ICANN | GNSO
Generic Names Supporting Organization

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

Status of This Document

This is the Phase 1(a) Initial Report of the GNSO Transfer Policy Review Policy Development Process Working Group that has been posted for public comment.

Preamble

The objective of this Initial Report is to document the working group's (i) deliberations on charter questions, (ii) preliminary recommendations, and (iii) additional identified issues to consider before the working group issues its Final Report. After the working group reviews public comments received in response to this report and completes Phase 1(b) of the PDP, the working group will submit its combined Phase 1 Final Report to the GNSO Council for its consideration.

19

Table of Contents

32

33

34

1 Executive Summary

1.1 Introduction

The Transfer Policy, formerly referred to as the Inter-Registrar Transfer Policy (IRTP), is an ICANN consensus policy that went into effect on 12 November 2004. The policy governs the procedure and requirements for registrants to transfer their domain names from one Registrar to another, also referred to as an inter-Registrar transfer. The goal of the Transfer Policy was to provide for enhanced domain name portability, resulting in greater consumer and business choice and enabling registrants to select the Registrar that offers the best services and price for their needs.

On 18 February 2021, the GNSO Council initiated a Policy Development Process (PDP) two-phased PDP to review the Transfer Policy. The PDP is tasked with addressing the following topics:

- Phase 1(a): Form of Authorization (including EPDP Phase 1, Recommendation 27, Wave 1 FOA issues[1]) and AuthInfo Codes
- Phase 1(b): Change of Registrant (including EPDP Phase 1, Recommendation 27, Wave 1 Change of Registrant issues)
- Phase 2: Transfer Emergency Action Contact and reversing inter-Registrar transfers, Transfer Dispute Resolution Policy (including EPDP Phase 1, Recommendation 27, Wave 1 TDRP issues), Denying (NACKing) transfers[2], ICANN-approved transfers

The working group charter was approved by the GNSO Council on 24 March 2021. The Phase 1(a) working group held its first meeting on 14 May 2021.

For additional background on this PDP, please refer to Annex A of this report.

1.2 Preliminary Recommendations

In Phase 1(a) of the PDP, the working group was tasked to provide the GNSO Council with recommendations on the following topics:

---

[1] For additional information about the EPDP Phase 1, Recommendation 27, Wave 1 Report, please see pages 52-56 of the Final Issue Report.

[2] The topic of denying (NACKing) transfers was later moved to Phase 1(a) by Project Change Request to ensure that the working group could examine all elements of the security model for domain name transfers in a holistic manner as part of its Phase 1 deliberations.

69
- Losing and Gaining Forms of Authorization (FOA)
- AuthInfo Codes
- Denying (NACKing) transfers
- EPDP Phase 1, Recommendation 27, Wave 1 as they relate to FOA

Following its analysis of each of the questions outlined in its charter related to this task, the working group has arrived at a set of preliminary recommendations and conclusions.

The working group will not finalize its responses to the charter questions and recommendations to the GNSO Council until it has conducted a thorough review of the comments received during the public comment period on this Initial Report and completed Phase 1(b) of its work. At this time, no formal consensus call has been taken on these responses and preliminary recommendations, but this Initial Report did receive the support of the working group for publication for public comment.

Notwithstanding the above, the working group is putting forward preliminary recommendations on the following topics for community consideration:

[RECOMMENDATIONS]

1.3 Conclusions and Next Steps

This Initial Report will be posted for public comment for xx days. The working group will review the public comments received on this Initial Report and consider whether any changes need to be made to its Phase 1(a) recommendations. The working group will complete Phase 1(b) of its work, including a Phase 1(b) Initial Report followed by a public comment period on the Phase 1(b) Initial Report. The working group will finalize all Phase 1 recommendations in a single Phase 1 Final Report to be sent to the GNSO Council.

