

Policy on Transfer of .WS Registrations between Registrars

31 January 2008

A. Holder-Authorized Transfers

1. Registrar Requirements

Registered Name Holders must be able to transfer their domain name registrations between Registrars provided that the Gaining Registrar's transfer process meets the minimum standards of this policy and that such transfer is not prohibited by Registry policies. Inter-Registrar domain name transfer processes must be clear and concise in order to avoid confusion. Further, Registrars should make reasonable efforts to inform Registered Name Holders of, and provide access to, the published documentation of the specific transfer process employed by the Registrars.

1.1 Transfer Authorities

The Administrative Contact and the Registered Name Holder, as listed in the Losing Registrar's or Registry's (where available) publicly accessible WHOIS service are the only parties that have the authority to approve or deny a transfer request to the Gaining Registrar. In the event of a dispute, the Registered Name Holder's authority supersedes that of the Administrative Contact.

Registrars may use Whois data from either the Registrar of Record or the Registry for the purpose of verifying the authenticity of a transfer request; or from another data source as determined by a consensus policy.

2. Gaining Registrar Requirements

For each instance where a Registered Name Holder requests to transfer a domain name registration to a different Registrar, the Gaining Registrar shall:

2.1 Obtain express authorization from either the Registered Name Holder or the Administrative Contact (hereafter, "Transfer Contact"). Hence, a transfer may only proceed if confirmation of the transfer is received by the Gaining Registrar from the Transfer Contact.

2.1.1 The authorization must be made via a valid Standardized Form of Authorization (FOA). There are two different FOA's available following the policy. The FOA labeled "Initial Authorization for Registrar Transfer" must be used by the Gaining Registrar to request an authorization for a registrar transfer from the Transfer Contact. The FOA labeled "Confirmation of Registrar Transfer Request" may be used by the Registrar of Record to request confirmation of the transfer from the Transfer Contact.

The FOA shall be communicated in English, and any dispute arising out of a transfer request shall be conducted in the English language. Registrars may choose to communicate with the Transfer Contact in additional languages. However, Registrars choosing to exercise such option are responsible for the accuracy and completeness of the translation into such additional non-English versions of the FOA.

2.1.2 In the event that the Gaining Registrar relies on a physical process to obtain this authorization, a paper copy of the FOA will suffice insofar as it has been signed by the Transfer Contact and further that it is accompanied by a physical copy of the Registrar of Record's Whois output for the domain name in question.

2.1.2. If the Gaining Registrar relies on a physical authorization process, then the Gaining Registrar assumes the burden of obtaining reliable evidence of the identity of the Transfer Contact and maintaining appropriate records proving that such evidence was obtained. Further the Gaining Registrar also assumes the burden for ensuring that the entity making the request is indeed authorized to do so. The acceptable forms of physical identity are:

- Notarized statement
- Valid Drivers license
- Passport
- Article of Incorporation
- Military ID
- State/Government issued ID
- Birth Certificate

2.1.3 In the event that the Gaining Registrar relies on an electronic process to obtain this authorization the acceptable forms of identity would include:

- Electronic signature in conformance with national legislation, in the location of the Gaining Registrar (if such legislation exists).
- Consent from an individual or entity that has an email address matching the Transfer Contact email address.

The Registrar of Record may not deny a transfer request solely because it believes that the Gaining Registrar has not received the confirmation set forth above.

A transfer must not be allowed to proceed if no confirmation is received by the Gaining Registrar. The presumption in all cases will be that the Gaining Registrar has received and authenticated the transfer request made by a Transfer Contact.

2.2 Request, by the transmission of a "transfer" command as specified in the Registrar Tool Kit, that the Registry Operator database be changed to reflect the new Registrar.

2.2.1 Transmission of a "transfer" command constitutes a representation on the part of the Gaining Registrar that the requisite authorization has been obtained from the Transfer Contact listed in the authoritative Whois database.

2.2.2 The Gaining Registrar is responsible for validating the Registered Name Holder request to transfer domain names between Registrars. However, this does not preclude the Registrar of Record from exercising its option to independently confirm the Registered Name Holder's intent to transfer its domain name to the Gaining Registrar in accordance with Section 3 of this policy.

3. Obligations of the Registrar of Record

A Registrar of Record can choose independently to confirm the intent of the Registered Name Holder when a notice of a pending transfer is received from the Registry. The Registrar of Record must do so in a manner consistent with the standards set forth in this agreement pertaining to Gaining Registrars. In order to ensure that the form of the request employed by the Registrar of Record is substantially administrative and informative in nature and clearly provided to the Transfer Contact for the purpose of verifying the intent of the Transfer Contact, the Registrar of Record must use the FOA.

