
ICANN Transcription

Transfer Policy Review PDP WG

Tuesday, 02 August 2022 at 16:00 UTC

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DEVAN REED: Good morning, good afternoon, good evening. Welcome to the Transfer Policy Review PDP working group call taking place on Tuesday 2 August 2022 at 16:00 UTC.

For today's call, we do have apologies Crystal Ondo (RrSG), Prudence Malinki (RrSG). They have formally assigned Jody Kolker (RrSG), Essie Musailov (RrSG) as their alternates for today's 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 panelists. Observers will remain as an attendee and will have access to view chat only. If you have not already done so, please change your chat selection from hosts and panelists to everyone in order for all

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participants to see your chat and so it is captured in the recording. Alternates not replacing a member should not engage in the chat or use any of the other Zoom Room functionalities.

Statements of Interest must be kept up to date. Does anyone have any updates to share? Please raise your hand or speak up now. Please do 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. And over to our chair, Roger Carney. Please begin.

ROGER CARNEY:

Great. Thanks, Devan. Welcome, everybody. The second to last meeting till we take a break, today and then once again next week. And then we'll take a three-week pause there and get back after Labor Day and get back on our—hopefully we get to our public comments, which leads me to my first announcement.

I'm sure most of you have seen that the public comment period for our initial Phase 1A draft recommendations was extended two weeks. So that was supposed to close today. But it will close on the 16th now. There were a couple requests for extensions to that. So we did add two weeks so that we can get as many comments in as we can.

Other than that, I don't have anything else that I need to bring up except I will open up the mic to any of the stakeholder groups that want to come forward, discussions or comments that they've had

that maybe they've been talking about, or maybe they just have today. So I will open the mic up for anyone, the stakeholder groups that want to talk. Okay. And to answer Sarah's chat, yes, no meetings on 16th, 23rd and 30th. Thanks, Emily.

Okay, I think the table or matrix that we went through last week, we've got several responses to that now this week, which is great. And I want to thank everybody who took the time to do that. And all those people that actually took the time to even just look through it, even if they didn't respond, but take a look at it so they could understand at least the process we've been trying to go through to get to some good rationale for any necessary changes to the current policy.

So I think I'll turn this over to Emily just to give us a high-level overview of the consolidated spreadsheet here that staff worked on. So Emily, please take it away.

EMILY BARABAS:

Thanks, Roger. Hi, everyone. So I've shared in the chat the link to the matrix document. And I'll just briefly, as Roger said, show you what's in here now. So as you'll recall just looking at the example that we looked at last week, there's a column that's focused on triggers. That's the first column. Actually, that should be A instead of B. I'll fix that in a moment. And then there are a series of actions and space for each of those actions for reactions from each of you.

So we received a total of six responses. I wouldn't say that it's completely balanced in terms of what we got in. So we do have

five responses from registrars and one from Zak in his personal capacity. But it's a good starting point for us to kick off some of these discussions. And so hopefully that will get us started and other folks can join in with their own thoughts.

So what we have here, kind of working backwards, the last set of tabs here are just the complete responses that we received from each of those individuals who submitted responses. And my understanding is that all of these are sort of, not on behalf of a stakeholder group, but are for the individuals themselves, or the companies that they work for, but not any broader than that in terms of the responses and the representation.

So you can look at their complete responses. And that's useful because a lot of these, there's some pretty distinct patterns in terms of what people think about the current policy and also what they think might be appropriate for future action.

And in the discussion, I think we're going to try to both get an overview, sort of a high-level view of what people are thinking when they responded to this, and then also do a deeper dive into some of these specific cells so that there can be some deeper conversation about what people are thinking.

And our hope is that the focus will really be on the existing policy requirements first, what's working, what's not working, and why rather than immediately focusing on solutioning, although, of course, that's going to be the endpoint of this. So hopefully, everyone feels comfortable with that.

But that means that for each of these colored double rows, we were really interested first in digging deeper into this question of, are current policy requirements fit for purpose before diving directly into the proposed actions or solutions.

One of the responses—and maybe some of the other ones touch on this—there's some big definitional questions here, for example, around change of control. And I think as folks talk to their responses, maybe they can speak a little bit to some of the things they were thinking around the definitions. But we're hoping that the definitional conversations will be teased out as we go into some of the details.

So then just going to the other set of tabs here, what we did is consolidated per trigger the responses that we received. So now you'll see our first column is the names of the respondents, and you can see the trigger up at the top there. So we're basically taking that left margin from the original sheet and breaking it down so that it's a little bit easier to navigate.

There's pros and cons to this because obviously, you'd have an enormous spreadsheet if we put everybody's responses to every cell in the same spreadsheet. But here, you're only seeing one trigger, so you don't see the patterns that emerged when someone responded to the entire table. So again, I think we'll need to do some flipping back and forth, but at least it's a slightly more manageable size to look at as we're moving through.

So as you can see, the first sheet here corresponds to all of the responses with respect to an update to the registrant name that is not merely a typographical correction, just as an example.

And I'll just mention one more thing. That is there are cases where folks in their spreadsheet response sort of cross reference other cells in the sheet. We didn't have time to do a ton of references there. But for Sarah's in particular, just because she in a number of cases, she references by cell, for example, 4E or 3E, other responses, it's obviously pretty hard to follow that when you cut and paste a bunch of cells to different places. So what we attempted to do here was just to capture what were in those cells in her original spreadsheet, so you don't need to flip around quite as much. And there might be other opportunities to do that as well. But hopefully we can enhance as we go.

So I think that's the broad overview. I don't know, Berry and Julie, if you have anything to add before we start to open it up, but maybe while I do pause for a moment, I might ask the folks who did submit responses to think about if they're willing to speak a little bit to what they did and kind of add a little bit of color to their spreadsheet responses. Berry, please.

BERRY COBB:

Thank you, Emily. Just to note that when we are going through some of the responses, this is only kind of the first one round, so to speak, we're gathering initial feedback, input from the working group. As I think it's noted, these are really kind of just personal views, and certainly not to the level of SO/AC or stakeholder group or constituency types of views, at least not yet.

