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## ICANN Transcription

### Transfer Policy Review PDP WG

**Tuesday, 08 November 2022 at 16:00 UTC**

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DEVAN REED:

Good morning, good afternoon, and good evening. Welcome to the Transfer Policy Review PDP Working Group call taking place on Tuesday, 8 November 2022 at 16:00 UTC.

For today's call, we have apologies from Prudence Malinki (RrSG), Theo Geurts (RrSG), Catherine Merdinger (RrSG), and Daniel Nanghaka (At-Large). They have formally assigned to Jody Kolker (RrSG), Jothan Frakes (RrSG), Essie Musailov (RrSG), and Lutz Donnerhacke (At-Large) as their alternates for this call and for the remaining days of absence.

As a reminder, an alternate assignment must be formalized by way of 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. Alternates not replacing a

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member should not engage in the chat or use any of the other Zoom Room functionalities. If you have not already done so, please change your chat selection from hosts and panelists to everyone in order for all participants to see your chat and so it is captured in the recording.

Statements of Interest must be kept up to date. Does anyone have any updates to share? Please raise your hand or speak up now. Thank you. Please remember to please 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, to begin.

ROGER CARNEY:

Welcome, everybody. We had a week off last week. The contracted parties had a summit and they met last week. That's why we had the week off. A few updates from that I'll get into. But first, I just wanted to remind everybody that we will be starting our twice weekly meetings on Tuesdays and Thursdays. Fortunately, I have the same time so it's not too much to remember. But we'll start to meet on Thursdays as well. So just a reminder, so that we can get through these public comments.

Also, I'd like to welcome back Caitlin. Caitlin has been on maternity leave and she is back with us today. So welcome back, Caitlin.

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Jumping into last week, so the contracted parties, they had three plus days of topics that they discussed. But during that time, there was also four sessions of the TechOps group, which, just as a reminder, a lot of the recommendations that fed into this came from a TechOps paper that was written a couple of years ago for transfers. During those TechOps groups, they talked about several things, but transfers got about 45 minutes to discuss. There were several topics that were talked about during that time and I just wanted to kind of bring those forward.

One of the things was just talking about the TAC and embedding different information in it, which this group has talked about and actually the original white paper from TechOps talked about, but two of the topics that we got into from the comments and our discussions about embedding the TTL and also embedding the IANA ID into the TAC. I think that it kind of came down along the lines of what I heard on the calls was, looking at it from both sides, what's the benefit and risk to it? And it sounded like, okay, we're adding things to the TAC, if we put a TTL in there, then the [inaudible] be forced automatically through the process or still the registry would have to look at that. The idea was, okay, the talking points were what benefit does that provide? It shows that the TTL only has time, but then there's several people who raised the issue of that may actually expose a security issue possibly, I don't know. Again, anybody that knows the structure of the TAC could say, "Okay, I know I have 12 days," or "I know I can use this up until this date." I think the general thought on it was it was probably too much work for the benefit out of it. When we discussed this last year and I think as we discussed it in this

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group, we kind of came to the same conclusion. It sounded nice but maybe it wasn't worth the effort putting into it.

The other one was I think it's suggested by some comments about embedding the gaining registrar IANA ID in it. I think the biggest hurdle there was in our set up where you request the TAC from the losing registrar, the gaining registrar is not known at the time and possibly not known, really, anytime if it's a reseller that's doing it so you don't really know where the gaining registrar is. I think the general discussion was fairly difficult to actually get that data. Again, some registrants may know it at the time of TAC request. You lose the flexibility there that the registrant may change their mind of moving it from here to there, or again, picking a reseller and not actually knowing what registrar is underneath that reseller, then not knowing it.

So I think that the discussions kind of go along with the same discussions this working group had. Those two items seemed out of reach for the benefit that's gained out of that. So, I think that when we look at those two items, we can say good discussion around them, but again, out of those groups. All these conversations are recorded so if anybody wants to go back and listen to them, actual discussions. But just coming down to it as it didn't seem like the benefit was there. So the thought was to continue without them.

Other than that, there was another discussion—and it seemed like the same as supporting this group—was, yeah, the functionality of the losing FOA or the ability for a registrant to deny it when a transfer is in pending state. As everybody may recall, we removed this functionality out of our recommendations. We've been talking

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about putting it back in due to comments. I think that the discussion from TechOps was definitely in support of pulling that back in and giving the registrant that ability to acknowledge or deny a transfer when the transfer is actually in pending state. So basically, the last step there. Again, that helps cover anything possibly from a TAC getting compromised and someone trying to use it somewhere else that gives the registrant a chance to deny that transfer. Again, I think that the TechOps discussions supported that. It seemed logical to keep that functionality in. I think over the past few weeks, we've kind of agreed with that in this working group.

One of the things we followed on that discussion with was something that was brought up quite a while ago in our notifications about providing the gaining registrar IANA ID and resulting on name to be able to provide that in the notification that the losing registrar will send. There was some discussion around that and I think it ended up on a very technical discussion, which again, we can leave to those technical experts. But it sounds like it was a positive thing to be able to provide the gaining registrar IANA ID in that pending transfer pull notice to the losing registrar. I don't want to get into how that gets provided or anything, but I think that, yes, it should be provided. TechOps agreed that it makes [inaudible] the notice to the losing registrar providing that gaining. I think that we talked about that last year when we were talking about notifications and we wanted to see if that was possible. I think that TechOps came up with a couple of ideas on how to make that happen. There'll be some technical changes for everyone but I think that there was support and that made sense.

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Other than that, I think that was about all for the transfer. Again, all the sessions last week were recorded, so if anybody wants to go and listen to those, they can. TechOps covered a lot of other things outside of transfers, I just wanted to bring in those TechOps items. Then I think I'll open it up to anyone that was involved in those discussions last week to see if they have any comments on my summary or any comments they wanted to add to that, to the TechOps discussions from last week. Emily, please go ahead.

