



**Comment of the ICANN Business Constituency (BC) on
the Initial Report on the Transfer Policy Review**

30-Sep-2024

The Business Constituency (BC) welcomes the opportunity to provide feedback on the [Initial Report on the Transfer Policy Review](#) published by the Transfer Policy Review (TPR) Policy Development Process (PDP) Working Group.

Part A: TPR PDP Initial Report - Group 1(a) Recommendations #1-24

Recommendation #1: Terminology Updates: WHOIS

Page 9 of the TPR PDP Initial Report

1. Please choose your level of support for Recommendation #1:

- Support Recommendation as written
- Support Recommendation intent with wording change
- Significant change required: changing intent and wording
- Recommendation should be deleted
- No Opinion

Recommendation #2: Terminology Updates: Administrative Contact and Transfer Contact

Page 10 of the TPR PDP Initial Report

1. Please choose your level of support for Recommendation #2:

- Support Recommendation as written
- Support Recommendation intent with wording change
- Significant change required: changing intent and wording
- Recommendation should be deleted
- No Opinion

Recommendation #3: Transfer Restriction After Initial Registration

Page 10 of the TPR PDP Initial Report

1. Please choose your level of support for Recommendation #3:

- Support Recommendation as written

- Support Recommendation intent with wording change
- Significant change required: changing intent and wording
- Recommendation should be deleted
- No Opinion

2. If your response requires an edit or deletion of Recommendation #3, please indicate the revised wording and rationale here.

The BC generally supports the recommendation because of the importance of being able to address cybersquatted domain names immediately upon a new registration without having to deal with a change of registrar within the first 30 days. The BC does however recognize that this is a restriction on the mobility of domain names and mobility is a fundamental principle and purpose of the Transfer Policy and is therefore of importance to the BC. Moreover, although in principle we want registrants to be able to move registrars if necessary so that they receive better or lower cost services, the lowering of the current 60 day period to a 30 day period by way of a Consensus Policy, is a reasonable compromise and overall improvement in the circumstances. Nevertheless, the BC would like to see further discussion of whether the 30-day restriction can be shortened while satisfactorily preserving safety mechanisms against illegal activities.

Recommendation #4: Update Term “AuthInfo Code” to “Transfer Authorization Code (TAC)”

Page 12 of the TPR PDP Initial Report

1. Please choose your level of support for Recommendation #3:

- Support Recommendation as written
- Support Recommendation intent with wording change
- Significant change required: changing intent and wording
- Recommendation should be deleted
- No Opinion

Recommendation #5: TAC Definition

Page 12 of the TPR PDP Initial Report

1. Please choose your level of support for Recommendation #5:

- Support Recommendation as written
- Support Recommendation intent with wording change
- Significant change required: changing intent and wording
- Recommendation should be deleted
- No Opinion

Recommendation #6:Service Level Agreement (SLA) for TAC provision

Page 13 of the TPR PDP Initial Report

1. Please choose your level of support for Recommendation #6:

- Support Recommendation as written
- Support Recommendation intent with wording change
- Significant change required: changing intent and wording
- Recommendation should be deleted
- No Opinion

Recommendation #7:TAC Composition

Page 14 of the TPR PDP Initial Report

1. Please choose your level of support for Recommendation #7:

- Support Recommendation as written
- Support Recommendation intent with wording change
- Significant change required: changing intent and wording
- Recommendation should be deleted
- No Opinion

Recommendation #8: Verification of TAC Composition

Page 15 of the TPR PDP Initial Report

1. Please choose your level of support for Recommendation #8:

- Support Recommendation as written
- Support Recommendation intent with wording change
- Significant change required: changing intent and wording
- Recommendation should be deleted
- No Opinion

Recommendation #9:TAC Time to Live (TTL)

Page 15 of the TPR PDP Initial Report

1. Please choose your level of support for Recommendation #9:

- Support Recommendation as written
- Support Recommendation intent with wording change
- Significant change required: changing intent and wording
- Recommendation should be deleted
- No Opinion

Recommendation #10:TAC Generation, Storage, and Provision

Page 17 of the TPR PDP Initial Report

1. Please choose your level of support for Recommendation #10:

- Support Recommendation as written
- Support Recommendation intent with wording change
- Significant change required: changing intent and wording
- Recommendation should be deleted
- No Opinion

Recommendation #11:Notification of TAC Issuance

Page 18 of the TPR PDP Initial Report

1. Please choose your level of support for Recommendation #11:

- Support Recommendation as written
- Support Recommendation intent with wording change
- Significant change required: changing intent and wording
- Recommendation should be deleted
- No Opinion

2. If your response requires an edit or deletion of Recommendation #11, please indicate the revised wording and rationale here.

