ICANN Transcription

Transfer Policy Review PDP WG

Thursday, 01 December 2022 at 16:00 UTC

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JULIE BISLAND: All right. Good morning, good afternoon, and good evening, everyone. Welcome to the Transfer Policy Review PDP Working Group call taking place on Thursday, the 1st of December 2022.

For today's call, we have apologies from Crystal Ondo (RrSG), Keiron Tobin (RrSG), Prudence Malinki (RrSG), and Theo Geurts (RrSG). They have formally assigned Jothan Frakes (RrSG), Jody Kolker (RrSG), Essie Musailov (RrSG), and Rich Brown (RrSG) as their alternates for this call and for remaining days of absence.

As a reminder, an alternate assignment must be formalized by way of a Google Assignment form. The link is available in all meeting invite e-mails. All members and alternates will be promoted to panelist. Observers will remain as an attendee and will have access to view chat only. Alternates not replacing a member should not engage in the chat or use any of the other

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Zoom Room functionalities. If you have not already done so, please change your chat selection from host and panelist to everyone in order for all participants to see your chat and so it's captured in the recording.

Statements of Interest must be kept up to date. Does anyone have any updates to share? If so, please raise your hand or speak up now.

Please remember to state your name before speaking for the transcription. Recordings will be posted on the public wiki space shortly after the end of the call. As a reminder, those who take part in the ICANN multistakeholder process are to comply with the Expected Standards of Behavior. Thank you. Over to our chair, Roger Carney. Please begin, Roger.

ROGER CARNEY: Thanks, Julie. Welcome, everyone. We just have a few items. It looks like some people have already stepped up in chat to talk about a few other items to cover before we jump into our agenda here. I guess the only thing I have is I'll open the floor up to any stakeholder groups that have any comments they want to make. We have specific update from the small team on TTL and Sarah is going to bring up another issue that she wants to bring up. But I wanted to open up the floor to any stakeholder groups that had any other discussions besides those two because we'll hit those independently. But any stakeholder groups that want to bring anything forward, please raise your hand now. Jim, please go ahead.

JIM GALVIN: I'm sorry, Roger. Jim Galvin, Registry Stakeholder Group. I didn't quite parse what you said about the two things not to do. So you saw the note from the e-mail list from the Registry Stakeholder Group. Did you want us to say something now or, I'm sorry, was that one of your two items for later?

ROGER CARNEY: Sorry, Jim. I thought Rick had suggested that.

JIM GALVIN: There's two things. There's the Rec 13 and then there's Recs 1 to 9 discussion. We have the Registry Stakeholder Group has comments on the redline in the Recs 1 to 9. That was sent to the list late yesterday.

ROGER CARNEY: Okay. Thanks, Jim.

JIM GALVIN: Sorry. I just wanted to—if you wanted that now or if that was one of your later items?

ROGER CARNEY: You can go ahead now with it, please.

JIM GALVIN:	Okay. All right. Thank you. Sorry. Jim Galvin again, Registry Stakeholder Group. You had asked delivery that if there were comments regarding the redlines from the Recommendations 1 or 2 to 9. We had an observation from the Registry Stakeholder Group about the Recommendation XX. It's the one which is not numbered and it refers to the passing of the IANA ID to the losing registrar. The discussion text actually had some words about this particular detailed issue, if you will. But that was all redlined out. So our suggestion is just to pull a little bit of a detail up and into the recommendation itself and that is to explicitly call out that the Rec says that you must provide the gaining registrar ID to the losing registrar. We're just suggesting inserting the phrase that it should be in the pending transfer request message that is sent from the registry to the registrar. It's just adding that little phrase in there. It is kind of a substantive change, but it's editorial in the sense that the idea is to pull it up out of the discussion into the recommendation because that is kind of an important detail and it shouldn't get lost. So, I just want to put that out there and make sure that that's okay and if we could take that on board. Thanks.
ROGER CARNEY:	Great. Thanks, Jim. When I read it, it seemed to make sense to me. But I'll definitely open up the floor if anyone has any specific questions on Jim's intervention there or any concerns about it at all. Thanks, Emily, for putting that in chat. Okay. Thanks, Sarah. Okay. Again, the update language seems to make sense. But I'll turn it over to Sarah with her other item that she wanted to bring up and comment on that. Sarah, please go ahead.

SARAH WYLD:	Thank you. Hello, everyone. My AOB item, I want to request a recap of the whole transfer process after we have concluded what I think will be concluded today as to whether we're going with a losing FOA or a TAC/ACK, or something else. I have maybe a little bit lost track of the bigger picture. As Jothan says, we have a lot of moving parts. I think it would be helpful for everyone to just review the flow and do a sanity check. Maybe Berry could take us through a flowchart. Berry's flowcharts are always amazing, probably also a lot of work, so I don't know. For example, when considering this input that we just heard from Jim and the Registry team about the IANA ID and what message that belongs in sounds totally reasonable to me. But I've maybe lost track of which messages happen when, and so I just want to do a holistic review of everything at that point, which is perhaps already in the schedule, but if not, hopefully it can be. Thank you very much.
ROGER CARNEY:	Sarah, great idea. I think that Zak and Jothan seem to agree. Yeah, we'll ask staff to take that on. Again, as you mentioned, depending on what we'd get to today, that'll change that anyway. As you mentioned, that does take some work. So I won't commit staff to providing a firm date on that. But as soon as staff can get that updated, that'd be great to walk through it. Again, as you said, we've made some decisions here. So I think that today it will be one that will affect Berry's swim lane flowchart thing. Emily, please go ahead.

EMILY BARABAS:	Thanks, Roger. Hi, everyone. This is Emily from staff. On a general level, I'm definitely supportive of sanity checks and looking at the big picture. I do want to make sure that we find the right moment to do that so that we're not drawing up materials that are going to continue to shift and change and that there are a couple of moving pieces right now in the small groups, and also that we have a few more recommendations to go through in terms of the feedback, and also taking into account staff resources and making sure that we have time to prepare the necessary materials. So as Roger said, we definitely do want to do this. But I think we don't want to wait too long, as Sarah said, but obviously we also don't want to consider it done, and then shift the pieces again and have to do the review again. So I think the leadership team will take this back and figure out where the best point in time in the near but not too near future is to do that as part of our work plan and agenda and get back to you all. Thanks.
ROGER CARNEY:	Great. Thanks, Emily. Thanks, Sarah, for bringing that up. Rick, you also put in chat about Recommendation 13, I think. Is that something that you wanted to bring forward now?
RICHARD WILHELM:	We can.
ROGER CARNEY:	That'd be great.

RICHARD WILHELM: Okay, very good. So the small team had—and maybe Berry could post the current Rec 13 text because I think he has it on a screen somewhere—a topic to discuss this thing about the TTL for the TAC and where the enforcement would take place. The current text says the standard TTL for the TAC must be 14 days from the time it's set by the registry. Jothan says, "We're still discussing Rec 13 in the RrSG post call." Okay. Sorry, I guess we don't have something to present then. Is that correct, Jothan? So you don't want us to talk about this now?

