

Report of Public Comments

Title:	Inter-Registrar Transfer Policy (IRTP) Part B Policy Development Process (PDP) Recommendations for Board Consideration		
Publication Date:	15 August 2011		
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Section I: General Overview and Next Steps			
<p>The IRTP Part B WG delivered its Final Report [PDF, 972 KB] to the GNSO Council on 31 May 2011. The GNSO Council adopted a number of the recommendations at its meeting on 22 June 2011. As required by the ICANN Bylaws, public notice was provided of the policies that are considered for adoption as well as an opportunity to comment on the adoption of the proposed policies, prior to consideration by the ICANN Board of these recommendations. These recommendations include:</p> <ul style="list-style-type: none"> • Requiring Registrars to provide a Transfer Emergency Action Contact (TEAC). To this end proposed language to modify section 4 (Registrar Coordination) and Section 6 (Registry Requirements) of the Inter-Registrar Transfer Policy has been provided (see GNSO resolution for further details). • 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. The Registrar of Record has access to the contact information for the Registrant and could modify their systems to automatically send out the Standardized Form for Losing Registrars ("Confirmation FOA") to the Registrant. • Modifying Reason for Denial #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 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. • 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. <p>The ICANN Board will consider the comments received as part of its consideration of the recommendations.</p>			

Section II: Contributors

At the time this report was prepared, a total of three (3) community submissions had been posted to the Forum. The contributors, both individuals and organizations/groups, are listed below in chronological order by posting date with initials noted. To the extent that quotations are used in the foregoing narrative (Section III), such citations will reference the contributor's initials.

Organizations and Groups:

Name	Submitted by	Initials
gTLD Registries Stakeholder Group	David Maher	RySG
Business Constituency	Steve DelBianco	BC

Individuals:

Name	Affiliation (if provided)	Initials
Andreas Bartels	Deutsche Telekom	AB

Section III: Summary of Comments

General Disclaimer: This section is intended to broadly and comprehensively summarize the comments submitted to this Forum, but not to address every specific position stated by each contributor. Staff recommends that readers interested in specific aspects of any of the summarized comments, or the full context of others, refer directly to the specific contributions at the link referenced above (View Comments Submitted).

The RySG and BC both express their support for the recommendations and encourage their adoption by the ICANN Board. AB expresses his concern with regard to the four hour response time required as part of the Transfer Emergency Action Contact (TEAC) recommendation and notes that it would put 'too much burden on small and medium sized registrars'. In addition, AB notes that the four hour response time 'should be a recommendation and not be binding for registrars - and it should also not be a reason for compliance action by ICANN'.

Section IV: Analysis of Comments

General Disclaimer: This section is intended to provide an analysis and evaluation of the comments received along with explanations regarding the basis for any recommendations provided within the analysis.

AB seems to assume that a resolution is required within four hours ('A final solution/ settlement can take place also after 1 or 2 days') instead of an initial response, which is the only requirement under the proposed TEAC. As the IRTP Part B PDP Working Group explained it in its Final Report 'the goal of the TEAC is to quickly establish real time communication between registrar representatives who can take steps to resolving the issue, but this policy only addresses establishing that communication not resolving any disputes that may arise'. With regard to the four hour response time, the IRTP Part B PDP Working Group noted that 'even the smallest of registrars can simply rotate this function among operational staff, just as they rotate other "emergency" aspects of their business. The number of TEAC requests is likely to be very small and quite infrequent, but when they occur there is a genuine emergency that needs to be dealt with quickly'. It should be noted that both small as well as big registrars participated in the deliberations of the IRTP Part B Working Group and supported the recommendations.