And with that said, and I think kind of back to the introduction that I provided on last week's call, at this point, I think it's important that we focus on, are the existing requirements fit for purpose and the

rationale behind that, of whether they're fit for purpose or not, more than the proposed action. When we get into subsequent rounds of this, there will be plenty of time to start to nail down what some of those proposed new actions or removal of existing actions might be, and those kinds of things. But I do ask that when you're reviewing through these now, and probably in the near term, that we focus more on the reasoning why it is or is not fit for purpose, because this will eventually translate into the text that we provide in the initial report on the rationale for why a particular change is being proposed. And I'm saying this to not say that we shouldn't discuss proposed actions. But again, the primary purpose of this was to provide substantive rationale and reasoning why a particular change may happen or why we're seeing the issues of confusion that are occurring in the marketplace today. Thanks.

ROGER CARNEY:

Great. Thanks, Berry. Keiron, please go ahead.

KEIRON TOBIN:

Thank you very much. And thank you, staff, for putting this together. I did just have a question that I just kind of wanted to go back to under 2A 1.1.4 where it says administrative contact e-mail address if there is no prior registered e-mail address. I don't know how registrars felt about that. But that doesn't seem to make any sense under the current policy. I'm guessing this was something prior to the 2013 RAA change. So if staff want to kind of elaborate a bit more on that, because there was a lot of confusion as to why a domain—why there would be no information. Are you talking

about a thick or thin registry here? If you could just elaborate on that. Thank you.

ROGER CARNEY: Thanks, Keiron. Berry, please go ahead.

BERRY COBB: So I'm not sure I have a perfect answer to this. But when we look at the existing policy requirements today, I don't think that whether registration data is being passed from a registrar to a registry is as relevant as at least it used to be, because we're talking about registered name holder contact information for the control of the domain. And when I hear terms of thick registry or thin registry, that implies that that deals with RDDS data, which is not what this is about.

I don't want to go as far as saying that we're talking account-level data, but in reality maybe we are because that is where the control of the domain exists for the registered name holder and/or their designated agent. And I'm glad Sarah and Theo are raising their hands. But I don't think that that is the concept of a thick or thin TLD, which are kind of legacy terms nowadays, are as relevant, at least for the purposes of this exercise.

ROGER CARNEY: Right, thanks Berry. Yeah. And I think that maybe some of this even came from—I think that there's a backfill thing in EPDP Phase 1, and maybe Sarah can correct me on where that's at. But maybe that's how this popped in as well. If there's any missing

data, it can be moved forward. And I can't remember the recommendation on that. But, Sarah, please go ahead.

SARAH WYLD:

Thank you. Hello. I think Theo is probably going to remember the history of how this became how it is. But I will just say, when Rich, my coworker and I, approached the chart, we really just looked at the text that's on screen right now to consider how it should be addressed. So like the existing change of registrant process acknowledges that there might be a situation where there is no e-mail listed for the domain owner. I can't imagine how we could get into a situation like that. But if it happens, then changing the admin e-mail then is a material change.

So at this point, I'm not sure that it super much matters how a domain could get into that state. What we considered is whether that should be a trigger for the core in the future. And I think we concluded no, because there won't be an admin contact anymore anyways. Thank you.

ROGER CARNEY:

Great. Thanks, Sarah. And thanks for that insight on how you perceived that. Theo, please go ahead.

THEO GEURTS:

Yeah, so going back to the history of this, back in 2014-'15, some members of the IRT sort of had discussion about that there might be data missing on the registrant level when it came to e-mail addresses. And basically, they were trying to envision a scenario

of really old data that might have not been up to date for whatever reason, and we sort of came up with this solution to, well, if there is this very unlikely scenario, but if it's there, then we can rely on the admin contact. Back in the day I noted, okay, this is a little workaround now. But there will be a moment in time that this solution will not apply or no longer be feasible. And then registrars will have to update such data anyways. And I think we have come to that point now. Thanks.

ROGER CARNEY: Great. Thanks, Theo. Keiron, please go ahead.

KEIRON TOBIN: Thank you. So my understanding that this is, I'm guessing that this must have occurred at some point, because the aim of a policy is a guideline, not a compliance purpose to understand and try and block out every route. So I'm guessing this must have come up in order for it to be kind of based in a policy of a guideline. So I just wonder if ICANN could kind of look into a bit further of that. Because it seems that to break it down to such a narrow point, there must be some evidence there for us to have even had it in the policy in the first place. Thank you.

ROGER CARNEY: Great, thanks, Keiron. Yeah, to that point there and to the point Sarah was making, I think, yeah. And Theo, going back in history, and obviously looking at the possibility of this. And to everyone's point, this shouldn't be occurring today. Could it occur today? Obviously, anything could happen. It shouldn't happen. It would be

against policy to happen, against the contract. So it shouldn't be happening. But I think to Sarah's point, let's ignore the reason why, but let's look at the effect of it instead. So as you pointed out, it'd be great to know, Keiron, where that came from. Because as you said, most likely it was an issue at one time or otherwise it wouldn't have popped up. So Theo, please go ahead.

THEO GEURTS:

And to add on a little bit more to this, the dynamics have completely changed. If a registrar is perhaps a data controller, well, then you have the accuracy requirement under GDPR. So you need to do something anyway. If the data no longer accurate, you need to do accurate steps now. And back in 2014, the GDPR was still being in a creation phase, didn't apply then. It applies now. So things have changed. Thanks.

ROGER CARNEY:

Great, thanks, Theo. Any other questions or comments on the overview of the chart and the staff work to put everything together on a single page? Any other questions on the matrix right now? Otherwise, I think we'll just go ahead and jump in. And I will start with Sarah because her name shows up in the list first here for me on the tab. So if Sarah wants to say anything, to add anything, overview on the process she went through and the outcomes maybe. Sarah, please go ahead.