JIM GALVIN: If I may, Rick, a jump in here too. This is just a small team report. So the point here is that this is what the small team is proposing. I would think that part of our request here of this group is, is this group okay with it? Because then we still have to take it back.

RICHARD WILHELM: I understand. You and I, as Registry members of the small team, are okay with presenting now. Let me let Jothan speak because I thought that Jothan and Jody were okay with us discussing it. But that might not be the case.

JOTHAN FRAKES: I'm checking to see if Jody is here. I think he's an alt. So if he is here, he might be … I see or I hear Jody. I see you're not alt. Okay, that's good. So Jody and I both were there representing the registrars. So the discussion that we had yesterday—oh, thank you, Berry. You proactively, as always, anticipated what I was about to suggest to happen. So in the call yesterday, we are

discussing how to address the time to live. And on the 13.1 is where we really kind of spent some time.

RICHARD WILHELM: Hang on, Jothan. Jothan, stop for a second, please. I was about to present what our proposed compromise was, and I got the vibe that you don't have consent, that you're not okay with me, that you didn't walk the dog enough to do that. So if you're okay with me presenting, I'll just go ahead with my presentation.

JOTHAN FRAKES: Go ahead with your presentation. But my intervention was not to say "Hey, don't talk about it." My intervention was I think talking about it here is going to trigger a good conversation.

RICHARD WILHELM: Okay. So let me talk about it real quick, and then we can have the conversation. So let me go ahead. Okay. Thank you.

Thank you for putting it up on the screen. This is the current text. The compromise that we are discussing that the small team hammered out was to do a one word edit to 13.1 and replace the last word of Registries with Registrars, and then add as a second sentence to 13.1 the sentence that I just pasted into the chat. So what this does is change it to be from Registries to Registrars, and then adding the new sentence a maximum TTL for the TAC must be 21 calendar days from the time it is set by the registry, enforced by the registry.

So this essentially has basically two timers in place where the primary timer is enforced by the registrar that's setting the TAC, and that's 14 days. But then the registries are responsible for coming in at 21 days and enforcing a maximum at 21 and cleaning up any. The analogy that I used was a Zamboni when we were talking about this, that no matter what's left after 21 days, it will get cleaned up. So that's the summary of what is proposed. That's what the four of us hammered out in the small group. Owen is horribly confused. "It makes no sense," he says. I see him. Go ahead.

ROGER CARNEY: Thanks, Rick. I appreciate that. Sarah, please go ahead.

SARAH WYLD: Thank you so much. Hi. Thank you to the whole small team for taking extra time to work on this and discuss what might work. I really appreciate it. It's always great to have something to argue about specifically.

I guess I just have like a concern and a question. So my understanding is that the ideal is for the registrar to expire the TAC. But if they don't, then a week later, the registry will expire the TAC. So imagine a scenario where the domain owner submits a transfer on day 18, and the losing registrar, which should have expired the TAC hasn't. So the gaining registrar checks the TAC against the registry and sees that it's still valid. It's not expired, it's still there. So they think it's valid because they don't know when it's supposed to expire. So my concern is that that puts the gaining

registrar in the position of inadvertently violating the policy by accepting a TAC that should be invalid. So that's one concern.

Then the question—this is separate—what happens if the registrant changes their mind and decided not to transfer on like day 12? So they know that the TAC is supposed to expire so they don't do anything, but then it doesn't expire. But then somebody on day 14, a bad actor gets the TAC and takes the domain. So we're extending the risk period by not invalidating the TAC? Okay. Those are my question and concern. Thank you.

ROGER CARNEY: Great. Thanks, Sarah. Rick, again, I appreciate the small team bringing this proposal forward. We'll let everyone ask some questions. But we'll hold off on detailed discussions and answers. So that everybody can see this on paper, I'll ask the small team just to send the proposal to the list, and we can talk about it. We'll actually set some time aside in a meeting to talk about it. I'm not trying to discourage any discussion now. I wanted to close all out the questions. That way, both sides can kind of move forward with it on this. But since you're just presenting this, I want to give everybody some time to let it bake in a little bit. Owen, please go ahead.

OWEN SMIGELSKI: Thanks, Roger. I just like to share my confusion. I think Sarah is a little bit more eloquent. She's able to channel my confusion into actual questions and words, whatever concerns that I have. I think it's just making this a lot more complicated that needs to do to

have two solutions to one problem, as opposed to just one solution to the entire thing. So that we know, I'm not as much of a technical guy as some of the people on this call, but I think it's going to be quite a challenge to account for this on a technological backend basis. I think there's just a lot of places where there's going to be ambiguities, confusion, things crossing over, registrars not doing something, registries could be doing something. I'm initially hesitant, although I appreciate the work on this. I think there's a lot more that needs to be discussed and considered before we move forward on this. Thanks.

ROGER CARNEY: Thanks, Owen. Jothan, please go ahead.

JOTHAN FRAKES: Thank you. I think it's worth recapping maybe what the rationale was about this Zamboni proposal with the registries. What we discussed, to be fair, I think we were playing "I think the registrars want the registries to do this, the registries want the registrars to do this." I guess the happy medium was to word it this way. There was, I guess, a desire that was born from how long it's going to take some registrars to provide the TAC to the registered name holder. So there's up to five days before the registered name holder might receive the TAC once created. So it effectively takes five days off of that 14 days that the registrant would have to do their thing.

So what I heard in this extra time at the registry was that it accommodated that five days in order to push that 14 days out to

the registered name holder to do the transfer, and then gave a couple of extra days. If I'm a registrant and I want to transfer my domain name from Registrar A to Registrar B, and Registrar A doesn't promptly provide me that code, I still may need to hold on to that code for a short period of time before I use it. So if I went to use it on day 15 or something, the hard fast rule would be that 14 days would be enforced. However, the registrars would have it within their power, especially the gaining registrar would be able to still process that transfer despite the losing registrar perhaps delaying providing that to them if they understood that they had 14 days to do so. So that was kind of an upside to this. The downside was that we effectively are changing the TTL to 21 days with this. I think we've seen enough, I think entrepreneurial examples within the registrar space that there will be registrars who will take advantage of the absolute maximum here.

So, is this a good solution? I don't know. We did want to take if the registrars were to enforce this, the desire would be that there would be consistency across the industry on how this would be enforced. The registry does seem like the logical place to place that because that would make it consistent. So that's where we wanted the Registries to take some action. There was a discussion that if the expiry TTL were something that the registrars were enforcing, that the Registries would want some kind of a cleanup mechanism for where there might be TACs that were expired but not unset. So they wanted to do a cleanup and there was a desire to have some consistency to that.

