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ICANN Transcription

Transfer Policy Review PDP WG

Tuesday, 17 May 2022 at 16:00 UTC

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JULIE BISLAND: Good morning, good afternoon, and good evening, everyone. Welcome to the Transfer Policy Review PDP Working Group call, taking place on Tuesday, the 17th of May, 2022.

For today's call, we have apologies from Rick Wilhelm (RySG), Steinar Grøtterød (At-Large), Catherine Merdinger (RrSG), Mike Rodenbaugh (IPC), and John Woodworth (ISPCP). They've formally assigned Beth Bacon (RySG), Lutz Donnerhacke (At-Large), and Essie Musailov (RrSG) as their alternatives for this call and for remaining days of absence. As a reminder, an alternate's 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

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your chat selection from Host and Panelist to Everyone in order for all participants to see your chat and so it's captured in the recording. Alternates not replacing a member should not engage in the chat.

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

And seeing no hands, please remember to state your name before speaking for the transcription. Recordings will be posted to the public wiki space shortly after the end of the call. And as a reminder, those who take part in the ICANN multi-stakeholder 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, Julie.

We'll just start out with a couple items before we jump into our agenda, the first one being that Devan sent out—I think at least once now—an e-mail trying to see participation levels at the face-to-face at The Hague in June for ICANN74. Please fill that out, even if you're not planning to attend in person. That way, we get a good number of who's going to be there and who's actually going to sit in so we make sure we have the space available there. So please take 30 seconds or a minute and click on the link that

Devan sent out and fill out that short survey so we can get the right count of people attending.

Other than that, we didn't get any flagged responses in our working document. So I think that's possibly a good sign. And maybe just some didn't have the time to fill it out. But, overall, I think we're in good shape, anyway. So I think the initial report is in a good spot. Obviously, we've had three of four items flagged that we've talked about the last couple times, and it sounds like we're going to touch on those again today.

But other than that, nothing else being flagged, we're going to move on from that. If no one had the chance to flag them, then hopefully you do that soon if there's a concern for you. If not, no big deal. Again, the initial report is good documentation of our detailed discussions that we've had—not just once. We reviewed the recommendations multiple times since our deep-dive discussion. So I think it's in good shape, but make sure that everyone gets through there and makes note of anything.

Other than that, I think that I'll open the floor up for any stakeholder groups that may have had some discussions over the past week or so they want to bring forward to get any clarifications on or just to bring up information for us. So I'll open the floor to anyone from any of the stakeholder groups.

Jim, please go ahead.

JIM GALVIN: I'll mention this here, Roger. I know we've had a couple of discussions here. I haven't been here. I've been out for the last

couple of meetings. The registries do want to continue to have some discussion about Recommendation 13.1, where the registries are enforcing the TTL. We're not supportive of this enforcement action, so we'd like to have discussion about that. And I see it's on the agenda anyway, so I'm just calling out for right now. We don't have to do it now. Thanks.

ROGER CARNEY: Great. Thanks, Jim. And welcome back.

Okay. Any other groups have anything that they want to bring up?

Okay. Well, let's jump into our agenda then and look at some of the recommendations. I think, actually, Jim, maybe you can stay close to the mic there because we've been talking, especially last week, about some of the e-mails that you had sent out and around, I believe, 7, 9, and 11 that you had made comments on. And we had kind of talked about them, but I wanted to continue those discussions here.

So on Recommendation 7, I think the big issue was how to state something for policy versus stating technical requirements plus making sure that it's enforceable and that we're giving enough direction to the IRTs. So I think the balancing act on #7 is what we're trying to come up with and how specific we can get or should get. Again, I know that, multiple times, we've talked about that fine line between policy and what drives the policy versus what actually happens. So it's what we want versus how to do it. I think that's how I'm trying to say it. I think that's the tough think with Recommendation 7.

So I'll open up the floor for people that have any comments/directions. Do they prefer one way or another? Do we be precise? Jim did provide us a fairly precise recommendation here in e-mail a couple weeks ago. But, again, is that stepping over the bounds of policy? Do we want to try to get back to the what versus the how? And, again, I'm just throwing out some ideas to see if we can get some discussion. I'll open it up to the floor. Anyone on Recommendation 7 preference? Staying generic? Being specific?

Jim, please go ahead.

JIM GALVIN: Thanks, Roger. I'll just add that my goal on the second half of the ["or"] there was in fact to … My attempt was to create a goal of [that] the technical part of the standards, the technical part of the requirements, should be based on technical standards, not on something which comes out of the specifics of the PDP or from ICANN Org. Like, the first half there says, "ICANN Org establish," and instead I was redirecting to technical standards that are there that require you to do things and trying to make that clear line and delineation. So I just want to call that out so that people can comment on whether they agree with that division and, of course, agree with whether or not I've achieved that in that. That's one thing.

So the second that I'll say is that this notion of enforcement is kind of interesting. It's going to be a little hard, frankly, to enforce whether or not people are properly creating a TAC. It really is. The idea here is to create a random value. And there's rules there.

There's suggestions there in the RFC about what it means to create randomness and references to additional documents that help you with that, but frankly, that's a very difficult thing to check. You only know it's broken if things suddenly don't work. And I just want to point that out. It's just an observation from a technology point of view.

And so the suggestion that there should be some kind of enforcement of this is a little bit interesting. About the best that's easy to do is the observation of whether or not the same value seems to be popping up and appearing. Even that's a little hard to check unless you're going to ask the registries to do that, which, for reasons when we get to 13.1, registries wouldn't want to do anyway with the same principles that we'll get to when we talk about 13.1.

So that's just two observations I'll make for this discussion. I leave it for the group to expand on that or ask questions or whatever they think. Thanks.