EMILY BARABAS:

Thanks, Roger. Hi, everyone. This is Emily Barabas from staff. I just wanted to clarify because I think there's been some confusion about this. My understanding is that the recordings from the summit are actually only available to the contracted parties. So I think something that would potentially be helpful is that for those who were not registered and didn't attend the summit live and may not have been in on those TechOps conversations, as we progress through the review of the public comments on some of the issues that Roger touched on, I think it still would be helpful for those who are engaged in those conversations to kind of surface some of the points because I think there was some rich discussion there about some of the details around, for example, some of the downsides of embedding the TTL in the TAC. We do want to make sure that we capture those for the entire working group in addition to those conversations that happened within the contracted parties' discussion. So it may seem redundant to those who are sitting in both places but it helps to make sure that we have that transparency and that everyone is on the same page as we review the relevant public comments. Thanks.

ROGER CARNEY:

Great. Thanks, Emily, and thanks for recognizing that. I didn't realize that those were only available to the participants. So yes, Emily, I think that's a good point. For all those that did participate last week, when we cover some of these that we talked about, as Emily mentioned, it may be redundant, but let's bring it up so that this whole group can hear it. As Emily mentioned, there was some good discussion. Again, we spent about 45 minutes last week talking about these specific items. It was good and it was very detailed discussion.

Okay. Thanks, Emily, for that. Anyone else have anything about last week? Otherwise, we can jump in. Okay. I think we can go ahead. Oh, thanks, Emily. Small team. Does Jodi or Jim or Rick want to say anything about the work on the threat vectors? Jim, please go ahead.

JIM GALVIN:

Thanks, Roger. Jim Galvin, Registry Stakeholder Group. So yes, the four of us did have an opportunity to exchange an outline for some text that we want to write that we'll prepare for the group. Just to explain, it's a look at the threat analysis, so the threat profile and how the elements of what we're doing here meet the security requirements. Hopefully, it's just an editorial exercise, it's just some explanatory text, and it should support the recommendation that we have. And hopefully that will, for the community at large, it'll be responsive to the concerns about whether or not the changes that we're making here are valuable

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for one, and two, are still a system that is more secure as opposed to less secure than it was before.

So, people, we'll get that out here as soon as we can. Sorry that we don't have it from after last week already yet. We'll have some text that we'll share and the group can look at that. Hopefully, it's just an editorial edition that we can find a good spot for in the document for the future. Thanks.

ROGER CARNEY:

Great. Thanks, Jim. That's perfect. That's really what we wanted. The feeling was we've talked about this, but just that viewpoint, looking at it from the thread itself, making sure that we covered those things. It's not how we necessarily talked about them in this group. We talked about it more at the functionality, and then it's solving that threat. So I think that's great that we just document it and say that this group was aware and saw that, yes, these things we solve, these things we don't solve and weren't trying to solve. So, great. Thanks, Jim. Rick, please go ahead.

RICK WILHELM:

Thanks, Roger. Rick Wilhelm, Registry Stakeholder Group. Just to add into what Jim Gavin was saying there. One of the things that we did put in that analysis was the presumed return of the mechanism currently named the losing FOA. Just for clarity because I don't know that that explanation was quite that explicit. But I think that we do have some questions about whether or not it should be formally named that same thing. I think that's a relevant question. But the analysis that we put in did include the same



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mechanism in functionally the same timing and form as it currently exists. I think that we do have a question about whether we should name it the same thing, because as Jim has stated previously, its former name is really not accurate to kind of describe what it really does. Thanks.

ROGER CARNEY: Thanks, Rick. I think you perfectly teed up and I didn't anticipate that, but thank you. You teed up our first big discussion for the day. Jim, please go ahead.

JIM GALVIN: Thanks to Rick for calling that out. Because we actually spent quite some time chatting about that particular issue with our little small team, so shame on me for not calling that out directly. We did give it a name. We probably don't have to spend a lot of time on it here unless you want to. But at least amongst our little small group, the way that we were thinking about calling it was transfer confirmation instead of losing FOA. So we gave a name to the step, and that was the name that we kind of came around to. But folks can certainly evaluate that and decide if they like it once they see the whole picture and you can decide if that seems to make sense. Because as Rick and both you just said, losing FOA in today's mechanism in what we've described seems kind of pejorative and not really reflective of what's really going on. Like I said, the best that we came up with transfer confirmation. But other terms are possible and whatever folks think would certainly be fine. Thanks.

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ROGER CARNEY:

Great. Thanks, Jim. Thanks for sharing that. It's always good to get that. It's one of the things. I'll just jump into our third topic here, which is the losing FOA. Because several people on this call had identified the losing FOA was kind of an improper misnomer name for the process. So I think that any thought on that, Jim, was great, so I appreciate that.

To the point here, as Rick mentioned, the group thought about bringing this functionality back in. I'll try to use the terminology transfer confirmation instead of the other name, but I think that the group here on this Recommendation 2 is pulling back, how it currently works today, and as Jim mentioned, providing a better name for the process. Again, I've tried to avoid it and just giving it the registrant can acknowledge or deny the transfer, and as Jim said, transfer confirmation. I think that that's the biggest thing.

But I think that from our standpoint, as a working group, we recommended dropping this process altogether. But over the past few weeks, definitely the group has pulled back to, yes, let's keep this functionality that the registrant can give have to acknowledge or deny a transfer when it goes into a pending state. Again, all those little features I just described were things that the losing FOA did encompass. I think that's the important thing, yes. The working group is saying, "Let's keep the pending transfer." So when gaining registrar submits the TAC and it's valid, and the registry confirms that it's valid, that they put it into a pending state and send the pull message to the losing registrar, again, with somehow identifying the gaining registrar IANA ID. But then a window opens where the losing registrar will notify this transfer

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confirmation and give them—again, I think the group said on the five-day. No one came up with a compelling argument of shortening or making it longer. So, a five-day window for the registrant to be able to acknowledge and accept it. So they could go immediately or whenever they acknowledge it or deny the transfer basically up to that five-day window. But as it works currently, today, after that five-day window, if there's no response, it is automatically transferred. It is an automatic acknowledgment if there's no response.

Again, I think that that's where this group was heading. The small group made that assumption, which is good, and maybe provide us with a name for it as well. So I think that we're going to tweak this. Recommendation is not going to say dump the losing FOA. We're going to say keep this functionality with some minor changes, especially to the naming of the process, basically, so renaming of it.