SARAH WYLD:

Thank you. Hi. It's my own fault for submitting this stuff a little bit early. But we did it when we had time. So I worked through this

chart with my excellent coworker, Rich, who is also on this group, although he's not able to be here today. And I would say that mostly our responses stand for themselves, or speak for themselves. I am happy to get into more detail as needed.

But one specific comment I just wanted to add about the whole column B, is the action legitimate? And we don't know. And so as Emily's showing on the screen, there is a comment here that we have to assume that the registrar doesn't know if the action is legitimate or not, because they happen automatically. So there is no other person reviewing every domain ownership update and clicking a box to allow it to go through after thinking about whether it's legitimate or not. That is not a thing.

So the action occurs. It might later be found to be a problem. But it's not evaluated at the time when the transfer is happening. So we did, as you can see also from the comment, proceed with both yes and no, just to make sure that we are answering all the questions. Berry, what do you think?

BERRY COBB:

My master plan worked. I think in the example that staff provided when we reviewed this, if it wasn't on there, I think I made the point verbally, though, is that 99.9% of the time, some very high number up there, nobody is going to know until after the fact.

And the idea was to tee up that in the instance where it is discovered that it was illegitimate, does the existing requirement mitigate that? Probably? Probably not. And if it didn't, and it is discovered after the fact, are there other actions that could be

more relevant? And in this particular case, is there the possibility of exploring some sort of dispute resolution mechanism or something like that?

And I think one of the limitations with this chart is that what are rows three and four here can spawn multiple types of use cases. But I'm going to use one that has been talked about before by the working group, a real-life use case, is that there's a partnership or a married couple, and they change the name. And it's later found out that the partnership split or maybe there was a divorce or something along those lines. And it's found out that perhaps the other party is suggesting that that change shouldn't have occurred.

So the question that would come to my mind is, did the lock for 60 days mitigate the illegitimacy of this? Maybe, maybe not. When it was found out, what are the typical actions that a registrar may do? They're going to get a call to the help desk from the person that's upset by the change. If I understand correctly, the registrar will do what they can to try to mitigate the issue and get to resolution. But at some point, the registrar can only do so much. So what are the available mechanisms after that?

And that's where we get into, I don't think today there's a specific dispute resolution mechanism. So does it go to a court of law to ultimately get resolved? I hope I'm clear enough to at least explain the rationale for this first line that I drew between legitimate versus an illegitimate one, recognizing that these things are indeed typically found out after the fact.

And part of the reason why questions or columns C and D and column E are there is to tease out, is the current requirement, which is a restriction of a 60 day lock, still fit for purpose in such a very small, likely very small incident volume of when this occurs when we're just thinking about the changes to the name in isolation? I hope that helped.

ROGER CARNEY:

Great, thanks. Yeah, it seems like your master plan there did kind of resonate, especially with Sarah, but it's something I think—and Theo's probably chuckling in the background here that Theo's kind of mentioned all along since we started this, hijacking, theft, compromised accounts and things like that, it's hard to see that up front.

As you mentioned, Berry, asking the question is still important, because there's still a solution. It just may not be on the front side of the process. It may be on the backside of the process with a much better dispute mechanism or something like that. So the question is still important to be answered. And for people to recognize, "Yeah, okay, maybe that is difficult here. But we can solve that by doing this." So thanks. Sarah, please go ahead.

SARAH WYLD:

Thank you. Super interesting. I appreciate all those thoughts, Berry. The other comment that I wanted to draw attention to was on the, are current policy requirements fit for purpose, cell. We really had to think about, what is the purpose? And I'm not sure. And those of you who know me know that I have a strong opinion

that it doesn't really matter what the intent of a policy was, what matters is what is the language written down on paper? What are those words?

So in this context, Rich and I decided that we had to decide what is the purpose. The purpose is preventing theft of a domain name. Or maybe the purpose is allowing domain owners to transfer who owns the domain. That's what the policy says. So those are the things that we looked at in that context.

And the conclusion that we came to for most of these changes, actually, is that the data being changed in this chart that we're going through is not really the problem. Like if the person's name is updated, or even if the e-mail address is fraudulently updated, the problem is not the change of e-mail. The problem is that somebody is able to fraudulently make a change. The domain owner has already lost control of the domain name. That's the problem. And so I'm not convinced yet that a change of registrant process needs to be the way that that problem is addressed. Thank you.

ROGER CARNEY: Great, thanks, Sarah. Berry, please go ahead.

BERRY COBB: Thank you, Roger. I'm tempted to start this off with some sort of evil laugh because that's the second part of my grand master plan. And I think it was two or three calls ago where I had admitted that I tried to go back from when this whole idea was hatched as part of coming out of IRTP B into IRTP C that went through the

process that found up to implementation to give us the policy that we have today.

And I'll be perfectly transparent here is, unfortunately, I don't think—I wasn't intimately close with the implementation of this. But by going back through history, the number one problem that was trying to be solved via policy was to mitigate the hijacking of domains. And nowhere did I find that it was necessarily discussed as the policy also applying to change of control or change of ownership of the name.

Change of control was identified as the phrase and IRTP part B, the issue report took that phrase and had documented there that in many cases, a change of registrar is also a change of control. And I couldn't find the details that went into that. But then when we look at the policy language today and back to the fit for purpose, if the fit for purpose was about mitigating domain theft and hijacking, do these existing requirements meet that original problem that was trying to be addressed? And at least to this point, the discussion amongst the working group is that when—again, just looking at the name change by itself—I'm going to use a weird analogy. Does the punishment fit the crime so to speak? And that's not really applicable here. But when we look at the requirement on what a material change actually means and when we look at it in the context of this name, does the definition of material change as it's an existing requirement today actually mitigate the hijacking of domains? And that's the question that I'm hoping that the group would be able to work through and then get to some sort of outcome. Sorry for rambling.

ROGER CARNEY: Great, thanks, Berry. Then, as we go through this, we'll find out Berry's other parts of his master plan once we all fall into it. But thanks for that, Berry. Keiron, please go ahead.