ROGER CARNEY: Great. Thanks, Jim. And I would say I think the big thing is, from your e-mail … I think that, on the second part (the optional on Recommendation 7), the group was leaning toward that way, making it more standards-based and ICANN-driven. And I think ICANN Org actually said that they preferred that as well. But I think that that next step of best practice here in the second part was kind of touchy for some people, and it has been, I know, in other PDPs, a topic of discussion.

And I think that the e-mail that you sent out, Jim, had kind of reworded this to be even more specific than this. And, again, I'm just trying to get somewhere. Does it need to be this specific, as here highlighted? And, again, I know that best practices isn't going to work, so we would have to come up with something for that as well. So I think that that's the big thing: how do you draw the line from that fairly general statement in 7—again, that second part of 7—to the e-mail that's much more specific?

Jim, please go ahead.

JIM GALVIN: So I think the one addition I would make here is that, on the sentence that begins with "The salient specification point," I would stop there and I would say that the recommendation should be everything before that. So the recommendation should be everything before the footnote-bracketed thing. The idea is to make the brackets there a footnote on BCP 106. So I'm suggesting that the recommendation should just be down … Those first two sentence in what I wrote there is the actual recommendation.

And what I observe about specificity is I think, in this case, it is really important to be specific from a technical point of view to give people real advice on what it means to create a random value. And that's what those two RFCs do. That's what's in those documents and what's there. And I think it's essential to make that point in order for proper implementation. And I don't think there's anything else for the IRT to add to that. And I think being less specific would be potentially hurtful to creating randomness. I can't

emphasize enough how important randomness is in this process. And knowing how to do that is just critical. So I think a recommendation which gets right to that is appropriate. And that's as much as needs to be there. Thanks.

ROGER CARNEY: Great. Thanks, Jim. And thanks for that clarity on your e-mail there about [the] recommendation and footnote totals separation there.

So other people's comments or thoughts on these first two sentences?

I think that Jim's suggestion here[—]again, that big step from the original Recommendation 7 of ICANN providing this to the best practice [and] the second part to something that's actually more tangible … And I think that [fitting] for more people … But I want to see if anybody has any concerns with using Jim's suggestion here.

Sarah, please go ahead.

SARAH WYLD: Thank you. I do not have concerns with Jim's version. I like that we're specifying that it comes out of the RFC. And I'm a little bit hesitant because it just does seem very technically specific, but there's nothing in there that's actually wrong or problematic or isn't what it should be. This is all what it should be. So I guess it's a bit unexpected.

And then, also, just in terms of the footnote, I feel like we should make sure to keep the language accessible to all readers of the recommendations. There's some wording in here that I don't understand and would have to look up. And so I tend to assume that other people will have similar experiences. So we just might want to define what "idempotent" means or reword things. Thank you.

ROGER CARNEY: Great. Thanks, Sarah.

Any other comments on this? I think we're leaning toward using this, so I'd really like to hear if anybody has any concerns about using these first two and footnoting this. So I think that this provides the clarity we were looking for. And, again, as Sarah mentions, it's pretty technical. And maybe that's what we'll hear in public comments as well. But I think it definitely lays out the thoughts that we were going through in our discussions better.

Jim, please go ahead.

JIM GALVIN: Thanks, Roger. Sorry, one more time. I'm guessing that, as a reread what I wrote here, in that bracket in the footnote part, I used the phrase "idempotent reference." And I'm guessing that's something that stands out for Sarah because it generally stands out for people who are not intimately familiar with what that means in an IETF context. BCP 106 and a reference to that is a static reference. It doesn't ever change. People are used to RFC numbers changing and incrementing as they are revised and

updated. The fact is, BCP 106 is expressly a static reference, and it is tied automatically to the most recent RFC. So you don't have to keep track of the RFCs. You just keep track of BCP 106. And in fact, the URL for BCP 106 is always static and always the right thing. And it has whatever you need right [behind] it. But I'm all for wordsmithing anything I wrote here. I don't really have an issue with that. But I'm guessing that's something that stood out for Sarah because it is a common thing that stands out for people. Thanks.

ROGER CARNEY: Great. Thanks, Jim. And that's a nice callout for those that aren't IETF in-depth, as RFCs specifically don't get updated but they get updated by new RFCs, which means the RFC number changes. And to Jim's point, the BCP number never changes. It's always the same, so it's always the same reference, which makes it much easier to use when documenting things.

Okay. So it sounds like people are good with this: using Jim's suggestion here. Again, I don't know if it's going to be too specific. And we'll hear about it for sure if it's not, but I do believe the IRT will love this recommendation because [it] will give it to them pretty easily. But if it's too complicated, I think we'll hear about in our public comment.

Berry, please go ahead.

BERRY COBB: Thank you, Jim. And staff will take the action item to extract, as a starting point, Jim's intervention there. I learned something new. I

didn't know the distinguishment between how to BCP is static. But we'll take his verbal explanation and try to create some text to maybe complement this in a way that the non-IETF expert would understand. And we'll update it into the working document for people to respond back to. Thanks.

ROGER CARNEY: Great. Thanks, Berry.

Okay. That is excellent. I like that we have gotten somewhere on 7. And I think that it's comfortable for everyone, including Org itself. So I think that works out well.

Okay. Let's move on to our next topic. I think we [are on] 9.2. Perfect. Okay, this one was: "When the registrar of record sets the TAC at the registry, the registry must securely store the TAC using a one-way hash the protects the TAC from disclosure."

And I think Jim had some suggestions on this as well. Is that not true? And I don't remember if Sarah and maybe Rick … Rick is not on. If they had some suggestions on [inaudible]. I think the one concern was we identified … I   think Jim helped everybody understand that a one-way hash is different than encryption and what the benefits are of it. But I think the issue was, does it need to say "one-way hash" or something like that? Jim, please go ahead.

