



Date: August 16, 2022

To: Roger Carney  
Chair, GNSO Transfer Policy Review PDP WG

From: Alexander Levit  
General Counsel, Dynadot LLC

Re: Dynadot comment to the GNSO Transfer Policy Review Initial Report on Preliminary Recommendations 16 & 17

Preliminary Recommendations 16 & 17 seek to impose new ICANN restrictions on RNHs' rights to transfer domain names subsequent to initial registrations and subsequent to inter-registrar transfers.

Dynadot opposes the introduction of any new restrictions on registrants' rights to transfer domain names to competing registrars. Legislators across the world are proposing laws aimed at discouraging market practices that restrict users' rights to port their digital services to competing platforms. Indeed, the Interim Report's executive summary recognizes portability as the prime concern of the Transfer Policy:

*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.*

At the same time, no material evidence has been offered to support the rationales listed in the Initial Report. On the contrary, ICANN compliance stated on many occasions (as far back as at least ICANN69) that the incident rate of DNS abuse as against total TLDs has been decreasing. The principle of evidence-based policy making therefore suggests that, prior to considering adopting Preliminary Recommendations 16 & 17, the following questions must be answered with significant certainty: whether the Transfer Policy meets the expectations of RNHs, whether credit card fraud is prevalent in the purchase of domain names, transfer restrictions' effects on the integrity of ICANN's UDRP process and the principle enabling factors of domain name theft.

While Dynadot recognizes the significant challenges facing RNHs victimized by domain name theft, there is no imperative to introduce policies with such deleterious effects on RNHs. Preliminary Recommendations 16 & 17 should be deleted.

Thank you for considering Dynadot's comment.

Best,  
Alexander Levit, General Counsel  
Dynadot LLC