

IPC Comments
On
Proposed Revisions to the
Inter-Registrar Transfer Policy (IRTP)
Reason # 8 and Reason # 9
July 17, 2008

The GNSO Council has sought community review and comment on two proposed revisions to the IRTP regarding reasons for which a registrar of record may deny a request to transfer a domain name to a new registrar. These reasons are known as Reason # 8 and Reason # 9, respectively. The GNSO Intellectual Property Constituency (IPC) offers the following comments.

The proposed revisions are:

Denial reason #8

Current text:

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

Proposed text:

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

Proposed IPC text:

The transfer was requested within 60 days of the creation date as shown in the registry Whois record for the domain name, unless the domain name is the subject of a dispute and the registrar receives reasonable notice from the registrant and a disputing party that the registrant and disputing party have agreed to a change of registrant as part of a resolution of the dispute.

Denial reason #9

Current text:

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).

Proposed text:

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). “Transferred” shall only mean that an interregistrar transfer, or transfer to the Registrar of Record has occurred in accordance with the procedures of this policy.

Proposed IPC text:

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 and/or unless such domain name is the subject of a dispute and the registrar receives reasonable notice from the registrant and a disputing party that the registrant and disputing party have agreed to a change of registrant as part of a resolution of such dispute.). “Transferred” shall only mean that an interregistrar transfer, or transfer to the Registrar of Record, has occurred in accordance with the procedures of this policy, and not that merely a change of registrant or modification of the Whois information has occurred.

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The IPC’s proposed changes are designed to eliminate an arbitrary requirement that the time period for any domain name dispute must be at least sixty (60) days long. By allowing parties in dispute to arrange for a transfer of a disputed domain name upon a reasonable showing of an agreement to transfer, domain disputes may be resolved more efficiently.

A. Consensus Process

These comments are based very closely on comments submitted by IPC in February 2008. See [http://www.ipconstituency.org/PDFs/IPC%20position%20statement%20on%20inter-registrar%20transfer%20022008%20\(1748326\).pdf](http://www.ipconstituency.org/PDFs/IPC%20position%20statement%20on%20inter-registrar%20transfer%20022008%20(1748326).pdf) for the text of those comments and the procedure followed in drafting and reviewing them. The revision of those comments was drafted by an IPC member and circulated to the full IPC mailing list on February 15. One comment was received and the draft was slightly modified to reflect it.

B. Effects on the Constituency

If the suggestions set forth by the IPC herein are adopted, members of the Constituency will be in a better position to address brand abuses and to resolve disputes in a more expedited fashion unhindered by an arbitrary sixty (60) day requirement that a registrant of a disputed domain name must retain title to a domain name even if both parties to a dispute agree otherwise. Since these proposed changes will shorten the “life span” of

some domain disputes, the financial impact for members of the Constituency will be positive in the form of lower enforcement costs.

C. Time Period for Implementation.

We believe the suggestions set forth here could be adopted by the community within a matter of weeks.