1.4 Other Relevant Sections of this Report

The following sections are included within this report:

- Explanation of the working group's methods and process for reaching preliminary recommendations;

- Responses to the charter questions, preliminary recommendations, and questions for community input;

- Background on the PDP and issues under consideration;

107 ■ Documentation of who participated in the working
108 group's deliberations, including attendance records, and
109 links to Statements of Interest as applicable;

110 ■ Documentation on the solicitation of community input
111 through formal SO/AC and SG/C channels and responses.

112

2 Working Group Approach

This section provides an overview of the working methodology and approach of the working group. The points outlined below are meant to provide the reader with relevant background information on the working group's deliberations and processes and should not be read as representing the entirety of the efforts and deliberations of the working group.

2.1 Project Plan

The working group's first deliverable was to provide the GNSO Council with a Phase 1(a) project plan. To develop the project plan, the leadership team sought input from members about the sequence in which to address topics and the amount of time each topic would take to discuss. This input was used to develop the project plan, which was delivered to the GNSO Council for its consideration during the 22 July 2021 Council meeting.

2.2 Early Community Input

In accordance with GNSO policy development process requirements, the working group sought written input on the charter topics from each Supporting Organization, Advisory Committee and GNSO Stakeholder Group / Constituency. The input received was incorporated into the working group's deliberations as each topic was discussed. Since all groups that provided written input also had representative members or appointed subject matter experts in the working group, those members were well positioned to respond to clarifying questions from other members about the written input as it was considered.

2.3 Methodology for Deliberations

The working group began its deliberations for Phase 1(a) on 14 May 2021. The working group agreed to continue its work primarily through conference calls scheduled weekly, in addition to email exchanges on its mailing list. The working group held sessions during ICANN71, ICANN72, ICANN73, and ICANN74. These sessions provided an opportunity for the broader community to contribute to the working group's deliberations and provide input on the charter topics being discussed.

All of the working group's work is documented on its wiki workspace, including its meetings, mailing list, meeting notes, deliberation summaries, draft documents, background materials, early input received from ICANN org, and input received from

153 ICANN's Supporting Organizations and Advisory Committees, including the GNSO's
154 Stakeholder Groups and Constituencies.
155
156 To develop the content included in the Initial Report, the working group progressed
157 through the charter questions by topic, following the sequence established in the
158 project plan. Because the Phase 1(a) topics are closely interrelated, the working group
159 took an iterative approach to producing and reviewing draft responses to charter
160 questions and draft recommendations to ensure that the full package of outputs was
161 coherent and comprehensive.
162
163 To ensure that all groups represented in the working group had ample opportunity to
164 provide input to the deliberations, the leadership team opened each working group
165 meeting with an invitation for members to step forward and provide any updates about
166 discussions happening within their SO/AC/SG/Cs regarding the charter topics, as well as
167 any positions or interests that members wanted to share on behalf of their groups. To
168 further support fulsome discussion, the leadership team regularly deployed informal
169 polls in the meeting Zoom room to get a better sense of the "temperature of the room"
170 and to prompt the sharing of perspectives and viewpoints that may not otherwise be
171 voiced through less structured interaction.
172
173 For those working group members who were less comfortable speaking on calls, the
174 leadership team encouraged additional feedback on the mailing list and through written
175 contributions to working group documents.
176

2.4 Use of Working Documents

178
179 The working group used a series of working documents, organized per charter topic, to
180 support its deliberations. Archives of the working documents are maintained on the
181 working group wiki. When a new charter topic was introduced, the leadership team
182 provided a working document for the topic, including (i) charter questions related to
183 that topic and for each charter question, (ii) context from the Transfer Policy Status
184 Report, and (iii) relevant inputs received from community groups through early
185 outreach. As the working group progressed through discussions, staff captured a
186 summary of deliberations on the charter question and eventually populated the
187 document with draft charter question responses and draft recommendations to support
188 further discussion and refinement of the text.
189
190 Working documents were updated on an ongoing basis and working group members
191 were encouraged to provide comments and input in the working documents between
192 calls.
193

2.5 Data and Metrics

The [Transfer Policy Status Report](#) produced by ICANN org in 2019 served as the working group's primary resource for data and metrics related to inter-Registrar transfers. In the course of its deliberations, the working group identified additional data that would be valuable to support its work. The additional data provided by ICANN org's Contractual Compliance Department in response to these requests is available on the working group's [wiki](#).