Any comment on that is welcome now. Anyone that disagrees with it, please step forward. If they don't think it's needed, don't think it's right, please. And if you think about it tonight or tomorrow morning and you think of it, please put it on list and we can continue discussion. But I think that that's the path that this working group has been going down. So I think that we can solidify this in some language. Sarah, please go ahead.

SARAH WYLD:

Thank you. Hi. I went on vacation. I shouldn't have done that.

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ROGER CARNEY:                    You should do that. Always do that.

SARAH WYLD:                    Clearly, it was a mistake. I'm so sorry. I have been briefed by my alternate while I was away. What I'm hearing from Roger right now is that the group has made a decision to keep the losing FOA and five-day pending transfer period. But that does not match the update that I received privately upon my return, which was that this is being discussed and we're considering that option, but also there are other options being considered. So I guess my question is just to confirm what state we're in right now. Has this been decided? I heard from Roger just now that there is majority agreement that we should go back to keeping the losing FOA, but in discussions with other people who are in this working group, I've only heard negative comments about that idea. I haven't heard support from within the group for doing it. So I'm really just asking, where are we? Is it actually decided? Thank you.

ROGER CARNEY:                    Thanks, Sarah. Rich did interact very well in your absence, and I hope you had a wonderful time away from all this work. But yeah, so over the past few weeks, and including the TechOps discussions last week in the comments that we received, the functionality was definitely something that everyone thought was useful to bring back in. Our recommendation was to remove completely. Again, the comments coming in directed reasons for keeping it, that the group discussed it over the last few weeks and everybody was leaning toward keeping this. One of the big topics that we had in the past weeks in this discussion was where that

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would reside. But it seems like it was starting to fall with a general idea of keeping it where it is. If we move that window anywhere, then there's a lot of work, not just system work to be done, but also education work for the registrants. So the idea was in keeping this, we would keep it in its path as it is today, and then just update it so that it makes more sense. Again, one of the big things is calling it a losing FOA but making sure that it's right.

We talked briefly about changing the timeline, but no one had any big compelling reasons to move it anywhere else. Again, I think that we've talked about it for several weeks now and that's where the group has been heading. So I wanted to get it on paper as such so that we can look at it and get everyone to agreement finally on it.

Sarah, to your point, I don't know that everyone does agree with it yet. But I think we need to get it on paper as this is it so that we can start looking at it and people can say, "No, that's not what I want," or "I don't think that that's right." I think that over the past few weeks, it's been generally accepted as, yes, it makes sense to bring back or keep, I should say. Again, if we don't get consensus either way, we're going to keep the current process as the default. So I think is we have enough support that removing it completely is not an option. So I think that our real options are it stays the same way or we provide some modifications to it. Emily, please go ahead.

EMILY BARABAS:

Thanks, Roger. I apologize if my interventions sound a bit like a broken record. But I did want to scroll back up to the sort of

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principles for the public comment review and reiterate what Roger has mentioned here earlier, which is that in order for a recommendation for something new or different to move forward, it needs to be in a space where it looks like it's going to be able to achieve consensus support. Absent that, that sort of direction of travel, the working group will default to the existing policy and that will remain in place. So in this case, that is the losing FOA as it exists today as opposed to alternate proposals, for example, for moving the losing FOA for an alternative to the losing FOA up in the process.

Also something to kind of come back to is the idea that for some of the earlier discussions, obviously there was a lot of individual perspectives and perspectives of particular entities being brought into the discussion, which I think was helpful in certain ways. But as we start to converge on recommendations, we really need to start to think about in terms of representative groups in this working group and looking at whether there are unified positions within the groups represented in the working group. And if there aren't unified positions, again, that's sort of an indication perhaps that there is not movement towards a particular recommendation to do something different. So I think that those need to continue to be taken into account as we look at where we're headed with respect to these recommendations. Thanks.

ROGER CARNEY:

Great. Thanks, Emily. Sarah, please go ahead.

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SARAH WYLD:

Thank you. I just feel like we jumped really far ahead somehow. So I appreciate Owen's message in the chat that he's also not aware of the group reaching a consensus to step back from this recommendation. I'm looking at these notes in this public comment working document. Thank you, Emily, or whoever made these extensive and detailed notes. I like this option of making the notification of the TAC request mandatory and possibly putting in like a TAC/NACK kind of situation. I like that because it helps to streamline the transfer process and make sure that the domain owner is receiving notifications like at the time when they're thinking about doing the transfer.

So in the idea of keeping the losing FOA, it's all very broken up in time. So they get the TAC, they initiate the transfer with the new registrar, and then sometime later, after a few days, they get this other e-mail that they maybe don't realize they have to deal with. This way, at least, once they've requested the TAC, they know that right away they're going to get an e-mail that lets them confirm that they really do want to do the transfer. Then we still have the TAC security functionality we built in. I like the idea of post transfer rollback process, as Lutz is bringing up in the chat. I feel like we have a lot of options here for how to maintain the security of the transfer of the domain while also improving the process for the domain owner and sticking to what we had proposed in the beginning, which I think is still a really good proposal rather than just sort of giving up and going back to the status quo. That's not so great. Thank you.

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ROGER CARNEY: Great. Thanks, Sarah. One of the topics that came up on that, trying to get to Lutz here, was in that scenario—and it was talked about quite a bit is that scenario up front—once the TAC is provisioned, if the TAC is gained by someone else at that time, there's no protection to it. Where if the functionality is put at a pending state, the registrant gets to at least identify when and where that transfer was actually finally requested at. So it seemed like if you did it up front—you're right, Sarah, it seems like you got those benefits out of it. But then you missed the opportunity to add more. I don't know if you'd call it security or not or confirmation to it, that the TAC was being used at the correct gaining registrar and possibly even at the correct time that the registrant can get that notice then so it improves that possibility there. Lutz, please go ahead.

