

# Revised Inter-Registrar Transfer Policy (IRTP) Status Report

Policy Status Report

Prepared by ICANN Org for the Consideration of the GNSO Council

Revised March 2019 to include input from Public Comments and Survey



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# 1 Introduction

This Policy Status Report (PSR) is intended to provide an overview of the [Inter-Registrar Transfer Policy \(IRTP\)](#). It includes readily available and general data on domain transfers, brief analyses, and a history of the Policy Development Process (PDP) for the consideration of the GNSO Council and ICANN community. It may serve as a basis for further review of the IRTP or, at the discretion of the GNSO Council, it may provide sufficient information as a standalone report for assessment of the policy.

The mandate for this PSR stems from two sources:

1. [IRTP-D Working Group Final Report, Recommendation 17](#): “The WG recommends that, once all IRTP recommendations are implemented (incl. IRTP-D, and remaining elements from IRTP-C), the GNSO Council, together with ICANN staff, should convene a panel to collect, discuss, and analyze relevant data to determine whether these enhancements have improved the IRTP process and dispute mechanisms, and identify possible remaining shortcomings.”<sup>1</sup>
2. [Consensus Policy Implementation Framework, Stage 5 “Support and Review: Policy Status Report”](#): “Compliance and GNSO Policy Staff should provide a report to the GNSO Council when there is sufficient data and there has been adequate time to highlight the impact of the policy recommendations, which could serve as the basis for further review and/or revisions to the policy recommendations if deemed appropriate.”<sup>2</sup>

This revised report reflects input received on the initial IRTP Policy Status Report during the [public comment](#) period. In addition to the public comment proceeding, ICANN org created an online survey to gather input on general and specific aspects of the IRTP. The survey included 29 questions divided into two sets: one targeted at registrars, the other at registrants. The majority of questions—24—were registrar-specific.<sup>3</sup>

The survey was provided via a link on the public comment page. It was not intended to provide a statistically representative sample of these communities, but rather to gather qualitative insight into issues surrounding the IRTP. A summary of the responses received from the survey is provided in [Section 1.6](#) below, and relevant input from both the survey and public comments has been incorporated into the various sections of this report.

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<sup>1</sup> See p. 6.

<sup>2</sup> See p. 7.

<sup>3</sup> The results of the survey can be viewed at <https://www.surveymonkey.com/results/SM-Q2J8JZRQV/>.

## 1.1 Purpose of the IRTP

The Inter-Registrar Transfer Policy (IRTP) is an ICANN consensus policy that went into effect on 12 November 2004.<sup>4</sup> Its aim was to provide a straightforward procedure for domain name holders to transfer their domain names from one registrar to another. Over the course of several years, five Policy Development Process (PDP) Working Groups explored potential improvements to the IRTP. The overarching goals of the improvements were to:

- (1) Enable registered name holders to move their domain names to a new provider, thereby increasing consumer choice and competition;
- (2) Ensure the IRTP includes sufficient protections to prevent fraudulent domain name transfers and domain name hijacking;
- (3) Clarify the language of the IRTP so that ICANN-accredited registrars consistently interpret and apply the policy;
- (4) Clarify the language and visibility of the Transfer Dispute Resolution Policy so that providers/panelists consistently interpret and apply the policy.

In short, the policy “provides for enhanced domain name portability, resulting in greater consumer and business choice and enabling domain name registrants to select the registrar that offers the best services and price. The policy is designed to simplify and standardize the [transfer] process, prevent abuses, and provide clear user information about the transfer process and options.”<sup>5</sup> With this in mind, this report is organized to help assess the effectiveness of the IRTP in terms of:

1. **Portability:** Can registrants easily transfer their names? Are the processes well-standardized and efficient for registrars?
2. **Preventing Abuse:** Does the Policy include effective protections against abuses such as fraud and domain name hijacking?
3. **Information:** Are there readily available educational sources about the transfer process and options?

Note that the data presented herein—both quantitative and qualitative—represent the most readily available proxy measures for assessing the effectiveness of the IRTP in terms of these goals.

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<sup>4</sup> The ICANN Board adopted the IRTP on 25 April 2003.

<sup>5</sup> These represent a summary of all the IRTP PDP’s goals. See ICANN (2005), “Staff Report to GNSO Council: Experiences with Inter-Registrar Transfer Policy,” <https://archive.icann.org/en/transfers/transfer-report-14apr05.pdf>, p. 1.

## 1.2 Overview of the Domain Name Transfer Process

Before the adoption of the Temporary Specification for gTLD Registration Data (see [Section 1.3](#) below), if a registered name holder wanted to transfer a domain name to another registrar, the IRTP required the steps detailed below:

- (1) The registered name holder contacts the registrar it would like to transfer its domain name to, also referred to as the gaining registrar.
- (2) Assuming the domain name is eligible for inter-registrar transfer,<sup>6</sup> the gaining registrar will require the registered name holder<sup>7</sup> to confirm intent to transfer the domain name by sending the registered name holder a Form of Authorization (“FOA”).
- (3) The registered name holder must “acknowledge” the FOA, i.e., confirm it would like to transfer the domain name to the gaining registrar. Generally speaking, acknowledging the FOA means clicking a designated link in an email sent from the gaining registrar to the registered name holder.
- (4) Upon receipt of the FOA, the gaining registrar notifies the relevant registry operator of the inter-registrar transfer.<sup>8</sup>
- (5) The registry operator sends a notice of the pending transfer request to the registrar of record, or “losing registrar”.
- (6) The losing registrar must send the registered name holder a notice of the pending transfer to confirm the registered name holder’s intent to transfer the domain name. In certain enumerated circumstances, the losing registrar may deny the transfer request, e.g., the domain is the subject of a court order and cannot be transferred.<sup>9</sup>
- (7) If after five calendar days, the registry operator has not received any objection to the inter-registrar transfer, it will process the transfer request.

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<sup>6</sup> The gaining registrar will confirm the domain name is “unlocked” and the registered name holder has provided an “AuthInfo” code.

<sup>7</sup> Specifically, the gaining registrar is required to send the FOA to the “transfer contact,” which is defined as the registered name holder or the “Administrative Contact,” as listed in the losing registrar’s or applicable registry’s (where available) publicly accessible WHOIS service. In the event of a dispute, the registered name holder’s authority supersedes that of the Administrative Contact.

<sup>8</sup> The gaining registrar will also submit the AuthInfo code to the registry operator.

<sup>9</sup> The losing registrar is required to send the standard Form of Authorization for losing registrars.

## 1.3 Impact of the Temporary Specification for gTLD Registration Data on the Transfer Policy

In May 2018, the European Union's General Data Protection Regulation (GDPR) went into effect. This resulted in temporary changes to the Transfer Policy, as a registrant's registration data are no longer available in registration data directory services for a significant number of registrations affected by the regulation. On 17 May 2018, the ICANN Board approved the Temporary Specification for gTLD Registration Data ("Temp Spec"), which became effective 25 May 2018. "[Appendix G: Supplemental Procedures to the Transfer Policy](#)" in the Temp Spec alters some requirements of the IRTP:<sup>10</sup>

- (1) Until such time when the RDAP service [Registration Data Access Protocol, see [below](#)] (or other secure methods for transferring data) is required by ICANN to be offered, if the gaining registrar is unable to obtain current registration data for a domain name subject of a transfer, the related requirements in the Transfer Policy will be superseded by the following provisions:
  1. The gaining registrar is not required to obtain a Form of Authorization (FOA) from the transfer contact.
  2. The registrant must independently re-enter registration data with the gaining registrar, and 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.
  3. The registrar and the registry operator shall follow best practices in generating and updating the "AuthInfo" code to facilitate a secure transfer process.
  4. The registry operator must verify that the "AuthInfo" code provided by the gaining registrar is valid in order to accept an inter-registrar transfer request.

In light of the above, the required steps of an inter-registrar transfer are as follows:

- (1) The registered name holder contacts the registrar to whom it would like to transfer its domain name (the "gaining registrar").
- (2) Assuming the domain name is eligible for inter-registrar transfer, the registered name holder must independently re-enter registration data with the gaining registrar (in the pre-Temp Spec process, the gaining registrar was required to send an FOA to the registrant to confirm the registrant's intent to transfer the domain).<sup>11</sup>
- (3) The gaining registrar notifies the relevant registry operator of the inter-registrar transfer.<sup>12</sup>

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<sup>10</sup> ICANN, "Temporary Specification for gTLD Registration Data: Appendix G," <https://www.icann.org/resources/pages/gtld-registration-data-specs-en/#appendixG>

<sup>11</sup> The gaining registrar will confirm the domain name is "unlocked" and the registered name holder has provided the AuthInfo code.

<sup>12</sup> The gaining registrar will also submit the AuthInfo code to the registry operator.

- (4) The registry operator must verify the request is valid—i.e., confirm that the AuthInfo code provided by the gaining registrar is legitimate—in order to accept an inter-registrar transfer request.
- (5) The registry operator sends a notice of the pending transfer request to the registrar of record (the “losing registrar”).
- (6) The losing registrar must send the registered name holder a notice of the pending transfer to confirm the registered name holder’s intent to transfer the domain name. In certain enumerated circumstances, the losing registrar may deny the transfer request (e.g., the domain is the subject of a court order and cannot be transferred).<sup>13</sup>
- (7) If after five calendar days, the registry operator has not received any objection to the inter-registrar transfer, it will process the transfer request.

Note that Recommendation 24 from the Final Report of the GNSO’s Expedited Policy Development Process on the Temporary Specification for gTLD Registration Data states that the above provisions and steps should be maintained until the Transfer Policy has been reviewed by the GNSO Council (see below).

### **Expedited Policy Development Process (EPDP) on the Temporary Specification for gTLD Registration Data**

At the time of writing this revised report, the EPDP’s Final Report—published in February 2019—is undergoing the public comment process.<sup>14</sup> Part 4p of the EPDP charter focused specifically on the Transfer Policy, and posed the following questions:<sup>15</sup>

- (1) Should Temporary Specification language be confirmed or modified until a dedicated PDP can revisit the current transfer policy?
- (2) If so, which language should be confirmed, the one based on RDAP or the one based in current WHOIS?

In their Final Report, the EPDP team stated: “no significant issues have been reported in relation to the functioning and operation of the Transfer Policy, although some indicated that based on anecdotal evidence, the number of hijacking incidents may have gone down as the result of the

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<sup>13</sup> The losing registrar is required to send the Standard Form of Authorization for losing registrars

<sup>14</sup> ICANN, “GNSO Expedited Policy Development Process (EPDP) on the Temporary Specification for gTLD Registration Data Policy Recommendations for ICANN Board Consideration,” <https://www.icann.org/public-comments/epdp-recs-2019-03-04-en>

<sup>15</sup> ICANN GNSO, *Temporary Specification for gTLD Registration Data Expedited Policy Development Process Team*, <https://gns0.icann.org/sites/default/files/file/field-file-attach/temp-spec-gtld-rd-epdp-19jul18-en.pdf>, p. 7.

registrant email address no longer being published, while others pointed to increased security risks as a result of those changes.”<sup>16</sup> The report included the following recommendations related to the Transfer Policy, each of which received “consensus/full consensus” from members:<sup>17</sup>

**Recommendation 15.2:** The EPDP team has recognized that the Transfer Dispute Resolution Policy (“TDRP”) has been identified as having the longest justified [registration data] retention period of one year and has therefore recommended registrars be required to retain only those data elements deemed necessary for the purposes of the TDRP, for a period of fifteen months following the life of the registration plus three months to implement the deletion, i.e., 18 months. This retention is grounded on the stated policy stipulation within the TDRP that claims under the policy may only be raised for a period of 12 months after the alleged breach of the Transfer Policy.<sup>18</sup> This retention period does not restrict the ability of registries and registrars to retain data elements provided in Recommendations 4 - 7 for other purposes specified in Recommendation 1 for shorter periods.

**Recommendation 24:** The EPDP Team recommends that for the new policy on gTLD registration data, the following requirements MUST apply in relation to the Transfer Policy until such time these are superseded by recommendations that may come out of the Transfer Policy review that is being undertaken by the GNSO Council:

(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:

(a1) The Gaining Registrar is not REQUIRED to obtain a Form of Authorization from the Transfer Contact.

(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.

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<sup>16</sup> Temporary Specification for gTLD Registration Data Expedited Policy Development Process Team (February 2019), *Final Report of the Temporary Specification for gTLD Registration Data Expedited Policy Development Process*, <https://gnso.icann.org/sites/default/files/file/field-file-attach/epdp-gtld-registration-data-specs-final-20feb19-en.pdf>, p. 74.

<sup>17</sup> *Ibid.*, pp. 149 – 150.

<sup>18</sup> See ICANN, “Registrar Transfer Dispute Resolution Policy: Section 2.2, ‘Statute of Limitations,’” <https://www.icann.org/resources/pages/tdrp-2016-06-01-en>



**(b)** As used in the Transfer Policy:

**(b1)** The term "Whois data" SHALL have the same meaning as "Registration Data".

**(b2)** The term "Whois details" SHALL have the same meaning as "Registration Data".

**(b3)** The term "Publicly accessible Whois" SHALL have the same meaning as "RDDS".

**(b4)** The term "Whois" SHALL have the same meaning as "RDDS".

**(c)** Registrar and Registry Operator SHALL follow best practices in generating and updating the "AuthInfo" code to facilitate a secure transfer process.

**(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.

**Recommendation 25:** The EPDP Team recommends that the GNSO Council, as part of its review of the Transfer Policy, specifically requests the review of the implications, as well as adjustments, that may be needed to the Transfer Policy as a result of GDPR, with great urgency.

In short, the EPDP Team recommends the following in relation to the Transfer Policy:

- 1) registrar retention of registration data for a period of 18 months in case of TDRP disputes;
- 2) maintaining the provisions of the Temp Spec; and
- 3) analyzing the effect of the GDPR on the Transfer Policy.

On 4 March 2019, the GNSO Council voted to approve all recommendations contained in the EPDP Team's Final Report.<sup>19</sup> The ICANN Board will vote on the recommendations in May 2019.

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<sup>19</sup> ICANN (4 March 2019), "GNSO Council Adopts EPDP Final Report on the Temporary Specification for gTLD Registration Data," <https://www.icann.org/news/announcement-2019-03-04-en>

## Other GDPR-Related Work on Transfers

The Registrar and Registry Stakeholder Groups (RrSG and RySG) have formed a joint Contracted Parties' House TechOps committee to address mutual challenges facing their constituencies.<sup>20</sup> The group has put forth a number of assessments and proposals focused on maintaining and strengthening the transfer process in light of the GDPR, many of which formed the basis for the new transfer requirements in the Temp Spec.<sup>21</sup> Their work on transfers is premised on the following principles stated in their discussion paper:<sup>22</sup>

- The transfer process must comply with current data privacy regulations
- The transfer process must be instant, but with enough time to validate the legitimacy of a transfer
- A transfer token shall be sufficient to authorize a transfer
- No personal data shall be transferred from the old to the new registrar
- The existing gTLD transfer policy should be changed as little as possible

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<sup>20</sup> "Best Practices by TechOps," <https://bestpractice.domains/>

<sup>21</sup> CPH TechOps, "New gTLD Transfer Process: v.02 TechOps Discussion Paper," accessed 22 March 2019,

<https://docs.google.com/document/d/1EFwhfq2t3ccHuPBYmxxSm6176MMryTdf9bk3imojzVQ/edit#>. See also: Tobias Sattler, Co-Chair CPH TechOps, "RE: GDPR Impact on Domain Name Transfers and Registrant Contact Changes," letter to Akram Atallah, President, ICANN Global Domains Division," 8 March 2018, <https://bestpractice.domains/publications/gdpr-comments-contract-party-techops-icann-proposed-compliance-models-08mar18-en.pdf>; "Re: Updated Proposal referring to the CPH TechOps Letter on GDPR Impact on Domain Name Transfers and Registrant Contact Changes sent on 8 March 2018," letter to Akram Atallah, 1 May 2018, <https://bestpractice.domains/publications/sattler-to-atallah-01may18-en.pdf>; and "RE: Reply to ICANN's response to CPH TechOps' updated proposal on GDPR Impact on Domain Name Transfers and Registrant Contact Changes sent on 1 May 2018," letter to Akram Atallah, 7 May 2018, <https://bestpractice.domains/publications/sattler-to-atallah-07may18-en.pdf>

<sup>22</sup> Ibid.

## 1.4 Impact of the Registration Data Access Protocol on the Transfer Policy

The Registration Data Access Protocol (“RDAP”) is a protocol that enables users to access current registration data.<sup>23</sup> It delivers registration data like the WHOIS protocol, but standardizes data access and query response formats. Given the anticipated deployment of RDAP within the gTLD space, there may be opportunities to apply and incorporate new capabilities to the policy. For example, AuthInfo codes can be provided within RDAP, which allows for authentication of legitimate domain transfer requests and secure transfer of registration data between registrars, potentially obviating the need for an FOA or other transfer authentication method.

It remains to be seen whether RDAP will be incorporated into a future version of the IRTP. Questions on whether the AuthCode should be shared between gaining and losing registrars and registries (which may support the IRTP’s goal of improving “portability” of domain names), or whether it should be shared only between gaining registrars and registries (which may support the IRTP’s goal of “preventing abuse” by limiting the number of users with access to the AuthInfo code), remain to be addressed.

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<sup>23</sup> On 27 February 2019, the ICANN org issued a legal notice to generic top-level domain (gTLD) registries and registrars to implement an RDAP service by 26 August 2019. See ICANN, “RDAP Background,” <https://www.icann.org/resources/pages/rdap-background-2018-08-31-en>

## 1.5 IRTP PSR Summary of Findings

### IRTP Goal: Portability

- On average, approximately **414,000 domain transfers occurred per month—or 4,968,000 per year—**during the observation period (2009 – 2017)<sup>24</sup>
- **Transfers as a proportion of registrations:** Total domain registrations per month during the observation period ranged from 114,927,682 in October 2009 to 196,396,264 in April 2018, with an average of 156,766,483 monthly domain registrations. This means, on average, **total domain transfers represented about 0.3% of total domain registrations** during the observation period.
- **Overall trend line** for transfer gain, loss, and “nacked” data is **relatively flat** for the observation period

### IRTP Goal: Preventing Abuse

- 2015 saw a **spike in Transfer Dispute Resolution Policy (TDRP) cases** in 2015, although the number of cases was still relatively small compared to the total amount of transfers that occurred
- In general, the number of **transfer-related tickets received by Contractual Compliance has gone down** during the 2012 – 2018 observation period
- Contractual Compliance received an average of 5,805 transfer-related tickets per year, or about 500 tickets per month

### IRTP Goal: Information

- ICANN’s Global Support Center (GSC) received 2,754 inquiries from January 2015 to July 2018 involving **transferring domains between registrars** (with an average of 754 inquiries per year, not including 2018) and 1,519 inquiries during the same period on **how to obtain a website registered by another individual or entity** (with an average of 506 inquiries per year, not including 2018)
- Many inquiries received focused on issues with the **60-day lock period** or with **obtaining an “AuthCode”** to carry out a transfer (see [Appendix 8.1: Sample of GSC Transfer-Related Inquiries](#))

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<sup>24</sup> The data for this calculation was derived from an aggregate view of Registry Operators’ Monthly Reporting provided to ICANN from 2009 to 2017 (see “Monthly Registry Reports” at <https://www.icann.org/resources/pages/registry-reports>). It was made based on the logic that one gaining transfer plus one losing transfer equals one complete transfer. In other words, one gaining transfer equals half of a complete transfer, and one losing transfer equals the other half. The average monthly number of transfers for gaining registrars during the observation period was 413,761. For losing registrars the average monthly number of transfers was 413,727 (see [Table 1: Descriptive Statistics: Monthly Gaining and Losing Registrar Transfers and “Negative Acknowledgement \(Nacked\) Transfers, January 2010 – December 2017](#)). “Bulk transfers” are not included in this calculation as they are not required to be reported.

## 1.6 IRTP PSR Summary of Public Comments and Survey Responses

ICANN org received a total of 2 public comments and 38 responses to the associated survey. Overall, input was mixed. Some comments favored certain aspects of the IRTP while others were against those same aspects. The major issues and recommendations expressed in the survey and public comments centered around transfer verification and security, and modifying the steps for carrying out a transfer. A consolidated and general view of the responses is presented below, organized in terms of the IRTP goals enumerated above. Note that any issue or recommendation from the survey respondents presented herein does not necessarily reflect consensus in the survey on the topic; some respondents may disagree with what was put forth by others.<sup>25</sup>

### **IRTP Goal: Portability**

- Fewer and/or less complicated steps for registrants to transfer their domain(s), and quicker transfer times. Respondents indicated the 60-day “Change of Registrant” lock requirement was frustrating.
- Improve standards and security for transfer AuthCodes, and rely on them to carry out transfers via the Extensible Provisioning Protocol (EPP)
- The “Temporary Specification for gTLD Registration Data,” which eliminates the FOA requirement, is an improvement over the previous process and should be kept in place

### **IRTP Goal: Preventing Abuse**

- Verify transfers with registrants using all available means, including voice calls, email, text, and paper forms
- Reduce or eliminate need for email verification of a transfer, as hijackings regularly occur using compromised email addresses
- Eliminate or modify the “Form of Authorization” (FOA) requirement—especially for losing registrars—as it does not prevent domain hijacking. However, some respondents indicated the FOA requirement should remain as it provided an extra layer of security around the transfer process.
- The Transfer Emergency Action Contact (TEAC) requirements should be modified. The mandated 4-hour response time is unfair to registrars in different time zones and registrars do not have a process to work together on resolving an urgent transfer issue.
- Improve capabilities and/or processes to determine whether a domain being transferred is subject to a Uniform Domain Name Dispute Resolution Policy (UDRP) case, and strengthen enforcement of dispute resolution providers’ decisions

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<sup>25</sup> For a detailed summary and analysis of the comments and survey input received, see ICANN (1 February 2019), *Staff Report of Public Comment Proceeding: Policy Status Report: Inter-Registrar Transfer Policy (IRTP)*, <https://www.icann.org/en/system/files/files/report-comments-irtp-status-01feb19-en.pdf>

**IRTP Goal: Information Provision**

- Respondents indicated that registrants are often unfamiliar with the details of the Transfer Policy, and express frustration when they encounter barriers to transferring their domain name(s) (e.g. the “Change of Registrant” lock)

## 1.7 Next Steps

ICANN org will submit this revised report to the GNSO Council for its review and consideration of next steps.