2.6 ICANN Org Interaction

To help support a smooth transition from policy development to eventual implementation of GNSO Council adopted and ICANN Board approved recommendations, the working group has been supported by early and ongoing engagement with ICANN org subject matter experts. Liaisons from ICANN org's Global Domains and Strategy (GDS) and Contractual Compliance departments regularly attended working group calls, providing input and responding to questions where it was possible to do so in real time. The liaisons acted as a conduit for working group questions to ICANN org that required additional research or input. The liaisons also facilitated early review of working group draft outputs by ICANN org subject matter experts.

2.7 Accountability to the GNSO Council

As is now the case with all GNSO working groups, the working group delivered monthly "project packages" to the GNSO Council to update the Council on the status of its work. An archive of these packages is available on the [wiki](#). The GNSO Council Liaison, Greg DiBiase, served as an additional point of connection between Council and the working group.

3 Working Group Responses to Charter Questions and Preliminary Recommendations

The WG was chartered to provide the GNSO Council with policy recommendations regarding the issues identified in the [Final Issue Report on a Policy Development Process to Review the Transfer Policy](#).

Following its analysis of each of the questions outlined in its Charter related to this task, the working group has arrived at a set of preliminary recommendations and conclusions.

Within the text of this document, the key words "MUST", "MUST NOT", "REQUIRED", "SHALL", "SHALL NOT", "SHOULD", "SHOULD NOT", "RECOMMENDED", "NOT RECOMMENDED", "MAY", and "OPTIONAL" are to be interpreted as described in BCP 148 [RFC2119] [RFC8174].

The working group will not finalize its responses to the charter questions and recommendations to the GNSO Council until it has conducted a thorough review of the comments received during the public comment period on this Initial Report and completed Phase 1(b) of its work. At this time, no formal consensus call has been taken on these responses and preliminary recommendations, but this Initial Report did receive the support of the working group for publication for public comment.

Where certain proposals or potential recommendations have yet to be finalized, square brackets around specific options under consideration have been used to indicate this.

The working group believes that when it formulates its final recommendations, if approved by the GNSO Council and the ICANN Board, there will be substantial improvement to the current environment. The following sub-sections of this report are organized by topic. Within each topic, the working group provides responses to the relevant charter questions and corresponding preliminary recommendations:

- Section 3.1: Gaining and Losing Forms of Authorization (FOA)

- Section 3.2: Transfer Authorization Code/AuthInfo Code Management

- Section 3.3: EPDP Phase 1, Recommendation 27, Wave 1 Report

- Section 3.4: Denying (NACKing) Transfers

- Section 3.5: Post-Registration and Post-Transfer Inter-Registrar Transfer Locks

261

3.1 Gaining and Losing Forms of Authorization (FOA)

For context on this topic and the associated charter questions, please see pages 7-14 of the [Final Issue Report](#).

3.1.1 Charter Question a1

Is the requirement of the Gaining FOA still needed? What evidence did the working group rely upon in making the determination that the Gaining FOA is or is not necessary to protect registrants?

Working Group Response:

Recommendations:

3.1.2 Charter Question a2

If the working group determines the Gaining FOA should still be a requirement, are any updates (apart from the text, which will likely need to be updated due to the gTLD Registration Data Policy) needed for the process? For example, should additional security requirements be added to the Gaining FOA (two-factor authentication)?