JIM GALVIN: Thanks, Roger. Saying "one-way hash," I think, is the right thing to do. You don't want to say "encryption" because that's not what it

is. It is a one-way hash. Admittedly, that's a bit of a term of art in cryptographic circles, but it is the appropriate term of art.

And the observation to be made here … What I've done is tie this to what was also in Recommendation 7. So it's tied to RFC 9154. What's important about a one-way hash is choosing the right hash. And one of the things we've learned in cryptography is that that the actual choice of algorithms evolves with time because algorithms can become less secure for any number of different reasons over time. So RFC 9154 is currently up to date with a preferred choice.

So my language … Yeah. Thank you. It's now on the screen there. I chose some language that is quite specific. It comes out of what's in RFC 9154, and that's what's there. And there's also a reference to the SHA-256; what that actually means. And if you're implementing the algorithm, you'll know what a salt is and the reference to the size. And all these things are also laid out in 9154, as well as out of the National Institute of Standards and Technology document there; the FIPS 180-4, a freely available document. Not cost. People can get that for details of what all that kind of stuff is.

If I were going to improve this, the only thing that I really would like to do is much like what the IETF does with technical standards. You abstract out algorithm identifiers. And so you separately deal with algorithms as algorithms progress, and you make choices for them. And so you have a spot where you indicate, "Here's the algorithm identifier for what's being used."

I frankly think that's overkill for our application here. I really do. I mean, in a technology sense, I'd really do something like that, but I don't think we need to do that. I think we're okay here with calling out what's in 9154. We already say elsewhere that we're going to be obligated to successors or updates to 9154, which is appropriate. We have that. Registries have had that kind of business in their contracts for a long time. I don't know about registrars, honestly, but I'm presuming that it's there or it's reasonable to bring that there. And so this would be updated. When 9154 is updated, presumably because of when an algorithm choice changes, then that would apply. And I think that takes care of it. We don't need to do the extra work to do it.

So that's a bit of my rationale behind this. I hope that helps. Other than that, I leave it to the group. Thanks.

ROGER CARNEY: Great. Thanks, Jim. I really appreciate that. And I guess my question is, again, thinking about the what versus the how and the policy idea, do we need to be this specific here? Is this an implementation note that we can provide to the IRT? Is this a footnote that we can provide these details [in] and we could stay with what the 9.2 says now (just "one-way hash") and these details can be either footnoted or an implementation note or something like that? Or is it better in everyone's mind to include the details? Again, as Jim mentioned, the details may change over time, but to our point here, it probably doesn't matter as much. So just some thoughts to think about.

Jim, please go ahead.

JIM GALVIN:	Thanks again, Roger. My suggestion would be, for the purposes of the recommendation, instead of that colon "using the strong one-way hash," you could just put a period there. And the rest you can set aside because that's actually quoted out of 9154. So you can add that in any other way that you would like: an implementation note or kind of like even what I said in Recommendation7 about the salient points from the RFC. [It's] that, which could also be a footnote or an implementation reference. So here, too, everything beginning at "using" could be an implementation reference that we push forward to the IRT because it's quoted right out of 9154. Thanks.
ROGER CARNEY:	Great. Thanks, Jim.
	Thoughts from everyone on that?
	Okay.
	Berry/staff, is that enough to update that?
	Great. Thanks, Caitlin.
	Okay. Let's go ahead and move on to our next item, which is 13.1 and 13.2, it looks like. Okay, 13.1 is something Jim mentioned earlier. So 13.1 is the standard time to live for the TAC. Must be 14 calendar days from the time when it was set at the registry and enforced by the registries. I think that everything before the comma is something that everyone already supports, but I think

the registries want to talk about after the comma, "enforced by the registries."

So I will open it up to anyone who wants to talk about enforcement by the registries here.

Jim, please go ahead.

JIM GALVIN: Thank you, Roger.

ROGER CARNEY: The Jim Show today.

JIM GALVIN: Yeah, apparently. I don't know if that's good or bad, but I guess we'll work with it for now. This is a topic that has been under discussion with a few registries. I think that we have brought this point up before way back when, when we started this then unfortunately let the issue drop and didn't follow up on it. So it's kind of unfortunate that we're all the way down to the wire here and back on this and getting there.

But I think what's important to call out is we're not finding support currently amongst registries for the enforcement by registries of this 14 calendar days. And I can offer two particular reasons why this support is not immediately forthcoming and see what folks think about that here.

So the first thing is that transferring a domain is quite rightly an activity that's very much engaged with the registrar. And it's important to keep in mind, as we all know, that registrars have the relationship with the registrant, not registries. So having registries preemptively act on attack puts the registry in a role of directly impacting a registrant when they have no way to communicate that action, no way to control the message with having executed on that action, and no way to address complaints or appeals of the registrant. They're kind of not part of the process at all. And that's a concern. That's an observation about how this enforcement suggestion or requirement fundamentally changes things.

And since I saw a hand go up there, maybe I'll pause. I do have a second thing to say, but maybe we should focus on one at a time. Thanks.

ROGER CARNEY: Great. Thanks, Jim.

Theo, please go ahead.

THEO GEURTS: Thanks. And maybe I'm oversimplifying things—that could very well be—but I'm not making the jumps to getting involved into registrants or communicating. When I look at the system today, if a registrant supplies us with an invalid authorization code, then we get a message back at the authorization code is invalid and we just get a poll message back from the registry: "This is not valid." And then we relay that somehow to the registrant or whatever or to the reseller.

