

Report of Public Comments

Title:	Preliminary Issue Report on the Inter-Registrar Transfer Policy (IRTP) Part D		
Publication Date:	7 January 2013		
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Comment Period:		Important Information Links	
Open Date:	14 November 2012	Announcement	
Close Date:	4 January 2013	Public Comment Box	
Time (UTC):	23:59 UTC	View Comments Submitted	
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Section I: General Overview and Next Steps			
<p>ICANN Staff sought comments on the GNSO Preliminary Issue Report on the Inter-Registrar Transfer Policy (IRTP) Part D [PDF, 725 KB]. Specifically, this Report addresses:</p> <ul style="list-style-type: none"> • Issue A: 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; • Issue B: Whether additional provisions should be included in the TDRP (Transfer Dispute Resolution Policy) on how to handle disputes when multiple transfers have occurred; • Issue C: 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); • Issue D: Whether requirements or best practices should be put into place for registrars to make information on transfer dispute resolution options available to registrants; • Issue E: Whether existing penalties for policy violations are sufficient or if additional provisions/penalties for specific violations should be added into the policy; • Issue F: Whether the universal adoption and implementation of EPP AuthInfo codes has eliminated the need of FOAs. <p>The Public Comment solicitation represented an opportunity for the ICANN community to provide its views on the issues outlined above and on whether a Policy Development Process should be initiated. The Preliminary Issue Report will now be updated to reflect community feedback received and the Final Issue Report will then be presented to the Generic Names Supporting Organization (GNSO) Council for its consideration.</p>			

Section II: Contributors

At the time this report was prepared, a total of one (1) community submission 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	Keith Drazek	RySG

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).

As a general comment, the RySG notes the importance of 'explicitly addressing the role resellers play in all of the issues that will be reviewed in IRTP-D' and encourages the WG that will review the issues part of IRTP-D to 'consider resellers' roles and develop appropriate recommendations that might help minimize community misunderstandings about reseller responsibilities moving forward'. In relation to the issues addressed in the Preliminary Issue Report, the RySG notes the following:

- Issue A: The RySG expresses its support for developing standardized reporting requirements, but notes that all dispute resolution providers should be able to provide input into these requirements. The RySG also suggests that in view of new gTLDs and the expected increase of registry operators 'it may be time to eliminate the first level dispute resolution option managed at the registry level and have all disputes that are unable to be resolved at the registrar level be submitted to a second level dispute resolution provider'.
- Issue B: The RySG notes that if the 60-day restriction on inter-registrar transfers would be consistently applied, it may help to avoid multiple transfers in a short period of time. The RySG suggests that it may be helpful to clarify in the TDRP the impact multiple transfers may have on resolving a dispute.
- Issue C: The RySG expresses its support for providing dispute options for registrants but notes that there are a number of issues that would need to be addressed in order to ensure an effective mechanism.
- Issue D: The RySG supports the development of best practices and notes that these 'could be as simple as requiring all registrars to provide a link on their web site to the best practices that could be hosted and maintained by ICANN'.
- Issue E: The RySG notes that the penalties introduced in the 2009 RAA are sufficient and no further penalties need to be added.
- Issue F: The RySG does not support the elimination of the FOA noting that 'a mechanism to capture information adequate to document the chain of events that prove registrant

authentication and authorization of the initiation of the transfer request would still be necessary to facilitate resolution of disputes’.

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.

As appropriate, the feedback from the RySG will be included in the Final Issue Report, however, several of the comments submitted by the RySG provide an opinion on how the issue should be addressed instead of providing further insight or information on the issue itself, which is the focus of the Issue Report. Those comments should therefore be considered by the IRTP Part D Working Group should the GNSO Council decide to initiate a PDP on this topic.