The BC is concerned that the notification of the TAC issuance to the RNH can be provided within 10 minutes - but this may very well be after the TAC has been used, thereby preventing effective ability to invalidate the TAC by the registrant. The BC would like to see additional consideration of whether it is feasible to delay the effectiveness of the TAC for a period of time so as to enable a RNH to take action to invalidate an unauthorized TAC.

Recommendation #12: Verification of TAC Validity

Page 19 of the TPR PDP Initial Report

1. Please choose your level of support for Recommendation #12:

- Support Recommendation as written
- Support Recommendation intent with wording change
- Significant change required: changing intent and wording
- Recommendation should be deleted
- No Opinion

Recommendation #13:TAC is One-Time Use

Page 20 of the TPR PDP Initial Report

1. Please choose your level of support for Recommendation #13:

- Support Recommendation as written
- Support Recommendation intent with wording change
- Significant change required: changing intent and wording
- Recommendation should be deleted
- No Opinion

Recommendation #14:Maintenance of Records

Page 20 of the TPR PDP Initial Report

1. Please choose your level of support for Recommendation #14:

- Support Recommendation as written
- Support Recommendation intent with wording change
- Significant change required: changing intent and wording
- Recommendation should be deleted
- No Opinion

Recommendation #15:Maintenance of Records

Page 21 of the TPR PDP Initial Report

1. Please choose your level of support for Recommendation #15:

- Support Recommendation as written
- Support Recommendation intent with wording change
- Significant change required: changing intent and wording
- Recommendation should be deleted
- No Opinion

Recommendation #16:Registry Transmission of IANA ID to Losing Registrar

Page 22 of the TPR PDP Initial Report

1. Please choose your level of support for Recommendation #16:

- Support Recommendation as written
- Support Recommendation intent with wording change
- Significant change required: changing intent and wording
- Recommendation should be deleted

No Opinion

Recommendation #17:Losing Form of Authorization (FOA)

Page 23 of the TPR PDP Initial Report

1. Please choose your level of support for Recommendation #17:

- Support Recommendation as written
- Support Recommendation intent with wording change
- Significant change required: changing intent and wording
- Recommendation should be deleted
- No Opinion

Recommendation #18:Transfer Restriction After Inter-Registrar Transfer

Page 24 of the TPR PDP Initial Report

1. Please choose your level of support for Recommendation #18:

- Support Recommendation as written
- Support Recommendation intent with wording change
- Significant change required: changing intent and wording
- Recommendation should be deleted
- No Opinion

2. If your response requires an edit or deletion of Recommendation #18, please indicate the revised wording and rationale here.

While the BC recognizes the general benefits of the 30-day restriction on inter-Registrar transfers, the BC also recognizes that circumstances may require that the default restriction be lifted, and therefore the BC supports the Recommendation's inclusion of a removal of the restriction under the circumstances identified in 18.1 - 18.4 of the Recommendation.

Recommendation #19:Notification of Transfer Completion

Page 26 of the TPR PDP Initial Report

1. Please choose your level of support for Recommendation #19:

- Support Recommendation as written
- Support Recommendation intent with wording change
- Significant change required: changing intent and wording
- Recommendation should be deleted
- No Opinion

2. If your response requires an edit or deletion of Recommendation #19, please indicate the revised wording and rationale here.

The BC approves of the requirement that the Losing Registrar must notify the RNH of a transfer completion, however the BC is concerned that the up to 24 hour window does not adequately afford registrants the ability to take meaningful action to prevent a transfer from completing. In order to address this concern, a registrant initiable transfer dispute resolution procedure is recommended.