The GNSO Operating Procedures state that “Periodic assessment of PDP recommendations and policies is an important tool to guard against unexpected results or inefficient processes arising from GNSO policies. PDP Teams are encouraged to include proposed timing, assessment tools, and metrics for review as part of their Final Report. In addition, the GNSO Council may at any time initiate reviews of past policy recommendations.”<sup>26</sup>

The GNSO Operating Procedures do not prescribe specific steps to be taken in response to a Policy Status Report. As this is the first such review activity, the Council may wish to consider a range of options to determine the best path forward. For example, in light of technical developments and new policy recommendations that have emerged since the Transfer Policy has been in effect, the Council has the option to consider a methodology for further work on the Transfer Policy in a broader context. The Expedited Policy Development Process (EPDP) Team recommends a review of the Transfer Policy in light of the European Union’s General Data Protection Regulation (GDPR), which affects how transfer data may be shared (see [Section 1.3 above](#)). The Registration Data Access Protocol (RDAP) allows for new transfer capabilities, and this may also be relevant in relation to policy consideration of the Transfer Policy (see [Section 1.4 above](#)). Incorporating these areas in a broad review of the Transfer Policy may prevent revisiting these and other issues individually in future work on the Transfer Policy.

The Council’s next steps could also involve initiating a new (Expedited) Policy Development, GNSO Guidance, or GNSO Input Process.<sup>27</sup> These processes provide for varying levels of GNSO input on a matter, and may provide an avenue to explore transfer-related issues within the context of established Council procedures.

In considering next steps, it is important to note that, per the GNSO Operating Procedures, “Approved GNSO Council policies that have been adopted by the ICANN Board and have been implemented by ICANN Staff may only be amended by the initiation of a new PDP on the issue.”<sup>28</sup>

ICANN org is available to support discussions on next steps, including potential additional research or consultation, as needed.

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<sup>26</sup> *GNSO Operating Procedures v3.4*, <https://gns0.icann.org/sites/default/files/file/field-file-attach/op-procedures-18jun18-en.pdf>, p. 77.

<sup>27</sup> For details on these processes, see *GNSO Operating Procedures v3.4*, <https://gns0.icann.org/sites/default/files/file/field-file-attach/op-procedures-18jun18-en.pdf>, Annexes 3 – 5.

<sup>28</sup> *Ibid.*, p. 76.

## 2 IRTP Goal: Portability

The following metrics represent proxy measures for assessing the IRTP goal of enhancing the “portability” of domain names in order to promote consumer choice and competition among registrars. The data show that domain names are indeed “portable” (i.e. they can be transferred with a reasonable amount of ease), as evidenced by the sheer amount of transfers that took place during the observation period. However, it is unclear as to whether the IRTP enhanced portability of domain names; the overall trend line for transfers is relatively flat despite the implementation of Parts B, C, and D of the Policy during the observation period. The data also point to potential issues surrounding the “Change of Registrant” (COR) lock imposed on transfers following the change of a registrant’s contact information. These issues, while anecdotal in nature, may indicate that parts of the IRTP as implemented may make domain names less portable.<sup>29</sup> However, this potential decrease in portability may strengthen the IRTP in relation to its other goal, “preventing abuse.”

### Public Comment and Survey Input

The responses received via public comments and the survey echoed these issues. Respondents indicated they desired more domain name portability, while also indicating they supported certain measures to increase the security of domain transfers.

For example, some respondents recommended eliminating or reducing the 60-day Change of Registrant transfer lock imposed on registrants who’ve changed their contact information. This would decrease the time it takes to transfer a domain—thus increasing portability—but may reduce the security of a transfer if a registrant does not have time to verify that the transfer is legitimate.

In a similar vein, many respondents supported the Temp Spec’s elimination of the requirement for gaining and losing registrars to obtain an FOA from a registrant to process a transfer. However, several respondents indicated that the FOA created a useful paper trail in cases of fraud, and that all available means should be employed to verify the legitimacy of a transfer.

Several respondents recommended relying on transfer AuthCodes within EPP to verify the legitimacy of and carry out transfers. If the security standards for these AuthCodes could be improved and implemented, as several respondents recommended, then the security of transfers could be strengthened while maintaining or improving domain name portability.

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<sup>29</sup> See [Appendix 8.1: Sample of GSC Transfer-Related Inquiries](#)



## 2.1 ICANN Aggregate Transfer-Related Monthly Registry Reporting, 2009 – 2018

The charts and tables in the following pages illustrate transfer trends from 2009 to 2018.<sup>30</sup> The reporting shows the amount of successful and “negative acknowledgement” (“nacked”) transfers between gaining and losing registrars.<sup>31</sup> It is based on an aggregate view of ICANN Monthly Registry Reports, which gTLD registries are required to provide to ICANN per Specification 3 of the Registry Agreement.<sup>32</sup>

On average, there were approximately 414,000 domain transfers per month—or 4,968,000 per year—for both losing and gaining registrars (see [Table 1](#) for more descriptive statistics).<sup>33</sup> For scale, total domain registrations per month during the observation period ranged from 114,927,682 in October 2009 to 196,396,264 in April 2018, with an average of 156,766,483 registrations per month. This means that, as a proportion of

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<sup>30</sup> Reporting in standard format began in October 2009. Note that data labels have been added at maximum, minimum, beginning, and end points to provide a sense of scale.

<sup>31</sup> See Sections 3.7 and 3.8 of the Transfer Policy at <https://www.icann.org/resources/pages/transfer-policy-2016-06-01-en>. Permissible reasons for “nacking”—referred to as “transfer denial” in the Policy—include:

- **3.7.1** Evidence of fraud.
- **3.7.2** A reasonable dispute over the identity of the Registered Name Holder or Administrative Contact.
- **3.7.3** Lack of payment for a 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.
- **3.7.4** Express objection to the transfer by the authorized Transfer Contact. An objection could take the form of a specific request (either by paper or electronic means) by the authorized Transfer Contact to deny a particular transfer request, or a general objection to all transfer requests received by the Registrar, either temporarily or indefinitely. In all cases, the objection must be provided with the express and informed consent of the authorized Transfer Contact on an opt-in basis and upon request by the authorized Transfer Contact, the Registrar must remove the lock or provide a reasonably accessible method for the authorized Transfer Contact to remove the lock within five (5) calendar days.
- **3.7.5** The transfer was requested within 60 days of the creation date as shown in the registry WHOIS record for the domain name.
- **3.7.6** A domain name is within 60 days (or a lesser period to be determined) after being transferred (apart from being transferred back to the original Registrar in cases where both Registrars so agree and/or where a decision in the dispute resolution process so directs). "Transferred" shall only mean that an inter-registrar transfer has occurred in accordance with the procedures of this policy.
- **3.8.1** A pending Uniform Dispute Resolution Process (UDRP) proceeding that the Registrar has been informed of.
- **3.8.2** A court order by a court of competent jurisdiction.
- **3.8.3** A pending dispute related to a previous transfer pursuant to the Transfer Dispute Resolution Policy (TDRP).
- **3.8.4** Uniform Rapid Suspension (URS) proceeding or URS suspension that the Registrar has been informed of.
- **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.

<sup>32</sup> See ICANN, “Monthly Registry Reports” at <https://www.icann.org/resources/pages/registry-reports> and ICANN, “Registry Agreement” at <https://www.icann.org/resources/pages/registries/registries-agreements-en>

<sup>33</sup> See footnote 24 above for a description of how this calculation was made.

registrations, the average of total domain transfers represented about 0.3% of the average of total domain registrations for the observation period.<sup>34</sup>

While marked by pronounced peaks and troughs, the general trend line for the “transfer\_gaining\_successful” and “transfer\_losing\_successful” metrics shows a slight upward trend for the observation period, which may simply be correlative of domain growth in general. By and large, the “transfer\_gaining\_successful” trend in [Chart 1](#) equaled the “transfer\_losing\_successful” trend in [Chart 2](#), with some small discrepancies between the two beginning in April 2016 and ending September 2017.<sup>35</sup>

The relatively stable trend in transfers may be indicative of the Transfer Policy working as it should: domain names are indeed being transferred with relatively few complaints as a proportion of overall transfers. However, transfer complaints represent a significant portion of the complaints ICANN receives (see [ICANN Contractual Compliance Transfer-Related Metrics, 2012 – 2018](#) below), and the quality of complaints received demonstrates a significant impact on those affected by transfer issues.

Although speculative, the prominent spike in transfers toward the end of 2016 may be explained by the then forthcoming implementation of the IRTP-C, which mandated that a 60-day “Change of Registrant” (COR) lock be applied to any attempted transfer after a registrant’s contact information associated with the domain has changed. The COR lock is intended to prevent hackers from fraudulently changing an email address in a registration data directory service in order to transfer a domain for malicious purposes. Contractual Compliance and the Global Support Center both report below an increase in complaints related to the COR lock following its implementation.

One complaint received from a registrant by ICANN org’s Complaints Office provides an illustrative example of a registrant’s experience with the lock. The registrant’s registrar had an old email address for the registrant. When the registrant decided to transfer the domain, he realized his original registrar had the old email, which he could not access, and thus could not receive the AuthCode to authorize the transfer to a new registrar.

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<sup>34</sup> This calculation was made by dividing the approximate average total number of monthly transfers (for both gaining and losing registrars) by the average total monthly number of domain registrations during the observation period (i.e.  $414,000 / 156,766,483 * 100$ ). This was based on an aggregate view of Monthly Registry Reports provided to ICANN per Specification 3 of the Registry Agreement. See ICANN, “Monthly Transaction Reports,” <https://www.icann.org/resources/pages/registry-reports> and ICANN, “Registry Agreements,” <https://www.icann.org/resources/pages/registries/registries-agreements-en>

<sup>35</sup> See [Appendix 8.3: Specification 3 Reporting Discrepancies](#)

When he updated his email in the registration data directory, the 60-day lock was imposed due to the requirements of the IRTP-C.<sup>36</sup> The registrant complained that this put him in a “catch-22” situation in which he “wasn’t able to transfer the domain without changing an email address, but doing so would prevent [him] from transferring the domain.”<sup>37</sup>

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<sup>36</sup> A registrar may offer registrants an opt-out of the COR lock. It is unclear in this case whether the registrant declined the opt-out or whether no such option was provided. See the IRTP-C Final Report, p. 5, at [https://gnso.icann.org/sites/default/files/filefield\\_34607/irtp-c-final-report-09oct12-en.pdf](https://gnso.icann.org/sites/default/files/filefield_34607/irtp-c-final-report-09oct12-en.pdf): “The Working Group...recommends that a domain name cannot be transferred to another registrar for 60 days to protect registrants against possible harms arising from domain hijacking. However the option to opt out of this restriction (with standard notice to all registrants of the associated risks) is provided in order to meet the needs of registrants who are concerned about the negative effect on movability of domain name registrations. If a registrar chooses to offer an option for registrants to opt out, the process to remove this restriction must use a generally accepted method of authentication.”

<sup>37</sup> See ICANN (May 2017), “ICANN Complaint Submission Template [redacted],” <https://www.icann.org/en/system/files/files/complaint-c-2017-00001-redacted-10may17-en.pdf>, p. 2.

Chart 1: Gaining Registrar Transfers, October 2009 - April 2018

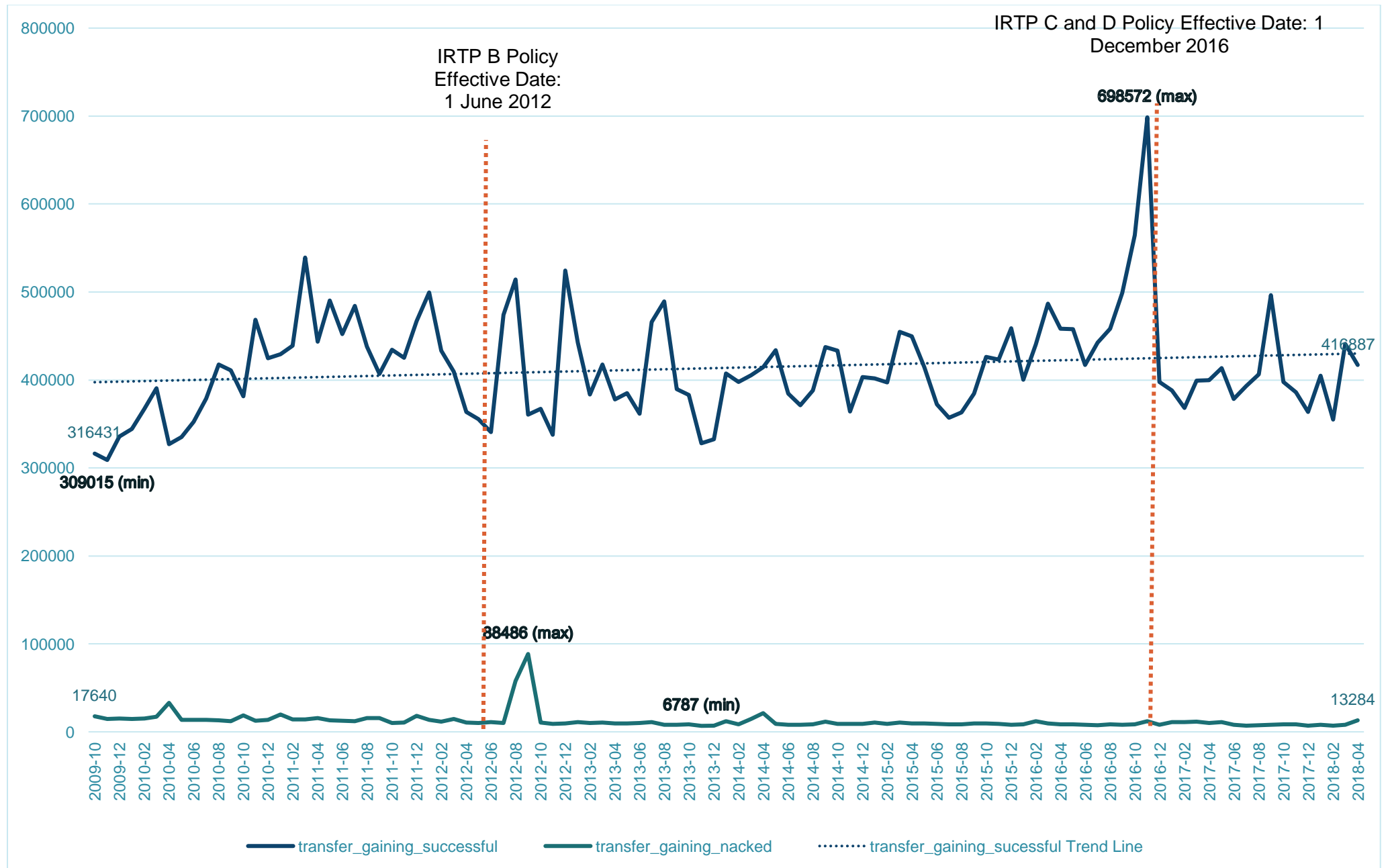


Chart 2: Losing Registrar Transfers, October 2009 - April 2018

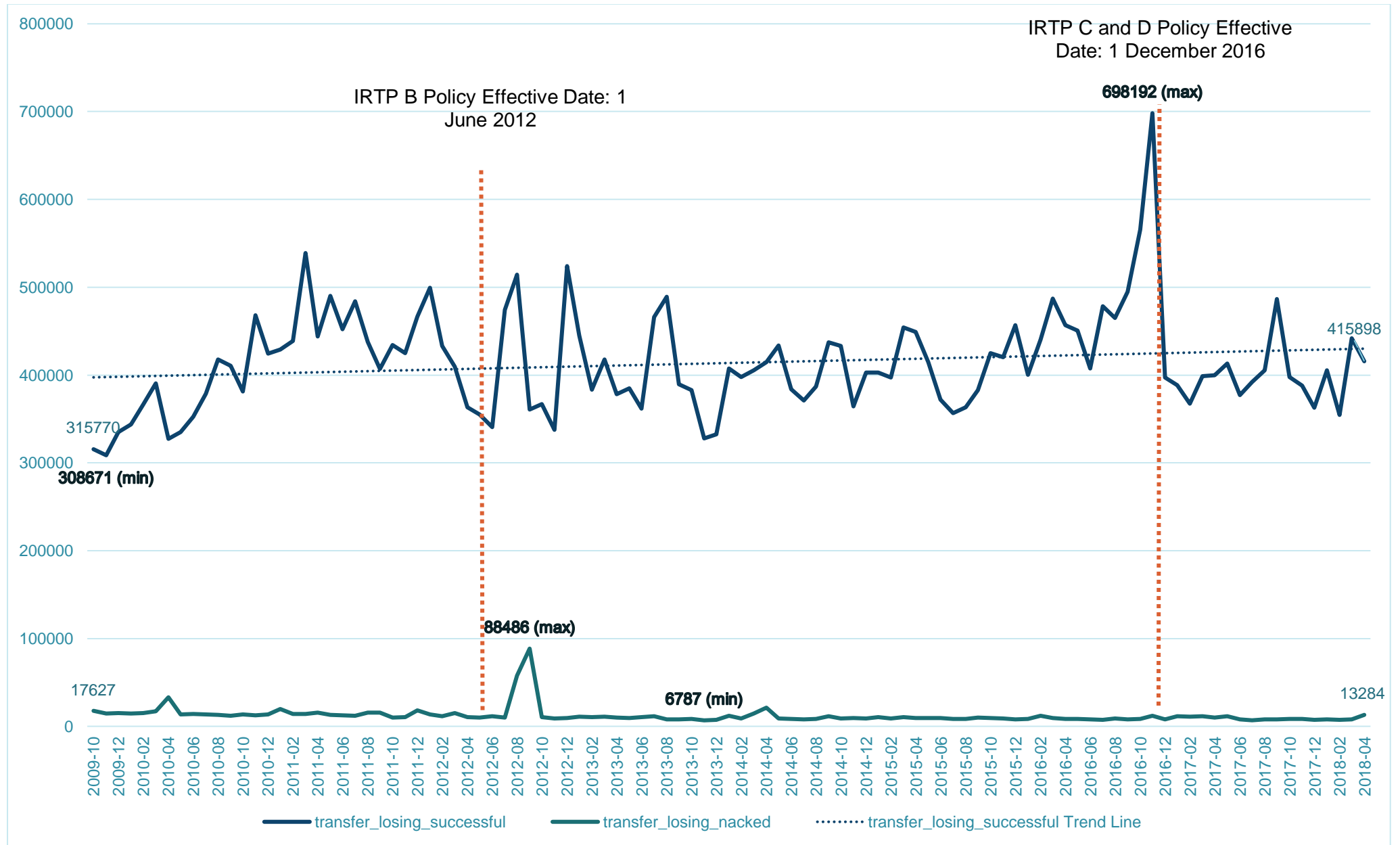


Chart 3: Gaining and Losing Registrar Transfers, January 2015 - April 2018

The chart below shows a zoomed in view of the above charts, focusing on the time period from January 2015 to April 2018.