So I don't see that entire chain or where registries are going to communicate with registrants. I don't see that happening now, so I'm making the assumption that that's not going to happen then when we have a TAC system. Again, maybe I'm simplifying things. It's just a matter of putting a timer of 14 days when you receive the hash. And that's it. And as soon as it expires, you simply reply back through EPP or a poll message that this TAC has been expired. And then there is no longer any discussion because we relayed that message back to whatever entity we need to refer back to: "Go create another TAC." And then the process starts again. So I'm not making these jumps, but again, maybe I'm oversimplifying it. I'm not a registry. Thanks.

ROGER CARNEY: Great. Thanks, Theo. And to your point on that, that's kind of how at least I was thinking about it when this came up. I didn't expect there to be a change done, except the check itself with the response. Honestly, the response wouldn't even have to change. It's an invalid TAC. Once it expires, it's invalid because it expired. But it's just not valid. But anyway, good point, Theo. And maybe that's my incorrect thinking as well.

Other comments on that?

Jim, do you want to follow up to Theo on that?

JIM GALVIN: I do. Thanks.

ROGER CARNEY: Okay, great.

JIM GALVIN: I was just waiting to see if there's anything else to come up. So let's pull this thread a little bit and play out what's really going on here. If this was to be a requirement, then what happens is it's not just that it's an invalid TAC because now you're creating an ambiguous situation for the registrant and for the gaining registrar. In fact, you wouldn't want to use the error code "invalid TAC" because that would be misinforming the gaining registrar who's then going to misinform the registrant who's going to go back and say to the incumbent registrar, "What happened here?" And you're creating a situation that has to be examined and investigated to look at, "What does "invalid TAC" really mean? I know I did it right. The right thing happened here."

Now, we could respond to that by suggesting, well, maybe we should add an error code, which now becomes an IRT kind of issue to deal with. Now I have to create a new kind of error message. I have to suggest that it was an expired TAC. I'd have to be able to report that to the gaining registrar. Well, sure, that sounds simple enough, but what that now really turns into is that that turns out to be at odds with the requirement that a registry … In fact, no one really stores TAC values because now what happens is the registry has to not just set it to null but they now have to keep a database of expired TACs in some way, at least conceptually. There are a variety of ways to implement this. I will grant you that. But conceptually, the registry now has to keep a list of all TACs and their dates of valuation because now what you're saying is, when I get a TAC as a registry, I now have to look at, is

it valid today? If it's not valid today, gee, what error message am I going to give? Well, I guess I better look at the most recent X number of them and see if maybe they're just trying to use an expired TAC. So now I have to create new rules around all of that and I have to create new rules around all of those log entries that I have to keep and that data to keep around.

So when I think about the implementation of this, it sounds straightforward until I start to think about, what error message am I going to offer and how to inform properly all parties? And now part of the problem, which we have anyway, is you're putting the registry in a place of proactively taking an action … Well, no. Let me just pause there because that gets into my second issue. So that's my response to what Theo said. Thanks.

ROGER CARNEY: Great. Thanks, Jim. And just before I call on Theo, you mentioned something about knowing the TAC [inaudible]. In my head, when I blocked through this, I didn't even think the registries would be doing that, but obviously that's an option.

And to your point on the messaging, would it be better if it came back and it was expired? I think so. But again, I think that an invalid TAC, after 14 days, is invalid, and the registrar should know that. But to your point, I think those are issues that have to be discussed and walked through.

So, Theo, please go ahead.

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THEO GEURTS:	So I agree that the implementation is, yeah, somewhat more complex than I originally imagined. That being said, let's forego the scenario that the registry has this obligation, but let's put this obligation, just for the scenario, just for the example here, on the losing registrar. Then, basically, the issue that the registry has, as just explained, is now we are, I think, in my mind—I haven't fully thought this one through—hitting the exact same problems with the losing registrar who created the TAC. And then we have the situation that the gaining registrar … We need to somehow send back to the registry: "Okay, this TAC has expired."
	So it sounds like … Well, basically, I think we need to think this through a little bit more: where we're going to put this responsibility and what those implications are for either the registry or the registrars because, now that I'm talking a little bit more about it and trying to unfold it my head, I've gotten the feeling that, if we put this obligation on the registrar level, we're going to run into several issues just like Jim mentioned. And that's going to be also problematic. So I think the discussion just got a little bit bigger than just who is going to do what. I think we are having several operational issues either on a registry level or on a registrar level, as just explained. Thanks.
ROGER CARNEY:	Great. Thanks, Theo. And I would add, when I was thinking about—and, Theo, you kind of walked through the same scenario I did … It's like, okay, what if the registrars were doing this? And to me, it seemed like we also lost the security aspect of the TAC only being set for a transfer window. And again, I didn't get as far as you did, Theo, on the other operational complexes, but to me it

seemed like, okay, if it's only supposed to be there—invalid for up to 14 days … And again, obviously policy and auditing may catch it, but to me you lose that because that's after the fact. But those are just my thoughts on it.

Theo, you have your hand up again?

THEO GEURTS: Yeah. Just to make it clear, now looking at it and discussing this a little bit, I am definitely going to go back to our technical people and just out a scenario like, "What happens if we are responsible? What does that entail or on a [code] level and operational level? So it's definitely something that we're just going to get back to at some point because … And I suggest other registrars also check with their technical people and see what happens on their level. So it would be a good discussion. Maybe we can continue the discussion, especially the [GMS, at] another point. And maybe that is also very interesting, and maybe we need to take that one back also to our technical people. Thanks.

ROGER CARNEY: Great. Thanks, Theo. Yeah, I agree. I think it's a good discussion, especially walking down the operational impacts on all sides here.

So, Jim, I assume you want to follow up? And you also had other points here.