KEIRON TOBIN: Thank you. So just to add on to that, and I will say that kind of going through this, we were kind of looking at it as well and as much as we break it down into all this ICANN compliance, the other question that you also have to ask as well is that if that is the case for the RAA, then why in the end is it that they leave it up to registrars to kind of go out and get turf or something like that in order to resolve this matter? Thank you.

ROGER CARNEY: Great, thanks, Keiron. Yeah, and Steinar's question in chat there, the security enhancements in Phase 1 that we put in place, I think that a lot of the questions here are kind of answered by some of those security enhancements in Phase 1. So I think that it's a good call out, Steinar, that, yes, a lot of the features that we put in Phase 1A makes 1B maybe simpler, but we still have to go through that path of, okay, now that we did this in 1A, that helps alleviate this problem or solves this issue that was trying to be solved in core. So good question. Berry, please go ahead.

BERRY COBB: Thank you. And thank you, Owen, for the comment there. Of course, the evil plan or the master plan here is really just to get us into the thought experiment and the what ifs so that we can get to some sort of rationale and specific focus about each of the

requirements within the policy. And a plus one to Steinar's question. And this is the reason why we have columns E and F and G and H versus I and L, or I and J, whatever it is all the way over to the right.

Because if the original intent was to mitigate domain theft or hijacking, if I'm a bad actor and I go to change the name, and that's all I change, I'm not changing accounts at the registrar level, the domain stays with the same registrar, is the name change alone enough and to move into columns G and H? That's where it kind of starts to get murky.

But if I'm a bad actor and I have bad intent on hijacking the domain, the name change by itself doesn't really seem to mitigate that. I don't even know that you can call it a theft. And maybe if it is, as I noted, maybe it winds up—eventually gets discovered, registrars try to mitigate it. If not, then some sort of dispute is handled outside of the registrar to get to conclusion.

But conversely, to Steinar's question, if the bad actor does intend to—and I don't like using the word intent, but is going to steal the domain name, in most cases, they're probably transferring to another registrar. And then that's the whole idea. Does the Phase 1A recommendation, the preliminary recommendation that's out for public comment, does that suffice? The mitigation of a domain theft, when that's where it seems to me most of the bad actions occur when we're really talking about hijacking.

ROGER CARNEY: Great, thanks, Berry. Yeah, and to Theo's point in chat there, I have heard similar comments on this from some internal people that obviously, the bad actors can read the policy just as well as the good actors, and they will try to find any hole in it. Obviously, we can make it more difficult, but not at the cost of making the process more difficult, but at the cost of a bad actor trying to do those things.

And obviously, probably the biggest important part is our Phase 2 stuff that as far as theft or invalid transfers for whatever reason, Phase 2 is really important, because it's that solution of solving any inconsistencies that happened before it. So Steinar, please go ahead.

STEINAR GRØTTERØD: Yeah, hi. The way I understand Phase 1A was that we were kind of trying to reduce the risk of domain theft, etc. But if an account is hacked, it is hacked and those who have granted that access, they can do whatever they like to do.

But we were trying to in Phase 1A to have scenarios where we kind of—doesn't assume that their account is hacked, because it's a completely different scenario, but trying to get security mechanisms by different notifications. And from the two parties, the gaining and the losing registrar.

In the change of registrants, in Phase 1A, there were two vital entities, is the gaining and losing registrars. In the change of registrant issue, we in general are talking about one entity. This is happening inside one registrar. There's something happening to

an account at one registrar. If that account has been hacked, well, I don't understand how we can make policies that prevent these actions.

I think, as you're saying, maybe if this is the case, then we have to go into the dispute stuff. So I'm a little bit confused here that we're spending so much time on things that whether they are married couples, whether they are divorced, material change, etc. Also taking into facts that there's a lot of ccTLDs that doesn't have any regulations in the interchange of registrant, it's totally in the area of responsibility of the sponsoring registrar for that domain name. Thank you.

ROGER CARNEY:

Great, thanks, Steinar. And I think you hit on a couple of points, and the one that I really missed was theft is going to happen. And obviously, we've got [inaudible] to slow things down to be able to evaluate and see. And I mentioned the [speed] mechanism being the catch here at the end.

But also, something you mentioned, Steinar, is important, is the notifications that occur as well, and that we put into 1A and that we've put in here in 1B or are talking about putting in, being able to identify an issue that should be looked at. And so the notifications are really important part of the dispute as well. Obviously, something has to be identified as being wrong before you can dispute something.

So I think Steinar hit on both of those important parts of the notifications are driving a look, and then the disputes have to be

able to handle something that went wrong. So, Jim, please go ahead.

JIM GALVIN:

Thanks, Roger, Jim Galvin for the record, Registries Stakeholder Group, but speaking strictly for myself here. Here's a thought experiment for you. And listening to this discussion of what problem are we trying to solve, it occurs to me that it matters a little bit what your perspective is, and where you're looking at it from.

On the one hand, from the point of view of a registry, change of control of a domain name is, as much as the registry can see, it's when the registrar is going to change. As far as the registry is concerned, that represents a change of control. That's what we dealt with in 1A, that was this whole transfer process.

So now we're doing our best to manage the visibility of that change of control. And that's the problem that we're solving, is, what can we do to ensure that that particular level of change of control happens as effectively as possible providing the best service for registrant.

But inside of a registrar, I think there are two things going on here. On the one hand, it occurs to me the change of registrant doesn't need to exist anymore, because, frankly, to the extent that a registrar has an account holder and that account holder has some information associated with that account, the registry doesn't care what the registrar does to that information. A registrar can do anything to that information.

If the registrar is not actually validating it, per se, you're not doing any verification, you're going to take, as you know, base truth, whoever's logged into the account, you're going to take as a base truth whatever they do, whatever they say. I mean, what basis do you have for even evaluating or caring? So does it represent a change of some sort? I don't know. I mean, I don't think so. From the point of view of a registrar, the account holder is the point of control. So anything inside of that is within the boundary, and they should just be allowed to go do that.