So there was a number of moving parts, I guess, in summary to where we arrived at this. The majority, though, of the feedback

that I got from within the Registrars was that this really should be something enforced by the Registries. So that, if I can leave anything, as far as what my comments are here, in order to centralize this, have it standardized, have it be something consistent across the gTLDs in the GNSO-controlled realm that that would be something that the Registries do enforce. That was the feedback that I got strongly within the Registrar Stakeholder Group early test of the proposed changes. Thank you.

ROGER CARNEY: Great. Thanks, Jothan. I'll say, again, I really appreciate the small team coming forward with a fairly simple update to this and good work on this. I think that the important thing is let's get this proposal posted to the list, and as you can see, I think the rationale, at least some of the background rationale, would be appreciated in that e-mail as well, just stating how we got to that and why it makes sense. Then everybody can take a read and look at that. We can schedule a time to discuss it on this call. Again, I think it's important that everybody takes some time to read it and look around it. Catherine, please go ahead.

CATHERINE MERDINGER: Sorry, I'm on mobile. I don't know how to do anything on mobile. Thank you. I will try and keep it short. My concern—Sarah said everything. I think it was great. I will just note, my concern is more or less that the gaining registrar is going to be in breach but that the losing registrar is in breach, which technically, if they don't set the TAC to know, they are. And as far as I know, registries must include or at least they do include compliance with the Transfer

Policy in their RRAs. So if something technical happens and—I don't know—the technical gods put a storm over a registrar and they're not able to clear the TAC in time and a transfer happens, we're now in breach of the Transfer Policy and our RRAs. I agree that we shouldn't be in breach of those things and we should be clearing the TAC if that's what's required. But I'm more concerned on that side of it, that we're now in trouble in a lot of areas, and I'm not totally sure I understand the seven days. But I will think about it and come back and discuss it when we're all ready to discuss it.

ROGER CARNEY: Great. Thanks, Catherine. Rick, please go ahead.

RICHARD WILHELM: Thanks. I'll be brief. Just emphasizing the main crux of one of the key issues for the Registries is getting support calls when the Registries invalidating these TACs underneath the Registrars without taking action at a distance when it doesn't have a relationship with anybody. As Jothan notes in the chat, a lot of this is born from the fact that there are registrars in a multi-day delay when the TAC is set before furnishing the registrar with a TAC, because even though the registrant reads in the policy that they get 14 days from the time the TAC is set, by the time the registrant actually has the TAC in their hands, that 14 days could have been dripped down to nine days. So that's why the extra timing is in there. Because then if the registry is required to set it—this is the problem that the Registries have with the current thing—they're going to be interfering in a lot of transfers due to these delays. So that's the reason for this, for the compromise position in here. But

we would appreciate feedback. If we need to tweak the days a little bit, that's also something that is a possibility. The 14 days on the TAC lifetime is not something that also was chiseled in stone anywhere. That's also a fluid time, that time in 13.1., at least in my opinion. Thank you.

ROGER CARNEY: Great. Thanks, Rick. Catherine's hand is still up. I assume that's a mobile hand. So I'll let them stay up—

CATHERINE MERDINGER: Yes, it is. I'm sorry.

ROGER CARNEY: No problem. Thanks, Catherine. Steinar, please go ahead.

STEINAR GRØTTERØD: Hi. The way I understand is that one of the security elements we came to was a limitation of the TAC, the TTL. If I recall correctly, we were starting also discussing a lower number than the 14 days, but we ended up in 14 days. So my question is more like, we have the TTL for the TAC and we increase this by seven days. Isn't that some sort of a signal that—no, not a signal—but something that reduced the security level in total? I think that's one of the things that we really should focus on is to keep this in a secure way. I know there will be registrars that have to tune their provisioning line for the transfers with the new policy, and they most likely have to do that anyway. So maybe they've managed to

do it 14 days. In my opinion, that's "higher" security level than the 21 days. Thank you.

ROGER CARNEY: Great. Thanks, Steinar. Again, I think it's great to have a proposal out there so that, as Sarah said, we can edit on the fly here to get where we need to go. We'll talk about this on the list and we'll schedule some time on this, but I just wanted to throw out I believe once the TAC is set by the registrar, they have to communicate that within 10 minutes or something like that, if I remember correctly. So they get to create the TAC, and then five days later, they can provide it. It's once they set it, they only get 10 minutes to provide it. So that five days is more before they set it, they get to do things. So just something to think about as you think about the timeline. As Sarah brought up earlier, the timeline and a view of it makes a lot more sense when you start piecing all the things together. Okay. Thanks, Sarah. Jothan, please go ahead.

JOTHAN FRAKES: I think we've been mentioning this in the chat. But I explained that there's that five-day whatever period that a registrar may not provide. Let's say the losing registrar doesn't provide the TAC. We're talking right now in the context of the current NACK opportunity that a registrant has upon notice. They've got a five-day period during which they can put the brakes on and halt a transfer if they don't recognize it, or for whatever reason, they can decline a transfer and they have that agency to do so. Then in the losing FOA and some of the other things that were changing as

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part of the overall process here, we were looking at having a period of time that TAC might be set but not available to use. So that's another adjustment item here that we're calculating. This is an example of how kind of complex the gears are that we move around in what they're affecting each other. I think when we were talking about 14 days, that five-day period that it wasn't there necessarily when we were originally discussing these 14 days. Just reading Jody's intervention there.

So we may see this implemented in different ways at registrars. I've seen a variety of proposals or suggestions on how we would do this that a TAC might get set, but the client transfer prohibited status would be set on the domain name, that that would have the TAC available, you could furnish the TAC to the registrant, but there might be a five-day period during which the domain would be untransferable, that could be opted out of. And that's kind of the five-day period that's being discussed here as well. Thank you.

ROGER CARNEY: Great. Thanks, Jothan. I think that Sarah's intervention early is, as you mentioned there, Jothan, it's not a straightforward thing. There's a lot of pieces that fall together to make this happen and detailing that out, not just visually but even verbally detailing out is great. We'll get there. I want to thank the small group. Great work in getting back to us. Let's publish that to list, if you can, wanting view. Again, I think the rationale makes sense to add in there so that people can see why those things are there. Then once we get a few days or sometime next week, we'll schedule some time

during a call to actually sit down and talk through it and get it resolved. Okay. Thank you for that.

I think we can move on to our agenda, which I think is the strawman documentation. So everyone's had the language for the strawman for some time now. Sarah started a good chat on list maybe a week or more ago now. Sarah has some time. Again, I think everybody's had a good opportunity to read the strawman. There's not much difference between the strawman and today's policy. There's just a couple of slight changes to it requiring the IANA ID be passed. It's something different I think are the big things that are different in the strawman than what is today. But I wanted to give Sarah some time, if she wanted to. I mean, she detailed it pretty well in her e-mail. But talk through her TAC/ACK—I think she was calling it—solution. Sarah, if you want to talk about the possible solution you put on list, if you have anything to add. If not, I don't want to put you on the spot. Sarah?