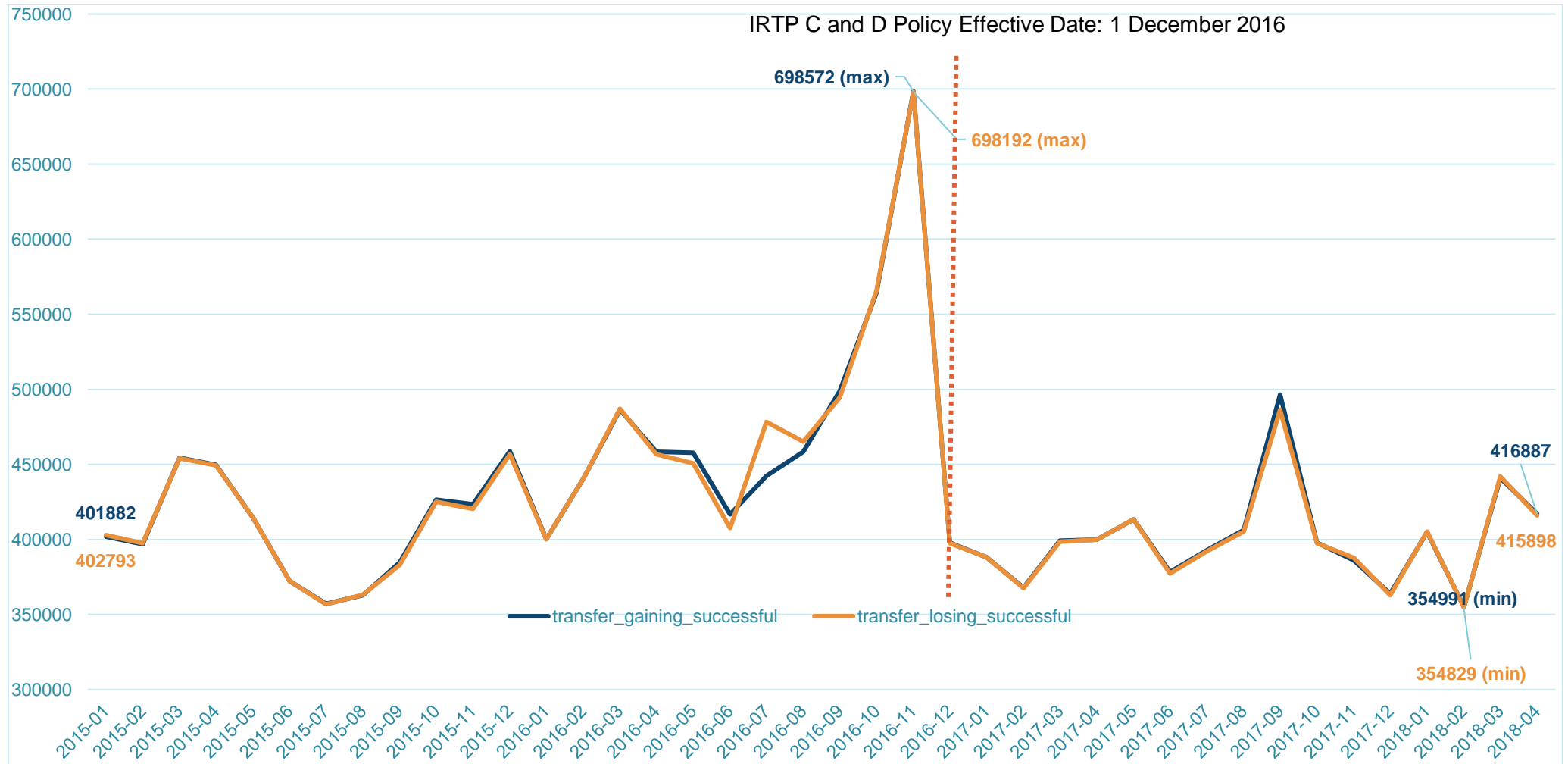
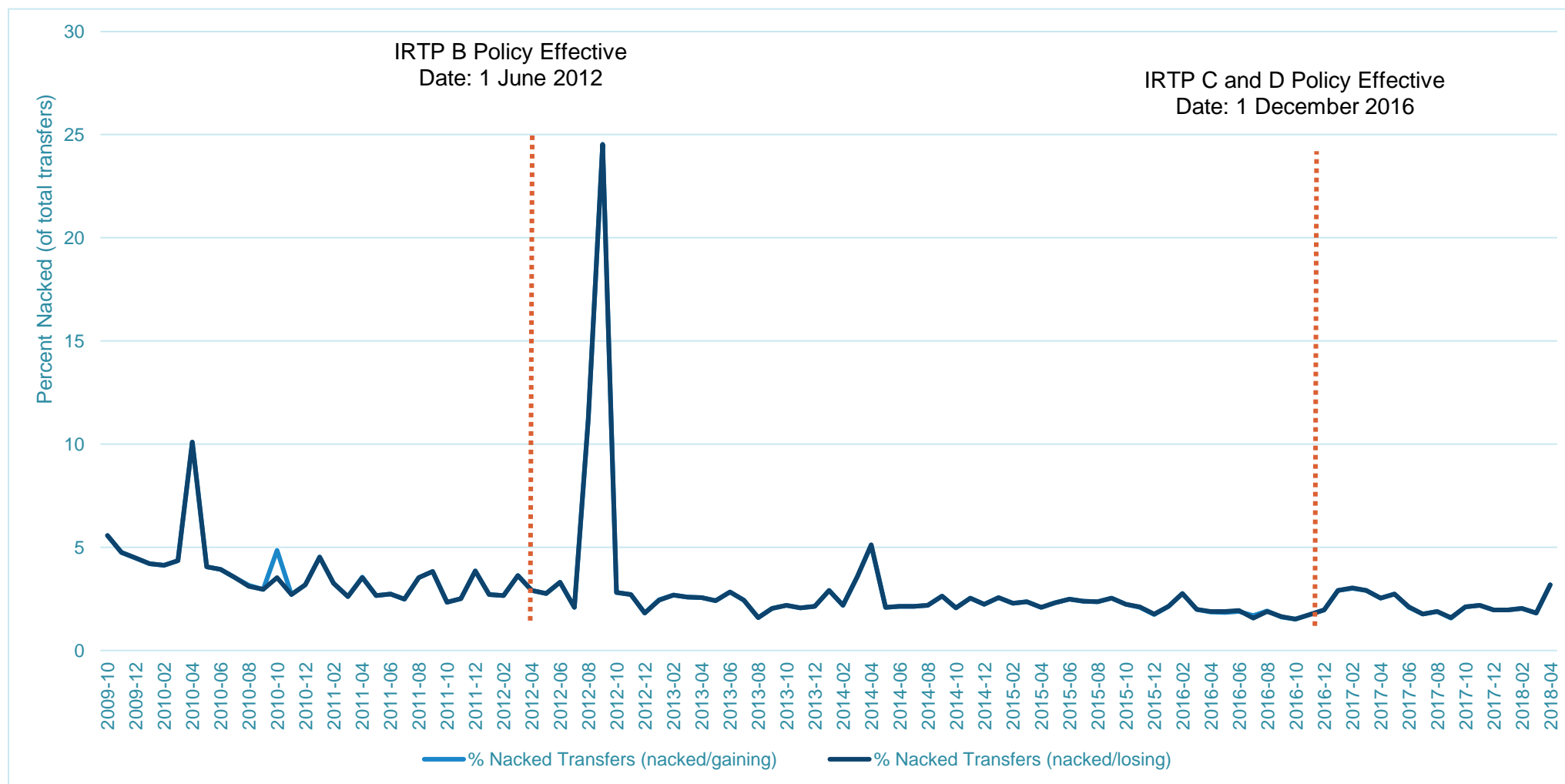


Chart 4: Proportion of Naked Transfers Over Total Transfers

The chart below shows the percentage of transfers that were “naked” as a proportion of total transfers for gaining and losing registrars (note the “naked gaining” and “naked losing” amounts are close to equal, hence the overlap in the chart data lines during most of the observation period). A marked spike in naked transfers is evident toward the end of 2012, although it is unclear what caused it.<sup>38</sup>



<sup>38</sup> The spike in naked transfers in June 2012 may correlate to the updated Inter-Registrar Transfer Policy that became effective on 1 June 2012. These updates were a result of policy recommendations from IRTP-B Working Group, and some of updates modified the text of the reasons for which a registrar may nack a

Table 1: Descriptive Statistics: Monthly Gaining and Losing Registrar Transfers and “Negative Acknowledgement (Nacked) Transfers, January 2010 – December 2017

Table 1 provides general descriptive statistics derived from the charts below relating to successful and “nacked” transfers among gaining and losing registrars. The statistics show that there were approximately 414,000 domain transfers per month on average between gaining and losing registrars, and approximately 12,300 “nacked” transfers per month on average during the observation period. The highest number of successful transfers between gaining and losing registrars —approximately 699,000—occurred in November 2016. The lowest number—approximately 309,000—occurred in November 2009.

	<b>Average</b>	<b>Median</b>	<b>Maximum</b>	<b>Minimum</b>
transfer_gaining_successful	413,761	406,361	698,572	309,015
transfer_gaining_nacked	12,348	10,270	88,486	6,787
transfer_losing_successful	413,727	405,404	698,192	308,671
transfer_losing_nacked	12,298	10,270	88,486	6,787

transfer (e.g., express objection by the Transfer Contact). For more information on the modifications that went into effect on 1 June 2012, see IRTP-B Working Group (30 May 2011), *Final Report on the Inter-Registrar Transfer Policy*, [https://gnso.icann.org/sites/default/files/filefield\\_24721/irtp-b-final-report-30may11-en.pdf](https://gnso.icann.org/sites/default/files/filefield_24721/irtp-b-final-report-30may11-en.pdf), pp. 50 – 51.



## 2.2 ICANN-Approved Transfers (“Bulk” Transfers)

In addition to registrant-requested inter-registrar transfers, the IRTTP also permits ICANN-approved inter-registrar transfers, also referred to as “bulk transfers.” Section I.B of the policy affords registrars the ability to transfer domains in bulk to another registrar in cases where a registrar’s Registrar Accreditation Agreement (RAA) has been terminated (voluntarily or involuntarily) or if one registrar acquires another.<sup>39</sup> Typically, terminations are voluntary; the losing and gaining registrars usually are able to reach an agreement on how to carry out the bulk transfer. However, in some cases, terminations are a result of registrar de-accreditation and/or are involuntary. In those cases, ICANN org follows the “De-Accredited Registrar Transition Procedure” (DARTP), which provides guidelines to assess:<sup>40</sup>

[in cases of voluntary bulk transfers] whether the gaining registrar is in good standing with its ICANN obligations, whether the gaining registrar is operational and experienced in managing the affected TLDs, whether there is a relationship between the losing registrar and gaining registrar that could allow abuse or gaming of the proposed bulk transfer, whether the losing registrar would continue to manage the registrations as a reseller for the gaining registrar or otherwise be involved in the management of the names and customers, and whether, as a result of the bulk transfer, obligations to ICANN and the losing registrar’s customers are likely to be satisfied.

In addition to the above guidelines, in cases of involuntary termination ICANN org assesses the availability and reliability of registration data in order to enable identification of registrants and updated registration and technical information associated with the domains held by the losing registrar. Once the registration data has been evaluated—and any issues with it addressed—ICANN org follows a “gaining registrar selection process” which follows one of two tracks: a competitive application process or a fast-track process in which ICANN org selects a gaining registrar from a pre-qualified pool of registrars.<sup>41</sup>

Specification 3 of the Registry Agreement does not require registries to report how many bulk transfers occur or how many domains are involved with a given transfer, and ICANN does not maintain a standardized tracking system for bulk transfers. As a result, comprehensive quantitative data

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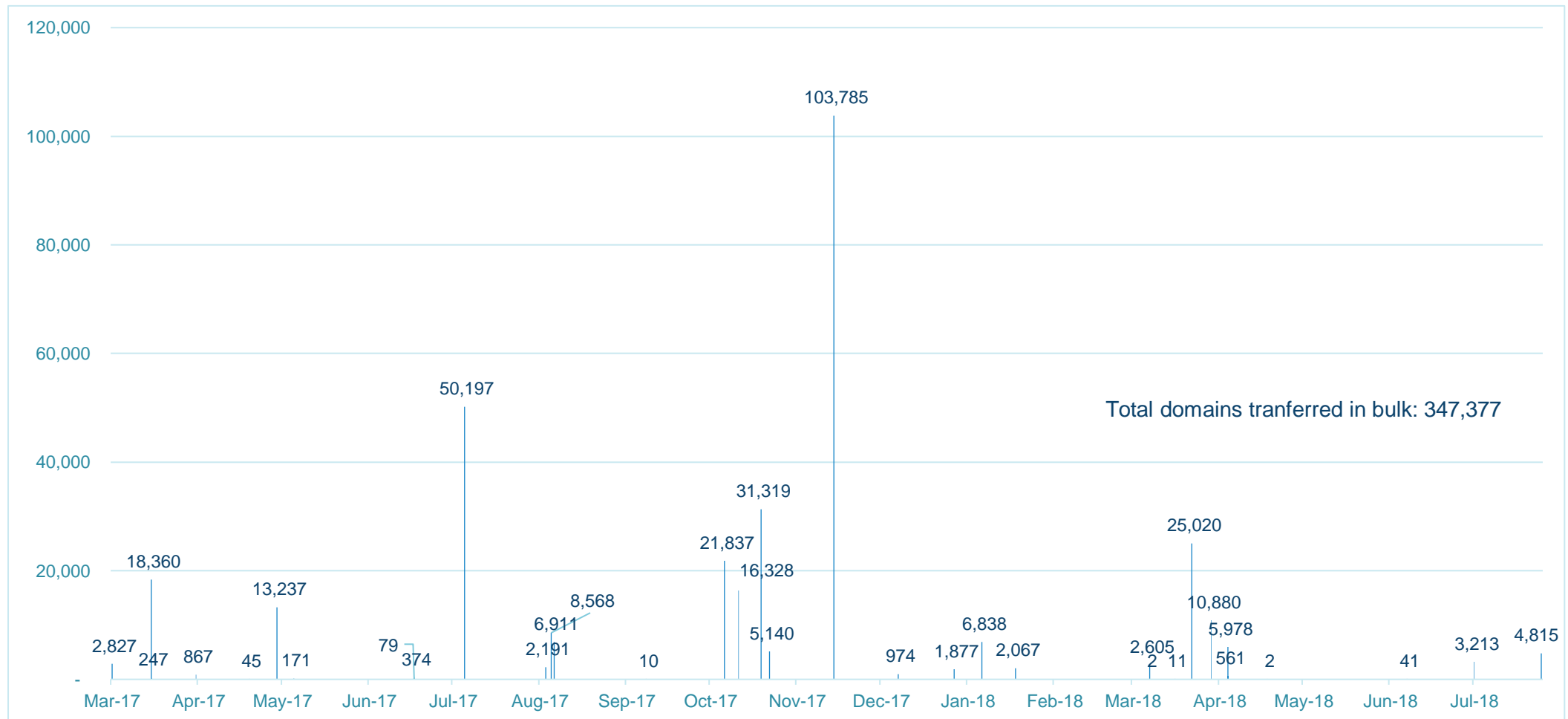
<sup>39</sup> See ICANN, “Transfer Policy,” <https://www.icann.org/resources/pages/transfer-policy-2015-09-24-en>. For a list of recent bulk transfers, see ICANN, “Bulk Transfers,” <https://www.icann.org/resources/pages/bulk-transfers-2017-10-06-en>

<sup>40</sup> See ICANN, “De-Accredited Registrar Transition Procedure,” <https://www.icann.org/en/system/files/files/dartp-11jul13-en.pdf>, Section 3.3. At the registry level, the “Emergency Back-End Registry Operator” (“EBERO”) procedure provides for a “fall back” registry to provide critical registry functions in cases where a registry shuts down. See ICANN, “Emergency Back-end Registry Operator,” <https://www.icann.org/resources/pages/ebero-2013-04-02-en>

<sup>41</sup> ICANN, “De-Accredited Registrar Transition Procedure,” <https://www.icann.org/en/system/files/files/dartp-11jul13-en.pdf>, Section 6.

on bulk transfers across all TLDs are not available. However, the data that is available show that since March 2017, 347,377 domains have been transferred in bulk, either as a result of voluntary or involuntary terminations.<sup>42</sup> The chart below shows bulk transfer data from this time period:

Chart 5: Number of Domains Transferred in Bulk, March 2017 - July 2018



<sup>42</sup> Data compiled by ICANN's Global Domains Division Operations team. For a list of bulk transfers that took place from 2005 to 2014, see [Appendix 8.2: Bulk Transfers: 2005 to 2014](#). For more recent transfers, see ICANN, "Bulk Transfers," <https://www.icann.org/resources/pages/bulk-transfers-2017-10-06-en>

### 3 IRTP Goal: Preventing Abuse

The metrics below represent proxy measures for assessing the IRTP’s effectiveness in helping to prevent unauthorized domain name transfers, hijacking, and other forms of fraud associated with domain name transfers. ICANN’s Security and Stability Advisory Committee’s (SSAC) 2005 report on domain name hijacking found that “domain name hijacking incidents are commonly the result of flaws in registration and related processes, failure to comply with the transfer policy, and poor administration of domain names by registrars, resellers, and registrants.”<sup>43</sup> Their specific findings are enumerated here:

1. Failures by registrars and resellers to adhere to the transfer policy have contributed to hijacking incidents and thefts of domain names.
2. Registrant identity verification used in a number of registrar business processes is not sufficient to detect and prevent fraud, misrepresentation, and impersonation of registrants.
3. Consistent use of available mechanisms (Registrar-Lock, EPP AuthInfo, and notification of a pending transfer issued to a registrant by a losing registrar) can prevent some hijacking incidents.
4. ICANN Policy on Transfer of Registrations between Registrars specifies that “consent from an individual or entity that has an email address matching the Transfer Contact email address” is an acceptable form of identity. Transfer Contact email addresses are often accessible via the WHOIS service and have been used to impersonate registrants.
5. Publishing registrant email addresses and contact information contributes to domain name hijacking and registrant impersonation. Hijacking incidents described in this report illustrate how attackers target a domain by gathering contact information using WHOIS services and by registering expired domains used by administrative contacts.
6. Accuracy of registration records and WHOIS information are critical to the transfer process. The ICANN WHOIS Data Reminder Policy requires that registrars annually request registrants to update WHOIS data, but registrars have no obligation to take any action except to notify registrants. Registrants who allow registration records to become stale appear to be more vulnerable to attacks.
7. ICANN and registries have business relationships with registrars, but no relationship with resellers (service providers). Resellers, however, may operate with the equivalent of a registrar’s privileges when registering domain names. Recent hijacking incidents raise concerns with respect to resellers. The current situation suggests that resellers are effectively “invisible” to ICANN and

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<sup>43</sup> See Security and Stability Advisory Committee (SSAC), *Domain Name Hijacking: Incidents, Threats, Risks, and Remedial Actions*, 12 July 2005, <https://archive.icann.org/en/announcements/hijacking-report-12jul05.pdf>, pp. 5 – 6.

registries and are not distinguishable from registrants. The responsibility of assuring that policies are enforced by resellers (and are held accountable if they are not) is entirely the burden of the registrar.

8. ICANN requires that registrars maintain records of domain name transactions. It does not appear that all registrars are working closely enough with their resellers to implement this requirement.
9. The Inter-Registrar Transfer Policy incorporates formal dispute mechanisms. These were not designed to prevent incidents requiring immediate and coordinated technical assistance across registrars. Specifically, there are no provisions to resolve an urgent restoration of domain name registration information and DNS configuration.
10. Changes to transfer processes introduced with the implementation of the ICANN Inter-Registrar Transfer Policy have not been the cause of any known attacks against domain names. There is no evidence to support reverting to the earlier policy.

Since ICANN org does not have data on how many domains are hijacked, and generally cannot confirm if the abuse-related complaints it receives are *bona fide* cases of illegal or malicious activity, the data below represent an imperfect set of metrics to assess the effects of the IRTP on preventing abuse.

Generally, the data show that transfer-related complaints reported to Contractual Compliance went down slightly during the timeframe for the data. However, it is unclear whether this is an effect of the implementation of the IRTP. In fact, Contractual Compliance reports that, although overall transfer complaints went down, complaints regarding the COR lock went up since it was implemented in December 2016 as part of IRTP-C. ICANN's Global Support Center reported a similar increase in inquiries received related to the COR lock, although this has paralleled a general increase in inquiries received (see [ICANN Global Support Center Transfer-Related Metrics](#) below).

### **Public Comment and Survey Input**

The responses received via public comment and the survey presented a number of issues and recommendations in regard to transfer abuse. For example, some respondents indicated the requirement to verify transfers by sending an FOA to a registrant's email was ineffective, noting that most of the domain hijackings they see are carried out using compromised email addresses. Other respondents, however, recommended that all available means be used to verify a transfer, including email, text, direct phone calls to registrants, and paper forms (such as the FOA).

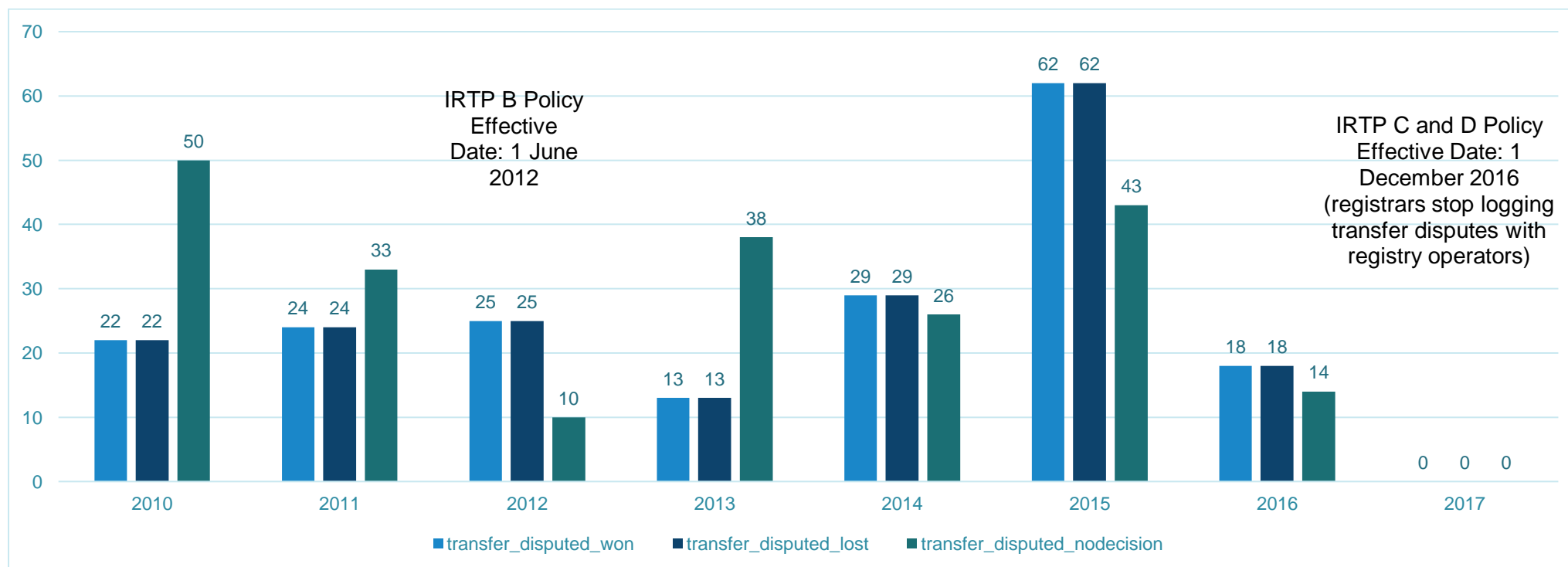
Several respondents supported the use of transfer AuthCodes within EPP rather than the FOA to authorize transfers. These respondents generally recommended working to improve security standards around these codes, which could have the dual effect of improving domain name portability while maintaining or improving the transfer security.

