EPDP Team – Temporary Specification Discussion Summary Index Template

Temp Spec Section	Appendix G-P1	Date (last update)	22 August 2018	Category	3

Current text	This Appendix provides supplemental procedures for the Transfer Policy applicable to all ICANN-accredited Registrars.
	
	 1. 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Registration Data for a domain name subject of a transfer, the related requirements in the Transfer Policy will be superseded by the below provisions:
	
	     1.1. The Gaining Registrar is not REQUIRED to obtain a Form of Authorization from the Transfer Contact.
	
	     1.2. 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.				

	Support as is	No strong Opinion	Does not support as is
	33.33%	11.11%	55.56%

Dependency on other sections of the Temp Spec	7.4
Related Charter Questions	Transfer Policy p1) Should Temporary Specification language be confirmed or modified until a dedicated PDP can revisit the current transfer policy? p2) If so, which language should be confirmed, the one based on RDAP or the one based in current WHOIS?
Proposed Response to Charter Question(s)	
DPA / EDPB Guidance	None

Proposed Changes / Rationale for Change	
RySG	Sections 1.1 – 1.2 are intended as temporary, stop–gap measures. In addition, the community is already engaged in efforts to replace/modify the transfer policy and therefore these sections would not likely be considered an appropriate inclusion for the Consensus Policy
RrSG	The Revised Transfer Process is working, but creates new vulnerabilities for domain theft/hijack, and leaves little recourse for disputes. The Temporary Specification has exacerbated the ineffectiveness of transfer disputes; transfer dispute have never worked well, at this point the process is basically non-existant. The RrSG recommends that after the ePDP is completed, work should be done to revise & streamline the Transfer Policy, including some provisions to support transfer disputes.
IPC	The IPC is supportive of this section, subject to the following clarifications. 1 - We note that RDAP will be in effect and implemented by the time Consensus Policy is adopted. We believe the phrase "to be offered" in Section 1 above should be removed for clarity.
BC	Executing a transfer request at the request of the registrant is consistent with GDPR because it is processing for the performance of the contract. We are concerned about changes which might result in the transfer process becoming less secure. 1.2 also seems to impose redundant process on the Registrant, which is a weaker user experience.
ISPCP	No comment
NCSG	NCSG defers on answering this question for the time being and might develop opinions about this section that will be relayed to the group.
ALAC	1. In section 1, it is not obvious that the simple existence of RDAP will also imply that the Gaining Registrar will have full access to the necessary data. 2. In the absence of RDAP, there does not appear to be adequate protection from domain hijacking (ie the transfer without the approval of the current registrant).
GAC	No comment
SSAC	The security of the Transfer Policy is weakened by Appendix G. Specifically, the Gaining Registrar is excused the obligation to obtain authorisation from the registrant. This seems reasonable in light of GDPR redaction. But without this step, authorisation depends purely on the AuthInfo code, which is not its purpose and is explicitly prohibited in section A.5 of the Transfer Policy. We understand that some registries have unilaterally implemented an optional section of RFC5731, permitting a domain <info> command to be authenticated using the AuthInfo code. This may be a mechanism by which contact info could be provided to the Gaining Registrar, in order to obtain FOA.
High level summary of the deliberations and/or recommendation(s)	

Proposed modification of text (if appropriate)
Level of Support