Recommendation #20:Format of Transfer Policy Section I.A.3.7

Page 28 of the TPR PDP Initial Report

1. Please choose your level of support for Recommendation #20:

- Support Recommendation as written
- Support Recommendation intent with wording change
- Significant change required: changing intent and wording
- Recommendation should be deleted
- No Opinion

Recommendation #21:Revised Reasons that a Registrar of Record MAY Deny a Transfer

Page 29 of the TPR PDP Initial Report

1. Please choose your level of support for Recommendation #21:

- Support Recommendation as written
- Support Recommendation intent with wording change
- Significant change required: changing intent and wording
- Recommendation should be deleted
- No Opinion

Recommendation #22:New Reasons that a Registrar of Record MUST Deny a Transfer

Page 32 of the TPR PDP Initial Report

1. Please choose your level of support for Recommendation #22:

- Support Recommendation as written
- Support Recommendation intent with wording change
- Significant change required: changing intent and wording
- Recommendation should be deleted
- No Opinion

Recommendation #23: Revised Reasons that a Registrar of Record MUST Deny a Transfer

Page 34 of the TPR PDP Initial Report

1. Please choose your level of support for Recommendation #23:

- Support Recommendation as written
- Support Recommendation intent with wording change
- Significant change required: changing intent and wording
- Recommendation should be deleted
- No Opinion

Recommendation #24: Revised Reasons that a Registrar of Record MUST Deny a Transfer

Page 36 of the TPR PDP Initial Report

1. Please choose your level of support for Recommendation #24:

- Support Recommendation as written
- Support Recommendation intent with wording change
- Significant change required: changing intent and wording
- Recommendation should be deleted
- No Opinion

Part B: TPR PDP Initial Report - Group 1(b) Recommendations #25–28**Recommendation #25: Change of Registrant Data**

Page 38 of the TPR PDP Initial Report

1. Please choose your level of support for Recommendation #25:

- Support Recommendation as written
- Support Recommendation intent with wording change
- Significant change required: changing intent and wording
- Recommendation should be deleted
- No Opinion

Recommendation #26: Standalone Policy and Updates to Section II of Transfer Policy

Page 39 of the TPR PDP Initial Report

1. Please choose your level of support for Recommendation #26:

- Support Recommendation as written
- Support Recommendation intent with wording change
- Significant change required: changing intent and wording
- Recommendation should be deleted

2. If your response requires an edit or deletion of Recommendation #26, please indicate the revised wording and rationale here.

The BC is concerned that Recommendation 26.3 removes the requirement to obtain confirmation from both the Prior and New Registrant prior to processing a Change of Registrant Data, however given the notification requirements in Recommendation 27.4, the BC is satisfied with the Recommendation, provided however that any change of the RNH should also require notice to the prior RNH and new one.

Recommendation #27: Change of Registrant Data Notification

Page 41 of the TPR PDP Initial Report

1. Please choose your level of support for Recommendation #27:

- Support Recommendation as written
- Support Recommendation intent with wording change
- Significant change required: changing intent and wording
- Recommendation should be deleted
- No Opinion

Recommendation #28: Opt out of Change of Registrant Data Notification

Page 43 of the TPR PDP Initial Report

1. Please choose your level of support for Recommendation #28:

- Support Recommendation as written
- Support Recommendation intent with wording change
- Significant change required: changing intent and wording
- Recommendation should be deleted
- No Opinion

2. If your response requires an edit or deletion of Recommendation #28, please indicate the revised wording and rationale here.

The BC is generally apprehensive about permitting an RNH the ability to opt out of receiving Change of Registrant Data notifications, however recognizes that the requirements of Recommendation 28.1 - 28.6 provide important requirements that will still enable some boutique registrars to enable their customers to opt out. The BC remains concerned that a bad actor may be the person surreptitiously opting out, and that in any event, a single email notification for multiple changes could be effective and still lessen the burden on the party that would have liked to avoid receiving by multiple notifications. There appears to be no safety measures to ensure that the opt out does not immediately precede making the changes without any waiting period let alone a notification, thereby exposing unwitting registrants to unauthorized changes. The BC therefore recommends that greater security measures be considered, such as requiring 2F, and/or additional telephone or other channel verification.