LUTZ DONNERHACKE: If I understand correctly, this proposed procedure means that if a TAC is used to initiate a transfer, the domain will be transferred immediately. But there is a message from the losing registrar to registrant and saying, "Your domain is lost now. If you want to roll it back, you have five days. Otherwise, it will be automatically confirmed you have no way to get it back again." That's an approach. That's not the approach we talked about. A similar one we talked about yet unspoken and undiscussed discussion procedure which will allow the roll back of a transfer in any case, but we didn't make any progress. This was postponed to a future discussion.

The final word to the TAC security, the TAC is not secure at any way. It might be generated in an algorithmic secure way, but it



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doesn't mean that the result of the secure generation is stored and transferred securely. Using a cryptographic algorithm to generate something does not mean that the whole result is secure in any way. So, of course, the TAC can be stolen and can be reused in different ways. It can be captured via e-mail or something like this. So I really enjoyed a proposal which allows the registrant to roll back or prevent the transfer. Thank you.

ROGER CARNEY:

Great. Thanks, Lutz. Again, that was some of the discussions that we had. I think you kind of hit on that, Lutz. Yes, the TAC between the provision and the use—and Sarah mentions in chat, maybe that's quickly, maybe it's not. Maybe it's 10 days later. I mean, that's the purpose of the TTL is to allow a window there. Again, no matter how secure you make the TAC, once it's been provisioned, someone can get it. In our current recommendations, it can be used to immediately transfer. And yes, in phase two, we come back and we have a rollback feature. Great, but then it's work that probably didn't need to happen. Again, rolling it back, no matter how great of a process we come up with, rolling back is going to be more impactful than if we could have stopped the transfer to start with.

Getting back to the timing, can we do it at notification or provision? Again, I think that we went through these ideas and it still came down to obviously still being exposed window of time that this TAC could be gained by someone else and used, but also changing the process just to change the process of today is going to require all the systems change and educating registrants again on a different process that they have to go through during this transfer. Are they

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losing functionality? If we move it forward, the gaining registrar is not known. If we leave it in the pending state, then the gaining registrar should be known. That's another check for the registrant to identify with. Again, just the discussions that went through the working group. Rick, please go ahead.

RICK WILHELM:

Thanks, Roger. Very brief comment regarding Lutz's comment, which I agree with, regarding the security of the TAC, just to be extraordinarily clear about this. The changes that are proposed regarding the TAC, which are really anchored around the language of RFC 9154, were there to improve the security of the Auth-Info Code, which by all accounts is not very secure at all and it was not really designed to try and make the TAC truly in fundamentally secure as though let's say the security of a TLS conversation or something like that, which is cryptographically sound and all that, just meant to improve and raise the bar over what Auth-Info was because Auth-Info was long lived, traffic frequently in plain text, didn't have any guarantees about how it was formed or stored or anything like that. So it's really just a better way of dealing with Auth-Info. There aren't really a ton of guarantees about its security, which is a point that Lutz was making but just stated a little bit differently. Thank you very much.

ROGER CARNEY:

Great. Thanks, Rick. Okay. Any other comments? I think that Sarah's bringing up some valid points, but I think that the group has discussed a lot of this. The decision is if we can't get this group to say dropping the losing FOA completely, which was our

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recommendation from all discussions we've had since ICANN75, I haven't gotten that impression that we can get any kind of consensus on that. Then we have to come up with a different recommendation or we fall back to the status quo of the losing FOA today. It sounded like we didn't want to fall back to this precise prescription of today's losing FOA. So the discussions led us to, yes, let's keep the functionality where it exists today. So I think that all valid points are being brought up but I think we've discussed those. So I think we're at the spot of writing this down and seeing if we get agreement on that or not. Owen, please go ahead.

OWEN SMIGELSKI: Thanks, Roger. This is Owen. Can you hear me?

ROGER CARNEY: Yes, please go ahead.

OWEN SMIGELSKI: Okay. I've gotten a different headset this morning. I couldn't find my old one.

ROGER CARNEY: You sound good, actually.

OWEN SMIGELSKI: Cool. I kind of agree with Sarah. I thought we were discussing some of the comments that we got. I'm not aware of us

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necessarily reaching consensus to undo the proposed recommendations that we had to remove the losing FOA. I thought that was kind of the impetus of the group was yes, we were going to get rid of it, we're going to get some sort of transfer and due process in a subsequent phase. But I was not aware ... To me, it just seems like all of a sudden, this has been decided, and I don't seem to have been part of the decision-making process.

So I think before we go ahead and completely say, "Yes, let's keep the losing FOA," I think if there's way we could poll or get some understanding from the group what people actually think. As Crystal pointed out in the chat, just sending an e-mail afterwards is not necessarily a good security process and procedure. A lot of these are hacked e-mails. So having a losing FOA is going to, I'll be blunt, not doing anything because the e-mail has already been hacked. So domains transferred, e-mail goes to the person who hacked e-mail account as part of the transfer process. So I think there's some significantly improved ways that we could do. We talked about having the TAC notification not being required through e-mail, through SMS, or to FA or some other things there. I think we've come up with some really good security methods to prevent and after-the-fact transfer kind of thing going on. It seems to me that the horse left the barn and not a lot of people were aware that the barn door is being open for the horse to leave on that. So just before we conclusively say there's a consensus here to keep the gaining FOA, I really think we should confirm whether or not that is the case in this working group. Thanks.

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ROGER CARNEY:

Great. Thanks, Owen. I'll just say that we've spent almost two months discussing this. Almost specifically on all of our calls had been focused on this recommendation here. So I'm kind of surprised that it's coming as a surprise, as the past two or three weeks has been focused pretty much on exactly keeping the functionality of this losing FOA. The last few weeks, the only discussion that has happened has been where does it appropriately slide into, that functionality slides into? Up front, which was the original concept? I think Rich may have actually said it in chat several weeks ago that functionality could be put up front. Then all the other items came in, it's like the public comments talking about, but that doesn't solve the loss in between provision and use. If the registrant loses control that TAC, someone else can use it. Then there's discussion surrounded around the work that has to occur to make it move this functionality somewhere else, does it do anything does? Does it solve the public comments' issues? They're talking about if the TAC gets compromised between provision and use, moving this functionality forward doesn't solve that problem. Removing the functionality doesn't solve that problem. Leaving the functionality at the pending transfer seems to solve that functionality or solves that issue.