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JIM GALVIN: Thank you, Roger. I'll follow up by saying thank you to Theo. He walked right into exactly what the issue is in my mind. And he definitely has a grasp of what's going on. And I appreciate that. So I wanted to acknowledge that and also you, Roger, for calling out something I hadn't mentioned, which is that you are changing the security profile by doing this and pushing it onto registries. You're moving the window of vulnerability in that 14 days because now you've got extra stuff going on. It might not be especially risky, but it's just important to notice that. And that changes things.

However, my response to all of this is to bring up my second issue and jump to—I think this partly then again is a response … The fact is, if you give a registry a role in the management of the TAC, then that adds a compliance responsibility over the registrar to the registry. And that seems kind of awkward at best and frankly not something which we've been able to find support for. For any concern related to the efficacy of a TAC—so for any issues that happen with the TAC—the registry will now have an obligation to be responsive to any questions about what they did or didn't do to the TAC. And that might be necessary to be responsive to a registrant who wants to ask questions. That's certainly worthy of a discussion: whether or not that would be something that would happen. But certainly other authorities that were investigating things. … Maybe ICANN, as part of its audit functions in trying to determine what happened here, is now going to looking at registries to be responsive to that investigation process. Registries will have to keep logs about what they did or didn't do with TACs and the relationship that they had with registrars. And frankly that just kind of feels like a place where we really don't want to go.

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Theo is exactly right. What happens when you put the enforcement on the registries is you are transitioning a whole set of responsibilities that would have been on the registrar into a registry, but now you're adding the registry to the whole compliance side of dealing with a TAC and a transfer. And that just doesn't feel like a good transition. Yes, there are responsibilities that are going to have to be dealt with operationally, but in the spirit of a transfer being a registrant engagement activity, it really does feel like it belongs with a registrar, not a registry. And those responsibilities, as Theo was walking into them in the end of his little concrete example there … Registrars need to figure out how to deal with that and with other authorities when investigations are happening.

And Sarah is right. I'll comment on her thing. Registries do have to keep logs. Obviously, we know when we've got a TAC, and we know when we've nulled a TAC. We'll obviously have those kinds of logs, but if you keep it very simple, as in "We only set a TAC when the registrar gives it to us. We only unset a TAC when a transfer has been successful. And otherwise, it's wholly on the registrar," that makes pretty simple what we're up to. And even though we would have to provide those anyway, those are unlikely to be an integral part of a significant investigation in what may or may not have happened when a registrant appeals or complains in any way about how their transfer did or didn't occur. That's the observation. Thanks.

ROGER CARNEY: Great. Thanks, Jim.

Keiron, please go ahead.

KEIRON TOBIN: Thank you. So just in regard to the … I'm trying to work out … So, Jim, your recommendation is that the registrar is the [onus] of all this? Because, in my mind as well, if there were complaints that came through to this, or if a registrar wasn't responding, the registry would technically be brought in anyway but wouldn't have an overview and would just take the word of the registrant?

JIM GALVIN: Yes. I mean, you're framing this in an interesting way, but yes. The idea here is the registrar sets the TAC, and they're responsible for either unsetting it or for it to have been used by a gaining registrar. And that's what they would have to do. So the first level of investigation would just be on whether or not the registrar claims that they unset it and it expired. And that ought to be pretty clear. If that's a question, then you're right: a registry would need to be asked to confirm a registrar's actions. But in principle, you ask the registrar what they did, and that's the first order of things that you do. Right?

That was it from me. I don't know if Keiron is still talking. I'm not hearing him. Or am I the one who dropped off?

ROGER CARNEY: Keiron, did you want to respond to Jim?

Okay, we can't hear you, Keiron, if you're talking.

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Okay. He may have gotten disconnected.

JIM GALVIN: And if I may, Roger.

ROGER CARNEY: Yeah. Please go.

JIM GALVIN: So, responding a bit to Crystal, Crystal, in the chat, makes a valid point. And I do understand that, but that gets to the overarching principle that I'm trying to put forth here that suggesting that registries should enforce it very clear involves the registry in every investigation of a transfer. It pulls them in quite explicitly. And that just feels awkward at best. That's not a role that the registries are looking to be a part of. At best, we just facilitate the movement of the domain name in terms of its contact objects, but we don't otherwise want to roll in confirming or verifying or having some kind of oversight or some kind of risk of finding a registrar not in compliance. And telling them to enforce this just brings us quite directly into that role. And we're just being cautious about that. Those of us who've talked about this are not feeling good about that role but really feeling that transfers belong to registrars and ["]you folks really do need to figure out how to deal with that yourselves and not have us be a direct part of it in that way["]. So thanks.

ROGER CARNEY:	Great. Thanks, Jim.
	Any other comments on this? Again, I think the discussion is not around the first part of this sentence. It's about the enforcement of where it gets enforcement and what does that do operationally? And, security-wise, does it change anything that we've been trying to do? That's where the discussion is being focused. And I appreciate Jim bringing forward the concerns of the stakeholder group. So that's great.
	Keiron, please go ahead.
KEIRON TOBIN:	Thank you. Just back to the point—Jim, you might be able to answer this for me—when a registry receives a complaint from the registrar, and a domain needs to be moved from one registrar to another registrar because of a compliance issue where the registry is kind of authoritative over that, you don't use any form of TAC at the moment? Or you do? How do you transfer that from one to the other?
JIM GALVIN:	So that scenario is different and not in the scope of this process here, right? If we're being directed by ICANN as a result of some kind of compliance action, that's all handled separately and manually and quite directly. That's not in scope for this policy and steps here, if I understand your question.