SARAH WYLD: Hi. I am happy to recap what the process would look like, if that is useful. I don't really have anything to say that has not already been said in the last few days on the mailing list, other than thank you to everybody for your engagement and consideration. I'm not necessarily right. It's just another idea that I'm glad we're all considering. Thank you.

ROGER CARNEY: If you can give us a run through, just in case someone asks, just put it on list, that'd be great.

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SARAH WYLD: Okay. Step one, the domain owner decides that they want to transfer their domain so they prepare the domain name for transfer. So my intent with this number one there was not to create policy around how that happened. We are doing that as a group. They're going to have to remove the client transfer prohibited status at some point that has to happen, they have to request the TAC, that's what that said. Domain owner request the TAC. The losing registrar send an e-mail to the domain owner that says, "Somebody requested TAC. If this was not you click this link right here. That will cancel." So then we're at 2A. If they click that link, it cancels the process. It does not set a TAC. Maybe other things happen.

So going back to step two, the losing registrar has sent this e-mail. "Someone requested a TAC. If it's not you, do that. If it was you, you can either wait, do nothing, we're going to issue the TAC in five days. Or you click this other link that confirms it right away and we'll give you the TAC right now." So that is a similar concept to what happens in a losing FOA, which may include a yes or no link or it might only include nah but still gives the domain owner the option to say, "Yes, do it," or "No, don't do it." Then the domain owner has the option. They can either deny it doesn't set the TAC, they can approve it, then the TAC is provisioned, it is issued, or they can do nothing and wait, and then it sits for five days and it automatically after that provisions the TAC and issue that to the domain owner. Once they get the TAC, they proceed. They give it to the gaining registrar, and the transfer goes through right away. So that step three is I think the same thing as we had already

discussed in the initial report with the no losing FOA. Geez. I feel like it was more clear when I studied in the e-mail than when I discuss now. But hopefully that was useful. Thank you.

ROGER CARNEY: Great. Thanks, Sarah. I appreciate this because this I think we had talked about this now several weeks ago. I think we had started this discussion and we never got it down on paper. So it was great that you were able to send it on list.

Yeah. I'm not too concerned about the locks here, specifically. It's a general lock here, not necessarily anything specific. As I think Jim pointed out this, this isn't specifically talking about registry lock here or client lock. It's just talking about prepping the domain so that it can be moved and removing the lock. But again, I think the one thing that we heard from the comments that this does solve is it does give that what we're calling agency back to the registrant that they do get to make that decision up front. I think the two things that I think this doesn't solve that we heard from was the problem of TAC getting out in the wild once it's loose, once it's provisioned. If this goes through, yes, I want this, and once the TAC gets out, there's still exposure between TAC being provisioned or provided to the registrant and its actual use.

One of the other things that I mentioned that the strawman added was the IANA ID. This doesn't provide the registrant the information of where the transfer is going to be going to, whereas the strawman solves both of those things. It gives agency back, which it seems like we're agreeing is good thing. But it also solves that if the TAC gets put out into the wild, a registrant has the

agency at the end of the process to stop it, if that wasn't reused correctly, or they also get the additional information of what registrar it's going to in the strawman. I think the good thing is we're talking about giving the agency back to the registrant in this proposal or in the strawman both. So I think that's good because I think that's something that we heard was needed. But I also think that the difference or the shortfalls they see here to the strawman, the difference is really I think, the big thing is a strawman possibly protects a TAC getting used by somebody else or at a different registrar than intended and still gives the registrant the agency to do that.

I think where we're solving part of the problem here, and I think that both of them solve this piece of the problem, but I think there's a couple other pieces that the strawman add that's not in here. So just my thoughts and I'll leave it to the floor to anyone who wants to discuss this. I know there's a lot of discussion on list. So I think we can continue that discussion and see where this takes us. Zak, please go ahead.

ZAK MUSCOVITCH: Thanks, Roger. I just wanted to share the fairly modest feedback that Arinola and I received from the BC. We did present both the original strawman and various proposed revised strawman to the BC and got some limited feedback. Ultimately, there were people in favor of the original strawman and people in favor of the revised strawman. I'm not in a position to share a firm BC position on this. I would say from my personal perspective, for what it's worth, is that I think both solutions are workable. I think there is an elegant solution that maintains the spirit of some of the new processes

that this working group has proposed. But I think that given that there doesn't seem to be a significant benefit in the revised approach as opposed to the original approach, and there are some arguable incremental benefits of the original approach, I personally would lean towards the original approach. But I give credit to both. Thank you, Sarah, for that.

ROGER CARNEY: Thanks, Zak. Again, I think Sarah's—well, I'm about to say Sarah's proposal—but unless you put out there, the true benefit here is a streamline—it's what we talked about last year—was this goes from the current up to 10 days to a revised up to 5 days. So I think that that's the benefit of this revised proposal. But again, I think the loss of those couple of items is what needs to be weighed versus that efficiency. Sarah, please go ahead.

SARAH WYLD: Thank you. Roger, you really got to what I was just about to say. I think we just need to as a group sort of weigh benefits and drawbacks, and conclude what we think as a group is more beneficial. So for me, I see benefits in the TAC/ACK method. We talked about agency, but also I really see value in the other two benefits I laid out, the timing of the notification. In my experience working with domain owners doing transfers, in the moment when they sit down to get the TAC, that's when they want to do the transfer. So they're ready to like, "Okay. Send me an e-mail and I'll click the link. And he knows I'm here doing it right now." But then once they've submitted the transfer with the gaining registrar, they feel like it should be done, and then sometimes there's a

delay in getting the FOA, which then comes from the losing registrar. So it's a delay, right? It's drawing out the process, and so I see benefit there.

Then also in terms of the simplicity of the process. One of the reasons why we got into the whole discussion of getting rid of the losing FOA, I think, is because domain owners, in my experience, just want the transfer to go through. They don't want to have to wait and deal with it and wait for more. So if I can just submit it, and then I don't have to get another e-mail, that'd be great. So there's simplicity there. Fewer e-mails and fewer steps in the process and instant transfer I see as highly beneficial. Thank you.

ROGER CARNEY: Thanks, Sarah. Steinar, please go ahead.

STEINAR GRØTTERØD: I apologize for sending the At-Large view on the strawman this morning. We had a meeting very late yesterday, my time. We agreed upon after quite intense discussion about we would like to go on with the strawman proposal, even though we kind of signal in our public comments that we were in favor of what the working group was decided upon by in the initial report Phase 1A.

However, I'll phrase it this way. I was asked to also signal that there was more than one that advocated a new routine saying that the transfer will have to be positively acknowledged by the registered name holder before it actually go into the process or being transferred, meaning that in the five days period that we're discussing, you have the ACK and NACK. It will stop if there is not

a positive acknowledge from the registered name holders. I know this is not in line with the present policy. I know we don't have that much data indicating its huge volume that is of false transfers. But with my At-Large hat on, I was "forced" to say this to the working group. So thank you very much.

