



# Transfer Registrar Policy

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**.myNIC**

# Contents

1. Introduction And Purpose	3
2. Scope	3
3. Definition of Terms	3
4. General Principles	4
5. Principles of Transfer of Registrar	4
6. Obligations of The Gaining Registrar	5
7. Obligations of The Losing Registrar	6
8. Domain Name Fees for Transfer of Registrar	8
9. Effect On Term of Registration	8
10. Registrar Requirements for The 'Client Transfer Prohibited' Status And 'Authinfo' Codes	9
11. MYNIC Roles	9
12. Transfer Registrar Dispute and Registrar Cooperation	10
13. Transfer Registrar Audit Message	10
14. Review Of Policy	11

## 1. Introduction And Purpose

- 1.1 MYNIC is the Registry for the top-level Malaysian Internet Domain, “.MY”, whose core business is the registration of domain names, administration, and technical operation of the national domain name registry as well as promoting the positive development of the Domain Name System (‘DNS’) in Malaysia.
- 1.2 The purpose of the Transfer Registrar policy is to define the requirements for Registrars and Registrants for transferring domain name between Registrars in a secure and authorized manner.

## 2. Scope

- 2.1 This policy applies to all .MY domain names and must be complied with by both Registrars and Registrants including but not limited to all other policies that is made available in MYNIC official website.

## 3. Definition Of Terms

No.	Term	Definition
3.1	Auth-Code	An Auth-Code, (also called an Authorization Code, Auth-Info Code, or transfer code), is a code created by a Registrar to help identify the Registrant (also known as a domain name holder or registered name holder) of a domain name.
3.2	Gaining Registrar	The new Registrar that the Registrant is transferring the domain registration to.
3.3	Losing Registrar	The current Registrar of the domain that the Registrant wish to transfer away.
3.4	Registrant	The persons or organization that has met the eligibility criteria for the .MY domain name registration or an existing Registrant who maintains the registration of a .MY domain name with MYNIC as a domain name holder.
3.5	Registrar	The party appointed or accredited by MYNIC to offer domain name registration services.
3.6	Registrar of Record	The Registrar is currently responsible for maintaining and managing the registration record of a particular domain name.
3.7	Registry	Malaysian Network Information Centre (MYNIC) is an agency under the Government of Malaysia. MYNIC is also the Registry for the top-level Malaysian Internet Domain, “.MY”, whose core business is focused on the registration of domain names, administration and technical operation.

## **4. General Principles**

- 4.1 This policy is developed in relation to the published policies of MYNIC. As and when required, the policy shall be updated accordingly to reflect any changes in either internal or external circumstances to avoid conflicts or inconsistencies.
- 4.2 The policy shall be reviewed in its entirety on an annual basis or as and when required to ensure its contents' continued relevance and appropriateness.
- 4.3 The Transfer Registrar Policy contains proprietary information about MYNIC. The policy and any of the information contained therein shall not be reproduced and/or disclosed under any circumstances without the express written permission of MYNIC.

## **5. Principles Of Transfer of Registrar**

- 5.1 The following principles shall be observed and made applicable by all Registrars:
  - 5.1.1 Registrar shall include in its Registrant Agreement that the terms of this policy is applicable and binding to the parties;
  - 5.1.2 Registrars may only accept a transfer of domain name within the domain name categories for which they have been authorized by MYNIC;
  - 5.1.3 Registrar of Record are encouraged to apply a transfer lock during the first 60 days of initial registration, during the first 60 days after a transfer Registrar or during the 60-day lock following a Change of Registrant;
  - 5.1.4 Registrar shall inform the Registrant of the material terms and conditions of the transfer, including any related costs or charges, before Registrant agrees to proceed with the transfer;
  - 5.1.5 The Registrant is the authorized person to approve or deny a transfer request to the Gaining Registrar.
  - 5.1.6 Registrants should obtain Auth-Code from the Losing Registrar for the domain name to be transferred. Subsequently, Registrant should provide the Auth-Code to the Gaining Registrar, along with the relevant domain contact information;
  - 5.1.7 Registrars shall not delay or prevent a transfer except in accordance with the policy and procedures herein;
  - 5.1.8 The transfer request must be authorized and confirmed by the Registrant, prior to proceeding with the transfer;

5.1.9 Registrant must ensure that their email address with the Registrar of Record is accurate and up to date before submitting the transfer request;

5.1.10 Registrars must maintain records of the Registrant authorizations in relation to the transfer.

## **6. Obligations of The Gaining Registrar**

6.1 Prior to processing the transfer request, the Gaining Registrar must obtain authorization from the Registrant, which should include an Auth-Code for the relevant domain name. The transfer request and the authorization response from the Registrant must be in written form, such as an email or online submission.

