions on the Phase 1(a) Initial Report, the working group will complete Phase 1(b) of its work, including publication of a Phase 1(b) Initial Report followed by a Public Comment proceeding 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.

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

Category: Policy

Requester: Generic Names Supporting Organization (GNSO)

ICANN org Contact(s) emily.barabas@icann.org

Please Read These Important Instructions Before Submission.

The form used for this Public Comment proceeding seeks to:

- Clearly link comments to specific sections of the Initial Report
- Encourage commenters to provide reasoning or rationale for their opinions
- Enable the sorting of comments so that the working group can more easily read all the comments on any one topic

There is no obligation to answer all questions – respond to as many or as few questions as desired. Additionally, there is the opportunity to provide comments on the general content of the Initial Report or on new issues not raised by the Initial Report.

Please refer to the specific recommendation and relevant section or page number of the Initial Report for additional details and context about each recommendation. Where applicable, you are encouraged to reference sections in the report for ease of the future review by the working group.

As a reminder, it is important that your comments include a rationale. The Working Group is interested in your reasoning so that the conclusions reached, and the issues discussed by the working group can be tested against the reasoning of others.

Section 1: Information about Submission

First Name

Mike

Last Name

Rodenbaugh

Check if you prefer to have your affiliation displayed as the author of this submission, rather than the first and last name

Affiliation

Intellectual Property Constituency

Are you providing input on behalf of another group (e.g., organization, company, government)?

No

Yes

If yes, please explain.

I formally represent the IPC in this Working Group.

Email

mike@rodenbaugh.com

Section 2: Preliminary Recommendations 1-4 on Losing and Gaining Forms of Authorization

Preliminary Recommendation 1: Gaining FOA

Please find the text of Preliminary Recommendation 1 on page 14 of the Initial Report.

Please choose your level of support for Preliminary Recommendation 1.

- Support Recommendation as written
- Support Recommendation intent with wording change
- Significant change required: changing intent and wording
- Recommendation should be deleted
- No opinion

If your response requires an edit or deletion of Preliminary Recommendation 1, please indicate the revised wording and rationale here.

Preliminary Recommendation 2: Losing FOA

Please find the text of Preliminary Recommendation 2 on page 18 of the Initial Report.

Please choose your level of support for Preliminary Recommendation 2.

- Support Recommendation as written

Support Recommendation intent with wording change

Significant change required: changing intent and wording

Recommendation should be deleted

No opinion

If your response requires an edit or deletion of Preliminary Recommendation 2, please indicate the revised wording and rationale here.

Preliminary Recommendation 3: Notification of TAC Provision

Please find the text of Preliminary Recommendation 3 on page 18 of the Initial Report.

Please choose your level of support for Preliminary Recommendation 3.

Support Recommendation as written

Support Recommendation intent with wording change

Significant change required: changing intent and wording

Recommendation should be deleted

No opinion

If your response requires an edit or deletion of Preliminary Recommendation 3, please indicate the revised wording and rationale here.

Preliminary Recommendation 4: Notification of Transfer Completion

Please find the text of Preliminary Recommendation 4 on pages 18-19 of the Initial Report.

Please choose your level of support for Preliminary Recommendation 4.

- Support Recommendation as written
- Support Recommendation intent with wording change
- Significant change required: changing intent and wording
- Recommendation should be deleted
- No opinion

If your response requires an edit or deletion of Preliminary Recommendation 4, please indicate the revised wording and rationale here.

Question for Community Input

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 act 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.

Yes. This will facilitate communications in the event of a dispute or any other problem relating to the transfer.

Section 3: Preliminary Recommendations 5-13 on Transfer Authorization Codes (TAC)

Preliminary Recommendation 5: Update Term “AuthInfo Code” to “Transfer Authorization Code (TAC)”

Please find the text of Preliminary Recommendation 5 on page 22 of the Initial Report.

Please choose your level of support for Preliminary Recommendation 5.

- Support Recommendation as written
- Support Recommendation intent with wording change
- Significant change required: changing intent and wording
- Recommendation should be deleted
- No opinion

If your response requires an edit or deletion of Preliminary Recommendation 5, please indicate the revised wording and rationale here.

Preliminary Recommendation 6: TAC Definition

Please find the text of Preliminary Recommendation 6 on page 22 of the Initial Report.

Please choose your level of support for Preliminary Recommendation 6.