Additionally, some respondents critiqued the Transfer Emergency Action Contact (TEAC) provision of the Policy, which requires that registrars provide a TEAC for registrants to handle urgent transfer-related issues. The respondents focused their critique on the requirement that registrars respond to TEAC requests from registrants within 4 hours, arguing it was unfair to registrars in different time zones.

One commenter recommended strengthening capabilities and processes to determine whether a domain being transferred is subject to a Uniform Domain Name Dispute Resolution Policy (UDRP) case, as well as the strengthening enforcement authority of dispute resolution providers' decisions.

Chart 6: Amount of Transfer Dispute Cases, Won/Lost/No Decision, 2010 - 2017

Chart 6 illustrates the amount of transfer dispute cases from 2010 – 2017. Transfer disputes arise when a registrar challenges the validity of an inter-registrar transfer on the basis that the transfer is an alleged violation of ICANN’s Transfer Policy.<sup>44</sup> Note that in 2017, registry operators no longer logged transfer disputes as part of their Specification 3 reporting. This was a result of Recommendation 10 of the IRTP-D Working Group’s Final Report, which provided that “...the TDRP [Transfer Dispute Resolution Process] be modified to eliminate the First (Registry) Level of the TDRP.”<sup>45</sup> Beginning on 1 December 2016, when the IRTP-D Recommendations went into effect, registrars could no longer file TDRP disputes with registry operators. Instead, they file TDRP disputes directly with ICANN-approved transfer dispute resolution providers (for a detailed presentation of TDRP cases, see [Appendix 8.4: Examples of Transfer Dispute Cases](#)).<sup>46</sup>



<sup>44</sup> For details of the Policy, see ICANN, “Registrar Transfer Dispute Resolution Policy,” <https://www.icann.org/resources/pages/tdrp-2012-02-25-en>

<sup>45</sup> See IRTP-D Working Group, *Final Report on the Inter-Registrar Transfer Policy – Part D Policy Development Process*, 25 September 2014, [https://gnso.icann.org/sites/default/files/filefield\\_46639/irtp-d-final-25sep14-en.pdf](https://gnso.icann.org/sites/default/files/filefield_46639/irtp-d-final-25sep14-en.pdf), p. 5.

<sup>46</sup> Currently there are two transfer dispute resolution providers: [The Asian Domain Name Dispute Resolution Center \(ADNDRC\)](#) and [National Arbitration Forum \(NAF\)](#). See ICANN, “Approved Providers for Transfer Dispute Resolution Policy,” <https://www.icann.org/resources/pages/providers-fc-2012-02-25-en>

## 3.1 ICANN Contractual Compliance Transfer-Related Metrics, 2012 – 2018

The following tables and charts present transfer-related data from ICANN org’s Contractual Compliance Department. In general, the number of transfer-related tickets has gone down during the 2012 – 2018 observation period. Contractual Compliance received an average of 5,805 tickets per year ([Table 2](#)), with a downward trend in amount of complaints evident in [Chart 7](#). [Table 3](#) and [Table 4](#) show that Contractual Compliance receives and closes approximately 500 transfer-related complaints per month on average.

Transfer complaints account for approximately 12% of all complaints received by Contractual Compliance, and remain the second largest complaint by volume that Contractual Compliance receives. The nature of transfer complaints changed in December 2016, when the IRTP-C and -D became effective. While inter-registrar transfer complaints have been trending downward, Contractual Compliance noticed an increase in complaints relating to the “Change of Registrant” (COR) lock that became effective in December 2016. The overall downward trend for transfer complaints relates to retrieval of “AuthInfo” codes to unlock domain names. This is likely due in part to outreach activities and registrar audits.

As they relate to abusive behavior, the metrics show that from January 2017 to July 2018, out of the 8,003 complaints received during this time period, Contractual Compliance received a total of 130 complaints involving unauthorized transfers and/or unauthorized change of registrant (see [Table 5](#) below). Since 2013, Contractual Compliance received 262 complaints related to unauthorized transfers due to domain hijacking, and 47 complaints regarding transfers that could not be completed due to “evidence of fraud”, out of a total of 38,324 complaints received during this time period (see [Table 6](#) below). ICANN’s Global Support Center (GSC) has also received abuse-related inquiries: since 2017, GSC has received 229 inquiries involving “domains transferred without authorization” (compared to an average of 2,245 transfer-related inquiries received per year; see [Chart 8](#) below).

A high percentage of transfer-related complaints are closed because the reporter is not a “Transfer Contact” or did not provide information to validate the complaint (see [Table 6](#) below to view transfer-related complaints by closure code).

Contractual Compliance has identified the following opportunities to enhance the Transfer Policy:

- (1) Include a requirement for registrars to log retrieval of “AuthInfo” codes through a control panel. This would assist with processing and tracking of unauthorized transfer complaints and help protect the registrants.

- (2) Provide a process or options to remove the 60-day lock to better serve registrants' needs. For example, reporters express frustration about the 60-day lock due to the "Change of Registrant" provision under [Section II.A.1.1](#) of the Transfer Policy. Their frustrations stem from an inability to transfer their domain(s) to a new registrar if the domain is due to expire during the lock period.
- (3) Clarify wording in Section [I.A.3.7.3](#) of the Transfer Policy about denial based upon payment for previous or current registration period. Registrars and reporters are confused by the current language.
- (4) Clarify whether "Change of Registrant" provision applies to customer data when it is used by a privacy/proxy provider as it relates to the 60-day lock.<sup>47</sup>

[Table 5](#) through [Table 10](#) segment the data according to transfer complaint categories and "closure codes," and thus provide details on the nature of the complaints received.

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<sup>47</sup> At the time of writing this report, issues with the COR lock as they relate to privacy/proxy services are under discussion. For examples, see Tucows, letter to ICANN Compliance, 19 December 2018, <https://www.icann.org/en/system/files/correspondence/levy-to-serad-04feb19-en.pdf> and ICANN Contractual Compliance, letter to Tucows, 1 March 2019, <https://www.icann.org/en/system/files/correspondence/hedlund-to-levy-01mar19-en.pdf>



Table 2: Transfer-Related Notices and Enforcements, January 2012 - July 2018

The table below presents the total number of **transfer-related complaints** as they go through the informal and [Formal Resolution](#) processes, from ticket receipt to closure.<sup>48</sup> Note that the sum of breaches, suspensions, and terminations is low compared to the number of received complaint tickets, and only about 1/3 move to the “1<sup>st</sup> Inquiry/Notice” stage, indicating that about 2/3 of tickets are closed before the issue is escalated.

Year	Received Tickets	1 <sup>st</sup> Inquiry/Notice	2 <sup>nd</sup> Inquiry/Notice	3 <sup>rd</sup> Inquiry/Notice	Sum of Breaches	Sum of Suspensions	Sum of Terminations
2012	6,799	2,110	529	55	-	-	-
2013	4,962	2,190	620	60	2	1	1
2014	6,477	3,531	972	135	10	1	-
2015	6,558	2,740	477	69	-	-	-
2016	5,525	1,531	294	40	-	-	-
2017	5,505	1,257	223	31	1	-	-
2018 (to July)	2,498	338	31	3	-	-	-
<b>Total</b>	<b>37,534</b>	<b>13,605</b>	<b>3,139</b>	<b>393</b>	<b>13</b>	<b>2</b>	<b>1</b>
<b>Average (excl. 2018)</b>	5,805	2,250	517	67			
<b>Median (excl. 2018)</b>	5525	2,190	477	60			
<b>Maximum (excl. 2018)</b>	6,558	3,531	972	135			
<b>Minimum (excl. 2018)</b>	4,962	1,257	223	31			

<sup>48</sup> Note descriptive statistics do not include 2018 data to avoid skewing results with partial-year data.

Chart 7: Transfer-Related Notices and Enforcements, Tickets Received Thru 3<sup>rd</sup> Inquiry/Notice, January 2012 – December 2017

The chart below provides a graphical representation of the above:

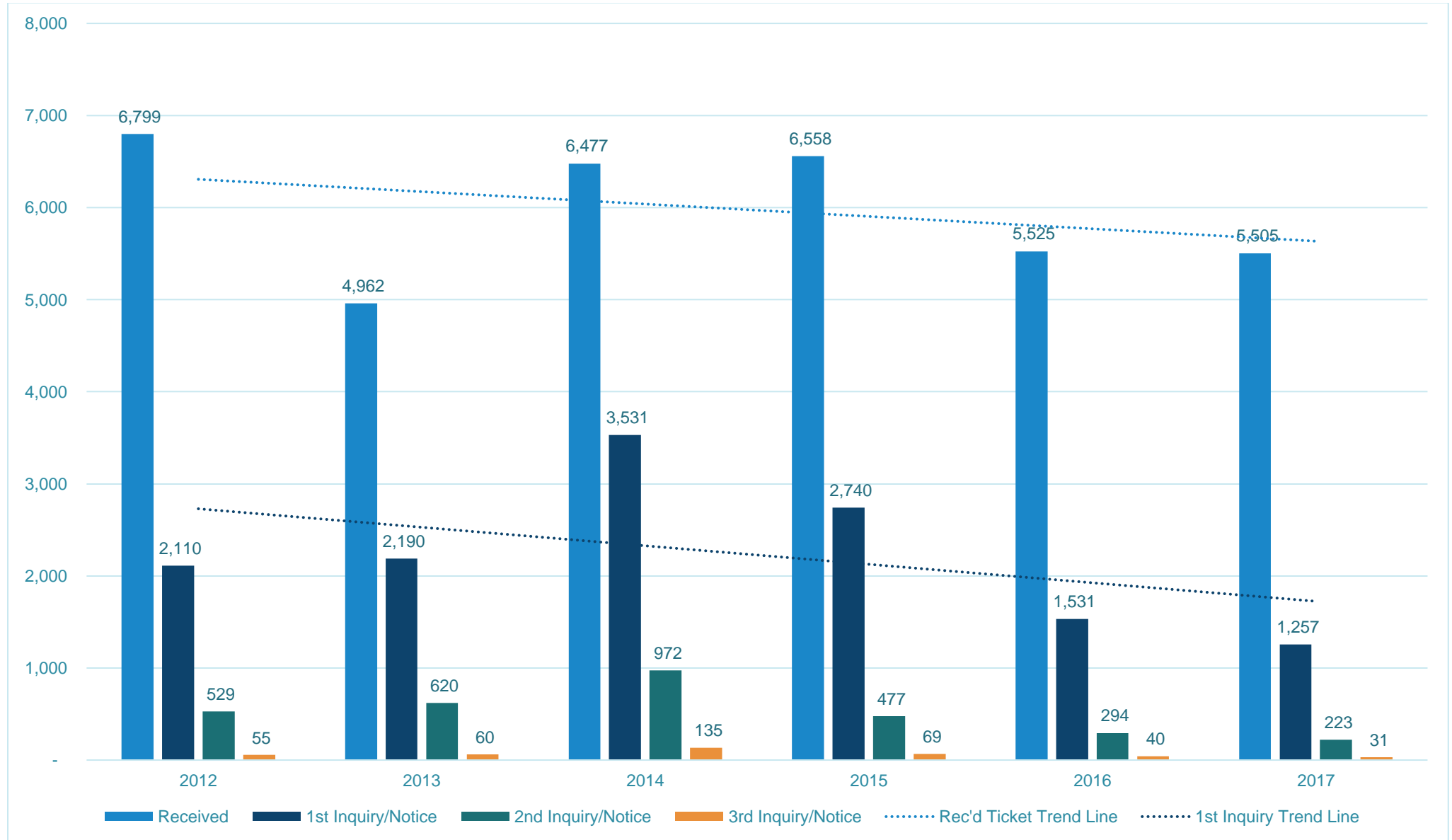


Table 3: Transfer-Related Complaints Received, Month – Year, January 2012 – July 2018

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	Total	Avg.	Median	Max.	Min.
<b>2012</b>	415	615	1101	617	717	401	407	447	410	496	526	647	<b>6,799</b>	566	511	1101	401
<b>2013</b>	405	338	464	411	415	320	352	401	385	424	452	595	<b>4,962</b>	413	408	595	320
<b>2014</b>	490	434	506	566	486	435	619	540	754	437	718	492	<b>6,477</b>	540	499	754	434
<b>2015</b>	358	319	521	643	595	563	685	651	504	636	485	598	<b>6,558</b>	547	579	685	319
<b>2016</b>	626	453	652	488	524	407	444	440	417	285	372	417	<b>5,525</b>	460	442	652	285
<b>2017</b>	420	438	619	495	471	554	413	447	449	446	407	346	<b>5,505</b>	459	447	619	346
<b>2018</b>	458	367	504	379	459	331								416	419	504	331

Table 4: Transfer-Related Complaints Closed, Month – Year, June 2012 – July 2018<sup>49</sup>

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	Total	Avg.	Median	Max.	Min.
<b>2012</b>						198	922	754	444	545	520	392		539	520	922	198
<b>2013</b>	760	678	440	406	436	303	362	352	396	439	406	463	<b>5,441</b>	453	421	760	303
<b>2014</b>	651	425	484	514	520	400	580	645	770	516	479	557	<b>6,541</b>	545	518	770	400
<b>2015</b>	573	332	456	598	531	610	710	590	631	569	531	389	<b>6,520</b>	543	571	710	332
<b>2016</b>	750	482	671	547	500	391	422	545	429	311	324	311	<b>5,683</b>	474	456	750	311
<b>2017</b>	530	265	644	520	588	497	502	407	436	432	432	316	<b>5,569</b>	464	467	644	265
<b>2018</b>	490	403	508	353	244	326								387	378	508	244

<sup>49</sup> Note that tickets closed in a given month may have been received in prior months.

Table 5: Transfer Complaints by Complaint Category, 2017 - 2018<sup>50</sup>

For each transfer complaint, one or more complaint categories can be selected. Note that additional segmentation by complaint type category began in August 2017. For instances where more than one category applies to a complaint, the categories are separated by a pipe/vertical bar (“|”).

Transfer Complaint Category	2012	2013	2014	2015	2016	2017	2018 (to July)	Total
N/A	6,799	4,962	6,477	6,558	5,525	5,065	1,524	37,633
Transfer						334	193	527
Unauthorized Transfer						66	40	106
Change of Registrant						13	4	17
Unauthorized Change of Registrant						11	4	15
Transfer   Change of Registrant						7	7	14
Unauthorized Transfer   Unauthorized Change of Registrant						8	0	8
Transfer Emergency Action Contact						0	3	3
Transfer   Unauthorized Transfer						1	0	1
<b>Total</b>	<b>6,799</b>	<b>4,962</b>	<b>6,477</b>	<b>6,558</b>	<b>5,525</b>	<b>5,505</b>	<b>2,498</b>	<b>38,324</b>

<sup>50</sup> For more details on Contractual Compliance reporting and complaint handling, see ICANN, “ICANN Contractual Compliance Dashboard Explanations,” <https://features.icann.org/compliance/dashboard/archives#definition>

Table 6: Transfer-Related Complaints by Closure Code, January 2012 – July 2018

The table below presents the number of closed transfer complaints for registrars by closure code. When a complaint is closed, a description is selected that best describes the resolution of the complaint. Many of the closure code descriptions are administrative and/or general; those more directly related to transfer issues and resolutions have been bolded.

Closure Code Description	2012	2013	2014	2015	2016	2017	2018 (to July)	Total
There was no resolved code supplied.	6,799	3,299	2,093	2,304	1,930	2,487	1,238	20,150
The complaint is out of scope because the complainant did not provide the requested information.			63	1,010	1,414	1,358	580	4,425
<b>The registrar provided evidence that the transfer Auth-Code was provided to the registrant and the public WHOIS shows the domain is unlocked for transfer.</b>		0	1,122	853	301	154	12	2,442
The complaint is out of scope because it is a duplicate of an open complaint.			208	755	662	620	159	2,404
<b>The transfer has been completed.</b>		187	644	415	287	250	119	1,902
<b>The complaint is out of scope because the complainant is not the transfer contact for the domain.</b>		145	286	381	384	83	20	1,299
Duplicate complaint (open) – Rr			421					421
Duplicate of pending		398						398
The registrar demonstrated compliance with its contractual requirements.		20	188	81	44	19	14	366
The complaint is out of scope because it is regarding a country-code top-level domain.		2	5	2	1	244	169	423
The complaint is out of scope because it is a duplicate of a closed complaint.			97	94	80	58	14	343
<b>The transfer cannot be completed due to the domain being in redemption grace period or pending delete status.</b>			108	92	90	37	4	331
Non-response from Reporter		0	301					301
<b>Auth-Code provided/domain unlocked</b>		265						265

Closure Code Description	2012	2013	2014	2015	2016	2017	2018 (to July)	Total
<b>The complaint is out of scope because the unauthorized transfer was due to hijacking.</b>		0	99	104	51	6	2	262
Non-RAA: resellers/web-hosting		232						232
The complaint is out of scope because the domain is not registered.		25	56	61	29	28	17	216
<b>The transfer cannot be completed due to a transfer or registration within the past 60 days, or a change of registrant lock.</b>		0	42	56	48	41	16	203
The complaint is out of scope because customer service issues are outside of ICANN's contractual authority.			69	85	28	8	2	192
<b>The transfer cannot be completed without proof of the transfer contact's identity.</b>		68	63	32	5	6	0	174
The complaint is out of scope because it is about a private dispute that does not implicate ICANN's contractual authority.		0	77	34	23	7	8	149
The complaint is out of scope because it is incomplete or broad.			16	24	33	21	7	101
The registrar demonstrated compliance.			49	37	3	4	3	96
The complaint is out of scope because it is not about an ICANN contracted party.		0	46	20	16	9	1	92
<b>The transfer cannot be completed due to a dispute over the identity of the registrant or administrative contact.</b>		0	35	8	33	3	4	83
Duplicate of closed		69						69
The complaint is out of scope because it is about an illegal activity that is outside of ICANN's contractual authority.		0	48	5	5		2	60
<b>The transfer cannot be completed due to evidence of fraud.</b>		0	7	11	4	15	10	47
Domain = Privacy/Proxy		19	23	5				47
<b>No attempt to unlock and/or retrieve Auth-code</b>		46						46
The complaint is out of scope because the domain is not registered with the registrar that is the subject of the complaint.		0	27	15	0	1		43
Non-RAA: customer-service matter		40						40

Closure Code Description	2012	2013	2014	2015	2016	2017	2018 (to July)	Total
Duplicate complaint		1	37					38
Denied for valid reason		38						38
<b>The transfer cannot be completed due to express objection by the transfer contact.</b>		0	13	8	6	2	1	30
Non-RAA: private dispute		30						30
<b>60-day lock (1st registration)</b>		30						30
Non-RAA: law enforcement matter		25						25
<b>The transfer cannot be completed due to a court order.</b>		0	15	6	3	0		24
<b>The transfer cannot be completed due to lack of payment for the prior or current registration period.</b>		0	12	3	7	0		22
The complaint is out of scope because ICANN is not a registrar.			3	9	9	1		22
<b>The transfer cannot be completed due to the domain registration occurring within the past 60 days.</b>			8	8	1	4		21
<b>The transfer cannot be completed due to a transfer within the past 60 days.</b>			9	5	1	2	2	19
<b>The transfer cannot be completed due to the change of registrant lock.</b>					0	9	1	10
Terminated			3	7				10
The complaint is out of scope because ICANN does not process complaints regarding website content.			1	1	4		1	7
Non-RAA: Hijacking of RNH or Admin Contact email address		7						7
The complaint is out of scope because it contains offensive language.			1	1	1	1	2	6
<b>60-day lock (prior transfer)</b>		5						5
<b>The change of registrant has been completed.</b>						5	0	5

Closure Code Description	2012	2013	2014	2015	2016	2017	2018 (to July)	Total
<b>The registrar demonstrated compliance with the change of registrant requirements.</b>						5	0	5
<b>Status = RGP or PendingDelete</b>		4						4
Non-RAA: Hijacking control panel access credentials		3						3
The complaint is out of scope because it is about a generic top-level domain that does not exist or that is not within ICANN's contractual authority.			1		2			3
The complaint is out of scope because the change of registrant requirements were not applicable at the time of the change.						3		3
The registrar corrected its noncompliance.			0	2	1	0	0	3
Lacks details			2					2
Invalid complaint		2						2
<b>The transfer was denied because of a court order received by the registrar.</b>						1	1	2
The complaint is out of scope because ICANN terminated the registrar's accreditation.						2		2
<b>Complaint only refers to transfer fees being charged</b>		2						2
<b>The transfer cannot be completed because there is a pending Uniform Domain Name Dispute Resolution Policy (UDRP) action pending.</b>			0	0	1	1		2
Non-2013 RAA			1	1				2
The complaint is out of scope because it is about a registrar that is not within ICANN's contractual authority.				1				1
The complaint is out of scope because spam is outside of ICANN's contractual authority.				1				1
Voluntarily terminated				1				1
The complaint is out of scope because it is not applicable to the top-level domain.					1			1
The complaint is out of scope because the complainant is not the domain registrant or the registrant's designated agent for purposes of a change of registrant.						1	0	1



Closure Code Description	2012	2013	2014	2015	2016	2017	2018 (to July)	Total
Demonstrated compliance			1					1
The matter has been withdrawn due to an ICANN issue.					1			1
The change of registrant is not authorized.						1		1
<b>Total</b>	<b>6,799</b>	<b>4,962</b>	<b>6,477</b>	<b>6,558</b>	<b>5,525</b>	<b>5,505</b>	<b>2,498</b>	<b>38,324</b>

### Closed Registrar Transfer Complaints by Closure Code: Quarter 4 2017 – Quarter 2 2018

[Table 7](#) through [Table 10](#) below present the number of closed complaints for registrars by closure code. When a complaint is closed, a description is selected that best describes the resolution of the complaint. The codes are categorized into four groups: “Resolved,” “Out of Scope,” “ICANN Issue,” and “Other”:

- **Resolved:** the reporter's complaint has been resolved or the contracted party has reviewed the complaint, responded to ICANN and/or demonstrated compliance.
- **Out of Scope:** the complaint cannot be addressed by ICANN because it is invalid or out of scope of ICANN's agreements/policies; or does not meet the minimum threshold for processing.
- **ICANN Issue:** the complaint should not have been sent to contracted party due to ICANN error; or internal ICANN process needs to be completed before the Compliance process can continue.
- **Other:** complaints previously closed that have been reopened and are currently active.