The only thing that I think imposes a change of control from the point of view of a registrar is if you're going to change counts. Interim to the registrar, if you're moving a domain name from one portfolio to another, from one account holder to another account holder, it strikes me that that's a transfer. That's a change of control. Just like moving it from one registrar to another is a change of control from the point of view of a registry. I think that's the only thing. Inside of that, whatever happens to the information happens, because you're just taking as ground truth whatever the account person says to you.

It's a whole separate issue to talk about compromise of a registrar account. And there are other accounts that have an effect on whether or not you can compromise a registrar account, e-mail addresses and such. What if they compromised an e-mail address and that account there, that gives you a path into gaining control of registrar accounts and that kind of thing.

So yeah, the walled garden here is moving from one account holder to another. Other than that, it occurs to me, maybe nothing matters. It's just a thought experiment. Thanks.

ROGER CARNEY: Great. Thanks, Jim. Yeah, and I think that obviously, I think that we've already made some discussion around keeping or changing to a notification system. And again, I think that that's important just because of transparency to the registrant themselves so that they know that things are changing when they do change. So I think there's still a valid reason for a change of registrant policy and how big that is, I think, is what we're trying to determine here.

But to the account question, Jim, I think that we have to be careful there, because I don't think you can talk about an account change, because I think an accountant is something different between registrars. And it's not always the same thing one registrar to another registrar. And maybe you have two accounts at a registrar for a reason, but you're moving a name from one to another. That's really not a change of ownership per se. So I think that just because it changes accounts doesn't mean that it's changing ownership. I think you had to get back to the fact of a true ownership change is a new registration agreement that gets signed. So I think that that's the flipping point, not necessarily an account change. But just my thoughts on that.

JIM GALVIN: Just to add a quick comment there. I agree with you. I mean, what's interesting to me is even a change of registrar, as you just said, is not necessarily a change of ownership. So this is really about—maybe a much more succinct summary here is this transfer process is about the change of control, the points of change of control. That's what you're looking for. Nothing else

matters because it's not about—change of ownership between registrars is not necessarily ownership. Between account holders may not be ownership either. Who's to say somebody doesn't have more than one account? Same information in it. It's about change of point of control. So I think that's what I was getting at. Thanks.

ROGER CARNEY:

Yeah, Jim. And I think you're right. And I think even extrapolating that out to just to inter transfer. And again, that's why I kind of fall back to a new registration agreement being signed, because if you move between registrar and registrar, you need to sign a new agreement as well. So to me, that's really the trigger point. And as you said, maybe that's not necessarily an ownership change. But that is a new agreement that you're signing. So thanks for that, Jim. Theo, please go ahead.

THEO GEURTS:

Yeah, thanks. So I was actually pretty happy with Steinar's comments, because he was asking the right question and making the right comments. And going back in the day, when I came aboard in 2014 on this project, I wasn't very happy with what had been set up. But we need to realize we had recommendations already approved by the Board. So we had to do something. Did we come up with the most elegant solution? Absolutely not. Did the registrars, myself, completely underestimate the impact on an operational level? We sure did, and we paid a price for it. I mean, that's why everybody was really ticked off back in the day when we started implementing this.

And now we are at the point that a lot of people realize, including Steinar, like, why are we doing this? And is this policy the right— wasn't actually the right move to do it like this. And I think I've been saying this for years, I was never really impressed on the policy itself, especially the outcome, which was a disaster for many registrars, cost a lot of money.

But here we are, and we are now at a point ,as Berry told us a couple of weeks ago, if we want to make these changes, we have to go through this process regardless, because we need to have a rationale to provide, again, to the Board to have the recommendations approved. So we need to go through that process which we are on now even though it's a very complex process and the more you ask yourself questions, it gets complex over and over. And the more you start to discuss this, it will get more and more complex.

So I would say it is a bit of a work, but we need to go through the process, answer the questions, and then hopefully come up with the conclusion like, "Okay, we are now correcting something we shouldn't have created in the first place." Thanks.

ROGER CARNEY:

Great. Thanks, Theo. And I think that's an important callout that uz just made. Obviously, we can make changes—1A may have solved some problems, maybe Phase 2 solved some problems, and maybe the landscape changed in the last 8-10 years that maybe solved some of the problems. But we need to document those.

And your point is very valid, is those solutions that were created may not have actually worked. And that's another valid reason for change. So I think we just have to document those reasons that get us there. And obviously, those changes can be made. So thanks for that call out, Theo. And Berry, please go ahead.

BERRY COBB:

Thank you. Just to repeat what I said last week about blank slate versus the existing policy, and the point of that was that it doesn't prevent this group from asking the question, would a change of registrant exist in its current form today if we had some of the mechanisms that are proposed in Phase 1A? And I'll leave it for the group to decide what that answer would be.

And to Theo's point, unfortunately, we do need to be meticulous about this, unfortunately. But I just don't see any other way to develop appropriate rationale for proposed changes.

And finally, to what I put in to the chat, and to Jim's intervention a bit ago, that's part of the reason why this table tries to break things down. And it very well may be that the group comes to the conclusion that a name change or an org change or maybe a change to the physical address don't rise to the occasion of meeting the action that exists as a current requirement today.

But when we get down to e-mail address, or as staff is trying to think about it as the primary method of communication with the registered name holder, that does seem to have more significance or weighting about when those changes are made.

And to the point that I put into the chat, when you look at the definition of material change today, I find it interesting that the phone number is included with the physical address when we think about two-factor authentication that is likely used by many registrars and if that were used as a primary channel of communication, if that gets changed, does that primary channel get disrupted? Or the e-mail address, which I also find interesting, is it's all by itself. It's not connected to a name and e-mail address. It's all by itself. And it seems to try to attempt to account for what Jim had mentioned earlier about an account level change, because at least to my knowledge, no one account can use the same e-mail address for each.

So if I understood the past correctly, that change of e-mail address is to account for that type of change without actually saying it. Because as Roger noted, when we start talking about policies for account level types of things, then we're treading on picket fence kinds of things. And so the group does need to be aware of that. And I'm not exactly sure where that fence line is drawn, but I believe for sure that is one component where that standalone e-mail address change was used.