6.2 The Gaining Registrar shall enter into a new Registrant Agreement with the Registrant for the remaining term of the domain name registration period.

6.3 A transfer must not be allowed to proceed if no confirmation from the Registrant 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 the Registrant.

6.4 The Gaining Registrar may, but not necessarily, request any supporting documents from the Registrant in line with the published policies of MYNIC. to ensure validity and legitimacy of the request made.

6.5 The Gaining Registrar must keep full records of the transfer request and make these available for inspection upon request by MYNIC or the Dispute Resolution Providers (if any).

6.6 The Gaining Registrar must initiate the transfer request that has been properly authorized according to the requirements of this Policy to MYNIC. The transfer will be automatically approved five (5) calendar days unless the transfer is accepted earlier by the Losing Registrar.

6.7 A transfer command request submitted by the Gaining Registrar to reflect the changes in the Registry database is subject to the following:

6.7.1 Transmission of a transfer command constitutes a representation on the part of the Gaining Registrar that the requisite authorization has been obtained from the Registrant listed in the authoritative WHOIS database.

6.7.2 The Gaining Registrar is responsible for validating the Registrant's requests to transfer domain names between Registrars.

- 6.8 The transfer Registrar request shall expire under the following circumstances:
- 6.8.1 A period of sixty (60) days has passed since the transfer authorization request was issued by the Gaining Registrar, unless the Gaining Registrar allows automatic renewal of the transfer request, and the Registrant has expressly opted in to the automatic renewal;
  - 6.8.2 The domain name expires before the transfer registrar process is completed;
  - 6.8.3 Change of Registrant is completed in case Registrar imposed a 60-day transfer lock;
  - 6.8.4 Transfer Registrar process is completed in case Registrar imposed a 60-day transfer lock;
  - 6.8.5 If the authorization request expires pursuant to one of the circumstances described above, prior to submitting the transfer request to the Registry, in order to proceed with the transfer, the Gaining Registrar must re-authorize the transfer request via a new authorization request.

## **7. Obligations of The Losing Registrar**

- 7.1 The Losing Registrar must provide Auth-Code as soon as they receive the request from the Registrant.
- 7.2 Auth-Code must be unique on a per-domain basis. The Auth-Code must be used solely to identify a Registrant, whereas the Registrars still need to obtain authorization or confirmation of a transfer request.
- 7.3 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 default approval of the transfer.
- 7.4 If the Registrant has not confirmed the transfer request 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.
- 7.5 When a domain name is transferred, the remaining domain name registration period is also transferred and there will be no refund by MYNIC to the Losing Registrar.
- 7.6 The Losing Registrar must not attempt to delay or prevent the transfer of Registrar.

- 7.7 The Losing Registrar may deny the transfer request in accordance with the following instances:
- 7.7.1 evidence of fraud;
  - 7.7.2 dispute over the identity of the Registrant;
  - 7.7.3 No payment for previous registration period (including credit card charge-backs) if the domain name has passed 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.
  - 7.7.4 Express objection to the transfer by the authorized Registrant. Objection could take the form of a specific request (either by paper or electronic means) by the authorized Registrant to deny a particular transfer request, or a general objection to all transfer requests received by the Registrar, either temporarily or indefinitely. In all cases, the objection must be provided with the express and informed consent of the authorized Registrant on an opt-in basis and upon request by the authorized Registrant, the Registrar must remove the transfer lock or provide a reasonably accessible method for the authorized Registrant to remove the transfer lock within five (5) calendar days.
  - 7.7.5 A domain name is within the 60 days (or a lesser period to be determined) after initial registration or being transferred (apart from being transferred back to the original Registrar in cases where both Registrars agree and/or where a decision in the dispute resolution process). Transferred shall only mean that the transfer registrar has occurred in accordance with the procedures of this policy.
- 7.8 The Losing Registrar must deny the transfer request in the following circumstances:
- 7.8.1 A pending dispute resolution proceeding or other court proceeding in Malaysia that the Registrar has been informed of;
  - 7.8.2 Court order by a court of competent jurisdiction in Malaysia;
  - 7.8.3 The Registrar imposed a 60-day transfer lock following a Change of Registrant, and the Registrant did not opt out of the 60-day transfer lock prior to the Change of Registrant request.
- 7.9 The Losing Registrar has other mechanisms available to collect payment from the Registrant 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 Registrant. Exceptions to this requirement are as follows:

7.9.1 In the case of non-payment for previous registration period(s) if the transfer is requested after the expiration date; or

7.9.2 In the case of non-payment of the current registration period, if transfer is requested before the expiration date.

## **8. Domain Name Fees for Transfer of Registrar**

8.1 The Losing Registrar shall not impose a fee for transfer, or any other fee that could reasonably be construed as a fee for transfer.