Support Recommendation as written

Support Recommendation intent with wording change

Significant change required: changing intent and wording

Recommendation should be deleted

No opinion

If your response requires an edit or deletion of Preliminary Recommendation 6, please indicate the revised wording and rationale here.

Preliminary Recommendation 7: TAC Composition

Please find the text of Preliminary Recommendation 7 on pages 22-23 of the Initial Report.

Please choose your level of support for Preliminary Recommendation 7.

Support Recommendation as written

Support Recommendation intent with wording change

Significant change required: changing intent and wording

Recommendation should be deleted

No opinion

If your response requires an edit or deletion of Preliminary Recommendation 7, please indicate the revised wording and rationale here.

Preliminary Recommendation 8: Verification of TAC Composition

Please find the text of Preliminary Recommendation 8 on page 23 of the Initial Report.

Please choose your level of support for Preliminary Recommendation 8.

- Support Recommendation as written
- Support Recommendation intent with wording change
- Significant change required: changing intent and wording
- Recommendation should be deleted
- No opinion

If your response requires an edit or deletion of Preliminary Recommendation 8, please indicate the revised wording and rationale here.

Preliminary Recommendation 9: TAC Generation, Storage, and Provision

Please find the text of Preliminary Recommendation 9 on pages 23-24 of the Initial Report.

Please choose your level of support for Preliminary Recommendation 9.

- Support Recommendation as written
- Support Recommendation intent with wording change
- Significant change required: changing intent and wording
- Recommendation should be deleted
- No opinion

If your response requires an edit or deletion of Preliminary Recommendation 9, please indicate the revised wording and rationale here.

Preliminary Recommendation 10: Verification of TAC Validity

Please find the text of Preliminary Recommendation 10 on page 24 of the Initial Report.

Please choose your level of support for Preliminary Recommendation 10.

- Support Recommendation as written

Support Recommendation intent with wording change

Significant change required: changing intent and wording

Recommendation should be deleted

No opinion

If your response requires an edit or deletion of Preliminary Recommendation 10, please indicate the revised wording and rationale here.

Preliminary Recommendation 11: TAC is One-Time Use

Please find the text of Preliminary Recommendation 11 on page 24 of the Initial Report.

Please choose your level of support for Preliminary Recommendation 11.

Support Recommendation as written

Support Recommendation intent with wording change

Significant change required: changing intent and wording

Recommendation should be deleted

No opinion

If your response requires an edit or deletion of Preliminary Recommendation 11, please indicate the revised wording and rationale here.

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

Please find the text of Preliminary Recommendation 12 on page 25 of the Initial Report.

Please choose your level of support for Preliminary Recommendation 12.

- Support Recommendation as written
- Support Recommendation intent with wording change
- Significant change required: changing intent and wording
- Recommendation should be deleted
- No opinion

If your response requires an edit or deletion of Preliminary Recommendation 12, please indicate the revised wording and rationale here.

Preliminary Recommendation 13: TAC Time to Live (TTL)

Please find the text of Preliminary Recommendation 13 on pages 25-26 of the Initial Report.

Please choose your level of support for Preliminary Recommendation 13.

- Support Recommendation as written
- Support Recommendation intent with wording change
- Significant change required: changing intent and wording
- Recommendation should be deleted
- No opinion

If your response requires an edit or deletion of Preliminary Recommendation 13, please indicate the revised wording and rationale here.

Question for Community Input

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?

No opinion at this time, pending further discussion.

Section 4: Preliminary Recommendations 14-15 on EPDP Phase 1, Recommendation 27, Wave 1 Report Items

Preliminary Recommendation 14: Terminology Updates: Whois

Please find the text of Preliminary Recommendation 14 on page 28 of the Initial Report.

Please choose your level of support for Preliminary Recommendation 14.

Support Recommendation as written

Support Recommendation intent with wording change

Significant change required: changing intent and wording

Recommendation should be deleted

No opinion

If your response requires an edit or deletion of Preliminary Recommendation 14, please indicate the revised wording and rationale here.

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

Please find the text of Preliminary Recommendation 15 on page 29 of the Initial Report.

Please choose your level of support for Preliminary Recommendation 15.

Support Recommendation as written

Support Recommendation intent with wording change

Significant change required: changing intent and wording

Recommendation should be deleted

No opinion

If your response requires an edit or deletion of Preliminary Recommendation 15, please indicate the revised wording and rationale here.