KEIRON TOBIN:	Yeah, I think I'm just trying to get a bit of clarity around that. So there's nothing in there that would overstep that 13.1?
JIM GALVIN:	Not in my personal opinion. It would be interesting to ask if other registries have that view, but not that I believe and am aware of. Thanks.
KEIRON TOBIN:	Thank you.
ROGER CARNEY:	Okay. Any other comments on this? So it sounds like, again, the classic enforcement here. And I think that, if we look back at a couple items that were stated early on, like when a TAC should only be set during the transfer window—so when a transfer is requested and it's complete … And then this was an add-on to that of making sure that that wasn't forever-lasting. And again, can this be enforced at different spots? I think we've talked about that it can be, but does it degrade security when it's a policy enforcement after the fact versus an enforcement during? I think that's what it is. So if registrars were responsible for doing this, you wouldn't be able to confirm it until after the fact. So if a registrar did not clear it, theoretically, the worst case is, if there is no enforced TTL at a registry, the registrar could create the TAC at Domain Create, and it could live there forever. And they can use it any time they want as long as it was validly created syntactically. And that was one of the things we were trying to get away from. And if the registrars are forced to do that by policy,

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then it would have to be on a complaint basis [as] the only way to enforce that, if that makes sense. Hopefully I'm making sense. Three months later, they could use the TAC. And no one would know if it was good or bad, but the registry would allow it to go through because it matched. But again, to me, I think we're losing that security aspect of it being checked at the time versus leaving it to the registrar. And then the only way it would ever get validated is if a complaint came in to stop it. So just my thoughts, anyway.

Berry, please go ahead.

BERRY COBB: Thank you, Roger. Yes, I think, from a staff perspective, after the comma and who would do the enforcing is directly affecting the previous recommendation about when the TAC would be generated and those kinds of aspects or generated upon request instead today's world lingering around forever. And it sounds like there is more due diligence to unpack this aspect. And it sounds like there's some baggage associated with it that we need to account for.

But I'm also wondering, given the time schedule that we have, if … We still have a few meetings to try to bring this in for a landing, but I'm a little cautious that we may not be able to unpack it all by the time we go to public comment, which kind of makes it seem like this would be a perfect candidate for very specific input from the community on both sides to think about this. And perhaps we can get better intel about the impact of what it might mean for registries versus the registrar of record, keeping in mind that this

was thought of as a likely or important security feature when thinking about this new approach. Thanks.

ROGER CARNEY: Great. Thanks, Berry. Yeah, I agree. We do have a few weeks that we can talk this through with. Will we resolve it in a few weeks? I don't know. Everybody should be looking at it. And as Theo mentioned, going back to the engineering teams and looking at how could they enforce this and make it work … So I think that's important, again. So thanks, Berry.

Jim, please go ahead.

JIM GALVIN: Thanks, Roger. I want to just recall for us that we are creating a new model here overall for transfers. There's an important principle that we started with, and that is that, when a TAC exists, then a domain is eligible for transfer. And that means that there is a window of vulnerability associated with the existence of that TAC. To the extent that, today, so far, as much as we've talked about, a transfer has a manual intervention that comes in the process overall, the registrant has to take that TAC, and they manually have to get that to the gaining registrar. And all of that has to happen.

Now, we have casually, in this group here, had some discussions about, "Gee, is there a way in which we can automate transfers or make them more immediate? Can we facilitate that process and make that a little easier?" To me, those are all interesting discussions to be had. They're not in scope for here. But I observe

that they are also in part if you can come to some agreement about how that might work and what that might look like, including an appropriate callback procedure, which has also been casually suggested here but out of scope for now […] Those are all responsive to those sets of issues. This notion of enforcement is an interesting one. If you're looking for enforcement externally—so enforcement from the point of view of ICANN as the compliance authority—or you're looking for enforcement internally, are all registrars, just like all registries, always going to be well-behaved and do the right thing? There'll always be folks who don't, and they work around the edges in whatever way they do that.

But I really do want to just be cautious about … As Berry said, there's a lot to unpack here and a lot to understand. And maybe it is a point for more explicit communitywide support. But I want to be cautious about trying to tie registries and registrars together in this process. That's really the issue which is in front of registries at the moment: trying to maintain clear boundaries between who's responsible for what and in what way, rather than tightly coupling our fates in that respect.

So I don't have an answer or a suggestion here. I guess I'm acknowledging there's a question. And I guess we'll just continue the discussion and see what comes of future meetings about all this and where we go. So I hope that was helpful. Thanks.

ROGER CARNEY: Great. Thanks, Jim. Definitely helpful. And again, I want people to focus on the fact that the 14 calendar days … The fact that that exists I don't think is the issue. Everybody agrees on that part. It's,

where's the best place to make this happen? So I think that's where the continued discussion should be focused. And again, I think that we got to look at it in totality with all of our recommendations. And does it fit? So we won't solve it here on this call. We probably won't solve it before public comment. But it's good to know that this discussion is ongoing. And I think it's important that everyone take a look at how this impacts what they're doing—and especially not just this, but if this is removed, what impact does that show, too? So I think everybody needs to look at both sides of that.

Okay. Let's go ahead and move on from 13.1. And again, we'll continue the discussion and we'll continue [to open]. And as Berry said, will we solve it by then? We'll see. I doubt that we'll solve it by then, but we can document our discussions so everybody sees the thought process.

What was our next item, Berry. 13.2? Okay: "The registrar record may set the TAC to null at any time in response to a request from the RNH after a period of less than 14 days by agreement with the registrar of record and the RNH." I think the question here is, is there a reason for two bullets—I think.

Berry, please go ahead.

BERRY COBB: Thank you, Roger. I don't remember the exact question here. Hopefully, Caitlin can pull that up for us. But I did want to note, maybe just as an FYI to Jim as well, that, on last week's call, which I believe you couldn't make, the recording might be worth

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your time because we did review through the swim lane. And this particular item was one that I was little challenged about how to represent there. But I'm pointing to you, Jim, to take a listen to that because I think it kind of gets into some of the conversations that we just had about 13.1. So I'll stop here. Thanks.