ROGER CARNEY: Thanks, Steinar. To your point and to your question that you had on the list, correct. It's automatic acceptance after the five days, just as it is today. So that's how we have at least worded so far. Jody, please go ahead.

JODY KOLKER: Thanks, Roger. I just wanted to add some facts that we have at GoDaddy, that we've been keeping track since I think September of 2018. We've been tracking the number of times a customer or registrant has requested a TAC and how many times that domain name has been transferred out. I know what we think is what's happening is that registrants are getting their TAC and they're transferring it around immediately, which is absolutely acceptable. We can see that at GoDaddy where some registrations can transfer these domain names out in a matter of five minutes. I mean, they get their TAC and they transfer the domain away, and everything is condensed, very small like that so that they can do that.

But I just want to add some numbers here. 40% of the people that request TAC do not transfer the domain name away. And 40% of those people are going to have that TAC be potentially

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compromised for the 14 days, and that's where we're coming at. 60% of the domains transfer away, 40% of the domains request the TAC, and they never send them out. Now, that's a large number for us. It's not a majority. But it's a huge number of people that could be affected by this.

That's why we've sent the e-mail that we did this morning, proposing that we stay with what the strawman proposal is as written. I see the IANA ID being passed back is a great point of fact for the registrant to decide whether they want to transfer that domain name away because that's where they're expecting the gaining registrar to be. I think I'll leave it at that. Thanks.

ROGER CARNEY: Great. Thanks, Jody. Sarah, please go ahead.

SARAH WYLD: Hi. Wow, Jody, data. Thank you so much. I'm going to have to think about that. Okay. My hand was raised to respond to Steinar. Thank you so much for bringing the feedback from your group. I have to disagree. I think that although NACK would just add yet more complexity and delay and we have not seen issues with the process that justify it. Thank you.

ROGER CARNEY: The auto ACK is what has happened for years and what we're proposing moving forward. Jothan, please go ahead. Again, I want to make that clear because sometimes that gets confusing, NACK and ACK. It's an auto five-day window. If no response is made,

the transfer happens. So, they can either say yes or five days and it's an automatic yes, or if they say no, then it stops. Just to be clear. Jothan, please go ahead.

JOTHAN FRAKES: Thank you. So we've got two bits of feedback that came in from the registrars. The first one was that what we're discussing, there will be a period of time during which we would be transitioning this, where there will be a hybrid of whatever the status quo is and whatever we propose being operated concurrently while the new normal is being adjusted to, while people are transitioning to this. That's one comment. So we may have some differences in how the behavior of gTLDs are for transfer at the time we're implementing all this stuff. So that was one of the bits of feedback. There'll be a period of time during which old a new will be running concurrently.

I think I'll complement that by putting on my co-chair of the Contracted Party House TechOps and say we really want to be cautious—I use the word "modest"—about the changes that we're making about how all this works as we go through and make change. We've got decades of user expectation and how the system works. It's been my experience that the more things that you change, the more opportunity there are to break or have unintended consequences. So as few changes from the status quo as we can make as part of our design is a wise choice here. Because that means less gears were changing, and that way, less changes to the machine. Thank you.

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ROGER CARNEY:	Great. Thanks, Jothan. Sarah put in chat. It's good to recognize the fact that there could possibly be a period of time of adjustment there no matter what happens. But obviously, that'll all be left to the IRT to decide what that'll look like and how that will function. But it's always good to keep that in the back of your mind as to what you're doing, how big effects those may have. I think it's one of the things when you think about it. I think Sarah and I are both kind of saying is we're just trying to weigh the benefits and risks here. When we do a change, if we move from the strawman to the TAC/ACK proposal, there is a registrant reeducation piece to it. I don't know that it's a huge lift or not, but it is a different process that registrants will have to learn. Again, those that don't transfer often may have never even learned the old way so it doesn't matter for them. And those that transfer a lot, it's probably not going to matter. But it's still a difference that's going to have to be looked at. It's not just the system change but also changing people's activities as well.

Jothan, your hand's up but I think it's an old hand. Thank you.

So I think where we're at is exactly what Sarah said, weighing the benefits and risks of which one is there. To be honest, it gets down to the status quo of all policy development, if we don't come to an agreement, then the current policy stance which is a losing FOA in its full form. It's where we're either going to agree that the TAC/ACK is a great solution and we're all behind it or we're going to say we're behind the strawman and we're all behind it and we can move forward with either the TAC/ACK change or the few changes—it still changes—that the strawman provides. Or if we can't get to an agreement, then we just go to the losing FOA and

we haven't improved that process either way. So just as a reminder. Jothan, please go ahead.

JOTHAN FRAKES: Thank you. I think we may have some alternative paths in the early stages of the TAC/ACK. One of the examples was to use the combination of TAC assignment. So the registry sets the TAC but sets the client transfer prohibited for some period of time that could be an alternative path. I think we want to perhaps leave some freedom for registrars to implement this in a diversity of ways that at least net out the same result based upon how their systems may currently exist with a few decades of bake in.

Sara's proposal is good. I've also heard a good proposal using the combination of TAC set plus the client transfer prohibited to kind of arrive at the same result. And that alternative to the TAC/ACK would mirror the status quo a little more closely with respect to how the EPP stuff gets set up in talking to systems. So let's just be open to how that might be implemented. As long as the net result is it's consistent as far as the registrant experience, that would be helpful. Thank you.

ROGER CARNEY: Thanks, Jothan. Okay. I think that we're at a good spot. We've been talking about it, honestly, since I think ICANN75. On and off we've had this discussion on if this makes sense. I think what we've all agreed to at least is the agency piece of this, giving the registrant more power than our recommendation had. It seems like everyone's in agreement with that piece. I think that the timing

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here is the piece. And I don't think, really honestly, there's much difference between the strawman and the TAC/ACK or even today's policy. I don't think there's a big difference in those except for the timing and obviously some benefits and risks that are there. So I think that that's where the decision is. It sounds like everyone agrees, "Hey, it's great. Let's bring this agency. Let's make sure the registrant still has this power at their hands." But it's the timing versus the loss of value of the TAC being misused once it's provisioned and IANA ID of where it's going or the acknowledgement, at least providing the registrant with more data on that chance of. So I think that the decisions here are who can live with giving up those things for a speedier, more efficient process. I don't know more efficient but speedier for sure because it goes from 10 days to 5 days. If we can't all get on one side, then we'll just follow down. Again, we need to make a decision and move on. So I think that's why I'm trying to be as concise here as possible. We either need to pick one or we're just going to let it go to continuing as it is. Thoughts on that? No more thoughts on it?