Section 5: Preliminary Recommendations 16-22 on Denying (NACKing) Transfers

Preliminary Recommendation 16: Transfer Restriction after Initial Registration

Please find the text of Preliminary Recommendation 16 on page 31 of the Initial Report.

Please choose your level of support for Preliminary Recommendation 16.

- Support Recommendation as written
- Support Recommendation intent with wording change
- Significant change required: changing intent and wording
- Recommendation should be deleted
- No opinion

If your response requires an edit or deletion of Preliminary Recommendation 16, please indicate the revised wording and rationale here.

Preliminary Recommendation 17: Transfer Restriction after Inter-Registrar Transfer

Please find the text of Preliminary Recommendation 17 on page 31 of the Initial Report.

Please choose your level of support for Preliminary Recommendation 17.

- Support Recommendation as written
- Support Recommendation intent with wording change
- Significant change required: changing intent and wording
- Recommendation should be deleted
- No opinion

If your response requires an edit or deletion of Preliminary Recommendation 17, please indicate the revised wording and rationale here.

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

Please find the text of Preliminary Recommendation 18 on page 32 of the Initial Report.

Please choose your level of support for Preliminary Recommendation 18.

- Support Recommendation as written

Support Recommendation intent with wording change

Significant change required: changing intent and wording

Recommendation should be deleted

No opinion

If your response requires an edit or deletion of Preliminary Recommendation 18, please indicate the revised wording and rationale here.

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

Please find the text of Preliminary Recommendation 19 on pages 32-34 of the Initial Report.

Please choose your level of support for Preliminary Recommendation 19.

Support Recommendation as written

Support Recommendation intent with wording change

Significant change required: changing intent and wording

Recommendation should be deleted

No opinion

If your response requires an edit or deletion of Preliminary Recommendation 19, please indicate the revised wording and rationale here.

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

Please find the text of Preliminary Recommendation 20 on pages 34-35 of the Initial Report.

Please choose your level of support for Preliminary Recommendation 20.

- Support Recommendation as written
- Support Recommendation intent with wording change
- Significant change required: changing intent and wording
- Recommendation should be deleted
- No opinion

If your response requires an edit or deletion of Preliminary Recommendation 20, please indicate the revised wording and rationale here.

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

Please find the text of Preliminary Recommendation 21 on pages 35-36 of the Initial Report.

Please choose your level of support for Preliminary Recommendation 21.

- Support Recommendation as written
- Support Recommendation intent with wording change
- Significant change required: changing intent and wording
- Recommendation should be deleted
- No opinion

If your response requires an edit or deletion of Preliminary Recommendation 21, please indicate the revised wording and rationale here.

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

Please find the text of Preliminary Recommendation 22 on page 36-38 of the Initial Report.

Please choose your level of support for Preliminary Recommendation 22.

Support Recommendation as written

Support Recommendation intent with wording change

Significant change required: changing intent and wording

Recommendation should be deleted

No opinion

If your response requires an edit or deletion of Preliminary Recommendation 22, please indicate the revised wording and rationale here.

Section 6: Other Comments and Submission

Are there any recommendations the Working Group has not considered? If yes, please provide details below.

Are there any other comments or issues you would like to raise pertaining to the Initial Report? If yes, please enter your comments here. If applicable, please specify the section or page number in the Initial Report to which your comments refer.

Attachment

File Name	Size
-----------	------

Summary of Attachment

Please provide a summary of your attachment. This summary should include whether your attachment is in addition to completing the Public Comment Proceeding form or if your attachment is in lieu of completing this form (max. of 2,000 characters).

Summary of Submission

Please provide a summary of your Public Comment Submission. This summary should include a statement that reflects the overall position of your Submission and other high-level observations or recommendations. This summary is public and published on the Public Comment Submission page along with a link to your Submission (max. of 2,000 characters).

The IPC supports the recommendations to date. We generally support clarity, consistency and transparency in the domain name transfer process. We support the requirement of 30-day mandatory registrar locks upon initial registration and inter-registrar transfer, as a means to avoid domain theft and to resolve transfer disputes and other transfer problems. We support the other recommendations which generally clarify the existing IRTP and bring it up to date with current industry practices and other ICANN policies.

[x] By submitting your personal data, you agree that your personal data will be processed in accordance with ICANN Privacy Policy, and agree to abide by the website Terms of Service

<https://www.icann.org/privacy/policy>

<https://www.icann.org/privacy/tos>