Working Group Response:

Recommendations:

3.1.3 Charter Question a3

The language from the Temporary Specification provides, "[u]ntil 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...". What secure methods (if any) currently exist to allow for the secure transmission of then-current Registration Data for a domain name subject to an inter-Registrar transfer request?

Working Group Response:

Recommendations:

301

3.1.4 Charter Question a4

If the working group determines the Gaining FOA is no longer needed, does the AuthInfo Code provide sufficient security? The Transfer Policy does not currently require specific security requirements around the AuthInfo Code. Should there be additional securityrequirements added to AuthInfo Codes, e.g., required syntax (length, characters), two-factor authentication, issuing restrictions, etc.?

Working Group Response:

Recommendations:

3.1.5 Charter Question a5

If the working group determines the Gaining FOA is no longer needed, does the transmission of the AuthInfo Code provide a sufficient "paper trail" for auditing and compliance purposes?

Working Group Response:

Recommendations:

3.1.6 Charter Question a6

Survey respondents noted that mandatory domain name locking is an additional security enhancement to prevent domain name hijacking and improper domain name transfers. The Transfer Policy does not currently require mandatory domain name locking; it allows a Registrar to NACK an inter-Registrar transfer if the inter-Registrar transfer was requested within 60 days of the domain name's creation date as shown in the Registry RDDS record for the domain name or if the domain name is within 60 days after being transferred. Is mandatory domain name locking an additional requirement the working group believes should be added to the Transfer Policy?

Working Group Response:

Recommendations:

3.1.7 Charter Question a7

341   Is the Losing FOA still required? If yes, are any updates necessary?
342
343 **Working Group Response:**
344
345 **Recommendations:**
346

3.1.8 Charter Question a8

348
349 Does the CPH Proposed Tech Ops Process represent a logical starting point for the
350 future working group or policy body to start with? If so, does it provide sufficient
351 security for registered name holders? If not, what updates should be considered?
352
353 **Working Group Response:**
354
355 **Recommendations:**
356

3.1.9 Charter Question a9

358
359 Are there additional inter-Registrar transfer process proposals that should be
360 considered in lieu of or in addition to the CPH TechOps Proposal? For example, should
361 affirmative consent to the Losing FOA be considered as a measure of additional
362 protection?
363
364 **Working Group Response:**
365
366 **Recommendations:**
367

3.2 Transfer Authorization Code/AuthInfo Code Management

369
370 For context on this topic and the associated charter questions, please see pages 15-19
371 of the [Final Issue Report](#).
372

3.2.1 Charter Question b1

374
375 Is AuthInfo Code still a secure method for inter-Registrar transfers? What evidence was
376 used by the working group to make this determination?
377
378 **Working Group Response:**
379
380 **Recommendations:**

381

3.2.2 Charter Question b2

The Registrar is currently the authoritative holder of the AuthInfo Code. Should this be maintained, or should the Registry be the authoritative AuthInfo Code holder? Why?

Working Group Response:

Recommendations:

3.2.3 Charter Question b3

The Transfer Policy currently requires Registrars to provide the AuthInfo Code to the registrant within five [calendar] days of a request. Is this an appropriate SLA for the Registrar's provision of the AuthInfo Code, or does it need to be updated?

Working Group Response:

Recommendations:

3.2.4 Charter Question b4

The Transfer Policy does not currently require a standard Time to Live (TTL) for the AuthInfo Code. Should there be a standard Time To Live (TTL) for the AuthInfo Code? In other words, should the AuthInfo Code expire after a certain amount of time (hours, calendar days, etc.)?

Working Group Response:

Recommendations:

3.2.5 Charter Question b5

Should the ability for registrants to request AuthInfo Codes in bulk be streamlined and codified? If so, should additional security measures be considered?

Working Group Response:

Recommendations:

3.2.6 Charter Question b6

Does the CPH TechOps research provide a logical starting point for future policy work on AuthInfo Codes, or should other options be considered?