Note that this form of complaint categorization was integrated into Contractual Compliance reporting in October 2017.<sup>51</sup> Therefore, reporting of this type is not available prior to this time.

<sup>51</sup> For more about the Q3 2017 report, see ICANN, “ICANN Contractual Compliance 2017 Quarterly Reports,” <https://features.icann.org/compliance/dashboard/2017/q4/registrar-resolved-codes>. For the Q1 2018 report, see “ICANN Contractual Compliance 2018 Quarterly Reports,” <https://features.icann.org/compliance/dashboard/2018/q1/registrar-resolved-codes>.

Table 7: Registrar Closed Transfer Complaints Summary and Details by Category

Closure Code Category	# of Transfer Complaints Q4 2017	# of Transfer Complaints Q1 2018	# of Transfer Complaints Q2 2018
Resolved	284	324	217
Out of Scope	893	1,007	928
ICANN Issue	-	-	
Other	4	69	
<b>Registrar Closed Complaints Total</b>	<b>1,181</b>	<b>1,400</b>	<b>1,145</b>

Table 8: Resolved Transfer Complaints

Closure Code Description	# of Transfer Complaints Q4 2017	# of Transfer Complaints Q1 2018	# of Transfer Complaints Q2 2018
The change of registrant has been completed.	4	6	
The change of registrant is not authorized.	1		1
The registrar corrected its noncompliance.	2	1	1
The registrar demonstrated compliance with its contractual requirements.	43	71	18
The registrar demonstrated compliance with the change of registrant requirements.	8	9	7
The registrar demonstrated compliance.	4	5	8
The registrar provided evidence that the transfer AuthInfo code was provided to the registrant and the public WHOIS shows the domain is unlocked for transfer.	52	27	12
The transfer cannot be completed due to a dispute over the identity of the registrant or administrative contact.	7	2	7

The transfer cannot be completed due to a transfer or registration within the past 60 days, or a change of registrant lock.	12	21	13
The transfer cannot be completed due to a transfer within the past 60 days.	1	4	2
The transfer cannot be completed due to evidence of fraud.	4	10	4
The transfer cannot be completed due to express objection by the transfer contact.		1	
The transfer cannot be completed due to the change of registrant lock.	3	6	5
The transfer cannot be completed due to the domain being in redemption grace period or pending delete status.	2	4	1
The transfer cannot be completed due to the domain registration occurring within the past 60 days.	1		
The transfer cannot be completed without proof of the transfer contact's identity.	10	5	3
The transfer has been completed.	130	151	131
The transfer was denied because of a court order received by the registrar.		1	4
<b>Resolved Category Total</b>	<b>284</b>	<b>324</b>	<b>217</b>

Table 9: Out of Scope Transfer Complaints

Closure Code Description	# of Transfer Complaints Q4 2017	# of Transfer Complaints Q1 2018	# of Transfer Complaints Q2 2018
The complaint is out of scope because customer service issues are outside of ICANN's contractual authority.	3	3	3

The complaint is out of scope because it contains offensive language.	1	2	1
The complaint is out of scope because it is a duplicate of a closed complaint.	32	6	12
The complaint is out of scope because it is a duplicate of an open complaint.	134	160	164
The complaint is out of scope because it is about a private dispute that does not implicate ICANN's contractual authority.	7	11	9
The complaint is out of scope because it is about an illegal activity that is outside of ICANN's contractual authority.		2	2
The complaint is out of scope because it is incomplete or broad.	6	8	4
The complaint is out of scope because it is not about an ICANN contracted party.	1	1	2
The complaint is out of scope because it is regarding a country-code top-level domain.	89	84	85
The complaint is out of scope because the complainant did not provide the requested information.	578	681	621
The complaint is out of scope because the complainant is not the domain registrant or the registrant's designated agent for purposes of a change of registrant.	2	2	0
The complaint is out of scope because the complainant is not the transfer contact for the domain.	20	23	12
The complaint is out of scope because the domain is not registered.	15	17	1
The complaint is out of scope because the registrar voluntarily terminated its ICANN accreditation.			2

The complaint is out of scope because the unauthorized transfer was due to hijacking.	5	7	9
<b>Out of Scope Category Total</b>	<b>893</b>	<b>1,007</b>	<b>928</b>

Table 10: Other Transfer Complaints

Closure Code Description	# of Transfer Complaints Q4 2017	# of Transfer Complaints Q1 2018	# of Transfer Complaints Q2 2018
The complaint, previously closed, has been reopened and is currently active.	4	69	0
<b>Other Category Total</b>	<b>4</b>	<b>69</b>	<b>0</b>

## 4 IRTP Goal: Information

ICANN org provides and regularly updates information online regarding domain name transfers.<sup>52</sup> The metrics below represent proxy measures for the IRTP goal of clarifying processes and providing information resources to registrants and registrars about the domain name transfer process. The data show that a significant portion of the inquiries received by ICANN's Global Support Center (GSC) relate to transfers. The number of inquiries received in this area has increased since 2015 at a higher rate than the overall amount of inquiries received (which have also increased). In gathering data for this report, GSC posited that the increase in transfer-related inquiries is likely due to an increase in issues related to the "Change of Registrant" (COR) lock described above. The increase in inquiries received by GSC in this and other areas may indicate a positive or negative trend. On one hand, more people may be aware of the IRTP and the transfer process, and are using available informational resources such as GSC to address their questions. On the other, the increased amount of inquiries may indicate that adequate information on the Policy and process is not readily available, which may spur more calls to GSC.

### Public Comment and Survey Input

Most responses received via public comment and survey focused on issues surrounding domain name portability and addressing transfer abuse. However, some registrar respondents indicated that their customers were often frustrated with certain aspects of the Policy, and did not seem to understand the underlying rationale for certain requirements (such as the Change of Registrant lock). This may indicate that more and/or clearer information and guidelines regarding transfers should be made available to those involved in the transfer process.

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<sup>52</sup> For example, see ICANN, "Transferring Your Domain Name," <https://www.icann.org/resources/pages/transferring-your-domain-name-2017-10-10-en>; ICANN, "5 Things Every Domain Name Registrant Should Know about ICANN's Transfer Policy," <https://www.icann.org/resources/pages/about-transfer-policy-2017-10-10-en>; ICANN, "Do You Have a Domain Name? Here's What You Need to Know: Part II: Transferring Your Domain Name," <https://www.icann.org/news/blog/do-you-have-a-domain-name-here-s-what-you-need-to-know-part-2>, "Part III: Having Issues with Transferring Your Domain Name?" <https://www.icann.org/news/blog/do-you-have-a-domain-name-here-s-what-you-need-to-know-part-3>, and "Part IV: How to Protect Your Domain Name Against Domain Hijacking or Unauthorized Transfers," <https://www.icann.org/news/blog/do-you-have-a-domain-name-here-s-what-you-need-to-know-part-4>

## 4.1 ICANN Global Support Center Transfer-Related Metrics

ICANN’s GSC receives and provides support for inquiries from registries, registrars, new gTLD applicants, and the Internet community at large. It does so via a dedicated support team and by providing access to information on its web page.<sup>53</sup> When an inquiry is received, GSC categorizes it. The below data represent the results of searches for transfer-related inquiries in its knowledge base system.<sup>54</sup>

Table 11: Transfer-Related Inquiries Received by GSC, 1 January 2015 - 23 May 2018

Inquiries received, second-level domains (SLD), total	14,687
Of total, <b>transfer-related inquiries</b>	6,736
<b>Average transfer-related inquiries</b> received per year (2015 – 2017)	2,245
<b>Transfer-related inquiries</b> , percentage of total	46%
<b>Transfer-related inquiries</b> involving “ <b>transfer lock</b> ” and “ <b>transfer denial</b> ” <sup>55</sup>	3435
Inquiries involving domain name <b>hijacking, stolen domain names, and/or change of domain ownership</b> <sup>56</sup>	2494
Inquiries received involving a registered name holder who is <b>unable to initiate an inter-registrar transfer</b> due to the <b>60-day “Change of Registrant” lock</b>	701
Inquiries received involving the <b>Transfer Dispute Resolution Policy (TDRP)</b>	106

<sup>53</sup> See ICANN, “Global Support,” <https://www.icann.org/resources/pages/customer-support-2015-06-22-en>

<sup>54</sup> Note that data is only available to 2015 because GSC changed the way it organized the inquiries it received. In 2015, GSC began using keyword articles in addition to categories to help determine the types of inquiries it received. There is some overlap between inquiries identified by category and those identified by keyword.

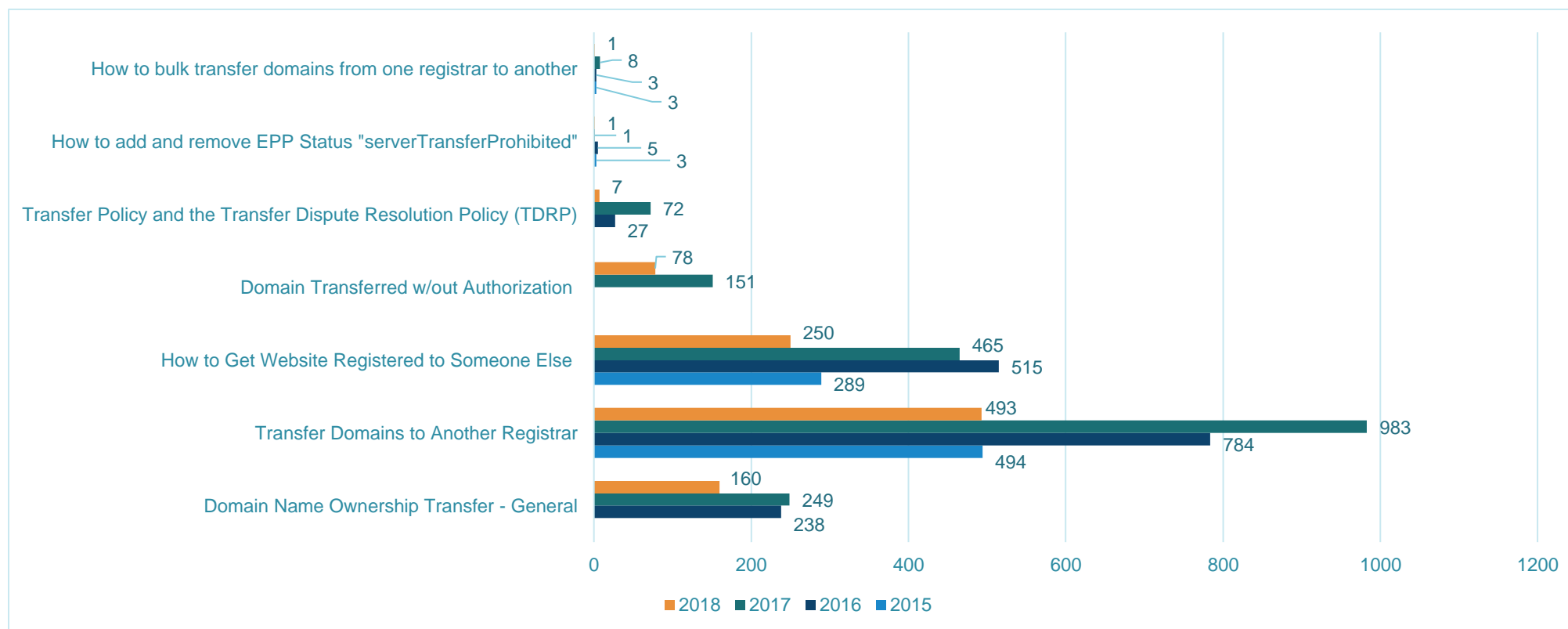
<sup>55</sup> This metric includes inquiries related to normal transfer cases and transfer processes, and also those that involve inquiries related to “transfer locks” and “transfer denials”. GSC is unable to categorically separate inquiries that are related to locking/unlocking a domain and transfer denials because they are contained within the “transfer process” search parameter. Therefore, there is some overlap between general transfer-related inquiries and those more specifically related to locks and denials.

<sup>56</sup> This metric includes cases on how to acquire a domain name if the ownership has changed because GSC cannot confirm if a domain is stolen, hijacked, or any other reason why the inquirer is no longer the current domain owner.

### Chart 8: GSC Transfer-Related Inquiries Received, 2015 - 2018

The chart below illustrates the amount and type of transfer-related inquiries received by GSC since 2015. Regarding the categories with the highest levels of inquiries, the data show that GSC received 2,754 inquiries from January 2015 to July 2018 involving transferring domains between registrars (with an average of 754 inquiries per year, not including 2018) and 1,519 inquiries during the same period on how to obtain a website registered by another individual or entity (with an average of 506 inquiries per year, not including 2018).

Note that for some of the categories displayed, data is only available for a limited time period as GSC did not track the more granular aspects of certain inquiries before it updated its inquiry-tracking system. Also note that 2018 data is limited to the first half of the year.<sup>57</sup>



<sup>57</sup> For a detailed presentation of the specific types of issues and questions GSC handles, see [Appendix 8.1: Sample of GSC Transfer-Related Inquiries](#)



## 5 Overview of IRTP Policy Development Process Working Groups

Shortly after the IRTP became effective in 2004, ICANN delivered a [report](#)<sup>58</sup> to the Generic Names Supporting Organization (GNSO) Council, detailing the effectiveness of the policy, to date, and noting potential areas of improvement.<sup>59</sup>

Following the delivery of the staff report, the GNSO Council tasked a Transfers Working Group to examine possible areas for improving the existing [IRTP](#). In August 2007, the Transfers Working Group, delivered three documents to the GNSO Council:

1. [Advisory Concerning Inter-Registrar Transfer Policy](#), a draft advisory designed to provide clarifications on common IRTP-related questions.
2. [Points of Clarification Inter-Registrar Transfer Policy](#), a report designed to clarify the list of reasons for which a registrar may deny a registered name holder's inter-registrar transfer request.
3. [Communication to GNSO on Policy Issues Arising from Transfer Review](#), a report noting 20 potential policy issues for further consideration.

In response to the Transfers Working Group's delivery of the three aforementioned documents, the GNSO Council:

- (1) tasked ICANN with posting an [advisory](#) for public comment in September 2007 to clarify certain aspects of the IRTP.<sup>60</sup> ICANN [posted](#) the advisory on 3 April 2008;
- (2) initiated the formal GNSO Policy Development Process by requesting the creation of an issues report to examine the concerns noted in the [Points of Clarification Inter-Registrar Transfer Policy](#). The Issues Report, published by the Transfer PDP Working Group 1, is detailed in the next section of this report;

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<sup>58</sup> In preparing this report, ICANN staff drew on several sources of information, including: 1) public comments submitted during a three-week period, 2) statistics provided in the registry operators' quarterly reports, and 3) questions and complaints received by ICANN staff members individually. For the complete archive of public comments received, see ICANN (12 Jan 2005), "ICANN Requests Public Comments on Experiences with Inter-Registrar Transfer Policy," <http://www.icann.org/announcements/announcement-12jan05.htm>

<sup>59</sup> Consistent with the policy recommendations, the report entitled "Staff Report to GNSO Council: Experiences with Inter-Registrar Transfer Policy" was delivered the GNSO Council on 14 April 2005 (available at <https://archive.icann.org/en/transfers/transfer-report-14apr05.pdf>). The report describes: 1) how effectively and to what extent the policies have been implemented and adopted by registrars, registries and registrants; 2) whether or not modifications to these policies should be considered as a result of the experiences gained during the implementation and monitoring stages; and 3) the effectiveness of the dispute resolution processes and a summary of the filings that have been resolved through the process.

<sup>60</sup> The purpose of this advisory was to clarify the following aspects of the IRTP: (1) registrars are prohibited from denying a domain name transfer request based on non-payment of fees for pending or future registration periods during the Auto-Renew Grace Period; and (2) a registrant change to WHOIS information is not a valid basis for denying a transfer request.

(3) tasked a small committee, the Inter-Registrars Transfers Issues Prioritization Committee, to evaluate and prioritize the [policy issues](#) identified by the Transfers Working Group and suggest how the issues could be addressed using the PDP process.

In March 2008, the Inter-Registrars Transfers Issues Prioritization Committee delivered a [report](#) to the GNSO Council suggesting the division of the policy development work into five separate Policy Development Processes (PDPs). The five proposed PDPs were organized by related issues, including new IRTP issues, undoing IRTP transfers, IRTP operational rule enhancements, IRTP dispute policy enhancements and penalties for IRTP violations.

On 8 May 2008, the GNSO Council adopted the proposed structuring suggested by the Inter-Registrars Transfers Issues Prioritization Committee, noting the five new PDPs should be addressed in a consecutive manner where possible. The objectives and milestones of this series of PDPs are detailed in the next section of this report.

# 6 Overview of the IRTP PDP Objectives and Milestones

## 6.1 Transfer PDP Working Group 1

Following receipt of the [Points of Clarification Inter-Registrar Transfer Policy](#) report from the Transfers Working Group, the GNSO Council initiated the formal GNSO Policy Development Process by requesting the creation of an issues report to examine the concerns noted in the report.

The Transfers Working Group observed that some of reasons for which a registrar of record may deny an inter-registrar transfer request were unclear, which had resulted in differing interpretations and practices among registrars. The specific issues the Transfers Working Group identified were:

1. (Reason # 5 in the policy). 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
2. (Reason # 7 in the policy). A domain name was already in "lock status" provided that the Registrar provides a readily accessible and reasonable means for the Registered Name Holder to remove the lock status.
3. (Reason # 8 in the policy). A domain name is in the first 60 days of an initial registration period
4. (Reason # 9 in the policy). A domain name is within 60 days (or a lesser period to be determined) after being transferred (apart from being transferred back to the original Registrar in cases where both Registrars so agree and/or where a decision in the dispute resolution process so directs).

### Transfer PDP Working Group 1 Milestones

- The WG published its [Final Issues Report](#) on 19 October 2007.
- The WG published its [Initial Report](#) on 17 March 2008.
- The [public comment](#) period on the Initial Report closed on 7 April 2008.
- The WG published its [Final Report](#) on 9 April 2008.
- The GNSO Council launched a drafting group to develop suggested text modifications for Reasons 5, 7, 8 and 9 on 17 April 2008.
- The Drafting Group published its [Final Draft Report](#) on 4 June 2008.
- The [Public Comment](#) period on the Final Draft Report closed on 8 July 2008.

- The Board [adopted](#) the proposed changes to the Inter-Registrar Transfer Policy on 7 November 2008.

## 6.2 IRTP PDP Working Group A

The IRTP Part A PDP was the first in a series of four<sup>61</sup> PDPs to address areas for improvement in the IRTP. Formed on 5 August 2008, the IRTP Part A PDP Working Group was tasked with discussing and forming recommendations around the following three “new” issues:

- (1) the potential exchange of registrant email information between registrars;
- (2) the potential for including new forms of electronic authentication to verify transfer requests and avoid “spoofing”; and
- (3) to consider whether the IRTP should include provisions for “partial bulk transfers” between registrars.

### IRTP PDP Working Group A Milestones

- The [Final Issues Report](#) was submitted on 23 May 2008.
- The IRTP Part A Working Group’s [Charter](#) was adopted on 25 June 2008.
- The first [Public Comment period](#) closed on 29 September 2007.
- The Working Group delivered its [Initial Report](#) on 9 January 2009.
- The second [Public Comment period](#) closed on 30 January 2009.
- The Working Group delivered its [Final Report](#) on 13 March 2009.
- The GNSO Council [adopted](#) the Working Group’s Final Report on 16 April 2009.

### Summary of Working Group’s Conclusions

Following Working Group discussions and analysis of all public comments received, the Working Group noted the following conclusion to the three identified issues.

#### **(1) Is there a way for registrars to make Registrant E-mail Address data available to one another?**

The WG concluded that, in the absence of a simple and secure solution for providing the gaining registrar access to the registrant email address, future IRTP working groups should consider the appropriateness of a policy change that would prevent a registrant from reversing a transfer after it has been completed and authorized by the administrative contact. This option would not change the current situation, whereby a

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<sup>61</sup> The GNSO Council [agreed](#) to combine all the remaining IRTP issues, scheduled for IRTP Working Groups Part D and E into one final PDP, IRTP Part D. Accordingly, there were ultimately four PDP Working Groups, not five.

losing registrar can choose to notify the registrant and provide an opportunity for the registrant to cancel the transfer before the process is completed.