Okay. I can get us there, Sarah. No problem. From what I've heard from our comments and everything else, I stay that the group is going to go with the strawman proposal, and those that disagree with that, please feel free to disagree with that. I think that that's great. But I think from what we heard from the comments and from others, the important part of the timing is the additional functionality that it provides. So I think the strawman is the way that solves the question and so as the public comments as well. Okay. So everybody agrees. The strawman is our consensus moving forward.

Okay. Richard, Sarah disagree. So we have strong consensus, not full consensus. Okay. Again, we're not making a true consensus call here, but just looking for agreement so that when we get to that consensus call, we don't have any surprises. I think that it's fine. We don't have to agree on everything. To move forward and to make progress, we're going to say the strawman is where we're at and we're going to move forward with it. When we get later on or if others find a way to convince others, then that's fine. We're just not going to talk about on the calls, we're going to assume strawman, and then we'll let it go from there.

Okay. Yes. Thanks, everyone, for a great discussion. Again, it's not been a two-week discussion. I know that we touched on this at ICANN75. In most calls, we've actually touched on this topic since then. So I think it's been a great discussion on how we got here. Honestly, this proves our process out, I think. It allows us to have this discussion and it allows the public comments to help that process along. So I think the whole process has been showing that it works. Again, we may not get to everyone's perfect solution but the process does work. Okay. Yes. Thanks, everyone, for the great discussion on it.

All right, I think we can move on from this agenda item to our next agenda item, which I think is the comments on revisions. Maybe I'll turn this over to Emily to walk us through these.

EMILY BARABAS: Hi, Roger. Thanks. This is Emily Barabas from staff. Hi, everyone. For this agenda item, it might be helpful to open up the redline version of the report. If you go to the very top of this wiki page,

there's a link to a Word and PDF version there, and you can use that as a reference point. For the actual feedback itself, you'll recall that there's a tracking document. I will share the link here as well. Okay. So we only have a couple of items to go through.

Sarah and I spoke offline and it looks like there may have been a compatibility issue that was making some of the edits show up strangely for her but appear to be okay in the Word version. Sarah, correct me if I'm wrong, I think these first few items are actually okay and are not things that we need to go through. So I'm just going to go down to the substantive item from Sarah.

Sarah provided feedback that this is on—I think that that compatibility issue also may have impacted the line numbers that she referenced. So this is Recommendation 8 on page 23 of the Word version. It's an editorial suggestion for adjusting the language of the recommendation. Sarah, is it easier for you to just speak to this? I can bring up the original text. Or do you prefer that I do so?

SARAH WYLD: Whatever you prefer, Emily. I don't have the redline in front of me. I felt that the sentence was hard to follow. So I think we could move it around a little bit. I gave two suggestions for how it could work that I think are easier to read. Do not in any way change the meaning of it. Just easier to read.

EMILY BARABAS: So if everyone feels comfortable with the solution, maybe the thing is for staff to just pick one of those and propose it since it doesn't

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change the meaning. Both of them I think are perfectly appropriate to make things a little bit more clear from an editorial perspective. So if that's okay, if people feel comfortable, maybe just let me pull up what Recommendation 8 is currently. For those following along on your own screens, it's page 23. The recommendation currently says the working group recommends that the registry must verify at the time that the TAC is stored in the registry system that the TAC meets the syntax requirements specified in preliminary Recommendation 7. As you can see here, Sarah has done some magic with commas and rearranging the words to just make that a little bit clearer. So maybe we'll just pick one and run with it. And when folks review the next red line, if they have any concerns about that, we can certainly go back and revisit. Any objections to that? Okay.

Then the second item was the one that Jim already spoke to. It sounded like there was support for adding that text to the new preliminary recommendation about the registry operator providing the gaining registrar's IANA ID to the losing registrar. It specifies that this would happen in the notification of the pending transfer request. In the initial discussions, it sounded like at least no one raised any concerns about that. But we'll just pause for a moment since this is another opportunity to take a look at this text with the full document open. So let us know if there's any concerns about that. But otherwise, we'll incorporate it into the next redline as well.

Okay. I'm not seeing any concerns raised at this stage. I think that that's actually it. So what we're assuming at this stage, since there hasn't been any other input on the redline is that

Recommendations now 2 through 9 are okay and stable for with these revisions. We're working on another redline in the background with the recommendations that have been discussed since then. We'll be getting ready to release another set for folks to review for, I guess, it's 10 through 18 coming soon. So keep an eye out for that. Roger, shall we return to the agenda now?

ROGER CARNEY: That sounds great. Thanks, Emily.

EMILY BARABAS: Okay. So after this, I think we're going back into the review of public comments specifically focused on Recommendation 19. Shall I just dive in?

ROGER CARNEY: That sounds great. Thanks.

EMILY BARABAS: Okay. So here is Recommendation 19. You'll recall that we spent a bunch of time on this on our last call. Here's the link for you all. The focus of our discussions on the last call was the question about 1.A.3.7.1, reasons that a registrar may deny a transfer. On the last call, so there were a number of alternatives in the public comments, you'll recall. The original text is evidence of fraud. The text in the report added language about the registrar's domain use or anti-abuse policies, there were a number of concerns about that. There was discussion about some of the alternatives but did

not appear to be universal support for any of them. From last week's call, it seemed that there was general agreement that indeed this should be in the MAY category and not the MUST category. Sarah provided an additional proposal evidence of fraud or the domain presents an active and continuing threat. The working group also recalled the upcoming discussions on contractual amendments and the potential interaction with the discussion of this item.

As a reminder, if the group does not come to agreement on an alternative, the default is to return to the original text as it is in the policy, which is evidence of fraud in the MAY category. If we do go forward with that, obviously the existing language does not address some of the concerns that have been raised by both working group members and Contractual Compliance around some other scenarios where a registrar may want to deny a transfer but is not empowered to do so because there's not a corresponding reason in the policy. But we do default to the status quo where there's not agreement. So that's where we currently stand. Roger, back to you.

ROGER CARNEY: Great. Thanks, Emily. The feeling I get from the group and the feeling I got when we first talked about this a long time ago—and the small team at that time came up with some direction—is it seemed like the group felt like evidence of fraud was not enough. But, as Emily points out, if we can't get to anything that we agree on, then we'll fall back to just evidence of fraud. But it seemed like the whole group that spoke up anyway, they were definitely in support of expanding this. But obviously, it sounded like from

everyone as well, we did want to expand it so far that it got abused. So I think that somewhere there has to be some good language. Again, I think Emily mentioned it, Sarah, provided some thoughts last week on it, that evidence of fraud or domain presents an active or continuing threat. Domain presents an active or continuing threat I think, obviously, can be a little bit squishy language. But if they decide that they're going to not allow it to transfer for this, then logically they would have to provide that rationale of the threat if there was a complaint or a compliance issue against it. Again, I think if the language kind of open, it is, but it still provides the logical step of having to provide proof if that's what someone used as a reason for not allowing transfer.