The FOA shall be communicated in English, and any dispute arising out of a transfer request, shall be conducted in the English language. Registrars may choose to communicate with the Transfer Contact in additional languages. However, the Registrar choosing to exercise such option is responsible for the accuracy and completeness of the translation into such additional non-English versions of the FOA. Further, such non-English communications must follow the processes and procedures set forth in this policy. This includes but is not limited to the requirement that no Registrar shall add any additional information to the FOA used to obtain the consent of the Transfer Contact in the case of a transfer request.

This requirement does not preclude the Registrar of Record from marketing to its existing customers through separate communications.

The FOA should be sent by the Registrar of Record to the Transfer Contact as soon as operationally possible, but must be sent not later than twenty-four (24) hours after receiving the transfer request from the Registry Operator.

Failure by the Registrar of Record to respond within five (5) calendar days to a notification from the Registry regarding a transfer request will result in a default "approval" of the transfer.

In the event that a Transfer Contact listed in the Whois has not confirmed their request to transfer with the Registrar of Record and the Registrar of Record has not explicitly denied the transfer request, the default action will be that the Registrar of Record must allow the transfer to proceed.

Upon denying a transfer request for any of the following reasons, the Registrar of Record must provide the Registered Name Holder and the potential Gaining Registrar with the reason for denial. The Registrar of Record may deny a transfer request only in the following specific instances:

1. Evidence of fraud
2. UDRP action
3. Court order by a court of competent jurisdiction
4. Reasonable dispute over the identity of the Registered Name Holder or Administrative Contact
5. No payment for previous registration period (including credit card charge-backs) 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.
6. Express written objection to the transfer from the Transfer Contact. (e.g. - email, fax, paper document or other processes by which the Transfer Contact has expressly and voluntarily objected through opt-in means)
7. 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.
8. A domain name is in the first 60 days of an initial registration period.
9. 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).

Instances when the requested change of Registrar may not be denied include, but are not limited to:

- Nonpayment for a pending or future registration period
- No response from the Registered Name Holder or Administrative Contact.
- Domain name in Registrar Lock Status, unless the Registered Name Holder is provided with the reasonable opportunity and ability to unlock the domain name prior to the Transfer Request.
- Domain name registration period time constraints, other than during the first 60 days of initial registration or during the first 60 days after a registrar transfer.
- General payment defaults between Registrar and business partners / affiliates in cases where the Registered Name Holder for the domain in question has paid for the registration.

The Registrar of Record has other mechanisms available to collect payment from the Registered Name Holder that are independent from the Transfer process. Hence, in the

event of a dispute over payment, the Registrar of Record must not employ transfer processes as a mechanism to secure payment for services from a Registered Name Holder. Exceptions to this requirement are as follows:

- (i) In the case of non-payment for previous registration period(s) if the transfer is requested after the expiration date, or
- (ii) In the case of non-payment of the current registration period, if transfer is requested before the expiration date.

4. Registrar Coordination

Each Registrar is responsible for keeping copies of documentation, including the FOA and the Transfer Contacts response thereto, that may be required for filing and supporting a dispute under the dispute resolution policy. Gaining Registrars must maintain copies of the FOA as received from the Transfer Contact as per the standard document retention policies of the contracts. Copies of the reliable evidence of identity must be kept with the FOA.

Both the Gaining Registrar and the Registrar of Record must provide the evidence relied on for the transfer during and after the applicable inter-registrar domain name transaction(s). Such information must be provided when requested by, and only by, the other Registrar that is party to the transfer transaction or the Registry.

The Gaining Registrar must retain, and produce pursuant to a request by a Losing Registrar, a written or electronic copy of the FOA. In instances where the Registrar of Record has requested copies of the FOA, the Gaining Registrar must fulfill the Registrar of Records request (including providing the attendant supporting documentation) within five (5) calendar days. Failure to provide this documentation within the time period specified is grounds for reversal by the Registry Operator in the event that a transfer complaint is filed in accordance with the requirements of this policy.

If either a Registrar of Record or a Gaining Registrar does not believe that a transfer request was handled in accordance with the provisions of this policy, then the Registrar may initiate a dispute resolution procedure as set forth in the "Transfer Dispute Resolution Policy".

For purposes of facilitating transfer requests, Registrars should provide and maintain a unique and private email address for use only by other Registrars and the Registry:

- i. This email address is for issue related to transfer requests and the procedures set forth in this policy only.
- ii. The email address should be managed to ensure messages are received by someone who can respond to the transfer issue.

iii. Messages received at such email address must be responded to within a commercial reasonable timeframe not to exceed seven (7) calendar days.

5. Registry Requirements

Upon receipt of the "transfer" command from the Gaining Registrar, Registry Operator will transmit an electronic mail notification to both Registrars. The response notification may be sent to the unique email address established by each Registrar for the purpose of facilitating transfers.

The Registry Operator shall complete the requested transfer unless, within five (5) calendar days, Registry Operator receives a NACK protocol command from the Registrar of Record.