## **(2) Whether there is need for other options for electronic authentication?**

The WG concluded that there is a need for other options for electronic authentication of inter-registrar transfer requests, but there was no consensus as to whether these options should be developed within the scope of GNSO policymaking or instead be left to market solutions.

## **(3) Whether the policy should incorporate provisions for handling partial bulk transfers between registrars?**

The Working Group concluded that it is unnecessary to incorporate provisions for handling partial bulk transfers between registrars into the IRTP. The Working Group noted that partial bulk transfers can be addressed either through the existing Bulk Transfer provisions, or through existing market solutions. The Working Group recommended the GNSO Council clarify that the current bulk transfer provisions also apply to a bulk transfer of domain names in only one gTLD.

The IRTP Part A Working Group's recommendations did not include any proposals for changes to the Inter-Registrar Transfer Policy.<sup>62</sup>

## **6.3 IRTP PDP Working Group B**

The IRTP Part B Policy Development Process (PDP) was the second in a series of four PDPs to address areas for improvement in the existing IRTP.

The GNSO IRTP Part B PDP Working Group was tasked with addressing the following five issues related to domain name hijacking, the urgent return of an improperly transferred name, and the lock status of domain names:

- (1) Whether a process for urgent return/resolution of a domain name should be developed, as discussed within the SSAC hijacking report<sup>63</sup>
- (2) Whether additional provisions on undoing inappropriate transfers are needed, especially with regard to disputes between a Registrant and Admin Contact (AC). The policy is clear that the Registrant can overrule the AC, but how this is implemented is currently at the discretion of the registrar;
- (3) Whether special provisions are needed for a change of registrant when it occurs near the time of a change of registrar. The policy does not currently deal with change of registrant, which often figures in hijacking cases;

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<sup>62</sup> While the Working Group's recommendations did not recommend any proposed changes to the text of the IRTP, the Working Group did recommend certain actions from the GNSO Council. For more information, please see ICANN GNSO, *GNSO Council Motion 20090416-2*, April 2009, <https://gns0.icann.org/en/council/resolutions#200904>

<sup>63</sup> SSAC, *Domain Name Hijacking*, <https://archive.icann.org/en/announcements/hijacking-report-12jul05.pdf>

- (4) Whether standards or best practices should be implemented regarding use of a Registrar Lock status (e.g. when it may/may not, should/should not be applied);
- (5) Whether, and if so, how best to clarify denial reason #7: A domain name was already in “lock status” provided that the Registrar provides a readily accessible and reasonable means for the Registered Name Holder to remove the lock status.

## IRTP PDP Working Group B Milestones

- The [Final Issues Report](#) was submitted on 15 May 2009.
- The IRTP Part B Working Group’s [Charter](#) was adopted on 24 June 2009.
- The Working Group delivered its [Initial Report](#) on 31 May 2010.
- The [Public Comment period](#) closed on 8 August 2010.
- The Working Group delivered its [Final Report](#) on 21 February 2011.
- The GNSO Council [adopted](#) the Working Group’s Final Report on 22 June 2011.
- The [Public comment period](#) prior to ICANN Board consideration closed on 8 August 2011.
- The Board [adopted](#) the GNSO Council Policy Recommendations amending the Inter-Registrar Transfer Policy on 25 August 2011.
- The [Public Comment period](#), related ICANN Organization proposals specifically related to the Working Group’s Recommendations 8 and 9 (part 2) closed on 31 December 2011.
- The GNSO Council [recommended](#) to the ICANN Board to adopt and direct ICANN staff to implement IRTP Part B recommendation #9 part 2 and the related ICANN Staff proposal on 19 January 2012.
- The GNSO Council [recommended](#) to the ICANN Board to adopt and direct ICANN staff to implement IRTP Part B recommendation #8 and the related ICANN Staff updated proposal on 16 February 2012.
- The [Public comment period](#) for recommendation 8 closed on 25 March 2012.
- The updated [Inter-Registrar Transfer Policy](#), which incorporated Recommendations 1-7 and 9 of the Working Group’s Final Report, became effective on 1 June 2012.
- The [Additional WHOIS Information Policy](#), which incorporated Recommendation 8 of the Working Group’s Final Report, became effective 31 January 2016.

## Summary of Working Group’s Recommendations

- (1) Recommendation 1 – The Working Group recommends requiring registrars to provide a Transfer Emergency Action Contact (TEAC).<sup>64</sup>

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<sup>64</sup> Recommendation 1 provided proposed text to add to Inter-Registrar Transfer Policy. For the proposed text, see IRTP-B Working Group (21 February 2011), *Final Report on the Inter-Registrar Transfer Policy – Part B Policy Development Process*, [https://gns0.icann.org/sites/default/files/filefield\\_24721/irtp-b-final-report-30may11-en.pdf](https://gns0.icann.org/sites/default/files/filefield_24721/irtp-b-final-report-30may11-en.pdf), pp.4-6.

- (2) Recommendation 2 – The Working Group recommends proactive measures to prevent hijacking are of the utmost importance. As such, the Working Group strongly recommends the promotion by ALAC and other ICANN structures of the measures outlined in the recent report of the Security and Stability Advisory Committee on A Registrant’s Guide to Protecting Domain Name Registration Accounts (SAC 044).
- (3) Recommendation 3 – The Working Group recommends requesting an Issues Report on the requirement of “thick” WHOIS for all incumbent gTLDs.
- (4) Recommendation 4 – The Working Group recommends requesting an Issue Report to examine the issue of “change of control,” moving the domain name to a new Registered Name Holder.
- (5) Recommendation 5 – The Working Group recommends modifying section 3 of the IRTP to require that the Losing Registrar be required to notify the Registered Name Holder of the transfer out request.
- (6) Recommendation 6 – The Working Group recommends amending denial reason 6 under Section 3 in the IRTP.<sup>65</sup>
- (7) Recommendation 7 – The Working Group recommends that if a review of the UDRP is conducted in the near future, the issue of requiring the locking of a domain name subject to UDRP proceedings is taken into consideration.
- (8) Recommendation 8 – The Working Group recommends standardizing and clarifying WHOIS status messages regarding Registrar Lock status.<sup>66</sup>
- (9) Recommendation 9 – The Working Group recommends deleting denial reason #7 as a valid reason for denial under section 3 of the IRTP.<sup>67</sup>

## 6.4 IRTP PDP Working Group C

The IRTP Part C Policy Development Process (PDP) was the third in a series of four PDPs that addressed areas for improvement in the existing IRTP.

The GNSO IRTP Part C PDP Working Group was tasked with addressing the following three issues related to the addition of a “change of control” function and operational rule enhancements:

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<sup>65</sup> The Working Group proposed the following text to amend the IRTP: “Express objection to the transfer by the authorized Transfer Contact. Objection could take the form of specific request (either by paper or electronic means) by the authorized Transfer Contact to deny a particular transfer request, or a general objection to all transfer requests received by the Registrar, either temporarily or indefinitely. In all cases, the objection must be provided with the express and informed consent of the authorized Transfer Contact on an opt-in basis and upon request by the authorized Transfer Contact, the Registrar must remove the lock or provide a reasonably accessible method for the authorized Transfer Contact to remove the lock within five (5) calendar days.” See p. 8 of the [Final Report](#).

<sup>66</sup> Recommendation 8 also requested ICANN staff to develop an implementation plan for community consideration which ensures that a technically feasible approach is developed to implement this recommendation. For more information, please see p. 8 of the [Final Report](#).

<sup>67</sup> Recommendation 9 also requested ICANN staff to develop an implementation plan for community consideration, including proposed changes to the IRTP to reflect this recommendation. For more information, see p. 9 of the [Final Report](#).



- (1) “Change of Control” function, including an investigation of how this function is currently achieved. “Change of control” is described by the Working Group to mean the moving of a domain name to a new Registered Name Holder, in conjunction with a transfer of the domain name to another registrar.
- (2) Whether provisions on time-limiting Form Of Authorization (FOA)s should be implemented to avoid fraudulent transfers out.
- (3) Whether the process could be streamlined by a requirement that registries use IANA IDs for registrars rather than proprietary IDs.

### **IRTP PDP Working Group C Milestones**

- The [Preliminary Issues Report](#) was submitted on 25 July 2011.
- The [Final Issues Report](#) was submitted on 25 August 2011.
- The IRTP Part C Working Group’s [Charter](#) was adopted on 22 September 2011.
- The Working Group delivered its [Initial Report](#) on 4 June 2012.
- The [Public Comment period](#) closed on 4 July 2012.
- The Working Group delivered its [Final Report](#) on 9 October 2012.
- The GNSO Council [adopted](#) the Working Group’s Final Report on 17 October 2012.
- The [Public comment period](#) prior to ICANN Board consideration closed on 12 November 2012.
- The Board [adopted](#) the GNSO Council Policy Recommendations amending the Inter-Registrar Transfer Policy on 20 December 2012.
- The Implementation Review Team held its [first meeting](#) to discuss implementation of the IRTP C recommendations on 3 July 2013.
- The [Public Comment period](#) regarding the Implementation Review Team’s draft implementation plan and updated Transfer Policy and Transfer Dispute Resolution Policy closed on 16 May 2015.
- The updated [Transfer Policy](#) and [Transfer Dispute Resolution Policy](#) went into effect 1 December 2016.

### **Summary of Working Group’s Recommendations**

- (1) Recommendation 1 – The Working Group recommends the adoption of change of registrant consensus policy, which outlines the rules and requirements for a change of registrant of a domain name registration.<sup>68</sup>
- (2) Recommendation 2 – The Working Group recommends that FOAs should expire after 60 days, and if the FOA expires, registrars must reauthorize the transfer request via a new FOA.<sup>69</sup>

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<sup>68</sup> The Working Group outlined additional requirements for the change of registrant consensus policy. For more information, see IRTP-C Working Group (9 October 2012), *Final Report on the Inter-Registrar Transfer Policy – Part C Policy Development Process*, [https://gns0.icann.org/sites/default/files/filefield\\_34607/irtp-c-final-report-09oct12-en.pdf](https://gns0.icann.org/sites/default/files/filefield_34607/irtp-c-final-report-09oct12-en.pdf), p.4.

<sup>69</sup> The Working Group also noted other reasons an FOA should expire (Ibid, pp. 8-9).



- (3) Recommendation 3 – The Working Group recommends that all gTLD Registry Operators be required to publish the Registrar of Record’s IANA ID in the TLD’s WHOIS.
- (4) Recommendation 4 – The Working Group recommends that the GNSO Council to create an IRTP Part C Implementation Review Team to provide feedback on the implementation of the IRTP Part C recommendations.

## 6.5 IRTP PDP Working Group D

The IRTP Part D Policy Development Process (PDP) was the fourth in a series of four PDPs to address areas for improvement in the existing IRTP.

The GNSO IRTP Part D PDP Working Group was tasked with addressing the following six issues related to the Transfer Dispute Resolution Policy, penalties related to policy violations and FOAs:

1. Whether reporting requirements for registries and dispute providers should be developed, in order to make precedent and trend information available to the community and allow reference to past cases in dispute submissions;
2. Whether additional provisions should be included in the TDRP (Transfer Dispute Resolution Policy) on how to handle disputes when multiple transfers have occurred;
3. Whether dispute options for registrants should be developed and implemented as part of the policy (registrants currently depend on registrars to initiate a dispute on their behalf);
4. Whether requirements or best practices should be put into place for registrars to make information on transfer dispute resolution options available to registrants;
5. Whether existing penalties for policy violations are sufficient or if additional provisions/penalties for specific violations should be added into the policy;
6. Whether the universal adoption and implementation of EPP AuthInfo codes has eliminated the need of FOAs.

### IRTP Working Group D Milestones

- The [Preliminary Issues Report](#) was submitted on 12 November 2012.
- The [Final Issues Report](#) was submitted on 8 January 2013.

- The IRTP Part D Working Group’s [Charter](#) was adopted by the GNSO Council on 17 January 2013.
- The Working Group delivered its [Initial Report](#) on 3 March 2014.
- The [public comment period](#) closed on 3 April 2014.
- The Working Group delivered its [Final Report](#) on 25 September 2014.
- The GNSO Council [adopted](#) the Working Group’s Final Report on 15 October 2014.
- The [public comment period](#) prior to ICANN Board consideration closed on 10 November 2014.
- The Board [adopted](#) the GNSO Council Policy Recommendations amending the Inter-Registrar Transfer Policy on 12 February 2015.
- The Implementation Review Team held its [first meeting](#) to discuss implementation of the IRTP D recommendations on 30 July 2015.
- The [public comment period](#) regarding the Implementation Review Team’s draft implementation plan and updated Transfer Policy closed on 21 December 2015.
- The updated [Transfer Policy](#) was scheduled to go into effect 1 August 2016.
- Following [additional feedback](#) from the ICANN community, the newly-updated [Transfer Policy](#) went into effect 1 December 2016.

### Summary of Working Group’s Recommendations

1. Recommendation 1: The Working Group recommends that reporting requirements be incorporated into the Transfer Dispute Resolution Policy.
2. Recommendation 2: The Working Group recommends that the Transfer Dispute Resolution Policy be amended to include language regarding the publication of decisions.<sup>70</sup>
3. Recommendation 3: The Working Group recommends that the Transfer Dispute Resolution Policy be amended to ensure that transfers from a Gaining Registrar to a third registrar, and all other subsequent transfers, are invalidated if the Gaining Registrar acquired sponsorship from the Registrar of Record through an invalid transfer.
4. Recommendation 4: The Working Group recommends that the Transfer Dispute Resolution Policy be amended to specify that a domain name must be returned to the Registrar and Registrant of Record directly prior to the non-compliant transfer.
5. Recommendation 5: The Working Group recommends that the statute of limitation to launch a Transfer Dispute Resolution Policy be extended to 12 months from the initial allegedly invalid transfer.
6. Recommendation 6: The Working Group recommends that if a request for enforcement is initiated under the Transfer Dispute Resolution Policy or a Uniform Rapid Suspension action, the relevant domain should be locked against further transfers while such request for enforcement is pending.
7. Recommendation 7: The Working Group recommends adding a list of definitions (Annex F) to the Transfer Dispute Resolution Policy.<sup>71</sup>

<sup>70</sup> The Working Group recommended specific language to be included in Transfer Dispute Resolution Policy. For more information, see IRTP-D Working Group (25 September 2014), *Final Report on the Inter-Registrar Transfer Policy – Part D Policy Development Process*, [https://gns0.icann.org/sites/default/files/filefield\\_46639/irtp-d-final-25sep14-en.pdf](https://gns0.icann.org/sites/default/files/filefield_46639/irtp-d-final-25sep14-en.pdf), p. 18.

<sup>71</sup> The Working Group recommended specific definitions be included Transfer Dispute Resolution Policy (Ibid., Annex F).

8. Recommendation 8: The Working Group does not recommend the addition of dispute options for registrants as part of the current Transfer Dispute Resolution Policy.
9. Recommendation 9: The Working Group recommends that ICANN, in close cooperation with the IRTP Part C Implementation Review Team, monitor whether dispute resolution mechanisms are necessary for the Change of Registrant function.
10. Recommendation 10: The Working Group recommends eliminating the First Level (Registry) of the Transfer Dispute Resolution Policy.
11. Recommendation 11: The Working Group recommends that ICANN take the necessary steps to display information relevant to disputing non-compliant transfers prominently on its web site and ensure the information is presented in a simple and easy-to-understand manner for a registrant audience.
12. Recommendation 12: The Working Group recommends that ICANN create and maintain a user-friendly, one-stop website containing all relevant information concerning disputed transfers and potential remedies to registrants.
13. Recommendation 13: The Working Group recommends that, as a best practice, ICANN-accredited Registrars prominently display a link on their website to this ICANN registrant help site.
14. Recommendation 14: The Working Group recommends that no additional penalty provisions be added to the existing Inter-Registrar Transfer Policy or Transfer Dispute Resolution Policy.
15. Recommendation 15: The Working Group recommends avoiding policy-specific sanctions wherever possible.
16. Recommendation 16: The WG does not recommend the elimination of FOAs. However, in light of the problems regarding FOAs, such as bulk transfers and mergers of registrars and/or resellers, the Working Group recommends that the operability of the FOAs should not be limited to email.
17. Recommendation 17: The Working Group recommends that, once all IRTP recommendations are implemented, the GNSO Council, together with ICANN staff, should convene a panel to collect, discuss, and analyze relevant data to determine whether these enhancements have improved the IRTP process and dispute mechanisms, and identify possible remaining shortcomings.
18. Recommendation 18: The Working Group recommends that contracted parties and ICANN should start to gather data and other relevant information that will help inform a future IRTP review team.

## 7 Summary of Implementation of IRTP Recommendations

The table below details the recommendations from the Inter-Registrar Transfer Policy PDP Working Groups and how those recommendations were implemented.

<b>Transfer PDP 1</b>			
<b>Goal:</b> The goal of the Transfers Working Group's recommendations was to clarify the denial reasons in the IRTP so that registrars would consistently interpret and apply these rules.			
<b>Recommendation</b>	<b>Implementation</b>	<b>Policy Effective Date (where applicable)</b>	<b>Overarching Goal</b>
The WG recommends editing Denial Reason 8 to the following: "The transfer was requested within 60 days of the creation date as shown in the registry WHOIS record for the domain name."	This recommendation was implemented by including the proposed text in Section 1.A.3.7.5 of the Transfer Policy.	15 March 2009	Clarify language
The WG recommends editing Denial Reason 9 to the following: "A domain name is within 60 days (or a lesser period to be determined) after being transferred (apart from being transferred back to the original Registrar in cases where both Registrars so agree and/or where a decision in the dispute resolution process so	This recommendation was implemented by including the proposed text in Section 1.A.3.7.6 of the Transfer Policy.	15 March 2009	Clarify language

directs). “Transferred” shall only mean that an inter-registrar transfer, or transfer to the Registrar of Record has occurred in accordance with the procedures of this policy.”			
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**IRTP Working Group Part B<sup>72</sup>**

**Goals:** The goals of the below recommendations include:

- Establishing a mechanism (Transfer Emergency Action Contact) to quickly resolve transfer-related emergencies
- Educating end users on proactive measures to prevent domain name hijacking
- Ensuring domain name holders are notified by their registrar of record of transfer requests
- Clarifying specific reasons for which a registrar may deny a registered name holder’s request for an inter-registrar transfer
- Clarifying the rules regarding the locking and unlocking of domain names

<b>Recommendation</b>	<b>Implementation</b>	<b>Policy Effective Date (where applicable)</b>	<b>Overarching Goal</b>
Recommendation 1: The WG recommends requiring registrars to provide a Transfer Emergency Action Contact (TEAC).	This recommendation was implemented by the definition and requirements of the Transfer Emergency Action Contact in Section I. A. 4.6 of the Transfer Policy.	1 June 2012	Protect against fraudulent transfers/domain name hijacking
Recommendation 2: The WG notes that in addition to reactive measures such as outlined in recommendation #1, proactive measures to prevent hijacking are of the utmost importance. As such, the	Following publication of the Final Report, the At-Large Advisory Committee (ALAC) promoted the report of the Security and Stability Advisory Committee, “A Registrant's Guide to Protecting Domain Name Registration Accounts” ( <a href="#">SAC 044</a> ) within its At-Large Structure, face-to-face meetings	N/A	Protect against fraudulent transfers/domain name hijacking

<sup>72</sup> The IRTP Part A Working Group’s recommendations did not include any proposals for changes to the Inter-Registrar Transfer Policy. The Working Group did, however, recommend certain actions from the GNSO Council. For more information, please see [GNSO Council Motion 20090416-2](#).