Again, we're surprised that this isn't where it goes, but definitely willing to talk about it, I mean, if the group isn't getting to that spot. I just don't think we're going to continue for six more weeks discussing this and get to the spot of there's no consensus on this and we're back to the default of the losing FOA as it is today. Okay. Any other comments?

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Again, my proposal is that we write this up. The only reason I'm proposing this is because this is, to me, how the past six, seven weeks has gone and our discussions has led us to this spot. Even the additional discussions last week at TechOps kind of supported this idea of moving this forward to maintaining this functionality but getting it updated, so dropping this losing FOA tag, but still providing the functionality of a pending transfer with the ability for the registrant. So my proposal is that we write something that is here, and then we discuss it. To me, I'm not getting a feeling that we have support for completely losing the FOA as we have on our recommendation. So I think that we either have a middle ground or we go to default of the losing FOA. So let's do something on paper and see if it makes sense. And if it doesn't, then we'll have to decide then. If we can't get agreement on completely losing it, as we have written today, which I don't have the feeling we have agreement on, but maybe once we propose this, people say, "Well, this is actually better." But I think we propose this, and if we don't get agreement on that, then we're back to the default of keeping the losing FOA as it exists today. Sarah, please go ahead.

SARAH WYLD:

Thank you. Just a couple of thoughts before we move on. I don't quite understand. If we don't have agreement on losing it, we also don't have agreement on keeping it. So there's that. Then part of what I think is being relied on in the idea of maybe not having any kind of NACK process or maybe what I thought the proposal was is just taking the five-day pending NACK period and putting it at the beginning when the TAC is requested instead of at the end

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when the transfer is initiated. Part of what goes along with that is some of the security enhancements that we've talked about, which would be the 30-day lock period after the transfer is done and a rollback process that is actually functional as opposed to what we have today. I'm not sure that we can really have a proper discussion about where to put this possible NACK period without having those other pieces in place. It just feels a bit unfair. As Jothan just said in the chat, we don't have some clarity that I think we really helped to make a good decision and how the actual initial transfer process should be. Thank you.

ROGER CARNEY:

Great. Thanks, Sarah. I'll just throw on top of that, though, that we did talk about that. I completely agree that there are some things in Phase 2 that may make us rethink some things that we are talking about. The original hope was that Phase 1A and B would come to conclusion and we would get the recommendations done, and we can move that along through the process and get it into IRT while we're working Phase 2. But I think several months ago, Barry had raised the flag that that's probably not going to be possible just because there's going to be some possible dependencies out of Phase 2, either rethink something or possibly modify it. So I think that moving forward, when we're talking about how this gets done, I think that we will have to be somewhere in Phase 2. I don't know that Phase 2 has to be completed before Phase 1 can move along. But I think after our Phase 1 final report we'll probably look to hold on to not moving on to implementation right away, but getting into Phase 2, at least far enough that we

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feel comfortable. But along that, that's just the different, I guess, line of thinking there.

We did talk about does the rollback solve the issue here. Again, I'm just remembering the call that it sounded like it helps, but the problem is it's too late. We're making a rollback solution. The domain has gone, the DNS possibly changed. Now we have to do a rollback procedure. As good as it is, it's still going to be post disruption of something. The idea was that a process where the registrant can deny this before it gets transferred, at least allows that to stop before any ownership change or any DNS change or anything like that. So the amount of work that it takes once it's gone is considerably large compared to the functionality of the registrant having the ability to acknowledge or deny it in a pending window. So again, it's just the conversations that we had in the working group over the past few weeks. Lutz, please go ahead.

LUTZ DONNERHACKE:

So we only have three opportunities, if I see it correctly. The first one is to keep the immediate transfer feature and introduce it by make it very easy to initiate and to do the transfer. And then at more or less complex and disruptive rollback procedure, proposal one, what we have discussed in the last few meetings. Proposal two, we make it a little bit time-consuming to start at once, easy to start a transfer, but to complete the transfer takes time. So we have a period where the transfer can be stopped. The solution number three would be to make it very hard to prepare transfer so that even the gaining registrar needs to be concluded in some protocol so that the losing and the gaining registrar are known to each and every step is acknowledged beforehand, and then we



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can make transfer immediately but we can't stop it afterwards. The problem I see is that we want to achieve the easy steps of all of these three opportunities but it's not possible.

ROGER CARNEY:

Thanks, Lutz. That's right. You're hitting it. Obviously, there's benefits to each one of these things but it's at what cost and [inaudible] or not by choosing these things. I think that usually the public comments that we got on this thought, yeah, we're not making it better by getting rid of it completely. Again, I think over the past few weeks, since ICANN75, I think the group seemed to—again, just what I thought I was hearing was—that the group agreed that getting rid of it completely didn't seem to be making that better. Maybe I heard that wrong. Maybe I didn't hear enough of that. But that's where I was heading and that's why I proposed it. Jim, please go ahead.

JIM GALVIN:

Thanks, Roger. Jim Galvin, Registry Stakeholder Group. But I'm speaking entirely from myself here, even though I'm going to offer potential registry service here. So since we've now, it seems, opened the discussion a little bit, in spite of your best attempts, Roger, to keep reminding us where we seem to get to in the past few weeks, here's a thought that has occurred to me here in all of this. Rather than an alternative mechanism to consider, rather than the transfer confirmation or this additional five-day delay, if one is really up for instant transfers, is to use registry lock as the stopgap. Because registry lock is really outside the scope of this transfer process. So that's something which has to get addressed.

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When the registry receives the transfer request, then all the transfer lock stuff has to get dealt with and undone. We already declared early on that registry lock is outside of the scope here. But for any registrant that always wants to make sure that it has this five-day transfer confirmation grace period at the end, there's an upsell opportunity. Registries could have that. Registrars could seek it. I appreciate it's not necessarily a widely available service everywhere. But it's something that we could all look forward to if that was interesting. So, I hope that's not too big a wrench for where you're going, Roger, but I just figured it was a good opportunity to drop that out there. Thanks.