Steinar, "Security threat to Sarah's proposed language." Okay. Owen, please go ahead.

OWEN SMIGELSKI: Thanks, Roger. I'm going to come back again and voice support for the language that we had proposed in the initial report. I think it opens it up a little bit. We had previously discussed things such as a violation of the Registration Agreement, which I think was, as we agreed, kind of very broad and wide and subject to some serious concerns there. I'm concerned when we start to get too detailed in what it is that we want to do—what's a security threat, what's ongoing, what's continuing—and I think that might be just putting in a very difficult thing that might be open to interpretation or too narrow. I really liked the use policies or anti-abuse policies, and a lot of registrars have them. That could be one way around that. I don't think we're going to get into the scenario where somebody didn't mail in a check that was received on a Tuesday is an anti-

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use policy. This is going to block the transfer and kind of the scenarios, they're very strict crossing the T's dotting the I's things with strict compliance of that. But I think giving a little bit more flexibility like the example I gave, I don't know if it was last week or the last meeting or when, but if there's a registrar in Thailand who has a domain name that is being used to insult the royal family, that might not be considered a security threat and might not be considered fraud. But if you're a Thailand-based registrar, that's certainly something that you might need to be able to block or something along the lines, and having to force them to allow the transfer of it. It certainly opened them up. Again, this is just one hypothetical but I think there could be a number of scenarios where we need to give that opportunity for a registrar. If they have a use policy and it's violating it, then why should they not be able to block it? Thanks.

ROGER CARNEY: Great. Thanks, Owen. Not that I want you to answer, but just something to think about. How do you respond to the comments of domain use policy being abused or too broad to follow up on or anything, too broad it allows for abuse of that? Again, I'm not looking for you to answer, just something to think about.

OWEN SMIGELSKI: Can I respond real quick, Roger?

ROGER CARNEY: Yes.

OWEN SMIGELSKI: Yes, I understand anything that we put in here, there's always going to be people who are going to abuse it to the maximum or they're going to find workaround, loopholes. There is no magic language that we can come up with that will 100% all of the time make everybody completely happy on all sides. It's not going to happen. I think what we've put together is a very good compromise. Again, some of the things we've been considering at the beginning were a violation of the Registration Agreement. That was very broad. We've come back with something that's a little bit more narrow, a little more custom, and less likely to be subject to abuse, not only by the registrar but also by domain name registrants as well, too. Thanks.

ROGER CARNEY: Great. Thanks, Owen. Zak, please go ahead. Thank you, Roger. Arinola and I went to the BC with this issue further to our last call where we were asked to do so. Once again, we got fairly limited feedback. It wasn't broad feedback. But the feedback that we did receive was, of course, the BC strongly believes that a fraud and even infringement and spam, etc., should all result in a registrar having the right to stop a transfer in addition to disabling the domain name. But there were serious concerns raised about situations that could arise where a registrar is not just disabling a domain name but preventing it from being transferred out. That could be considered by some to be holding a domain name hostage, to use Owen's example. It's just one of many examples I'm sure we could come up with.

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If there was a political site that was associated with a domain name registered by a Thai registrar that malign the King of Thailand, that registrar would be able to exercise his discretion to disable the domain name in order to comply with its local laws, and registrars should have the right to do that. It needs to protect itself. The question, though, then is a separate one is whether that registrar should also have the right to prevent the owner of that domain and the registrant from moving it to a registrar in the United States where there is no such prohibition on maligning the King of Thailand.

So, by allowing a registrar to capriciously hold the domain name and prevent it from being transferred, essentially deprives the registrant of any lawful right to use a domain name in a jurisdiction where it's perfectly lawful to do so, it also can allow a registrar to infringe upon people's rights to have protest sites, to fundraise for certain issues, to promote certain issues, depending upon the registrar's particular Terms of Use. The registrar should have the right to disable any site that it is not happy with. I know some of the registrars in our call have done that and for very good reasons, for not this or this or that. And it works out very, very well for the registrar because they don't have their business. They don't have to host, to have this domain name under their management. But if the issue is one that you happen to agree with, you still feel the same way. Suppose if a registrar were to prevent you from promoting the political idea or the business that you love and can't just disable a domain name but it can prevent you from moving it somewhere else, that's very troublesome. It works very well when it's something that we could all agree on is terrible, that is pedophilia or whatnot. But what about things that

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we don't all agree with? Should the registrar still be able to not just disable but to prevent anybody from using that domain name ever again even if it's completely lawful? Those were the concerns that I think some of the BC members had. Thank you.

ROGER CARNEY: Great. Thanks, Zak. I think that you bring up a lot of good points there. I think that the struggle everybody has is around that. Obviously, there's some things that, like you said, people can seem to agree on and stopping of transfers is valid there. I've seen a lot of it in chat here talking about disabling versus not allowing a transfer and things like that. I think that, yes, Zak kind of laid out. I think you got to separate those two concepts. A disabled domain is a solution to some problems, but it disabled or not, allowing the transfer is important. Allowing or not allowing it is a different feature of it. So I think if it's not disabled or if it is disabled, I don't know that it matters. Obviously, I think it matters in the context of that specific thing. But I think that what we're trying to solve here is looking at it and seeing if there's a reason why. Again, as Zak said a couple of them, there are certain reasons why you wouldn't really want to allow a transfer. Disabling it solves the problem of it occurring. But if you allow the transfer, then it's just going to reoccur. Again, I don't think anyone at ecosystem wants that to happen, but we need to come up with the language that supports that so that registrars can. If it's legal in one place or not, obviously law trumps any policy we write. And it says it in our contracts that law overrides anything that is in policy. So you're not breaking policy by following the law, you're following policy by following the law. So I think that if it's legal or not, I think

that that's recovered in our contracts, if it's legal or not, to be able to do something. So I'm not concerned about if it's legal or not.

Right, Owen. Exactly. It's in our contracts. We have to follow laws and everything. So if it's against the law and registrars are doing it, it may not be against policy. ICANN can't enforce it but the law is going to enforce themselves. So I don't know. To me, I draw a line there because we all have to follow our laws wherever we're at. But I think the important thing is—Zak kind of touched on it— there's certain areas where we know generally agreement on this is a bad idea if this transfer somewhere because it's just going to continue to repeat itself or may continue, you can't guarantee it, but it may continue, and that's the problem. As good stewards, we don't want to just pass on a problem and allow it to occur if they end up finding someone who's not paying attention or whatever. Owen and everyone else, we've got this language and put it in the recommendation. Owen says he thinks it's okay. And as Owen says, we're never going to get agreement 100% on exact text, but we do want to make sure that if we're aware that it can get abused, we need to try to counteract that. And if we can come up with language that allows for tighter possibilities, then I think we should work on that. Zak, please go ahead.