WG strongly recommends the promotion by ALAC and other ICANN structures of the measures outlined in the recent report of the Security and Stability Advisory Committee on A Registrant's Guide to Protecting Domain Name Registration Accounts ( <a href="#">SAC 044</a> ).	and within its Regional At-Large Organization (RALO).		
Recommendation 3: The WG recommends requesting an Issues Report on the requirement of 'thick' WHOIS for all incumbent gTLDs.	This recommendation was implemented when the <a href="#">Final Issues Report</a> for Thick WHOIS was published on 2 February 2012.	N/A	Enable registered name holders to smoothly move their domain names to a new provider
Recommendation 4: The WG notes that the primary function of IRTP is to permit Registered Name Holders to move registrations to the Registrar of their choice, with all contact information intact. The WG also notes that IRTP is widely used to affect a "change of control," moving the domain name to a new Registered Name Holder. The IRTP Part B WG recommends requesting an Issue Report to examine this issue, including an investigation of how this function is currently achieved, if there are any applicable models in the country code name space that can be used as a best practice for the gTLD space, and any associated security concerns.	This recommendation was implemented by scoping the issue in the <a href="#">Final Issues Report</a> for IRTP Part C PDP WG, which was published on 29 August 2011.	N/A	Protect against fraudulent transfers/domain name hijacking
Recommendation 5:	This recommendation was implemented by modifying the text of Section I. A. 3.1 of the Transfer Policy.	1 June 2012	Protect against fraudulent

<p>The WG recommends modifying section 3 of the IRTP to require that the Registrar of Record/Losing Registrar be required to notify the Registered Name Holder/Registrant of the transfer out.</p>			<p>transfers/domain name hijacking</p>
<p>Recommendation 6: The WG does recognize that the current language of denial reason #6 is not clear and leaves room for interpretation especially in relation to the term 'voluntarily' and recommends therefore that this language is expanded and clarified to tailor it more to explicitly address registrar-specific (i.e. non-EPP) locks in order to make it clear that the registrant must give some sort of informed opt-in express consent to having such a lock applied, and the registrant must be able to have the lock removed upon reasonable notice and authentication. The WG recommends to modify denial reason #6 as follows: Express objection to the transfer by the authorized Transfer Contact. Objection could take the form of specific request (either by paper or electronic means) by the authorized Transfer Contact to deny a particular transfer request, or a general objection to all transfer requests received by the Registrar, either temporarily or indefinitely. In</p>	<p>The recommendation was implemented by modifying the text of Section I. A. 3.7.4 of the Transfer Policy.</p>	<p>1 June 2012</p>	<p>Clarify language</p>

<p>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>Recommendation 7: The WG recommends that if a review of the UDRP is conducted in the near future, the issue of requiring the locking of a domain name subject to UDRP proceedings is taken into consideration.</p>	<p>This issue was scoped in the <a href="#">Final GNSO Issue Report on the Current State of the Uniform Domain Name Dispute Resolution Policy</a>, and was ultimately implemented by the addition of UDRP Rule 4(b).</p>	<p>31 July 2015</p>	<p>Protect against fraudulent transfers/domain name hijacking</p>
<p>Recommendation 8: The WG recommends standardizing and clarifying WHOIS status messages regarding Registrar Lock status. The goal of these changes is to clarify why the Lock has been applied and how it can be changed.</p>	<p>This recommendation was implemented in the <a href="#">Additional WHOIS Information Policy</a>, Section 1.</p>	<p>31 January 2016</p>	<p>Clarify language</p>
<p>Recommendation 9: The WG recommends deleting denial reason #7 as a valid reason for denial under section 3 of the IRTP as it is technically not possible to initiate a transfer for a domain name that is locked, and hence cannot be denied, making this denial reason obsolete. Instead denial reason #7 should be replaced</p>	<p>This recommendation was implemented by the addition of Section I. A. 5.1 of the Transfer Policy.</p>	<p>1 June 2012</p>	<p>Clarify language</p>



by adding a new provision in a different section of the IRTP on when and how domains may be locked or unlocked.			
<b>IRTP PDP Working Group C</b>			
<b>Goals:</b> The goals of the below recommendations include: <ul style="list-style-type: none"> <li>• Standardize the Change of Registrant process across all registrars</li> <li>• Prevent domain name hijacking and fraudulent transfers</li> <li>• Streamline the inter-registrar transfer process by requiring registries to publish registrar IANA IDs</li> </ul>			
<b>Recommendation</b>	<b>Policy Reference</b>	<b>Policy Effective Date (where applicable)</b>	<b>Overarching Goal</b>
<p>Recommendation 1: The IRTP Part C WG recommends the adoption of change of registrant consensus policy, which outlines the rules and requirements for a change of registrant of a domain name registration. Such a policy should follow the requirements and steps as outlined hereunder in the section 'proposed change of registrant process for gTLDs'.</p>	<p>This recommendation was implemented by the addition of Section II of the Transfer Policy.</p>	<p>1 December 2016</p>	<p>Protect against fraudulent transfers/domain name hijacking</p>
<p>Recommendation 2: The WG concludes that FOAs, once obtained by a registrar, should be valid for no longer than 60 days. Following expiration of the FOA, the registrar must reauthorize (via new FOA) the transfer request. Registrars should be permitted to allow registrants to opt-into an</p>	<p>This recommendation was implemented by the addition of Section I. A. 2.2.3 of the Transfer Policy.</p>	<p>1 December 2016</p>	<p>Protect against fraudulent transfers/domain name hijacking</p>

automatic renewal of FOAs, if desired.			
<p>Recommendation 3: The WG recommends that all gTLD Registry Operators be required to publish the Registrar of Record's IANA ID in the TLD's WHOIS. Existing gTLD Registry operators that currently use proprietary IDs can continue to do so, but they must also publish the Registrar of Record's IANA ID. This recommendation should not prevent the use of proprietary IDs by gTLD Registry Operators for other purposes, as long as the Registrar of Record's IANA ID is also published in the TLD's WHOIS.</p>	<p>This recommendation was implemented by the addition of Section 3 of the Additional WHOIS Information Policy.</p>	<p>31 January 2016</p>	<p>Enable registered name holders to smoothly move their domain names to a new provider</p>
<p>Recommendation 4: As recommended as part of the revised GNSO Policy Development Process, the IRTP Part C Working Group strongly encourages the GNSO Council to create an IRTP Part C Implementation Review Team consisting of individual IRTP Part C Working Group members who would remain available to provide feedback on the implementation plan for the recommendations directly to ICANN staff. The Working Group suggests that consideration be given to consulting recognized security experts (such as interested</p>	<p>This recommendation was implemented by the formation of an Implementation Review Team, comprised of members from IRTP Part C PDP Working Group members: <a href="https://forum.icann.org/lists/gnso-impl-irtpc-rt/">https://forum.icann.org/lists/gnso-impl-irtpc-rt/</a>. The Implementation Review Team sought guidance from the SSAC during the implementation of these recommendations.</p>	<p>N/A</p>	

members of the SSAC) by the Implementation Review Team.			
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**IRTP PDP WG D**

**Goals:** The goals of the below recommendations include:

- improvement in visibility, transparency and consistency of TDRP outcomes and the collection of meaningful data and statistics regarding the use and effectiveness of the TDRP
- clarify the language of the TDRP in an effort to make it more user-friendly, including adding definitions, clarifying rules regarding multiple invalid transfers
- extend statute of limitations to allow more time for registered name holders and registrars more time to notice invalid transfers provide additional resources for end users to better understand the Transfer Policy

<b>Recommendation</b>	<b>Policy Reference</b>	<b>Policy Effective Date (where applicable)</b>	<b>Overarching Goal</b>
Recommendation 1: The WG recommends that reporting requirements be incorporated into the TDRP policy.	This recommendation was implemented by the addition of Section 3.5.2 of the Transfer Dispute Resolution Policy.	1 December 2016	Clarify the language/visibility of the TDRP
Recommendation 2: The WG recommends that the TDRP be amended to include language along the lines of "The relevant Dispute Resolution Provider shall report any decision made with respect to a transfer dispute initiated under the TDRP. All decisions under this Policy will be published in full over the Internet except when the Panel, convened by the Dispute Resolution, in an exceptional case, determines to redact portions of its decision. In	This recommendation was implemented by the addition of Section 3.5.1 of the Transfer Dispute Resolution Policy.	1 December 2016	Clarify the language/visibility of the TDRP

<p>any event, the portion of any decision determining a complaint to have been brought in bad faith shall be published." the UDRP.</p>			
<p>Recommendation 3: The WG recommends that the TDRP be amended to reflect the following wording, or equivalent: "Transfers from a Gaining Registrar to a third registrar, and all other subsequent transfers, are invalidated if the Gaining Registrar acquired sponsorship from the Registrar of Record through an invalid transfer, as determined through the dispute resolution process set forth in the Transfer Dispute Resolution Policy."</p>	<p>This recommendation was implemented by the addition of Section 3.2.4(vi) of the Transfer Dispute Resolution Policy.</p>	<p>1 December 2016</p>	<p>Clarify the language of the TDRP</p>
<p>Recommendation 4: The WG recommends that a domain name be returned to the Registrar of Record and Registrant of Record directly prior to the non-compliant transfer if it is found, through a TDRP procedure, that a non-IRTP compliant domain name transfer occurred.</p>	<p>This recommendation was implemented by the addition of Section 3.2.4(vii) of the Transfer Dispute Resolution Policy.</p>	<p>1 December 2016</p>	<p>Clarify the language of the TDRP</p>
<p>Recommendation 5: The WG recommends that the statute of limitation to launch a TDRP be extended from current 6 months to 12 months from the initial transfer.</p>	<p>This recommendation was implemented by the addition of Section 2.2 of the Transfer Dispute Resolution Policy.</p>	<p>1 December 2016</p>	

<p>Recommendation 6: The WG recommends that if a request for enforcement is initiated under the TDRP the relevant domain should be 'locked' against further transfers while such request for enforcement is pending. Accordingly, 'TDRP action' and 'URS action' are to be added to the second bullet point of the list of denial reasons in the IRTP (Section 3); the IRTP and TDRP should be amended accordingly.</p>	<p>This recommendation was implemented by the addition of Sections 1.A.3.8.3, I.A.3.8.4, and I. A. 4.6 of the Transfer Policy.</p>	<p>1 December 2016</p>	<p>Clarify the language of the TDRP</p>
<p>Recommendation 7: The WG recommends to add a list of definitions (Annex F) to the TDRP to allow for a clearer and more user-friendly policy.</p>	<p>This recommendation was implemented by the addition of Section 1 of the Transfer Dispute Resolution Policy.</p>	<p>1 December 2016</p>	<p>Clarify the language of the TDRP</p>
<p>Recommendation 8: The WG recommends not to develop dispute options for registrants as part of the current TDRP.</p>	<p>This recommendation was implemented by including no dispute options in the TDRP.</p>		

<p>Recommendation 9: The WG recommends that staff, in close cooperation with the IRTP Part C implementation review team, ensures that the IRTP Part C inter-registrant transfer recommendations are implemented and monitor whether dispute resolution mechanisms are necessary to cover the Use Cases in Annex C. Once such a policy is implemented, its functioning should be closely monitored, and if necessary, an Issues Report be called for to assess the need for an inter-registrant transfer dispute policy.</p>	<p>This recommendation is added to the next section on potential issues for the overall review of the Transfer Policy.</p>	<p>N/A</p>	
<p>Recommendation 10: The WG recommends that the TDRP be modified to eliminate the First (Registry) Level of the TDRP.</p>	<p>This recommendation was implemented by the addition of Section 3.1.2 of the Transfer Dispute Resolution Policy.</p>	<p>1 December 2016</p>	<p>Clarify the language/visibility of the TDRP</p>
<p>Recommendation 11: The WG recommends that ICANN take the necessary steps to display information relevant to disputing non-compliant transfers prominently on its website and assure the information is presented in a simple and clear manner and is easily accessible for registrants.</p>	<p>This recommendation was implemented by adding a dedicated Transfers Page under the Domain Name Registrants section of ICANN's website: <a href="https://www.icann.org/resources/pages/transferring-your-domain-name-2017-10-10-en">https://www.icann.org/resources/pages/transferring-your-domain-name-2017-10-10-en</a></p>	<p>N/A</p>	<p>Clarify the language/visibility of the TDRP</p>
<p>Recommendation 12: The WG recommends that ICANN create and maintain a user-friendly, one-stop website containing all relevant information concerning</p>	<p>This recommendation was implemented by adding a dedicated Transfers Page under the Domain Name Registrants section of ICANN's website:</p>	<p>N/A</p>	<p>Enable registered name holders to smoothly move their domain names to a new provider</p>

<p>disputed transfers and potential remedies to registrants.</p>	<p><a href="https://www.icann.org/resources/pages/transferring-your-domain-name-2017-10-10-en">https://www.icann.org/resources/pages/transferring-your-domain-name-2017-10-10-en</a></p> <p><a href="https://www.icann.org/en/system/files/files/transfer-complaint-24aug16-en.pdf">https://www.icann.org/en/system/files/files/transfer-complaint-24aug16-en.pdf</a></p>		
<p>Recommendation 13: The WG recommends that, as a best practice, ICANN accredited Registrars prominently display a link on their website to this ICANN registrant help site. Registrars should also strongly encourage any re-sellers to display prominently any such links, too. Moreover, the Group recommends that this is communicated to all ICANN accredited Registrars.</p>	<p>This recommendation was implemented by adding a dedicated Transfers Page under the Domain Name Registrants section of ICANN’s website:</p> <p><a href="https://www.icann.org/resources/pages/transferring-your-domain-name-2017-10-10-en">https://www.icann.org/resources/pages/transferring-your-domain-name-2017-10-10-en</a></p> <p>Additionally, ICANN’s Registrant Program is working with ICANN-accredited registrars on adding additional tools for registrants.</p>	<p>N/A</p>	<p>Enable registered name holders to smoothly move their domain names to a new provider</p>
<p>Recommendation 14: The WG recommends that no additional penalty provisions be added to the existing IRTP or TDRP.</p>	<p>This recommendation was implemented by adding no penalty provisions to the Transfer Policy or IRTP.</p>	<p>N/A</p>	
<p>Recommendation 15: As a guidance to future policy development processes, this Working Group recommends that policy specific sanctions be avoided wherever possible.</p>	<p>N/A</p>	<p>N/A</p>	
<p>Recommendation 16: The WG does not recommend the elimination of FOAs. However, in light of the problems regarding FOAs, such as bulk transfers and mergers of registrars and/or</p>	<p>This recommendation was implemented by the addition of Section I.A.2.1.3.1(b) of the Transfer Policy.</p>	<p>1 December 2016</p>	<p>Enable registered name holders to smoothly move their domain names to a new provider</p>

<p>resellers, the Group recommends that the operability of the FOAs should not be limited to email. Improvements could include: transmission of FOAs via SMS or authorization through interactive websites. Any such innovations must, however, have auditing capabilities, as this remains one of the key functions of the FOA.</p>			
<p>Recommendation 17: The WG recommends that, once all IRTP recommendations are implemented (incl. IRTP-D, and remaining elements from IRTP-C), the GNSO Council, together with ICANN staff, should convene a panel to collect, discuss, and analyze relevant data to determine whether these enhancements have improved the IRTP process and dispute mechanisms, and identify possible remaining shortcomings.</p>	<p>This recommendation is currently in implementation.</p>	<p>N/A</p>	<p>All</p>
<p>Recommendation 18: The Working Group recommends that contracted parties and ICANN should start to gather data and other relevant information that will help inform a future IRTP review team in its efforts, especially with regard to those issues listed in the Observations (4.2.7.1) above.</p>	<p>Please see the metrics provided in Sections 2 through 4 of this report.</p>	<p>N/A</p>	<p>All</p>



# 8 Appendices

## 8.1 Sample of GSC Transfer-Related Inquiries

The below represents a sample of transfer-related inquiries received by GSC. The observation period runs from July to December 2017. They represent 15% of transfer-related inquiries received during this time period, and were selected randomly. They have been edited slightly for clarity, generalization, and anonymity.

Many of the inquiries below focus on issues with the 60-day lock period or with obtaining an “AuthCode” to carry out a transfer. A number of them were referred to Contractual Compliance.

- 1) Third-party reseller has issue with receiving payment from registrant. Wants to know if the registrar has the right to transfer a domain to the name holder of the domain if they did not pay the account holder.
- 2) Registrar denied transferring a domain, caller believes registrar changed contact information without customers consent now the **60-day lock** is in place and is unable to be transferred.
- 3) Registrant wants to transfer domain name, but is in **60-day lock** and wants the lock to be removed.
- 4) Registrant wants real-time transfer and doesn't want to wait for **AuthCode** within 5 calendar days of request. Cites **ccTLD** instant transfers.
- 5) Registrant wants to transfer domain prior to renewal period
- 6) Registrant says domain is under **ClientHold** status and **locked**. Wants assistance.
- 7) Registrant thinks **60-day lock** was made up by his registrar and wants ICANN to bypass
- 8) Registrar not responding to transfer request. Registrant asks ICANN to intervene and assist. ICANN says they do not have authority to hold or manage domains. Referred to **Contractual Compliance**.
- 9) Registrant makes direct request to ICANN to transfer and cancel domains. Does not know transfer policy and never contacts registrar.
- 10) Registrar not providing approval of transfer, and not given option to renew. Registrants thinks he is being hacked and wants ICANN to intervene. ICANN says they need **AuthCode** from registrar. No response.
- 11) Registrant transferred domain, never received confirmation email from registrar and claims they were told ICANN would send confirmation.

- 12) **60-day Lock** on Transfer and Domain Expired. Registrant updated email and let domain expire.
- 13) Registrant wants to transfer, but registrar denies transfer due to **60-day lock**. User generated own **AuthCode** through control panel, and finds his domain has disappeared. Asking ICANN for guidance. ICANN responds with noting **60-day lock** period.
- 14) Hosting not compatible with the one registrar he transferred to and registrant would like to undo the transfer.
- 15) Registrar shut down and registrant wants to transfer domain, but receives no reply from registrar to unlock/provide **AuthCode2**. Asking ICANN to assist.
- 16) Registrant filed complaint against registrar because they weren't receiving **AuthCode** to transfer domain. Realized they had invalid email account linked to domain, **60-day lock** initiated once they changed contact information.
- 17) Registrant claims ICANN removed accreditation from original registrar, forcing his domains to transfer to a new registrar that is he unhappy with. Referred to **Contractual Compliance**, or transfer to new registrar.
- 18) Registrant wants to transfer domain but is receiving error notice that his domain is considered "premium" at new registrar, but not at original. Has not received **AuthCode** to transfer. Referred to **Contractual Compliance**.
- 19) Registrant is having issues with **60-day lock**. Registrar claims he changed contact information, although no changes were seen.
- 20) Registrant cannot get in contact with registrar and is inquiring whether they have shut down. Wants to transfer domains. ICANN says only registrar can do that. Referred to **Contractual Compliance**.
- 21) Registrant's email was hacked and has lost access to it. Cannot transfer domain due to incorrect email. Registrar not complying with requests. ICANN refers them to **Contractual Compliance**.
- 22) Registrant is asking ICANN to provide **AuthCode2** to unlock domain and initiate transfer.
- 23) Registrant claims that registrar is not providing **AuthCode** to approve transfer, and is not providing an option to renew domain unless a high fee is provided. ICANN says they can only transfer with code from registrar.
- 24) Registrant says domain is expiring soon and would like to transfer, but registrar is unresponsive. Would like ICANN to speed up process. ICANN recommends they **Contractual compliance**.
- 25) Third-party on behalf of registrant is requesting **AuthCode2** from ICANN to transfer domain from old registrar to new. ICANN informs they need to speak directly with registrar.
- 26) Registrant changed email and didn't realize it would initiate **60-day lock**, wants ICANN to bypass.

- 27) Registrant is attempting to transfer domain, blames bad nameservers. Asking ICANN to expedite transfer.
- 28) Registrant claims that her registrar sold her domain with no prior notice before her domain expired and she was unable to renew it. Submitted **Transfer Complaint Form** and contacted **Contractual Compliance**.
- 29) Registrant successfully transferred their domain, but claims registrar informed them that ICANN will send confirmation email.
- 30) Registrant claims that ICANN is holding their domain hostage, and that they cannot transfer it to another registrar. Would like status changed.
- 31) Registrant wants to change owner name/contact details due to company restructuring, but does not want to initiate **60-day lock**. ICANN says that it is non-negotiable.
- 32) Registrant says their WHOIS contact details were changed without their consent, and registrar is not letting them change hosting company. Wants to transfer. ICANN says they need to contact registrar for **AuthCode**.
- 33) Registrant claims registrar is intentionally hindering the transfer of domain. Asks ICANN to intervene. ICANN suggests registrant files complaint with **Contractual Compliance**.
- 34) Registrant mentions that he's been having a lot of difficulties and spending hours transferring domains, and that there are some registrars that should not be in business. Doesn't explicitly ask for help regarding any issue.
- 35) Registrant claims registrar is hacked and can't access any of his domains. Wants to transfer, but is not receiving any response from registrar. ICANN suggests filing **Transfer Complaint Form** with **Contractual Compliance**.
- 36) Registrant wants to cancel registration with registrar and release the name for them to register with a new hosting company due to lack of communication. ICANN says they need **AuthCode** from current registrar.
- 37) Registrant is attempting to transfer domain, but says that it is not working. ICANN says that WHOIS record shows "pending transfer," and they should wait.
- 38) Registrant wants to transfer domain, but current registrar is bankrupt. ICANN says they need **AuthCode** to proceed.
- 39) Registrant is contacting ICANN requesting an **AuthCode**.
- 40) Registrant says he attempted at transfer but never received confirmation email. Requests ICANN assistance.
- 41) Registrant is not receiving **AuthCode** that registrar claims they have sent.
- 42) Registrant says registrar is not sending **AuthCode** to transfer.

- 43) Registrar suspended domain with no warning. Registrant want to know how to unblock domain and transfer domain. Not receiving **AuthCode** from registrar.
- 44) Registrant terminated contract with registrar, but would like to transfer domain to new one. Is requesting **AuthCode** from ICANN.
- 45) Registrant is requesting **AuthCode** from ICANN.
- 46) Registrant wants to transfer domain, but registrar is **not disabling privacy/proxy services**, so they can receive **AuthCode** email.
- 47) Registrant wants to know more info about **60-day lock** and what triggers it.
- 48) Registrant not receiving **AuthCode** to transfer domain. Asking ICANN for it.
- 49) Registrant says their domain is **still locked after 60 days**, but they were contacting **reseller instead of registrar** for **AuthCode**.
- 50) Registrant is claiming malicious conduct by registrar and cannot transfer domain. Referred to **Contractual Compliance**.
- 51) Registrant is attempting to obtain **AuthCode** from registrar, but registrar says domain is disabled and they should contact ICANN.
- 52) Registrar is not cooperating with registrant's request to transfer domain. Remains **locked** after multiple attempts.
- 53) Registrant is asking if a domain name is allowed to charge a fee to transfer domain to another registrar (ccTLD).
- 54) Registrar has been suspended and registrant cannot receive **AuthCode** to unlock domain for transfer.
- 55) Domain was transferred, but nameservers weren't changed. Registrar not complying. Referred to **Contractual Compliance**.
- 56) Registrant says transfer is taking too long, and asks ICANN to intervene. ICANN informs them that their transfer has already been completed.
- 57) Registrant is not able to transfer domain. ICANN says it's due to **60-day lock**.
- 58) Registrant says their domain is blocked and cannot transfer it. ICANN says the must request **AuthCode** from registrar.
- 59) Registrant is trying to transfer domain, but was **contacting web host instead of registrar**. ICANN clarified error.
- 60) Registrant waited for domain to expire before trying to transfer it, and then updated email. Registrant needs to renew with **redemption grace period fee**. Registrar referred registrant to ICANN.
- 61) Registrant thinks ICANN is registrar and is requesting **AuthCode** to initiate transfer.