ROGER CARNEY:

Great. Thanks, Berry. I think Berry's kind of reading my mind here. Going through all these responses—and I don't know if Sarah has any follow up, I think she was done. I started with Sarah just because she responded first, and I was going to go across this list. But I think I'm going to jump to Catherine, if she's still on, and see if she can talk to hers, because I think she made some specific call outs around e-mail that—and again, I don't know that

she's recommending a change there. But she's making the call out to the fact that an e-mail change already has a process that's in place. So maybe I can call on Catherine to kind of talk to her comments on that, please.

CATHERINE MERDINGER: Yes, hello. I'm not sure. I mean, like part of this is like, I've word vomited some stuff on a spreadsheet. And now in hearing all these conversations, maybe I don't stand by things so much. But in looking at this, I felt that the designated agent process really already somewhat kind of eliminates a lot of actual contact with the registrants in this case.

So I don't know about other registrars, though I have seen this at other registrars where you appoint yourself the designated agent for your customers under the terms of the transfer policy to help effectuate these kinds of things. But also, we track that based on accounts and based on e-mails.

So if a name changed—so hypothetically, if I went into my Name.com account and said this domain name is no longer registered to Catherine Merdinger, it's registered to Sarah Wyld, but none of the contacts changed, I don't actually have a method of getting in contact with Sarah Wyld. I just have a method of getting in contact with the person on the other side of the e-mail that's listed.

And so I have to assume that the person on the other side of the e-mail that is listed is the person who's agreed to the registration agreement. It doesn't really matter what their name is or what any

of the other pieces are. As long as the method I'm using to contact them hasn't changed, I still consider them to have agreed to my registration agreement, I'm still their designated agent. And this whole process moves forward.

Now, if one of those pieces where actually the method of contact changes, I'm going to validate that contact and go through the process, but that's the piece that is really important from a registrar—at least my registrar's perspective of like, how am I contacting you, and whoever is on the other end of that contact is who I'm really considering to have consented to these change of registrant, if we're considering that, and all those pieces.

Now, where it might matter is if Sarah Wyld comes to Name.com support and says, "Hey, I own this domain name, you can see my name is listed. I don't have access to that e-mail address anymore." And that can create—we can go down a path there. But that I don't think is necessarily appropriate for the transfer policy. I think that's more like a support and general ownership issue.

And so I think, in doing this whole process, my instinct was that the things that matter when they change are the actual methods of contacting. And I don't care what your name is, I don't care what your organization's name is. I care how I'm going to reach you.

And so I think if we want—and the more I worked on this, the more I was like, "Does it even make sense to have a change of registrant in the transfer policy?" I really wasn't sure. Can this be covered by other policies? Should this be in here at all? But I think when it comes to changing names and whatnot, I just don't think that there's an actually an effective way to create a policy that

allows us to actually validate or approve or control any of that. Does that make sense? Does that answer the question? I don't know. [I yield.]

ROGER CARNEY:

I think you hit a good note there with a lot of people in chat. So I think that that does make sense. And so I think that's great. And I think that everything's true. I just think we need to get to that spot where, okay, the policy has a material change section. How does that change and why does that change? So I think what you're saying is absolutely right. And I think we've said a few calls ago, the importance is how—the change to how you contact somebody is the most important thing.

And maybe that is not just an e-mail change, someone updated their e-mail, but maybe they're actually just changing the method too, and they no longer want to be contacted via e-mail, they want to be contacted via phone or whatever it is. But then that becomes that anchor. That's important. And when that changes, that's the important part that changes.

Okay, and I think something when I read Catherine's notes in this document is like, yes, and if an e-mail does change, which obviously, today is probably the majority of contact method, there is a process in our contract that we have to follow when it changes. If it's new, then we have to validate it and make sure that it's working, verify it. And again, with phone number, the same thing. If that changes, there's a call out for those things in our contracts. We have to do one of those or the other.

So if those are changing, we already have things in our contract that force us to do an additional action. So I think that that's important as well when we're talking about those anchor contact methods. So any other comments from anybody? Especially on what Catherine was just saying. Okay, and again, I think there was a lot of support there for what Catherine was saying in chat. So that's great. Yeah, thanks, [inaudible].

So I think we can go back. If Catherine doesn't have anything else she wants to talk about generally about her comments here, we'll jump back in and jump in to see if Eric has any comments. Okay, Eric, do you have anything that you want to address here? Any high-level comments or anything?

ERIC ROKOBAUER:

High level agreeing with most of the conversation that's happened here today on this call. In fact, I have not nodded this often in one of these meetings in a long time. So I appreciate everyone's comments. And I think this was a good exercise.

And yeah, I think my big takeaway question is, when are we ready to actually put some proposed actions, fingers to keyboard and get some recommendations in there? So feels like we're aligned in a lot of ways as to making some changes. So I appreciate the work we've done here and ready to move on, see what we can do. Thanks.

ROGER CARNEY:

Great. Thanks, Eric. Have you noticed—I don't know if you've had a chance to read anyone else's—anything that you could maybe

update yours on or maybe suggest otherwise to update? Maybe Sarah said something wrong, which we know she doesn't do. But any other suggestions like that?

ERIC ROKOBAUER:

Thanks, Roger. I was talking about nodding. And that was the one time I shook my head vigorously [inaudible] wrong. No, but I think I was trying to go through this throughout the conversation today. I think one of the things, looking at this, that I was confused, I guess the biggest piece of confusion was looking at the column G and H, the close proximity to or as part of control. And looking through some of the responses, I've had some solace seeing, again, Catherine's and just kind of had an approach similar to what I was seeing. What does that mean when it's close proximity or change of control? And that was kind of the—I had referenced the language of the push, and that's to us, to my company, we looked at that as there may be a chance the ownership of domain doesn't change, but it can move between accounts.