Working Group Response:

Recommendations:

3.2.7 Charter Question b7

Should required differentiated control panel access also be considered, i.e., the registered name holder is given greater access (including access to the auth code), and additional users, such as web developers would be given lower grade access in order to prevent domain name hijacking?

Working Group Response:

Recommendations:

3.3 EPDP Phase 1, Recommendation 27, Wave 1 Report

For context on this topic and the associated charter questions, please see pages 52-56 of the Final Issue Report.

3.3.1 Charter Question c1

How should the identified issues be addressed?

3.3.2 Charter Question c2

Can the FOA-related Transfer Policy issues (identified in paragraphs 5 and 9 of Wave 1 Report), as well as the proposed updates to the Gaining and Losing FOAs, be discussed and reviewed during the review of FOAs?

3.4 Denying (NACKing) Transfers

The topic of denying (NACKing) transfers was originally planned for Phase 2 of the PDP. It was later moved to Phase 1(a) by Project Change Request to ensure that the working group could examine all elements of the security model for domain name transfers in a holistic manner as part of its Phase 1 deliberations.

For context on this topic and the associated charter questions, please see pages 43-48 of the Final Issue Report.

3.4.1 Charter Question h1

Are the current reasons for denying or NACK-ing a transfer sufficiently clear? Should additional reasons be considered? For instance, ICANN Contractual Compliance has observed difficulties from Registrars tying transfer denials involving domain names suspended for abusive activities to the denial instances contemplated by the Transfer Policy; or should any reasons be removed?

Working Group Response:

Recommendations:

3.4.2 Charter Question h2

Should additional guidance around cases subject to a UDRP decision be provided to ensure consistent treatment by all Registrars? If so, is this something that should be considered by the RPMs PDP Working Group's review of the UDRP, or should it be conducted within a Transfer Policy PDP?

Working Group Response:

Recommendations:

3.5 Post-Registration and Post-Transfer Inter-Registrar Transfer Locks

Recommendations:

4 Next Steps

498   This Initial Report will be posted for public comment for ==xx days==. The working group will
499   review the public comments received on this Initial Report and consider whether any
500   changes need to be made to its Phase 1(a) recommendations. The working group will
501   complete Phase 1(b) of its work, including a Phase 1(b) Initial Report followed by a
502   public comment period on the Phase 1(b) Initial Report. The working group will finalize
503   all Phase 1 recommendations in a Final Report to be sent to the GNSO Council for
504   review. If adopted by the GNSO Council, the Final Report would then be forwarded to
505   the ICANN Board of Directors for its consideration and, potentially, approval as an
506   ICANN Consensus Policy.
507
508   Following a charter review process, phase 2 of the PDP will commence.
509
510
511

Annex A - Background

The Transfer Policy, formerly referred to as the Inter-Registrar Transfer Policy (IRTP), is an ICANN consensus policy that went into effect on 12 November 2004. The policy governs the procedure and requirements for registrants to transfer their domain names from one Registrar to another, also referred to as an inter-Registrar transfer. The goal of the Transfer Policy was to provide for enhanced domain name portability, resulting in greater consumer and business choice and enabling registrants to select the Registrar that offers the best services and price for their needs.

On April 22, 2019, ICANN org delivered the Transfer Policy Status Report to the GNSO Council. ICANN org delivered the Transfer Policy Status Report pursuant to Recommendation 17 of the Inter-Registrar Transfer Policy (IRTP) Part D PDP Working Group's Final Report, which provides, "[t]he 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." The Transfer Policy Status Report provided a foundation to review the history and underlying goals of Transfer Policy, the five policy development processes that sought to improve the Transfer Policy, and associated metrics on the Transfer Policy.

During its meeting on September 19, 2019, the GNSO Council agreed to launch a call for volunteers for a Transfer Policy Review Scoping Team, comprised of interested and knowledgeable GNSO members that were tasked with advising the GNSO Council by providing recommendations on the following:
- approach to the review (for example, by initiating a new PDP);
- composition of the review team or PDP working group, and
- scope of the review and future policy work related to the Transfer Policy.