8.2 The transfer Registrar includes a minimum of one (1) year domain name renewal. The Gaining Registrar will charge the Registrant for this renewal during the transfer process. The final domain expiry date after the transfer Registrar shall not exceed 10 years.

8.3 If the Registrant chooses to renew their domain name at the same time as transferring it to the Gaining Registrar, then the Gaining Registrar will impose renewal fees based on the remaining number of eligible renewal years made.

8.4 If the Gaining Registrar chooses to include the transfer with other service offerings, or if the Registrant selects additional service offerings, then the Gaining Registrar must make clear on all such fees.

## **9. Effect on Term of Registration**

9.1 The existing domain name registration period will automatically extend by one (1) year once the transfer Registrar process is complete. However, the total unexpired term of a domain name registration period must not exceed ten (10) years under any circumstances.

## **10. Registrar Requirements for the 'Client Transfer Prohibited' Status and 'Authinfo' Codes**

10.1 Registrars may only set a domain name in "Client Transfer Prohibited" status upon registration or subsequent request by the Registrant, provided, however, that the Registrar includes in its Registration Agreement (obtaining the express consent of the Registrant) the terms and conditions upon which it prohibits transfer of the domain name. Further, the Registrar must remove the "Client Transfer Prohibited" status within five (5) calendar days of the Registrant's initial request if the Registrar does not provide facilities for the Registrant to remove the "Client Transfer Prohibited" status.

- 10.2 Registrars must provide the Registrant with the unique Auth-Code if the Registrar does not provide facilities for the Registrant to generate and manage their own unique Auth-Code.
- 10.3 The Registrar of record must not refuse to remove the "Client Transfer Prohibited" status or release an Auth Code to the Registrant solely because there is a dispute between the Registrant and the Registrar over payment.

## **11. MYNIC Roles**

- 11.1 MYNIC shall complete the requested transfer unless, within five (5) calendar days, MYNIC receives a non-authorized protocol command from the Registrar of Record.
- 11.2 MYNIC shall undo a transfer if, after a transfer has occurred, MYNIC receives one of the exception notices as set forth below. In such case, the transfer will be reversed, and the Registrar of Record field will reset to its original state. The notice required shall be one of the following:
  - 11.2.1 If the Losing Registrar or the Gaining Registrar sends an email that the transfer was made by mistake or was otherwise not in accordance with the procedures set forth in this policy;
  - 11.2.2 Upon receiving the panel decision of Asian International Arbitration Centre having jurisdiction over the transfer;
  - 11.2.3 Order of a court in Malaysia having jurisdiction over the transfer;
  - 11.2.4 Documentation provided by the Losing Registrar prior to transfer that the Gaining Registrar has not responded to a message via the designated email for transfers within the required timeframe.

## **12. Transfer Registrar Dispute and Registrar Cooperation**

- 12.1 In the event of a dispute arising out of a transfer request, each Registrar shall be responsible for keeping copies of documentation, including the authorization communications, standard form requests, Registrant responses and other related documents that may be required for filing and supporting a dispute. The Parties are encouraged to settle the dispute amicably through mutual consultation and/or negotiations.
- 12.2 In the event of a failure to resolve the dispute amicably, the Parties are encouraged to resolve the dispute via Arbitration. An Arbitrator shall be appointed, and the proceeding shall be filed and heard at the Asian International Arbitration Centre ("AIAC") in Kuala Lumpur, Malaysia in accordance with the Arbitration Act 2005 or the

AIAC Rules, as the case may be. The arbitration proceeding shall be conducted in the English language and the decision of the Panel in the arbitration proceeding shall be binding on the Parties.

- 12.3 Both the Gaining Registrar and the Losing Registrar must fully cooperate to provide the evidence or information relied on for the transfer during and after the applicable transfer Registrar. Such information must be provided when requested by the relevant parties including but not limited to the third-party dispute resolution panel within five (5) days of the request.

### **13. Transfer Registrar Audit Message**

- 13.1 As required herein, the Losing Registrar and Gaining Registrar shall send a written notice of the transfer confirmation request to the Registrant.
- 13.2 The purpose of the confirmation message is to safeguard the Registrant, the Losing Registrar, and the Gaining Registrar by affirming that:
  - 13.2.1 The transfer request is properly authorized;
  - 13.2.2 The Registrant has been informed of the material terms and conditions of the Transfer;
  - 13.2.3 The Registrant must abide to the Registrant Agreement.

### **14. Review of Policy**

- 14.1 Modification may be necessary, among other reasons, to maintain compliance with laws and regulations and/or accommodate organizational changes within MYNIC. As such, this Policy shall be reviewed in its entirety on an annual basis or as and when required to ensure the continued relevance and appropriateness of its contents.