So I forget who may have mentioned it, but a scenario that we have in our registrar, we do have levels of control. So there can be owners and accounts so there's specific contact details there, versus owners of a domain. So we can have someone call in, say, "I am this domain owner" and they verify it. We then can help them change anything with their domain. Maybe they want to move out of the account or maybe they just want to make an update. But having that access doesn't allow them to, say, make an update to the credit card associated to the account on file, things like that.

So it can get pretty nuanced per registrar. And so yeah, simply put, seeing that Catherine had something similar made me feel better that I understood kind of this exercise, these columns in particular. But again, it comes down to Catherine nailed that, I think it was how are we contacting you and what is the registrar doing to verify any type of requests if need be, or, again, what is the registrar doing in their system to account for any changes that take place on a domain name? Thanks.

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

SARAH WYLD: Thank you. I like Eric saying, "So now what? What actual actions do we want to propose?" And I want to go back to a question that Steinar asked in the chat some time ago on today's call, which is if we're—paraphrasing—if we're doing inter registrar transfer with a notification after the fact, then why are we doing a change of ownership within the same registrar requiring all these levels of approval?

And so I think what I would like to see as a path forward would be any material change should trigger notifications to both contacts, unless it's the same e-mail address, in which case you could just combine them, but it should not require a response or a proactive action. That's one thing.

And then a second suggestion that I would love to discuss is that if there is a lock that's applied, it should be the same timeframe. So if there is a core lock and that core isn't change of registrant, it

should match the duration of the lock following registration and transfer. Those are some suggestions for how we might want to handle this moving forward. Thank you.

ROGER CARNEY:

Great, thanks, Saragh. Yeah, I think, again, to Eric's point, what's next? How do we actually get—and I think the key is identifying, as Theo and Berry kind of went through earlier, identifying the issues. And again, those issues may be circumvented by time, things have changed since then, or maybe they were wrong to begin with, as Theo suggested, maybe it just didn't come out as though what they thought back in the ITRP days, or maybe something is solved by something we've already done. But we have to identify where those issues are and make sure we document, okay, this doesn't work, this doesn't fit. And this is why it doesn't fit. And here's a solution that's better than that.

So I think that that's where we're wanting to get to the next step. And hopefully this process of this chart, matrix, takes us to that next step. So Berry, please go ahead.

BERRY COBB:

Well, I broke my last rule, but at least this is just going to be a question. And mostly to registrars. In today's world, based on the definitions that describe a material change and how they're invoked, and kind of to my point in the chat about the reference to locks, in general, if I change my organization name, I change my name or my physical address or my e-mail address, how is it actually being implemented today?

And I'm not asking like for a detailed procedure, but is it in fact generally a 60-day client transfer prohibited lock that is applied, or is it like a mix, some registrars are using a different method to lock the domain? I'm just kind of curious what that kind of looks like today, and is it something that would show up in RDDS that the client—and this may not even have relevance. I'm just kind of curious about how some may implement it. Thanks.

ROGER CARNEY: Okay, thanks, Berry. Theo, please go ahead.

THEO GEURTS: Of course, that will depend on registrar by registrar. I mean, we put a 60-day lock on it, and on the WHOIS output, it will show as a client transfer prohibited. That EPP status will it have. But if you look into the account of the reseller, it will say IRTP C 60-day lock. That's the name we've given it for the reseller so the reseller knows, "Oh, I triggered the IRTP C policy." So internally, it can have lots of names. I think externally in the WHOIS output or the RDAP output, most registrars use the EPP status for client transfer prohibited. Thanks.

ROGER CARNEY: Great. Thanks, Theo. Volker, please go ahead.

VOLKER GREIMANN: Yeah, basically what Theo was saying. Most registrars will place a transfer lock, but I have seen registrars that are just NACKing

every transfer that is coming in and thereby implementing it. So there are various ways to do that. And not all of them need to be necessarily visible in the WHOIS output. So it depends on the processes a registrar employs for locking transfers in general. And if it's something that fits their implementation better, then they might have a different solution than the majority. So this is not something that can be universally applied, I guess.

ROGER CARNEY: Great, thanks, Volker. Berry, please.

BERRY COBB: Thank you both for that. That's helpful. And then just kind of a mutually exclusive follow up question to that that I'm curious about. So when the condition arises that the core is invoked, there has been several mentions by the registrars about the confusion that it causes. And again, this is really just kind of a curious question. But maybe it could be useful for rationale.

So if we're trying to look at row four and five there for just the change of the name, I'm assuming that I log into my account of, I'm going to change my name from Barry to Berry, and that when I go to hit the save button, that there's some sort of messaging that is presented to the registered name holder that this will constitute a 60-day lock or however it's communicated.

And I'm just kind of curious, in general, from a registered name holder perspective, if I see that, does it really matter if I'm not intending to transfer the domain away? And is there really confusion just in that isolated kind of transaction? Or is the

confusion purely centered around I'm doing a material change first because the registered name holder does want to change registrar next?

ROGER CARNEY: Great, thanks, Berry. Volker, please go ahead.

VOLKER GREIMANN: Yes, in most cases, it's the latter because of how transfers have always worked. When I sold the domain name, I would update the owner to the new registrant that has acquired a domain name and they would be able to transfer the domain name out. This is no longer the case if I forgot to check the mark for the opt out.

Many registrants don't realize that this is actually something that they cannot change after the fact. And they are quite frustrated when they suddenly cease to be able to do something that they used to be able to do for decades in the past.

So frankly, most of it is maybe a lack of communication by the registrars in making sure that the registrant understands what they're opting in or opting out for, what the check mark does that they are activating or the link that they're clicking when, for example, not all registrars do it by web interface the way that you describe it, but rather by confirmation e-mails, simply because they don't have the direct contact with the registrant otherwise. When it goes through a reseller for example, I don't control the web interface of my resellers. That's something that my resellers have to implement. And therefore, I have to make sure that I

control the process after the fact, which is why we often do it by e-mail as well.

And therefore, it's always a question of, how much do you explain? If you have a large block or chunk of text that nobody's going to read, they will be confused because it happens, or if it's too short and they don't understand what you mean by it, that also can cause the unwanted block to happen.