- 62) Registrar is attempting to receive **AuthCode** from **web hosting company** but not succeeding. ICANN tells them to **contact registrar directly**.
- 63) Registrant is furious with registrar for not allowing transfer. Claims he is being hacked and blackmailed by registrar. Requests that ICANN pay fee. ICANN says they must contact registrar directly.
- 64) Registrant claims web host has gone offline and they cannot access their domains or websites. Asking ICANN for **AuthCode** to transfer domain.
- 65) Registrar is refusing to comply with domain transfer request. ICANN refers registrant to file complaint with **Contractual Compliance**.
- 66) Registrant cannot obtain **AuthCode** from registrar. Has incorrect WHOIS data. ICANN says they need to update it. Will initiate **60-day lock**.
- 67) Registrant has had billing issue with registrar regarding domain renewals. Would like ICANN to transfer domain. Informed they will need to contact registrar for **AuthCode**.
- 68) Registrant is requesting ICANN help with transfer of domain. Told to contact registrar. Registrar denies transfer and registrant does not know why. Referred to **Contractual Compliance**.
- 69) Registrar is not complying with registrant's requests to transfer domain. Asking ICANN for assistance.
- 70) Registrant is asking ICANN for **AuthCode** to transfer domain.
- 71) Registrant transferred domain from one web hosting service to another rather than registrar. ICANN informed them who their registrar is and says they should contact them.
- 72) Registrant is having issues and delays when transferring domain, and asks ICANN to intervene. ICANN referred registrant to **Contractual Compliance**.
- 73) Registrant not receiving **AuthCode** from registrar and is contacting ICANN for assistance.
- 74) Registrant wants to transfer domain and was misinformed that ICANN can assist. ICANN says they need to request **AuthCode** from registrar.
- 75) Registrant is not able to transfer domain due to **60-day lock**. Would like to bypass it.
- 76) Domain is pending transfer in control panel, but is delayed. Asking ICANN for assistance to speed up process.
- 77) Would like to transfer domain because of issues with website functionality with current provider. Cannot due to **60-day lock**.
- 78) Registrant is transferring domain. Now registrar says the transfer has been initiated and is pending, and domain expires the day of contact.

- 79) Registrant thought she had to get the domain unblocked from IANA. Informed that IANA doesn't manage domain names and to contact her registrar/reseller.
- 80) Registrant is dealing with **reseller** and is not receiving correspondence from registrar. ICANN says **AuthCode** from registrar for transfer needed.
- 81) New registrar will not accept domain transfer since **registrant WHOIS data** is blank or incorrect. His information is listed on the Admin Contact.
- 82) Privacy setting on **WHOIS** preventing registrar from validating transfer.
- 83) Transfer initiated but is taking longer than expected. Asking ICANN to expedite process.
- 84) Registrant wanted to know the status of their domain transfer.
- 85) Registrant wanted more information on **60-day lock**.
- 86) Registrant is requesting a domain transfer from ICANN. Is told to contact registrar directly.

## 8.2 Bulk Transfers: 2005 to 2014

The following list and links—when available—provide details on bulk transfers carried out from 2005 to 2014. However, they do not provide an indication of how many domains were transferred in each bulk transfer.<sup>73</sup>

19 December 2005: Bulk Transfer of DomainZoo, Inc Names to Wild West Domains, Inc

3 March 2006: Bulk Transfer of I.net names to Moniker

5 February 2007: Bulk Transfer of Computer Data Networks Names to KuwaitNET General Trading Co

14 January 2008: Bulk Transfer of AAAQ.com, Inc Names to DomainPeople, Inc

26 March 2008: Bulk Transfer of Apex Registry, Inc Names to DotAlliance, Inc

27 May 2008: Bulk Transfer of @com Technology, LLC Names to Wild West Domains, Inc

14 August 2008: [Bulk Transfer of gTLD Names Formerly Managed by De-Accredited Registrar DotForce Corp.](#)

18 September 2008: Bulk Transfer of #1 Domain Names International, Inc to Tucows

22 September 2008: [Bulk Transfer of Best Registration Services Domains to Dotster](#)

21 October 2008: [Bulk Transfer of Esoftwiz Domains to Name.com](#)

25 November 2008: Bulk Transfer of EstDomains, Inc Names to Directi Internet Solutions (PublicDomainRegistry.com)

8 April 2009: Bulk Transfer of Web.com Holding Company, Inc Names to Register.com

14 May 2009: [Bulk Transfer of Parava Domains to Tucows](#)

15 July 2009: [Bulk Transfer of Maxim Internet Domains to NameScout](#)

8 October 2009: [Bulk Transfer of Red Register Domains to DirectNIC](#)

20 November 2009: [Bulk Transfer of Mouzz Interactive Domains to Sibername.com](#)

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<sup>73</sup> Historically, bulk transfers have been reported as “announcements” on icann.org. For those transfers listed without links to announcements, the transfer was identified by searching through historical email records of those facilitating bulk transfers.

23 December 2009: [Bulk Transfer of OOO Russian Registrar and BP Holdings Group Inc. \(dba IS.COM\) Domains to Name.com LLC](#)

1 March 2010: [Bulk Transfer of DNGLOBE Domains to Paknic](#)

29 March 2010: [Bulk Transfer of SBNames' and ISPREG's Domains to PakNIC Ltd.](#)

9 April 2010: [Bulk Transfer of DotSpeedy Domains to Secura GmbH](#)

14 June 2010: [Bulk Transfer of Domain Names from Mobiline and Western United to NamesBeyond](#)

27 July 2010: [Bulk Transfer of Domain Names from 123 Registration to NamesBeyond](#)

24 August 2010: [Bulk Transfer of Domain Names from Lead Networks Domains to Answerable.com](#)

6 October 2010: [Bulk Transfer of 4Domains's Domains to Internet.bs](#)

5 April 2011: [Bulk Transfer of Domain Names from Blue Gravity Communications and Moozooy Media to NamesBeyond.com](#)

15 March 2011: [Bulk Transfer of Domain Names from Best Bulk Register to BigRock Solutions](#)

27 July 2012: [Bulk Transfer of Domain Names from Planet Online and Name For Name to NamesBeyond](#)

31 May 2013: [Bulk Transfer of Domain Names from C I Host, Central Registrar, Power Brand Center, and Dotted Ventures to Astutium Limited](#)

7 November 2013: [Bulk Transfer of Domain Names from Cheapies.com Inc. to Tucows Domains Inc](#)

4 December 2013: [Bulk Transfer of Domain Names from Pacnames Ltd to Net-Chinese Co., Ltd.](#)

24 December 2013: [Bulk Transfer of Domain Names from Dynamic Dolphin, Inc. to BigRock Solutions Ltd.](#)

5 March 2014: [Bulk Transfer of Domain Names from Asadal, Inc. to Gabia, Inc.](#)

10 March 2014: [Bulk Transfer of Domain Names from ABSYSTEMS INC to EnCirca, Inc.](#)

14 August 2014: [Bulk Transfer of Names from IPXcess.com Sdn Bhd to Above.com Pty Ltd.](#)



## 8.3 Specification 3 Reporting Discrepancies

Chart 9: Transfer Gaining - Losing Discrepancies, April 2016 – November 2017

The chart below shows a focused view of the April 2016 to November 2017 timeframe from [Chart 1: Gaining Registrar Transfers, October 2009 - April 2018](#) and [Chart 2: Losing Registrar Transfers, October 2009 - April 2018](#) above to highlight discrepancies between

“transfer\_gaining\_successful” and “transfer\_losing\_successful” metrics. Theoretically, these metrics should be nearly equal, since one “losing” transfer should equate to one “gaining” transfer.<sup>74</sup>

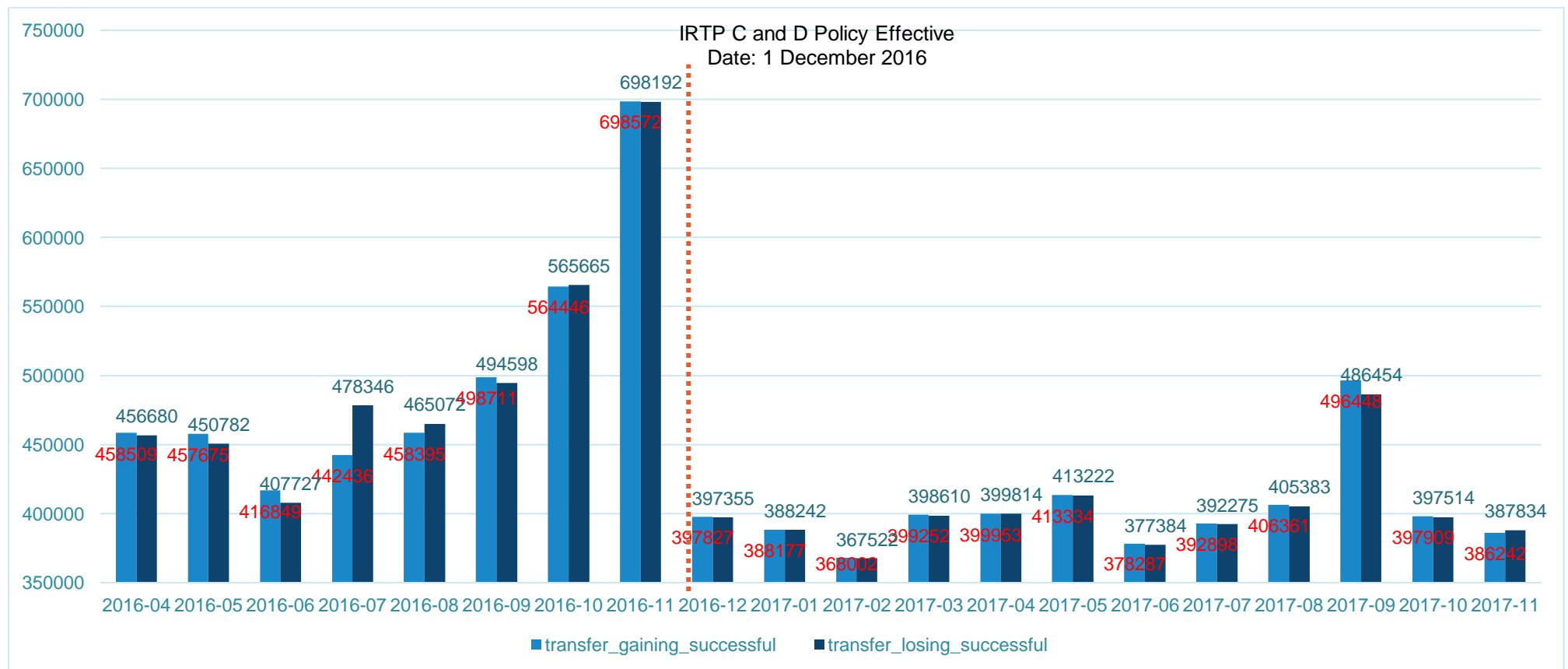
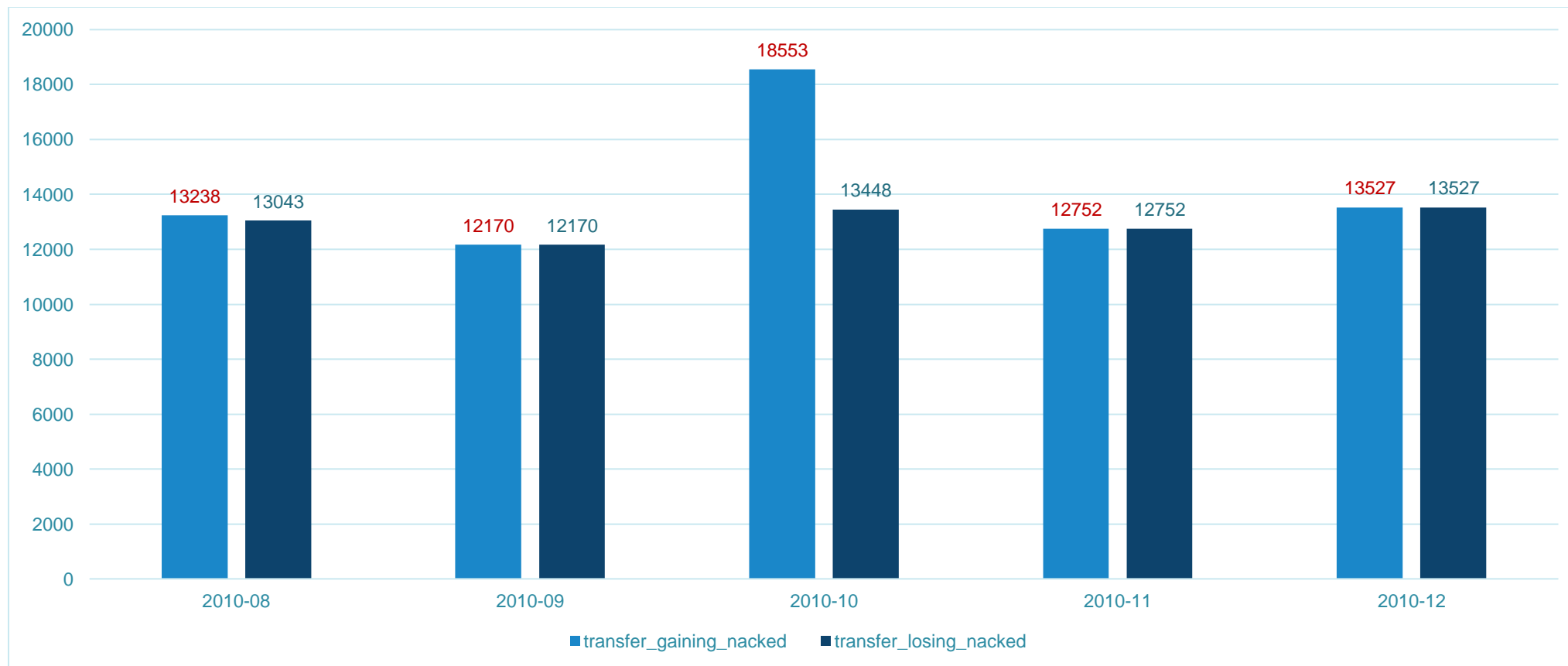


Chart 10: Transfer Gaining - Losing “Negative Acknowledgement” (“Nacked”) Discrepancies, August 2010 – December 2010

The chart below shows a focused view of the August 2010 to December 2010 timeframe from [Chart 1: Gaining Registrar Transfers, October 2009 - April 2018](#) and [Chart 2: Losing Registrar Transfers, October 2009 - April 2018](#) above to highlight discrepancies between “transfer\_gaining\_nacked” and “transfer\_losing\_nacked” metrics. Theoretically, these metrics should be equal, since one “losing nacked” transfer should equate to one “gaining nacked” transfer.



<sup>74</sup> The metrics should be “nearly” equal because [Specification 3 of the Registry Agreement](#) provides that “transfer\_gaining\_successful” data must be reported in the month the grace period ends, while reporting of “transfer\_losing\_successful” data does not have this requirement. See ICANN, “Registry Agreement: Per-Registrar Transactions Report,” <https://www.icann.org/resources/pages/registries/registries-agreements-en>, Specification 3, Section 1, fields 25 and 27.

## 8.4 Examples of Transfer Dispute Cases

The below are summaries of cases obtained from the National Arbitration Forum and the Asian Domain Name Dispute Resolution Center (ADNDRC) website, and are intended to provide a deeper look into the details of a transfer dispute.<sup>75</sup>

### **TierraNet Inc vs Lexsynergy Ltd, 2017**

This case involved a dispute over whether a domain name was properly transferred between registrars. The complainant, TierraNet, Inc., (the losing registrar), received a request from an individual to change the email address associated with a domain name. The complainant received a driver's license as evidence of the individual's ownership of the domain name. The complainant thereupon changed the address per the individual's request.

The complainant received a Form of Authorization to transfer the domain name to Respondent, Lexsynergy Ltd., (the gaining registrar). The domain name was transferred that day. The complainant acknowledged the domain name should not have been transferred as complainant mistakenly did not impose the 60-day transfer lock mandated by the IRTP following the change of a registrant's address.

Subsequently, the true owner of the domain name under dispute wrote to the complainant stating he did not authorize the transfer of the domain name because his account had been hacked. The complainant requested the true owner to provide his driver's license to compare it to the driver's license the complainant received from the individual above. Based on an inspection of the first driver's license, the complainant concluded there was evidence of fraud. The complainant reached this conclusion because the postal code on the original driver's license did not correspond to the city and state on the license. The complainant then asked the respondent to return the domain name and offered to indemnify the respondent for any damages that would result if the respondent returned the domain name to complainant. However, the respondent refused to return the domain name to the complainant.

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<sup>75</sup> ADNDRC and NAF are the two providers authorized by ICANN to adjudicate TDRP cases (see ICANN, "Approved Providers for Transfer Dispute Resolution Policy," <https://www.icann.org/resources/pages/providers-fc-2012-02-25-en>). The cases summarized here represent every TDRP case handled by ADNDRC and NAF that are publicly available. ADNDRC's TDRP case files are available at <https://www.adndrc.org/decisions/tdrp> and NAF's at <http://www.adrforum.com/domaindecisions/1749613.htm>

The complainant requested that the TDRP Panel issue a decision that the domain name be returned to complainant. The complainant began this process by submitting a dispute to the registry operator, Verisign. Verisign stated it would only carry out the transfer if both registrars were in agreement regarding the disposition of the domain name. Since they were not, the complainant then filed a TDRP dispute.

The TDRP Panel concluded that the rationale for the transfer dispute brought by the complainant, “evidence of fraud,” could not be supported simply based on the fact that the postal code did not match the city and state of the original individual’s driver’s license. The Panel noted that the TDRP does not address issues of fraud on the part of registrants, but rather on issues of fraud associated with the actual domain name transfer. The Panel concluded that the domain should remain with the gaining registrar and registrant.

### **HiChina Zicheng v. eNom Inc, 2009**

After an attempt to resolve a transfer dispute amicably, the filing registrar (hereafter the “appellant”), HiChina Zicheng, filed a TDRP case against the respondent registrar (hereafter the “appellee”), eNom. The case started with a registrant filing suit in China against his registrar, the appellant, for an unauthorized transfer of his domain name. An unknown party had apparently provided false documentation to the appellant authorizing the transfer to the appellee. The appellant, thinking the transfer request was legitimate, transferred the domain name to the appellee.

A local court determined that the domain had in fact been transferred without proper authorization, and ordered that the disputed domain be returned to the appellant and original registrant. The appellant and appellee began email correspondence, but the appellee would only agree to return the disputed domain if an indemnity was given in order to preclude any legal action against it. The appellant was unwilling to provide terms of indemnity that were satisfactory to the appellee.

The appellant then filed a TDRP case with the Asian Domain Name Dispute Resolution Center (ADNDRC), claiming that appellee knew the transfer under dispute was illegitimate, and thus had acted in bad faith. After review of the court case, the TDRP panel concluded that the domain was in fact transferred deceitfully and without the consent of the registrant. However, the panel also concluded that the appellee had not acted in bad faith, as no evidence was provided to support this claim.

Ultimately, the panel concluded that the domain in dispute be returned to the appellant.<sup>76</sup>

**Web Commerce Communications Ltd v. eNom Inc, 2011**

**Web Commerce Communications Ltd v internet.bs, 2011**

**Web Commerce Communications Ltd v eNom Inc, 2011**

These cases involved appeals by the appellant, Web Commerce Communications Ltd, against “no decision” or “denial” conclusions of registry operator Verisign as a result of the appellant’s “Request for Enforcement” (RFE) against ostensibly fraudulent domain name transfers (under the TDRP, registrars may file a dispute directly with a registry operator).<sup>77</sup> After review of the cases, Verisign determined that the transfers appeared valid and that an RFE would not be carried out.<sup>78</sup>

The appellant appealed the conclusions in each case. However, depending on the particular case, the appellant mis-filed or otherwise provided the TDRP panel with disorganized and conflicting claims, and in several cases grouped other claims into the original appeals. They alleged that hackers changed the email addresses of their registrants, and authorized the transfer with new, fraudulent email addresses. However, since the appellant could not provide sufficient evidence for their claims, and given their submissions were marred by disorganized and conflicting claims (according to the TDRP panel), the panel ultimately concluded that it either had no jurisdiction over the appeals or denied them outright.

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<sup>76</sup> As of July 2018, the domain is still registered with the original registrar/appellant.

<sup>77</sup> The “Request for Enforcement” (RFE) is the initial document in a TDRP proceeding that provides the allegations and claims brought by the Complainant against the Respondent. The RFE must include the names of the parties, the domain name(s) that is/are the subject of the RFE, the incident(s) that gave rise to the dispute, and the grounds on which the RFE is based. Under the updated TDRP, the RFE is referred to as the “Complaint”.

<sup>78</sup> See ADNDRC (24 August 2011), *In the Matter of an Appeal in Accordance with the ICANN Registrar Transfer Dispute Resolution Policy*, [https://www.adndrc.org/files/tdrp/HKT-1100002\\_Decision.pdf](https://www.adndrc.org/files/tdrp/HKT-1100002_Decision.pdf), p. 5.