ROGER CARNEY: Great. Thanks, Berry. Yeah, and maybe Caitlin doesn't have to do it now or she can't find it, but I think the issue was these are basically saying the same thing—Bullet 1 and 2. And I think there was a discussion around, does there need to be anything called out here? Can we just have … I think the second bullet is probably more precise than the first. But I think that's what was being discussed.

Jim, please go ahead.

JIM GALVIN: Thanks, Roger. I have a question this time. You've said "bullet" and then you say "1 and 2." And since we've got a 13.1 and a 13.2 with two sub-bullets, I just want to be really clear what we're talking about here just so I'm tracking. When you were saying 1 and 2, we're only focused on 13.2, so you're just saying that, with the two sub-bullets, we probably don't need them both and that they say the same thing. And, as far as that's concerned, I actually agree with you from an English point of view. But I just want to make sure I'm clear and tracking what you're talking about. Thanks.

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ROGER CARNEY: Great. Thanks, Jim. I enjoy you making me clear or trying to make myself a little more clear. I appreciate that. I think someone said it in the chat here earlier: The Jim and Roger Podcast here. I appreciate Jim making sure I'm staying on track. And [he does]. Yes, we're talking about 13.2, and do the two bullets really need to exit? Or they can be collapsed into one?

Keiron, please go ahead.

KEIRON TOBIN: Thank you. I would even probably go even further than that, Roger. I think just leaving it as "The registrar of record may set the TAC to null," is sufficient enough.

ROGER CARNEY: Okay. Thanks, Keiron.

Thoughts on that, anyone?

Sarah, please go ahead.

SARAH WYLD: Thank you. I kind of agree with Keiron in that, yeah, a registrar should be able to set the TAC to null because the registrar should be responsible and responsive to their customer and allow enough time with the TAC in order to complete a transfer. I think the reason why there was a limit on it is the concern that some registrar might set the TAC to null very, very quickly and make it effectively impossible to transfer the domain. And so that's why the domain owner needed to be part of the decision to null the

TAC sooner than 14 days. So although it shouldn't be necessary, it might be a useful guardrail to maintain.

Now, all that said, I do kind of think that the first bullet of "in response to request" might actually already be included in the second one because the request is part of the agreement between the registrar and the registered name holder. So if we're looking to shorten it up, we might be able to remove the first of those two bullets. Thank you.

ROGER CARNEY: Great. Thanks, Sarah.

Holida, please go ahead.

HOLIDA YANIK: I will second Sarah's comments. And if we leave only "The registrar of record may set the TAC to null" without any description, this might appear to be giving an option to the registrar to deny a transfer without any requirements or limitations. Thank you.

ROGER CARNEY: Great. Thanks, Holida. And Caitlin did remind me that one of the other discussions on this thing was about the reasons for denial. So there was questions around, does it fit? Caitlin said Rick may have mentioned there may be other reasons to set this to null, and should there be a footnote saying there could be other reasons to set it to null, again, based on the later recommendations about

denying a transfer? So I think that's one of the other issues that we came up with, and does that work or not work?

Okay. So I think what we're hearing is that 13.2 could probably be collapsed into no bullets and maybe just one line item: "may set the TAC to null before a period of 14 days."

But I think the other issue is, does that conflict with anything about the denials or anything? Because there may be other reasons why, not just "in agreement between the registrar and registrant."

So I think we're covered because I think the denial reasons are pretty specific. And my guess is that the denial reasons are going to be enacted prior to a TAC being provisioned anyway. So I don't think the TAC will ever be set based on [inaudible]. But obviously, there's reasons[:] an example of fraud. Maybe the TAC was pushed out, and then the registrar found that there was a reason of fraud and they needed to do it. But I think our denial reasons allow for that.

Okay. Any other questions or comments on this? I think we can simplify it by just removing the one bullet and making the one statement there.

Okay. Recommendation 19, next on the agenda. This was the denial reasons (19) and denial for … The big question here is the first bullet, I think, or one of the first bullets of 19: the denial for fraud or—it's making me think—registrar agreement. Yes, the registration agreement.

Okay. And I don't know … This e-mail … Was that Mike's e-mail that started this?

BERRY COBB: Yes. I believe Mike had started the thread in response to the meeting minutes where that recommendation was posted. Mike said we should discuss it a little bit more. And unfortunately, he's not here today, but then there was an exchange with Owen, talking about the small team's rationale. And then Mike responded back, which is the last part. And I believe the NCSG also had opined on this thread.

ROGER CARNEY: Okay. Great. Thanks, Berry. Okay. And I think that Caitlin threw in Mike's suggestion of material breach or material term of the registration agreement. But—Caitlin, please go ahead before I go to Sarah.

CAITLIN TUBERGEN: Thanks, Roger. Yes, I did post at least a snippet of Mike's concern. I think that the general idea is that referencing the registration agreement is too broad. And there were some concerns from the IPC about that. I know Owen responded to that directly, and then Mike also responded. As Berry noted, he's not on the call, but I do see that Owen and Sarah have raised their hands. So I'm happy to turn it back over to you, Roger, to lead the queue. Thanks.

ROGER CARNEY: Great. Thanks, Caitlin.

Sarah, please go ahead.

SARAH WYLD: Thanks. I think Mike's suggestion … I appreciate it. I think it's a little bit more specific than I would want to get, but what if we do say … Sorry, could you just go back to the current text on the other screen for me, please? Thank you, yeah. What if we say "evidence of fraud or material violation of the registration agreement"? And maybe that helps to put some of the concept of the guardrail implementation guidance into the actual recommendation. Thank you.