On April 6, 2020, the Transfer Policy Review Scoping Team delivered its Transfer Policy Review Scoping Paper to the GNSO Council for its consideration. The Scoping Team recommended that the GNSO Council instruct ICANN org policy support staff to draft an Issue Report, outlining, et.al., the issues described in its Scoping Report. On 23 June 2020, the GNSO Council voted to approve a motion requesting a Preliminary Issue Report, for delivery as expeditiously as possible, on the issues identified in the Transfer Policy Initial Scoping Paper, to assist in determining whether a PDP or series of PDPs should be initiated regarding changes to the Transfer Policy.

The Final Issue Report addressed eight issues associated with the Transfer Policy, seven of which were specifically identified by the Transfer Policy Review Scoping Team:

a.   Gaining & Losing Registrar Form of Authorization ("FOA")
b.   Authcode Management
c.   Change of Registrant

555	d.	Transfer Emergency Action Contact ("TEAC")
556	e.	Transfer Dispute Resolution Policy ("TDRP")
557	f.	Reversing/NACKing Transfers
558	g.	ICANN-Approved Transfers
559	h.	EPDP Phase 1, Recommendation 27, Wave 1 Report

560

561 On 18 February 2021, The GNSO Council passed a resolution to initiate a two-phased
562 PDP to review the Transfer Policy using the approach recommended in the Final Issue
563 Report:

564

565 • Phase 1(a): Form of Authorization (including EPDP Phase 1, Recommendation 27,
566   Wave 1 FOA issues) and AuthInfo Codes
567 • Phase 1(b): Change of Registrant (including EPDP Phase 1, Recommendation 27,
568   Wave 1 Change of Registrant issues)
569 • Phase 2: Transfer Emergency Action Contact and reversing inter-Registrar
570   transfers, Transfer Dispute Resolution Policy (including EPDP Phase 1,
571   Recommendation 27, Wave 1 TDRP issues), Denying (NACKing) transfers, ICANN-
572   approved transfers

573

574 The topic of denying (NACKing) transfers was later moved to Phase 1(a) by Project
575 Change Request to ensure that the working group could examine all elements of the
576 security model for domain name transfers in a holistic manner as part of its Phase 1
577 deliberations.

578

579 A small group of Councilors reviewed the draft Charter included in the Final Issue Report
580 and finalized the document. The charter was approved by Council on 24 March 2021.

581

582 The Phase 1(a) working group held its first meeting on 14 May 2021.

583

Annex B - Working Group Membership and Attendance

[INSERT TABLE]

The detailed attendance records can be found at
https://community.icann.org/x/U4aUCQ.

The working group email archives can be found at
https://mm.icann.org/pipermail/gnso-tpr/.

Annex C - Community Input

4.1 Request for Input

According to the GNSO's PDP Manual, a PDP working group should formally solicit statements from each GNSO Stakeholder Group and Constituency at an early stage of its deliberations. A PDP working group is also encouraged to seek the opinion of other ICANN Supporting Organizations and Advisory Committees who may have expertise, experience or an interest in the issue. As a result, the working group reached out to all ICANN Supporting Organizations and Advisory Committees as well as GNSO Stakeholder Groups and Constituencies with a request for input at the start of its deliberations. In response, statements were received from:

- The GNSO Business Constituency (BC)

- The Registries Stakeholder Group (RySG)

- The At-Large Advisory Committee (ALAC)

- The Security and Stability Advisory Committee (SSAC)

The full statements can be found on the working group wiki here:
https://community.icann.org/x/tIT8CQ.

4.2 Review of Input Received

All of the statements received were added to the to the relevant working documents and considered by the working group in the context of deliberations on each topic.

621 # Annex D – EPDP Phase 1, Recommendation 27, Wave 1 Analysis

622