

GNSO gTLD Registry Constituency Statement

Issue: Inter-Registrar Transfer Policy - Clarification of Reasons for Denial of a Transfer Request

Date: 21 December 2007

Issues Report URL: <http://gns0.icann.org/issues/transfers/issues-report-transfer-denial-clarifications-19oct07.pdf>

General RyC Information

- Total # of eligible RyC Members¹: 15
- Total # of RyC Members: 15
- Total # of Active RyC Members²: 15
- Minimum requirement for supermajority of Active Members: 10
- Minimum requirement for majority of Active Members: 8
- # of Members that participated in this process: 11
- Names of Members that participated in this process:
 1. Afilias (.info)
 2. DotCooperation (.coop)
 3. Employ Media (.jobs)
 4. Fundació puntCAT (.cat)
 5. Global Name Registry - GNR (.name)
 6. mTLD Top Level Domain (.mobi)
 7. NeuStar (.biz)
 8. Public Interest Registry - PIR (.org)
 9. Societe Internationale de Telecommunication Aeronautiques – SITA (.aero)
 10. Telnic (.tel)
 11. VeriSign (.com & .net)

¹ All top-level domain sponsors or registry operators that have agreements with ICANN to provide Registry Services in support of one or more gTLDs are eligible for membership upon the “effective date” set forth in the operator’s or sponsor’s agreement (Article III, Membership, ¶ 1). The RyC Articles of Operations can be found at http://www.gtldregistries.org/about_us/articles.

² Per the RyC Articles of Operations, Article III, Membership, ¶ 4: Members shall be classified as “Active” or “Inactive”. A member shall be classified as “Active” unless it is classified as “Inactive” pursuant to the provisions of this paragraph. Members become Inactive by failing to participate in a Constituency meeting or voting process for a total of three consecutive meetings or voting processes or both, or by failing to participate in meetings or voting processes, or both, for six weeks, whichever is shorter. An Inactive member shall have all rights and duties of membership other than being counted as present or absent in the determination of a quorum. An Inactive member may resume Active status at any time by participating in a Constituency meeting or by voting.

- Names & email addresses for points of contact
 - Chair: David Maher, dmaher@pir.org
 - Vice Chair: Jeff Neuman, Jeff.Neuman@Neustar.us
 - Secretariat: Cherie Stubbs, Cherstubbs@aol.com
 - RyC representative for this statement: cgomes@verisign.com

Regarding the issue noted above, the following position represents the views of the ICANN GNSO gTLD Registry Constituency (RyC) as indicated. Unless stated otherwise, the RyC positions were arrived at through a combination of RyC email list discussion and RyC meetings (including teleconference meetings).

RyC Position

1.1. Position Description

- 1.1.1. The issues which are the subject of this report concern four points occurring in Section 3 of the Inter-Registrar Transfer Policy, in the list of reasons for which a Registrar of Record may deny a transfer request.

These are:

- Denial for nonpayment (reason 5)
- Denial for lock status (reason 7)
- Denial for 60 days of initial registration period (reason 8)
- Denial for 60 days after previous transfer (reason 9).³

- 1.1.2. The RyC supports efforts to attempt to develop revisions to the existing Inter-Registrar Transfer Policy to clarify each of the above listed reasons for denying an inter-registrar transfer and suggests in so doing that careful consideration be given to the applicable work done by the Transfers Working Group as referenced in Sections 1.2, 1.3 and 1.4 of the Issues Report. In particular, careful consideration should be given to the Transfers Working Group document titled ‘Points of Clarification Inter-Registrar Transfer Policy’.⁴

1.2. Level of Support of Active Members: Supermajority

- 1.2.1. # of Members in Favor: 10
- 1.2.2. # of Members Opposed: 0
- 1.2.3. # of Members that Abstained: 1
- 1.2.4. # of Members that did not vote: 4

1.3. Minority Position(s): None

- 1.4. **General impact on the RyC:** Revising the Inter-Registrar Transfer Policy to clarify the allowable reasons for denying a registrar transfer will have a beneficial effect on registries or sponsors if it eliminates some of the ambiguity in the existing policy. Registries/sponsors are responsible for resolving transfer

³ Issues Report Section 4.1

⁴ <http://gns0.icann.org/drafts/Transfer-Denial-Clarifications-23aug07.pdf>

disputes so added clarity would likely result in fewer disputes filed and easier resolution of disputes in cases related to the four reasons covered in this PDP.

- 1.5. **Financial impact on the RyC:** There could be a small decrease in registry/sponsor costs for administering the registrar transfer dispute process but it probably would not be material because the number of transfer disputes is quite minimal.
- 1.6. **Analysis of the period of time that would likely be necessary to implement the policy:** Registries/sponsors should be able to implement any policy revisions very quickly because it would simply be a matter of updating the policy.