**Points of Clarification**
**Inter-Registrar Transfer Policy**

The four points below occur in Section 3 of the policy, in the list of reasons for which a Registrar of Record may deny a transfer request.

1. Denial for nonpayment (reason 5)
2. Lock/unlock procedures (reason 7)
3. 60 days of initial registration (reason 8)
4. 60 days of previous transfer (reason 9)

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**1. Denial for nonpayment**

Current language:

No payment for previous registration period (including credit-card chargebacks) if the domain name is past its expiration date or for previous or current registration periods if the domain name has not yet expired. In all such cases, however, the domain name must be put into "Registrar Hold" status by the Registrar of Record prior to the denial of transfer.

Original TF intent:

 http://www.icann.org/gnso/transfers-tf/report-exhd-12feb03.htm
"The general principle seems to be if a registrar can obtain a refund for the registry fee following a transfer during the 45 day grace period, than the registrar should not be able to deny the transfer for non-payment."

Clarification:

Most confusion in relation to this provision occurs in regard to the auto-renew grace period. If this provision is trying to create a distinction between past-due registration fees that the registrar is owed for services it has already provided, and renewal fees which a registrar may wish to collect, this can be clarified in various ways, for example:

- Including an explicit statement that this reason may not be cited for nonpayment of fees for time added in the auto-renew function, e.g., "Registration renewal fees for a domain name within the Auto-Renew Grace Period as defined in the Registry's functional specifications are not considered fees for a current registration period" or a more generic statement that in any circumstance where the registrar is eligible to receive a credit back of its fees from the registry, they may not deny a transfer for nonpayment by the registrant.

- Creating definitions for the current language, on how to calculate previous, current, pending, and future registration periods (e.g., "a name may be considered

to be within a current registration period if, on the date of the query, the current date falls between the Creation Date and the Expiration Date shown in the Whois record for the domain name").

## 2. Lock/unlock measures

Current language:

A domain name was already in "lock status" provided that the Registrar provides a readily accessible and reasonable means for the Registered Name Holder to remove the lock status.

Original TF intention:

http://www.icann.org/gnso/transfers-tf/report-12feb03.htm
9. "Some Registrars liberally employ the 'Registrar lock' function as it relates to the domain names they register for Registrants. This often means that Registrants *can't* transfer their domain name in a predictable way. Do the Task Force recommendations consider this?"

A. Through extensive discussion within the Task Force and further consultation with the community after the Interim Report, the Task Force formed a minor series of amended recommendations that simply requires Registrars to provide Registrants with simple and transparent mechanisms by which Registrants can simply unlock or lock their domain name using accessible processes established by the Registrar.

Analysis: The Task Force heard this concern from several user groups. Earlier versions of this report contained substantially more stringent recommendations, however further discussion within the Task Force and outreach to various stakeholders within the DNSO only drew the lack of consensus on the older recommendations into focus. Accordingly the Task Force re-crafted its recommendations in order to support the principles that were supported by consensus.

Clarification:

Staff noted in the working group that ICANN could more efficiently enforce this provision if there were a test available for what is "reasonable or readily accessible."

This could be addressed using the same standard that exists within the policy for complying with provision of the authInfo code. For example:

> "Registrars may not employ any mechanism for complying with a Registered Name Holder's request to remove the lock status that is more restrictive than the mechanisms used for changing any aspect of the Registered Name Holder's contact or name server information."

### 3.  60 days - Initial Registration Period

Current language:

A domain name is in the first 60 days of an initial registration period.

Original TF intention:  no references located

Clarification:

If the intention is that this should refer only to the first 60 days after a name is registered, then it may make more sense to refer not to any particular "period" but to the start date from which the 60 days is calculated.  This could be, for example, the creation date shown in the registry or registrar Whois (item 3.3.1.4 of the RAA).  The reason for denial could be framed as something like:

> "The transfer was requested within 60 days of the creation date as shown in the registry/registrar Whois record for the domain name."

### 4.  60 days - Previous Transfer

Current language:

A domain name is within 60 days (or a lesser period to be determined) after being transferred (apart from being transferred back to the original Registrar in cases where both Registrars so agree and/or where a decision in the dispute resolution process so directs).

Original TF intention:  no references located

Clarification:

If the intention is that this should refer to an inter-registrar transfer, then the 60 days could be tied to the date that the name was received by the registrar of record.  This could be addressed by adding a sentence something like:

> "Transferred" shall mean that an inter-registrar transfer, or transfer to the Registrar of Record has occurred in accordance with the procedures of this policy.

Note:  An additional reference in this definition to its inclusion or noninclusion of bulk transfers (in accordance with Part B of the policy) may be beneficial.