ROGER CARNEY: Great. Thanks, Sarah. And again, with Mike not being on, I don't want to get too deep, but if we do have some suggestions, maybe that would make next week that much easier.

So, Owen, please go ahead.

OWEN SMIGELSKI: Thanks, Roger. If we can go back to Mike's e-mail, there was some highlighted text on there. And it says, "Material breach as determined by the registrar," but it says, "which provision is intended to protect Internet users and/or [against] DNS abuse." So what that's doing is that's just basically fraud. It's a further specification, so it's not really necessarily going to the breach of the registration agreement because there are potentially things in there that might make it difficult for a registrar to continue to deal with such a customer and just want to get out. That would not

necessarily be causing harm to the Internet. And the example that I cited in my e-mail was about the really abusive, obnoxious person who was harassing Namecheap's customer support team propaganda about the war in Ukraine, with full knowledge that the support team was in Ukraine. It was rather reprehensible, disgusting content, and we asked them several times to stop or transfer away. And he just didn't, so we had to lock him. That was what we used to justify not transferring. And that would not be covered by this language.

So I wanted to keep it a broader term there. And I think perhaps Sarah's suggestion of a material breach in there, along with the explanatory text, should be sufficient. But I'm happy to consider other things. But I want to make sure that it's things that may not necessarily be abuse of the DNS [that are our] reason that we're trying to look to protect here. Thanks.

ROGER CARNEY: Great. Thanks, Owen. That makes sense. Again, Mike is not on, so we'll bring it up next week when he is. But I think the suggestion on the "material" my help there, as Sarah said. It may provide a little more guardrail on that. But let's dig into this deeper next week. We'll make that suggestion on "material" in there. But when Mike is on, we can dig into that.

Caitlin and Owen, your hands are up, but I assume those are old.

Thank you.

Okay. And our last item here is the flagging items, which we don't have any of, which is a win, I think. Or maybe it's someone not

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getting their homework done. I'm going to take it as a win that we did a great job of producing the initial report. And the things we've been talking about are those things that are the last remaining items. So I think that's great. But again, if there's anything, I think, again, we've got a couple weeks, so if anybody brings anything up this week, let us know and get it in this document and we could take a look at it in upcoming meetings. Again, we have a couple items we want to continue to discuss that Mike brought up. And I think Mike sent an e-mail about another recommendation—I thought 12 or something—as well that he wanted to pull up. So we'll take a look at that next week when he's around.

Caitlin, please go ahead.

CAITLIN TUBERGEN: Thank you, Roger. I just wanted to reiterate Roger's comments that support staff will also take that this as a positive sign: that there aren't a lot of red-siren alerts or issues with the initial report. But in the event that you didn't have a chance to review it or you needed a little bit more time, it would be helpful if you could input any issues by close of business Friday. That would just allow the leadership team to gauge how many issues there are and how to space them apart with the remaining meetings that we have.

And as Roger noted, we do have the issues that Mike has flagged, and we'll put those on next week's agenda. But if there's other things that all would like to discuss, please do put them in the document. It's easier for us to organize them that way than getting haphazard e-mails from multiple people.

So thank you. Back over to you, Roger.

ROGER CARNEY: Great. Thanks, Caitlin.

Okay. And I think that we still got enough to talk about next week and maybe it'll drag on another week. But I think that, when we get these wrapped up, the plan is, when we're all settled and good with this initial report, that staff will get it done and get it out. But the goal is still to release it after ICANN74 to public comment before whatever period. I'm not even sure what period we're going to go with on the public comment. But I think, if we wrap up our work in the next week or two, we'll just move over and start our work on Phase 1B: the change of registrant work. That was what our focus probably was going to be at ICANN74 anyway, so maybe we can get into that and prep that before we even get to ICANN74. So that'll be good.

Caitlin, your hand is still up?

CAITLIN TUBERGEN: Sorry about that, Roger. Old hand.

ROGER CARNEY: Okay, no problem. I just didn't know if you had something else.

Berry, please go ahead.

BERRY COBB:	Thank you, Roger. And just to reinforce what Roger said here, based on these last few topics, it is conceivable—no rest for the weary—that we can do an initial overview on core change of registrant sooner rather than later. So it really just reemphasizes the importance of issues your groups may have to get them documented into here by the end of the week because, the more we have advance notice, the better we can plan for meetings on the 31st and the 7th, I believe—the week before the ICANN meeting. And as Roger said, I think it's one way or another. We're going to be discussing CORE at ICANN74.

And just as an informational for you, from a staff perspective, we are already have a next version of the initial report based on the feedback that we're having through each call. That will be circulated shortly in preparation for next week [as] part of the iterative process of updating and documenting the report.

We already have public comment forums mostly ready to go for when we do launch the public comment, which is always helpful instead of having to do that at the last minute. As noted, the Prep Week webinar week will be also providing an overview of where the group is at and the preliminary recommendations to set up for the public comment. And then, finally, the public comment itself is scheduled to start on the 20th of June. I don't have the close date, but at this point in time, I believe we'd be looking at, like, 43 total days, give or take a few. And maybe add on a little of that for thinking about the summer breaks.

That said, once we're in public comment and a week after rest after ICANN74, then we're going right into the substance of change of registry. Thanks.

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ROGER CARNEY: Great. Thanks, Berry.

Okay. We have about twelve minutes. I will open the floor for anyone that has any other business that they want to bring up. Otherwise, we'll give time back to everyone and we can confirm that they're good with the initial report and we can move on.

Okay. Seeing no hands, I think we will go ahead and close the call and give everybody a few minutes back. Thanks, everyone. Great call today.

[END OF TRANSCRIPTION]