Part C:TPR PDP Initial Report - Group 2 Recommendations #29–47**Recommendation #29: Timing for Responding to Contact from a Transfer Emergency ActionContact (TEAC)**

Page 45 of the TPR PDP Initial Report

1. Please choose your level of support for Recommendation #29:

- Support Recommendation as written
- Support Recommendation intent with wording change
- Significant change required: changing intent and wording
- Recommendation should be deleted
- No Opinion

Recommendation #30: Timing for Additional Interactions with the TEAC

Page 46 of the TPR PDP Initial Report

1. Please choose your level of support for Recommendation #30:

- Support Recommendation as written
- Support Recommendation intent with wording change
- Significant change required: changing intent and wording
- Recommendation should be deleted
- No Opinion

Recommendation #31: Additional Communications with TEAC

Page 47 of the TPR PDP Initial Report

1. Please choose your level of support for Recommendation #31:

- Support Recommendation as written
- Support Recommendation intent with wording change
- Significant change required: changing intent and wording
- Recommendation should be deleted
- No Opinion

Recommendation #32: Method of Communication with TEAC

Page 48 of the TPR PDP Initial Report

1. Please choose your level of support for Recommendation #32:

- Support Recommendation as written
- Support Recommendation intent with wording change

Significant change required: changing intent and wording

Recommendation should be deleted

Recommendation #33: Request to GNSO for further work on Transfer Dispute Resolution Policy and Potential New Dispute Mechanism

Page 49 of the TPR PDP Initial Report

1. Please choose your level of support for Recommendation #33:

Support Recommendation as written

Support Recommendation intent with wording change

Significant change required: changing intent and wording

Recommendation should be deleted

No Opinion

2. If your response requires an edit or deletion of Recommendation #33, please indicate the revised wording and rationale here.

The BC strongly supports the overall Recommendation in that it is crucial to provide for a registrant-initiable transfer dispute resolution mechanism. The BC supports the request for an Issue Report or other suitable mechanism to further research and explore the pros and cons of an expanded TDRP or a new standalone dispute resolution mechanism for registrants who wish to challenge improper transfers, including compromised and stolen domain names, however the BC also wishes to express its concern over the characterization that such an effort "could be resource intensive and will require the Council to consider the appropriate timing and priority against other policy efforts". While that may be true, in the context of ensuring fairness for registrants who currently have no effective means of dealing with unauthorized transfers, this issue is of paramount importance to registrants and deserves equitable priority to issues that primarily affect other stakeholders.

Recommendation #34: Fees Associated with Voluntary Full Portfolio Transfers over 50,000 domain names

Page 50 of the TPR PDP Initial Report

1. Please choose your level of support for Recommendation #34:

Support Recommendation as written

Support Recommendation intent with wording change

Significant change required: changing intent and wording

Recommendation should be deleted

No Opinion

Recommendation #35: Retainment of Current Full Portfolio Transfer Fee Ceiling and Minimum Domain Name Threshold

Page 51 of the TPR PDP Initial Report

1. Please choose your level of support for Recommendation #35:

- Support Recommendation as written
- Support Recommendation intent with wording change
- Significant change required: changing intent and wording
- Recommendation should be deleted
- No Opinion

Recommendation #36: Restriction of Fee Adjustments for Full Portfolio Transfers Involving Multiple Registry Operators

Page 52 of the TPR PDP Initial Report

1. Please choose your level of support for Recommendation #36:

- Support Recommendation as written
- Support Recommendation intent with wording change
- Significant change required: changing intent and wording
- Recommendation should be deleted
- No Opinion

Recommendation #37: Registry Operator Notice to ICANN of Full Portfolio Transfer Completion

Page 53 of the TPR PDP Initial Report

1. Please choose your level of support for Recommendation #37:

- Support Recommendation as written
- Support Recommendation intent with wording change
- Significant change required: changing intent and wording
- Recommendation should be deleted

Recommendation #38: ICANN Notice to Affected Registry Operators of Associated Domain Name Numbers for Full Portfolio Transfers

