



Intro to TEAC, TDRP, and History of EDRP

Transfer Policy Review Working Group

Working Group Meeting
14 February 2023

Transfer Emergency Action Contact (TEAC)

Transfer Emergency Action Contact (“TEAC”)

Registrars must establish a Transfer Emergency Action Contact (“TEAC”) for urgent communications relating to transfers. (Transfer Policy, Section I.4.6)



May be designated as a **telephone number** or some other **real-time communication channel** (Sec. I.4.6.1)



Must generate a **non-automated response** by a human representative of the Gaining Registrar (Sec. I.4.6.2)



Responses are required **within 4 hours**, although final resolution of the incident may take longer. (Sec. I.4.6.3)



Channel is **reserved for Rrs, Rys, and ICANN org** (Sec. I.4.6.2)

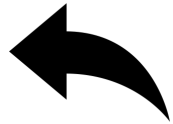


Records of communications for this channel **must be retained** and documentation must be shared with ICANN and Rys upon request

Original Objectives of TEAC



24 x 7 x 365 access to registrar technical support staff for emergencies



Quickly reverse instances of domain name hijacking or transfer errors



Ensure registrar representative is **empowered to take action** on TEAC requests



Policy violation for **non-responsive registrars**

TEAC Charter Questions (1 of 2)

- Is **additional data** needed to support evaluation of the effectiveness of the TEAC?
- Is there merit to concerns that the requirement disproportionately impacts certain registrars, namely:
 - i. Registrars located in regions **outside of the Americas and Europe**?
 - ii. **Small and medium-sized registrars**, which may not have a sufficiently large team to have 24x7 staff coverage with the necessary competency?
 - iii. Registrars in countries **where English is not the primary language**?
- To what extent should the **4-hour time frame be revisited** in light of these concerns?
Are there alternative means to address the underlying concerns other than adjusting the time frame?
- Is additional guidance needed to define a “**reasonable period of time**” after which registrars should be expected to use a standard dispute resolution process?

TEAC Charter Questions (2 of 2)

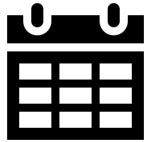
- Do **telephone communications provide a sufficient “paper trail”** for registrars who may later wish to request a transfer “undo” based on failure by a TEAC to respond?
- Several factors make a Registry Operator’s obligation to “undo” a transfer under Section 6.4 of the Transfer Policy challenging – are updates needed?
- To what extent are changes to the policy needed to address these concerns? Are there other **pain points for Registry Operators that need to be considered** in the review of the policy in this regard?

Transfer Dispute Resolution Policy (TDRP)

TDRP



Designed for **cases of invalid inter-registrar transfers**, where registrars are unable to resolve the issue amongst themselves



Must be filed by **Registrar (not Rt) within 12 months of invalid transfer** (TDRP Sec. 2.2)



Decided by **independent panelist(s)** appointed by the Provider (TDRP, Sec. 1.3)



Complainant must **pay fee to file a TDRP** (may be transferred to respondent in some instances) (TDRP, Sec. 3.3)



Documentation of improper transfer is required (TDRP, Sec. 3.1, 3.2)

TDRP Charter Questions (1 of 2)

- Is there **enough information available** to determine if the TDRP is an effective mechanism for resolving disputes between registrars in cases of alleged violations of the IRTP?
- The ADNDRC reported to the IRTP Part D Working Group that in some of the cases it processed, **appellees and appellants failed to provide sufficient information to support arbitration**. Is this an issue that needs to be examined further in the context of the policy?
- If the TDRP is considered to be insufficient:
 - i. Are **additional mechanisms needed to supplement** the TDRP?
 - ii. Should the approach to the TDRP itself be reconsidered?

TDRP Charter Questions (2 of 2)

- Are requirements for the processing of registration data, as specified in the TDRP, **compliant with data protection law?**
- Are requirements for the processing of registration data, as specified in the TDRP, appropriate based on **principles of privacy by design and data processing minimization?**

Expedited Transfer Reversal Procedure (ETRP) – (Proposal Abandoned by IRTP WG B)

Previously Proposed ETRP Overview (1 of 2)

- Policy recommendation for the **timely, cost-effective reversal** of an Inter-Registrar domain name transfer, restoring the registration to its pre-transfer state.
- Was intended to **augment, rather than replace**, existing policy and services (TDRP, independent Rr cooperation)
- Was intended to **address the need for an urgent return mechanism**.
- Proposed Statute of Limitations – must be initiated within **60 days of the completion** of inter-registrar transfer (meant to correspond to 60-day lock), or within 60 days of the Registrant becoming aware of the transfer (**not to exceed 6 months of the transfer**).
- **Registrar and Registry are indemnified by the Registrant** who claims an improper transfer

Previously Proposed ETRP Overview (2 of 2)

- Upon receipt of valid documentation from the Losing Registrar, **Registry must restore name to pre-transfer state** (including previous expiry date) **within 48 hours**
- Within 48 hours of transfer reversal, notify post-transfer registrant of the reversal
- **Intended to correct fraudulent or erroneous transfers**, not to address or resolve disputes arising over domain control or use.
- Cannot be used in cases of:
 - **UDRP**
 - **Bulk Transfer**
 - **Pending Litigation**
- WG could not come to agreement on mechanism to challenge an ETRP

Community Criticism of ETRP (why it ultimately did not move forward)

- **Creates uncertainty for the acquiring party**
- **Extremely disruptive to the secondary domain marketplace** to the detriment of both sellers and purchasers
- **Subject to substantial abuse** - no effective sanctions for individuals who abuse the ETRP to help curb abuse
- Window for initiation **should be much shorter** (theft of a valuable domain would be discovered within days, not months) – **30 days maximum**, for example
- There are no clearly delineated due process rights for domain name purchasers – **there needs to be a way to challenge an ETRP**

Community Criticism of ETRP (why it was ultimately did not move forward)

- A common hijacking approach is to **gain control of the victim's email address and/or registrar account**. Security efforts should be aimed at this problem.
- Before introducing a new policy, **data from registrars is needed to scope the problem of hijacking** – the data could be gathered anonymously by a third party.
- **Proposed solution is worse than the problem** it is trying to solve
- This requires registrars and/or registries **to judge the merits of a hijacking claim by the losing registrant** – essentially making them **responsible for high-speed dispute evaluation/resolution** and leaving the process open to gaming.