ROGER CARNEY:

Thanks, Jim. I appreciate that. Again, I think that we have spent a lot of time on this and it sounds like we still have some more time to spend on this. But I'd like to get written down what this looks like so that everybody can actually see it. And we [inaudible] against what we have. I think it's clear that we get to choose. We either stay with our recommendation as we wrote it, removing this functionality out, we provide rationale to the commenters back as to why this is, and we move on from there. Which again, I don't see that we have support for that, but maybe we can get that spot. The other option is to put this functionality somewhere and see if that solves the commenters' issues and we can respond to them saying, "Hey, this is how it works." Maybe that solves those things. I always go back to, are we making the process better or worse? I think that's what we have to look at.

So we either have our Recommendation 2 as it's written today, something in between what we wrote, basically getting rid of what

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we wrote and saying, “Okay. Yes, we can put this functionality in and identifying appropriately where it goes, and we can provide that information out.” Or if we can’t agree on either one of those two things, then it just does default to the way it is today, which is the losing FOA. So either we get a consensus on keeping Recommendation 2 or updating the functionality in wherever it goes. We can put it in anywhere, we just need to explain it and have rationale for it. But if we don’t get to one of those two, or if someone has another idea, I don’t know, I haven’t heard it, we’re going to default to the losing FOA.

Again, I recommend, let’s go ahead and write up, keeping the functionality but not necessarily keeping the strict current losing FOA as it is today. It’s just going to keep the functionality of giving the registrant a chance to acknowledge or deny during a pending window. Then again, we can compare them. If we can’t get agreement on either one, then we just go with the losing FOA as it is today, if that makes sense. Emily, please go ahead.

EMILY BARABAS:

Hi, Roger. Thanks. So just to confirm, the idea here is that staff will take a first stab at writing up the retention of the losing FOA as a recommendation, and also this proposal on screen now, essentially the notification of TAC requests being mandatory with the option to accept or reject. Is that correct?

ROGER CARNEY:

Thanks, Emily. Yes, that’s correct.

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EMILY BARABAS: Thanks.

ROGER CARNEY: Okay. Sorry, there's a lot of discussion in chat today I probably didn't see. I was talking too much. So if anyone has any of those points they want to bring up that wasn't adequately discussed by others, please bring it up.

Okay. Let's go ahead and move on from Recommendation 2 to Recommendation 3, and see if we can progress down Recommendation 3. Emily, can you remind us? I think we went through several of these items.

EMILY BARABAS: Sure. So just to remind everyone where we left off, we spoke a little bit about some of the high level concerns that are tied more to Recommendation 2. We talked a little bit about the costs and benefits of sending the notice to additional context, and the group seemed to conclude that that's not something that should be required in policy. So that's documented here.

Under item C, we talked about creating an implementation note, clarifying how the notice should be sent in cases where a privacy/proxy service is being used. We've proposed revision to that text based on the discussion, clarifying this final sentence here, the "In cases where a customer uses a privacy/proxy service and the contact information associated with the underlying customer is known to the registrar of record, the registrar of record may send the notification directly to the underlying customer." So

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please do comment if that's not better, but it's a revision based on last week's discussion.

Then we landed on Part D, which was a comment from ICANN Org, suggesting some additional elements that could or should be included in the notification. The first one was explaining what the TAC does, essentially, that it enables the transfer. That's a customer education point. The second one was a suggestion to provide the deadline by which the RNH must take action on the notification in order to be able to actually stop the transfer from taking place. That sort of provides also guidance to Contractual Compliance and also guidance to the RNH. Oh, I'm sorry. This is specifically an educational element to the RNH so that they know the window of opportunity that they have to stop the transfer from taking place. And the third one is sort of from a Contractual Compliance perspective, required actions that the registrar must take and when upon receiving such a notification from the RNH, so that there's clear instructions for registrars and Compliance can also take action against any registrars that are not compliant with those requirements. I'll pause there. Thanks.

ROGER CARNEY:

Great. Thanks, Emily. I appreciate that. Okay. So I think that in our wording for Recommendation 3, we only had three or four items that we were requiring to be set up—thank you—domain name, date and time TAC was provided, any information when the TAC will expire, instructions detailing on action that they can take if it's invalid, if the TAC was not provided via another method. Okay, yeah. So those top three, it sounds like maybe we've got an opportunity to maybe expand or maybe just add some wording to

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this because it sounds like we're on the same line. But I suppose let's talk about each of these items that ICANN is proposing. Obviously, the first one being educational, what is this for and what is this about? We don't specifically call that out in our recommendation. But thoughts on providing or requiring some language around, hey, this is for the reasons of transfer and providing some more detail, does that make sense that we include that or I should say make it mandatory that we include maybe a little information or educational text explaining what the TAC is for? Any thoughts on that? Keiron, please go ahead.

KEIRON TOBIN:

Thank you. I like the idea of educating the customer in terms of kind of exactly what the process is and how it's happening. But just to push back on potential for registrars that may include that. Why don't we have it where ICANN creates an essential link on their website? And that can be provided in the notification of the TAC so that the information is updated correctly and every registrar is saying the same thing.

ROGER CARNEY:

Interesting. Thanks, Keiron. Thoughts? I guess when I was thinking about this, I kind of expected that registrars would do something like this, but interesting that ICANN points out maybe it should be a mandatory thing. Interesting, Keiron, that maybe that can be standardized by ICANN if we have direction to it. Eric, please go ahead.

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ERIC ROKOBAUER: Thanks, Roger. Can you hear me okay?

ROGER CARNEY: Yes, sounds great. Thanks.

ERIC ROKOBAUER: Awesome. I just want to agree with Kieron. I think with all the work we're trying to do, especially we reference the TAC, we're trying to get to a point of removing possible confusion and different messaging that registrars may say with a process, that we're working on standardizing it probably does make sense that we do include some language that, again, registrars can universally rely on. So yeah, I'm fine for the idea of having some standardized messaging for education. Thanks.