ZAK MUSCOVITCH: Thank you, Roger. I like many of you follow Owen's Tweets and stuff like that. So I know that Owen has in particular an admirable affinity with the Ukraine cause. Let's say that there was a website that was very popular, let's say it had 500,000 registered users. It was freeukraine.com and was happened to be registered with the Russian registrar. The Russian registrar, once it learned of this,

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immediately disabled it, whether it's for local law reasons or whether it's because of their Terms of Use, which they can write any ones they like. The proprietor of that site says, "Well, I'd really love to move it to NameCheap and not lose my whole 500,000 user database of activists and people in my Google rankings, etc., all the goodwill I've built up in this domain name." The Russian registrar would be able to say, "Sorry, we're not just disabling the DNS on this. We're not even going to let you take it to NameCheap." That's the problem that I'm concerned about by having such a wide language in the proposal. Thank you.

ROGER CARNEY: Great. Thanks, Zak. Okay. Any other comments? We knew this was a touchy subject when we touched on it first. I think everybody feels like evidence of fraud is not big enough. Today, if you deny a transfer because for some reason it's hosting a [CCM] on it, ICANN is going to request that you allow the transfer to occur because there's nothing in the policy that stops it. So it's one of those things where it's like, yes, you can disable it. As Zak mentions, you can disable it because registrars have that right and follow the law and they can disable it. But not allowing it to transfer is not—maybe there are some laws that are going to be written for it, I don't know. But I think policies are better placed for it than law if it should transfer or not. Zak, your hand is still up. Is that an old hand? I'll go to Catherine. Thank you.

CATHERINE MERDINGER: Thanks. My thought on the issue of "Is it illegal? Can we prevent it from transferring?" We can't prevent registrars from complying

with law, right? So my thought is, you'd be able to deny a transfer. If that law said, hey, if someone's doing this thing, say if someone is especially—

Can you guys still hear me?

ROGER CARNEY: I can hear you now, Catherine.

CATHERINE MERDINGER: Okay, sorry. I don't know where my box is. Anyway, you can deny a transfer. If the law says when that transfer happens or when that—sorry. You've got a specially designated national that under OFAC, you've got to seize that domain name, right? You can't let that transfer potentially, if that's the law. That I could see blocking a transfer. I'm not necessarily seeing that if a law says you're not allowed to do that in this country, I can see where a registrar might say that doesn't prevent a transfer or I can see a registrar saying it does prevent a transfer. I don't think we should be interpreting those local laws. We're not located in those places. So I guess I feel weird about saying just because the domain violates local law, that means everyone's allowed to prevent it from transferring. But I also think it doesn't mean that you have to let it transfer either. Thanks.

ROGER CARNEY: Right. No, I completely agree, Catherine. Again, I think that's why the law piece of it, I think you leave that alone. As you said, Catherine, the registrar is going to make that decision based on

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their knowledge. And maybe they're wrong and right but that's the risk they're going to take is okay. I'm not going to let it transfer because the law says I don't have to. Then if it gets to a legal dispute about it, then they'll have to worry about that. But I think that's why I'm trying to separate law because law will overwrite anything we write. Zak, please go ahead.

ZAK MUSCOVITCH: Thank you, Roger. That's well explained by you, Roger and by Catherine. I think, as that was pointed out, the compliance with local law, that's something that the registrar is going to do regardless of what's in this policy. This policy need not even per se cover that. What we're really talking about here is whether something can be done extrajudicially, so to speak, beyond the actual legal requirements the registrars are obliged to comply with via the instrumentality of its particular use policy. Thank you.

ROGER CARNEY: Great. Thanks, Zak. Okay. I'm back to where I started. I think everybody thinks that fraud is not enough, but I'm not sure everyone agrees on how to define it. What came out of our initial report says domain use and abuse policies, and the comments we got back thought that that was too wide. Again, maybe it's not and that's okay. But the comments we got off that was too wide and can be abused fairly easily.

So here's several things on the screen, suggestions of doing that. If we agree that it seems a little wide, can we tighten it up? Or, as Owen said, tightening up, does it cause more problems? Because

then you're still left without any recourse. I am looking for people to point one direction or not. Again, it sounds like everybody wants it bigger. If we can't get to language, it's going to stay evidence of fraud. But I'm hoping we can get to some language that—again, I think everybody's agreement needs to be a little bigger.

"Is it still in the MAY category?" That's a good question, Steinar. By but it seems like MAY. I think we've walked through this when we did it. It seemed like MAY for fraud made sense, and it wasn't a MUST. Just because maybe that registrar just doesn't want to be part of that issue, and it's okay if some other registrar is part of that issue. So it's one of those, I think, we walked this circle several times and thought it still seems like a MAY, it seems to make sense. Thanks, Steinar. Yes, I think MAY makes sense.

Yeah, Zak, good point. Use policies can change rather frequently. Obviously, it's still something that registrants have to keep up on anyway. But details like this, yeah, it could update quickly.

Thoughts? Again, Sarah had some good thoughts or at least a suggestion. I don't know if she's even still behind it now or not. But Owen has thrown out one set of language, which is what initial report says. Sarah has made a little refinement to it, big refinement to what we can say. There's also suggestions on the screen. Anyone leaning one way or another? Thoughts? I think one of the things obviously was the sentence structure update made sense to everyone as well, evidence of fraud as its own, and then whatever else as we're talking about, as the second bullet talks about.

Sarah still likes her suggestion. Do we add language? As I was mentioning earlier, when I read Sarah's thing, it's like, okay. That means if someone prevents a transfer because they believe there's an active or continuing threat—and I think that in chat, if it's disabled, I think if you let it transfer, then it's still an active threat. So I think that it still fits that. So I think disabled is still you wouldn't allow it to transfer. But do we add language? Again, it's something that, as I read Sarah's—sorry, we're at time, actually. I've kind of lost track of time. But I was thinking, do we add language around proof? Do they have to provide this if wrong request or something like that? Owen, you're going to get the last word because we are out of time. Please go ahead.

OWEN SMIGELSKI: Thanks, Roger. This is more of an AOB issue here. The Registrar Stakeholder Group, as we kind of indicated earlier, there's intent to set up some possibly triggered negotiations with ICANN. So we're looking to do some meeting space time slots that we need. I was wondering, I know we're doing Tuesday, Thursdays now. How long do we foresee that the Thursday meeting will be going, to the end of the year, continuing next year? Just so we know what time slots are available.

ROGER CARNEY: Owen, we'll get back to you Tuesday with that answer. I'm thinking it'll be just the end of the year. But let's talk about it, have staff talk about it, and make sure that that's okay.

Great. Okay. Again, I'm going to apologize like I did Tuesday, we ran over time again. Great discussions, though. We're going to start back here, I think, next time. Let's try to see everyone think in between Owen's and the initial report language to somewhere in Sara's language or maybe somewhere in between there, or do we just go back to fraud. Just think about it and we'll talk to everyone on Tuesday. Thanks.

[END OF TRANSCRIPTION]