And ultimately, it always becomes a customer support issue when somebody tries to make an update to their domain data. And let's face it, most of the cases where people are touching the data of their domain is not because, "Oh, I moved, let's update my domain data," but rather, "I want to do something with my domain, either go to a different registrar or sell my domain or something else, and now I cannot do that because I cleaned house before I made the transfer instead of doing it afterwards." That's it.

ROGER CARNEY: Thanks, Volker. Zak, please go ahead.

ZAK MUSCOVITCH: Thank you, Roger. So I can't ask a question as well as Berry, but I'll give it a shot anyhow. So in listening to this great discussion, and then taking a stab at the chart myself, I started thinking more deeply about this, the same way as I think other participants in the call have and gone in circles to some degree as a result.

But so I think the reason we're paying attention to the change of registrant and change of registrars is primarily for security

reasons, because the implications of changes of control and changes of ownership and transfers, etc.

And so what we're essentially trying to do with the transfer policy, at least this piece of it, is to provide what I would loosely characterize as some minimum standards for registrars when it comes to transfers and when they can and can't permit transfers for the protection of registrants.

But the thought that occurred to me, must all registrars be treated the same? Should they all be subjected to these standards? And the reason I ask myself that question is because some registrars have their own security protocols. So for example, I read recently that Namecheap began offering what they call domain vault using VeriSign's registry lock. And I've read that GoDaddy has DTVS, which is a domain transfer validation service.

And so if some registrars are using more sophisticated mechanisms to ensure that transfers are genuinely approved and authorized, then if they're using those protocols and procedures, why wouldn't they be able to decide to move a domain name regardless of these things?

So for example, why would they have to abide by a lock that's a general application to all registers, that some of them may not have these additional protocols in place?

And so in thinking about this became a more complicating factor in my mind about whether all locks and all transfer protocols in the policy—how they affect registrars differently. Thank you.

ROGER CARNEY: Great. Thanks, Zak. Keiron, please go ahead.

KEIRON TOBIN: Thank you. Yeah, interesting discussion. Just in regards to—I think it was our last section that we kind of discussed just in regards to when a domain transfers, it would be under a 30 day lock as well. Just to remind people that even if we were to change this from 60 days to 30 days for registrant updates or for a transfer, there would be a 30-day lock automatically that would be across the board for every registrar so therefore, it would be the same for everyone. And I think this confusion of opt in, opt out, some registrar saying you can opt in and some saying you can opt out, would be the additional benefit and it may actually help the At-Large community or ALAC kind of understand a more concise process. Thank you.

ROGER CARNEY: Great. Thanks, Keiron. Steinar, please go ahead.

STEINAR GRØTTERØD: I think we have to have in mind that successful inter register transfer actually adds another year to the domain name, meaning it does have some registration or fees cost into it. A change of registrant doesn't necessarily have that. it depends on the registrar what kind of service they offer.

And I do understand that registrars want to have value added services protecting the registrants' property, the domain name,

and that can be registry lock, that can be internal mechanisms for keeping a safe environment for the property of a domain name.

But that's a service that in my eyes, at least, should not be the default, because the default is kind of—the registrant should be able to, in a smooth and easy way, keep the registrant data accurate, whether they want to transfer it away in the next round, whether they want to update because there have been changes in addresses, even e-mail addresses, etc.

And that's kind of an obligation to keep your property in good shape. And that part is not what I consider additional service. This is just purely something that you are obliged to do, because there's some rules saying that you should keep your WHOIS, RDAP data up to date. So that should be a free service and smooth and easy to handle. Thank you.

ROGER CARNEY:

Thanks, Steinar. Okay, just doing a time check. We've got about five minutes left here. But I wanted to give Zak and Keiron chance here. So Zak, is there anything in your comments that you provided in your matrix here that you wanted to talk about, anything generally, or anything specific that you wanted to touch on that you haven't already?

ZAK MUSCOVITCH:

Thank you, Roger. No, I'll just add a caveat that this is very preliminary, wasn't approved by BC. And as others, at least one other person on the call stated, this is evolving thoughts. So please take it all in context. Thank you.

ROGER CARNEY: Great, thanks, Zak. And hopefully everybody understands that we're not making any positions here. We really want this to be discussion focused so that we can get to some decision making. And really, this exercise was just to bubble those up so that we can get there. So Keiron, anything from you about your submission, your notes, your comments that you want to touch on? Anything to call out or anything on your matrix here?

KEIRON TOBIN: No, I think everything from mine was good. I think it was just the 2.A.1.1.4 which we discussed at the beginning of this call. Thank you.

ROGER CARNEY: Okay. Great, thanks, Keiron. And again, I think that as Berry said, I think that this matrix really worked out. We got into some good discussions. I think we have to get into those finer discussions so that we can, as Eric mentioned, move past just talking about and actually get some forward momentum here.

So I think that's what we'll look to do next week, is start getting to the specifics. And again, I think hopefully, today was a good general overview for everybody. And I think that we saw a lot of patterns pop out of this. We discussed them last week, but I think this exercise really showed us there are a lot of patterns here.

And Theo's intervention earlier, maybe some of that comes from some ideas that weren't really baked well or just didn't work out

well from the original IRTP to the landscape changed between now and then to we've put security mechanisms in other places. So I think that we just had to drive through this and get to those specifics and say, "Okay, yes, this material change is no longer fit for purpose, and here's why it's not and this is what we can do with it." So I think that's our next step, is to go through there. Thanks, Owen. We'll see you next week.

Okay, so we have three minutes left. I think again, we had a great day today. Next week, let's plan to drill into it and get to, okay, is it really fit for purpose? If it is, good. Is there any changes that needed to happen? And maybe we can enhance it. If not, what changes need to occur on that?

So let's think about those as we go through this next week. And that's what we'll start to talk about at our next meeting. So if anyone has any questions or comments. Otherwise, we can close up. Okay. Thanks, everyone, and we'll talk to everyone next week.

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