ROGER CARNEY: Great. Thanks, Eric. Okay, any other thoughts on that? When we talked about this notice way back last year, I'm going to say two years ago, I guess. But last year, when we talked about this notification, I expected registrars would do this, but maybe it makes sense to make it mandatory. I guess that's the point here is do we make it mandatory in a standard way as well? Is there a specific language or is it simply referring to an ICANN page that describes this? Either way, we're saying that probably it's mandatory, but others they think it's not needed to be mandatory. Okay. I think we will go along with this and say that this seems to make sense. We can talk about it on list or whatever, but it seems to make sense to make some kind of educational. Either that is specific language that we're embedding that we have to embed in

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this notice, or maybe it's more of a dynamic where we point somewhere as Keiron suggested, and ICANN is more responsible for that actual language and education.

Okay. So let's move on to the second one. Deadline, must take action. So the registrar has sufficient time, okay. This one seems difficult to me as it's specific time or deadline. We've already said in our requirements that you have to identify. We didn't in this one, did we? We did. Sorry, I was thinking we included the TTL but we did not in the notification of TAC.

So, thoughts on including a deadline here? It kind of rolls into our discussion from Recommendation 2, but is there a reason to have a deadline of when? In the notice, it says you have this much time or you have to let us know by this time. To me, it's hard because once the TAC is provisioned, it's up to the registrant. So that time variable is in their hands, not in the registrar's hands. But thoughts on this? Keiron, please go ahead.

KEIRON TOBIN: Thank you. Just on this one. What would happen if the registrant requested a new TAC within that time?

ROGER CARNEY: Which they could do, right? I think that it was something we discussed. They could actually request a new TAC, and then presumably, they'll get a new TAC, and then everything starts over. All the notices, all the timelines, everything would start over with that new TAC.



KEIRON TOBIN: So that would prevent the last one from operating anyway in terms of the TAC?

ROGER CARNEY: Correct. The last one, the prior one, would be void. It would no longer exist.

KEIRON TOBIN: Even if it's been submitted?

ROGER CARNEY: Even if it's been written to the registry and not used. In our current scenario, once it's used, it's done and gone. But when it's provisioned, it's written to the registry. And any time before it gets used, it can be re-provisioned, meaning that the old one is no longer valid. Hopefully, that makes sense.

Okay. I guess I'm not hearing any support or opposition to it. Maybe I'm not understanding it correctly. To me, this becomes a difficult thing to handle just because once the TAC is in the registrant's hands, the timeline is up to them, not any prior timeline.

Okay. Let's say this one is—right, Rich. The TTL does but I think that this is more—again, I think I may be reading it wrong, so maybe we can get clarification from ICANN on this comment itself. When you look at the requirements of the notifications of the TAC provision, we don't include the TTL in that notice. Oh no, yeah, we

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do. That's the second bullet. Yeah, we do say that. Sorry. I missed that one. I was thinking we didn't. I missed reading it. We do say that when it expires. I don't know, to Rich's point in chat, if that is what they're looking for or if they're looking for something additional. Emily, please go ahead.

EMILY BARABAS:

Thanks, Roger. Hi, it's Emily from the Policy Team. I can clarify my understanding of this and perhaps I think I have some work colleagues on as well who were more closely connected to the drafting of the comment and they can correct me if I'm not understanding correctly.

I think this is not actually about the TTL itself, which is the standard or maximum time that the TAC could be valid. It's more with setting an expectation with the RNH about how much time they have upon receiving this notice to do something if they don't think that the request is valid before the transfer has occurred. The answer might be that it's actually not possible to do this. I think that's, Roger, maybe what you were getting out, which is that maybe it's different if the losing FOA remains in place. But with the notification of TAC request, once the TAC has been provisioned to whoever it is, the RNH or someone else with access to the control panel, you don't really know how long that window is going to be before they use the TAC and the transfer can go through almost instantly. I think that that's what the question is getting at. Is there a possibility of setting some expectation with the RNH about what is feasible through this notice and what is not? But the answer might be that the way that things are set up, there's no way to set

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that expectation. The answer is act as quickly as possible because this is a limited time opportunity. Thanks.

ROGER CARNEY: Great. Thanks, Emily. Holida, please go ahead.

HOLIDA YANIK: I want to confirm what Emily just said. Actually, Compliance is recommending to put the timeline when the registrant believes that the TAC provision was not authorized by them, so in cases of hijacking or unauthorized transfers. So they have the reasonable timing to invalidate the TAC that was in their belief that was not provided with their authorization. So it is not a TTL but about NACKing of unauthorized provided TAC.

ROGER CARNEY: Great. Thanks, Holida, for that. I would say, currently in our recommendations, this would be not possible to provide because there would be potentially up to 14 days, but really, it's on use so it's zero time to 14 days that this window would potentially exist. I think as Lutz put in, really, zero to whenever the transfer starts, this would exist. I don't think you could actually provide this. At least, that's my opinion. I don't know if anyone else has thoughts on being able to do that. Rick, please go ahead.

RICK WILHELM: Thanks. Just trying to understand what I think I'm hearing and not expressing an opinion, but I think that I'm hearing what's being

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suggested stroke requested is almost like the TAC it's issued and then there's a quiet period before it becomes effective. I think that's what I'm hearing.

ROGER CARNEY: I think that's what this comment is asking, if that exists or not.

RICK WILHELM: Yeah. That does not exist. Okay. I won't comment on how that would work in practice. I'll let one of the registrars comment on that. Well, actually, I will say that that's another time that the registries would be managing. And the problem with that is that it's time relative to the registry. As a registry, I'll just quickly speak only very briefly and without really full consensus of the group and I'll see if I can read Galvin's mind here, but this is time relative to the registry, not time relative to the registrar, the reseller, or the registrant. The notion of a "quiet period" where the registrant is guaranteed a certain number of hours or something like that, the registry would have no way of enforcing that or making sure that that's effective because the registry doesn't have any idea about when the RNH is going to get the TAC for the first time. So then would therefore have no way to start the clock on that. As a registry, I'm going to kind of quickly make the judgment that that's not really viable from the registry standpoint. Jim, feel free to yell at me if I did the math on that wrong, but I think I got that. Thank you. Sorry.