Page 54 of the TPR PDP Initial Report

1. Please choose your level of support for Recommendation #38:

- Support Recommendation as written
- Support Recommendation intent with wording change
- Significant change required: changing intent and wording
- Recommendation should be deleted

Recommendation #39: Gaining Registrar Responsibility for Payment of Fees Associated with Full Portfolio Transfer

Page 54 of the TPR PDP Initial Report

1. Please choose your level of support for Recommendation #39:

- Support Recommendation as written
- Support Recommendation intent with wording change
- Significant change required: changing intent and wording
- Recommendation should be deleted
- No Opinion

Recommendation #40: Inclusion of Bulk Transfer After Partial Portfolio Acquisition(BTAPPA) in Transfer Policy

Page 55 of the TPR PDP Initial Report

1. Please choose your level of support for Recommendation #40:

- Support Recommendation as written
- Support Recommendation intent with wording change
- Significant change required: changing intent and wording
- Recommendation should be deleted
- No Opinion

Recommendation #41: Inclusion of BTAPPA in Transfer Policy

Page 56 of the TPR PDP Initial Report

1. Please choose your level of support for Recommendation #41:

- Support Recommendation as written
- Support Recommendation intent with wording change
- Significant change required: changing intent and wording
- Recommendation should be deleted

Recommendation #42: Required Registrar Notification of BTAPPA

Page 57 of the TPR PDP Initial Report

1. Please choose your level of support for Recommendation #42:

- Support Recommendation as written
- Support Recommendation intent with wording change
- Significant change required: changing intent and wording
- Recommendation should be deleted

Recommendation #43: Domain Name Expiration Dates During BTAPPA

Page 58 of the TPR PDP Initial Report

1. Please choose your level of support for Recommendation #43:

- Support Recommendation as written
- Support Recommendation intent with wording change
- Significant change required: changing intent and wording
- Recommendation should be deleted
- No Opinion

Recommendation #44: Permitted Rejection of BTAPPA Request

Page 58 of the TPR PDP Initial Report

1. Please choose your level of support for Recommendation #44:

- Support Recommendation as written
- Support Recommendation intent with wording change
- Significant change required: changing intent and wording
- Recommendation should be deleted
- No Opinion

Recommendation #45: Required Registration Agreement Language for BTAPPA

Page 59 of the TPR PDP Initial Report

1. Please choose your level of support for Recommendation #45:

- Support Recommendation as written
- Support Recommendation intent with wording change
- Significant change required: changing intent and wording
- Recommendation should be deleted
- No Opinion

Recommendation #46: Notice of Registry Fees for BTAPPA

Page 60 of the TPR PDP Initial Report

1. Please choose your level of support for Recommendation #46:

- Support Recommendation as written
- Support Recommendation intent with wording change
- Significant change required: changing intent and wording
- Recommendation should be deleted
- No Opinion

Recommendation #47: Prohibition on Post-BTAPPA Transfer Restriction

Page 60 of the TPR PDP Initial Report

1. Please choose your level of support for Recommendation #47:

- Support Recommendation as written
- Support Recommendation intent with wording change
- Significant change required: changing intent and wording
- Recommendation should be deleted

Part D: Other Comments

1. Are there any recommendations the TPR PDP Working Group has not considered? If yes, please provide details below.

2. Did you find the updated format of the recommendations helpful in your review of the Initial Report?

3. Are there any other comments or issues you would like to raise pertaining to the Initial Report? If yes, please enter your comments here. If applicable, please specify the section or page number in the Initial Report to which your comments refer.

The BC wishes to express its gratitude to the Transfer Policy Working Group members for their dedication and diligence in deliberating upon these important matters and in particular, wishes to express its appreciation to the Working Group's Chair, Roger Carney and to Staff, for their impressive efforts in leading this effort.

Despite some concerns that the BC has with particular Recommendations, the BC recognizes that the Initial Report is the product of much compromise amongst different interests and as a whole, does a good job of reconciling different interests in order to achieve an overall fair and balanced package of recommendations.

This comment was drafted by Zak Muscovitch, Arinola Akinyemi, Lawrence Olawale-Roberts, Tess Diaz, Sven Echternach, and Rachel Shitanda.

It was approved in accord with the BC Charter.