When the Registry's database has been updated to reflect the change to the Gaining Registrar, Registry Operator will transmit an electronic notification to both Registrars. The notification may be sent to the unique email address established by each Registrar for the purpose of facilitating transfers or such other email address agreed to by the parties.

The Registry Operator shall undo a transfer if, after a transfer has occurred, the Registry Operator receives one of the notices as set forth below. In such case, the transfer will be reversed and the domain name reset to its original state. The Registry Operator must undo the transfer within five (5) calendar days of receipt of the notice except in the case of a Registry dispute decision, in which case the Registry Operator must undo the transfer within fourteen calendar days unless a court action is filed. The notice required shall be one of the following:

- i. Agreement of the Registrar of Record and the Gaining Registrar sent by email, letter or fax that the transfer was made by mistake or was otherwise not in accordance with the procedures set forth in this policy;
- ii. Order of a court having jurisdiction over the transfer.

6. Records of Registration

Each Registrar shall require its customer, the Registered Name Holder, to maintain its own records appropriate to document and prove the initial domain name registration date.

7. Effect on Term of Registration

The completion by Registry Operator of a holder-authorized transfer under this Part A shall result in a one-year extension of the existing registration.

8. Transfer Dispute Resolution Policy

Procedures for handling disputes concerning inter-registrar transfers are set forth in the Transfer Dispute Resolution Policy (Section B).

STANDARDIZED FORMS OF AUTHORIZATION

1. DOMAIN NAME TRANSFER - Initial Authorization for Registrar Transfer

An English version of this message is contained below.

<Insert translation of English version in preferred language of the registrant if known>

ENGLISH VERSION

Attention: <insert Registered Name Holder or Administrative Contact of Record as listed in the WHOIS>

Re: Transfer of <insert one or more domain names>

[OPTIONAL text: The current registrar of record for this domain name is <insert name of losing registrar>.]

<insert name of gaining registrar> has received a request from <insert name of person/entity/reseller requesting transfer>

[OPTIONAL text:] via <insert method of request e.g email address or fax>

[END OPTIONAL TEXT]

on <insert date of request> for us to become the new registrar of record.

You have received this message because you are listed as the Registered Name Holder or Administrative contact for this domain name in the WHOIS database.

Please read the following important information about transferring your domain name:

- You must agree to enter into a new Registration Agreement with us. You can review the full terms and conditions of the Agreement at <insert instructions for

accessing the new terms and conditions, e.g. URL where the term and conditions can be found>

- Once you have entered into the Agreement, the transfer will take place within five (5) calendar days unless the current registrar of record denies the request.
- Once a transfer takes place, you will not be able to transfer to another registrar for 60 days, apart from a transfer back to the original registrar, in cases where both registrars so agree or where a decision in the dispute resolution process so directs.

If you WISH TO PROCEED with the transfer, you must respond to this message via one of the following methods (note if you do not respond by <date>, <domain name or domain names> will not be transferred to us.).

[NOTE: a registrar can choose to include one or more of the following in the message sent to the Registered Name Holder or Admin contact, and additional processes may be added with GDI approval. The order in which options are presented is a decision for each registrar.]

[option 1] please email us with the following message:

"I confirm that I have read the Domain Name Transfer - Request for Confirmation Message.

I confirm that I wish to proceed with the transfer of <insert domain name> from <insert name of losing registrar> to <insert name of gaining registrar>."

[option 2] please go to our website, <insert URL of confirmation webpage> to confirm.

[Note: website to contain text as above, with the option to confirm or deny the transfer]

[option 3] please print out a copy of this message and send a signed copy to <insert fax or postal address details>

If you DO NOT WANT the transfer to proceed, then don't respond to this message.

If you have any questions about this process, please contact <insert contact details>.

2. DOMAIN NAME TRANSFER - Confirmation of Registrar Transfer Request

An English version of this message is contained below.

<Insert translation of English version in preferred language of the registrant if known>

ENGLISH VERSION

DOMAIN NAME TRANSFER

Attention: <insert Registered Name Holder or Administrative Contact of Record as listed in the WHOIS>

Re: Transfer of <insert domain name or list of domain names>

<insert name of registrar and/or name of reseller> received notification on <insert date of notification> that you have requested a transfer to another domain name registrar. If you want to proceed with this transfer, you do not need to respond to this message. If you wish to cancel the transfer, please contact us before <insert date> by:

[NOTE: a registrar may choose to include one or more of the following in the message sent to the Registered Name Holder or Admin contact, and additional processes may be added with GDI approval. The order in which options are presented is a decision for each registrar]

[optional] send an email to <insert contact details>

[optional] send a fax to <insert contact details>

[optional] or please go to our website <insert URL of confirmation webpage>

[Note: website to contain text as above, with the option the transfer.]

If we do not hear from you by <insert date>, the transfer will proceed.