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ROGER CARNEY:

Thanks, Rick. I think it's always interesting when someone tries to read Jim's mind. But I appreciate it and I think that his feeling is probably the same on that. I don't see how that would be possible either. But I think when you started that discussion, Jothan wrote in chat, that's the problem with—not problem. He didn't say it was a problem, just the acknowledgement that there is not a NACK equivalent anymore on a request. I think that's the issue we're looking at here. To me, this comment here, we can't provide any additional information in our current set up. Okay. Any other comments on that? Again, I think that for that comment, we don't have anything we can do on that. If anybody has any other ideas, let us know, unless there are any in discussion.

Let's jump to the last one here. Required actions registrar must take and by when upon receiving notification of the RNH of an invalid request. This is definitely something we're not providing in the notice today. Thoughts on making this mandatory of delineating this? Does this need to be part of this notification? Is it part of the registrar, their own Transfer Policy? I guess where does this concept or idea fit correctly?

It's similar to the first one about providing some education. I thought registrars would do that. But making it mandatory seems to make sense. But this one, again, I assumed this would be something that registrars would have somewhere. Is it in the notice? I didn't even think about that. I just assumed it was part of their own Transfer Policy. Not ICANN's Transfer Policy but the Registrars' Transfer Policy. But should that be something that's mandatory in this policy? Thoughts on that? Should it not be? Should it be part of this? Holidia, please go ahead.

HOLIDA YANIK:

Thank you, Roger. Just to clarify why we put this recommendation in here. If the argument is about the scenario that would fall into the current reason for denial in Section 1A374 of the policy—that is about express objection of the transfer contact which was edited with the initial report—Compliance noted that this was currently a reason why the registrar may deny the transfer. So this “may” wording was the main concern for Compliance. So if the RNH NACK the transfer, the policy did not require the registrar to take action and stop the transfer from happening. But this currently depends on Recommendation 20 approval and implementation details. If there is no clear guidance provided in the policy itself, it would mean that the transfer may still be proceeding even if the RNH has explicitly informed the registrar that the transfer was not requested by the RNH itself. Thank you.

ROGER CARNEY:

Great. Thanks, Holida. That makes complete sense to me. The way you described that is if there's no requirement, then technically speaking, the transfer could continue even if they did say to stop it. Again, I don't know if this is an issue today, I don't know if this happens. Does this solve a problem that doesn't exist? Are we solving a potential problem? Which, again, is not a bad thing but are we trying to add something here where we're not actually solving something? Emily, please go ahead.

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EMILY BARABAS: Thanks, Roger. Maybe just a point of clarification. In Recommendation 20, with respect to 1A374, the working group has recommended that this is a recommendation about items currently in the “may” category that will be switched to the “must” category. One of those is the express objection to the transfer, as Holida said, by the registered name holder. It sounds like if that recommendation stays intact as it is and is implemented through the IRT, that that will address the underlying concern that Compliance has. Maybe, Holida, you can just confirm that I’m understanding that correctly. In which case, maybe there wouldn’t be additional action needed on this particular element of the comment.

ROGER CARNEY: Very good. Thanks, Emily, for that clarification. Holida, any comment on that? Okay, thanks, Holida.

Okay. We’ve got four minutes left. Emily, do you want to just introduce this one and maybe we can get everybody thinking about it?

EMILY BARABAS: Yeah. I’d love to tee this one up because it’s one that may be requires a little bit of additional clarification. This is another comment from ICANN Org. Again, I have colleagues on the call who can hopefully provide additional clarification where needed. But it’s with respect to this element that says that the notification could potentially include the TAC. If the TAC is not provided in another way, the TAC is provided by this message with the

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notification. You'll recall that there's a footnote in this recommendation that talks about how the notification can be sent, including by e-mail or SMS or what we're calling secure messaging systems.

So what this comment is saying is that if you're looking at the RFC 9154 and what methods can be used to provide the TAC, e-mails are not considered sufficiently secure across the board as a method of communication for providing the TAC. In Section 4.3, the registrar's interface for communicating the authorization information with the registrant must be over an authenticated and encrypted channel according to RFC 9154.

What Org is suggesting here is that instead of allowing the TAC to be provided just by e-mail, that instead it would be through a mechanism that does meet that requirement or the standard from the RFC 9154. In other words, a link is provided to a secure mechanism, for example, a link using HTTPS that requires authentication to provide the TAC. So there's some nuance there based on the RFC that's being referenced elsewhere in the recommendations. Thanks.

ROGER CARNEY: Great. Thanks, Emily. It's interesting because the RFC calls us out. And maybe Rick or Jim could provide us some detail on that. Rick, please go ahead.

RICK WILHELM: Rick Wilhelm, Registries, one of the authors of 9154. I think Emily nailed it right there. One of the intents there was that the TAC



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would not be rattling around, if you will, in e-mail, because if it's sitting in e-mail, it's in plain text and subject to all sorts of e-mail compromise and things like that. This way, if the registrar communicates it via the portal or some other mechanism that's encrypted and it's not going to be sitting in e-mail, it's just much more secure. Emily nailed it. Thank you.

ROGER CARNEY:

Great. Thanks, Rick. Okay. We're at time. I think this is a good spot to think about this and think about should we include language if the notice is provided via non-secure, that it actually is linking to a secure method? Again, I think that that's the goal, even if a non-secure method is used, maybe the details aren't provided, it's actually a link or something to a secure notice on the other side. Again, we're out of time but I want everybody to think about should we update that language to be more concise on that. As Rick just described, the goal is not to provide the actual TAC in unsecure communication but provide possibly a link to that TAC in a secure—or from an unsecure method, provide a link to a secure method, something along that line.

Sorry again for going a little long here, but please think about this. We'll pick this up on Thursday. Reminder, this Thursday we're going to meet again. Hopefully, we can get moving on this. Thanks, everyone. Great discussion today. We have some work to do but hopefully we'll get some progress here shortly on these. Thanks, everybody. We'll talk to you Thursday.

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DEVAN REED: Thank you all so much for joining. Once again, this meeting is adjourned. I'll end the recording and disconnect all remaining lines. Bye, everyone.

**[END OF TRANSCRIPTION]**