
ICANN Transcription

Transfer Policy Review PDP WG

Tuesday, 07 November 2023 at 16:00 UTC

Note: Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record. Attendance and recordings of the call are posted on agenda wiki page: <https://community.icann.org/x/P4BFE>

The recordings and transcriptions of the calls are posted on the GNSO Master Calendar page <http://gnso.icann.org/en/group-activities/calendar>

JULIE BISLAND:

Good morning, good afternoon, and good evening. Welcome to the Transfer Policy Review PDP Working Group call taking place on Tuesday, the 7th of November 2023.

For today's call, we have apologies from Owen Smigelski (RrSG). He has assigned Essie Musailov (RrSG) as his alternate for this call. As a reminder, an alternate assignment must be formalized by way of a Google Assignment Form. The link is available in all meeting invite e-mails.

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.

All members and alternates will be promoted to panelists. Observers will remain as an attendee and will have access to view chat only.

Note: The following is the output resulting from transcribing an audio file into a word/text document. Although the transcription is largely accurate, in some cases may be incomplete or inaccurate due to inaudible passages and grammatical corrections. It is posted as an aid to the original audio file, but should not be treated as an authoritative record.

Please remember to state your name before speaking for the transcription. As a reminder, those who take part in the ICANN multistakeholder process are to comply with the Expected Standards of Behavior. Thank you. And over to our chair, Roger Carney. Please begin, Roger.

ROGER CARNEY:

Thanks, Julie. Welcome, everyone. Hopefully everyone had a good break last week. We can jump back into our work this week. This week will be mostly just a recap of where we stand so everybody's on the same footing as we go forward. There's a lot of interconnected work that we did in our Group 1(A) and 2 work that will lead us into our Group 1(B) stuff if I want to change a registrant. So it'll be good that everybody gets on that same footing, walking into our remainder of our big discussions for this working group.

As far as chair updates, I don't have anything big here. Maybe we'll do a quick little ICANN78 update, but I think I'll open up the floor to any of the stakeholder groups that want to bring anything forward that they've been talking about offline or in between now and ICANN78 or anything that's been ongoing in their group. So I'll open the floor up to any of the stakeholder groups that want to come forward.

Okay. As far as ICANN78, it was a good meeting. I think everybody that showed up and everybody that was online as well, I think we made some good progress closing out our work on our ICANN and bulk transfer discussions. I think we made great progress. I think we resolved any open items that we had and we

did get several clean-ups to happen as well, so that's great. I think it was productive moving forward and getting us to the spot where we can move into our next discussion group. So I don't know if staff has anything specific they want to mention. Again, I think it was a good meeting and we did get all of our items closed that we needed closed and moved on from. But anything from staff here?

CAITLIN TUBERGEN: Hey, Roger. I just had a quick update. I believe that the e-mail that was circulated post ICANN78 had a link to the working doc. And as Roger noted, there were a couple of small nips two recommendations based on suggestions made during that meeting. Staff went ahead and made updates to the working document and highlighted those so that it's clear to see what changed since the last time that we reviewed the recommendations. So when we circulate the action items for today's call, it's just a reminder to make sure that what staff changed in the recommendations is what the working group had in mind and things were captured correctly. But we'll make sure to circulate that in the action items. So thank you, Roger. Over to you.

ROGER CARNEY: Great. Thanks, Caitlin. To Steinar's question in chat, he's asking if the BTAPPA—our main big question that we had open was are we updating BTAPPA template with our recommendations? Are we going to put it into policy? We're going to move forward with moving it into the policy so that it's standardized across all gTLDs.

So we will be making into policy language and moving forward with that path.

Okay. Any other comments or questions on that? Otherwise, I think we can jump into our recap of where we are. Is Berry up first here? Okay. Great.

BERRY COBB:

Hello all. So the first part of the recap, we're just going to review the swim lane that we've been working on, which basically tries to highlight the proposed recommendations and what the new Transfer Policy might look like for inter-registrar transfers.

As part of the group's homework, the last time we reviewed, which I believe was version 1.3, was back in January 17, and as staff was starting to compile all the materials for this checkpoint of where we're at across all of the three groups, when I was starting to do it and reading through the recommendation language, I couldn't remember where exactly we landed and was quite confused, until I went back and looked at that or listened to that call and reviewed through the swim lane here. And doing that first really helped to place into context the proposed recommendation language that the group has agreed to thus far. Before I get any further, I'm typically not one to brag about things, but every time I come back and look at this swim lane, I'm enjoying it more and more because I've always been a more visual type of person to understand processes and procedures. And the more we refine this in line with the draft recommendations we have, at least for me, it's really been quite useful.

So I don't intend to go through this in detail. But what I will do is just give you quick highlights and then mostly just kind of touch on some of the changes from that January meeting. So I know this is going to look very small on your screen, and the intent is not to get into the details, but I want to do some high-level overviews just as a reminder.

So kind of starting at the beginning of the process, this section of the swim lanes is about the domain getting registered, eventually the domain being provisioned. The group has talked about the 30 calendar days restriction to transfer after the creation of the domain. Up in here, just for fluidity, is about the use of the domain up until the RNH, the Registered Name Holder, decides to transfer the domain to a different registrar. This section here is about the Registered Name Holder requesting the TAC, the Transfer Authorization Code. And all through here is about trying to resolve any frictions or cure any issues before the TAC is revealed to the Registered Name Holder.

This is probably the most convoluted part of the of the swim lanes here. It's certainly not a perfect representation of the things that may go on in cases where the domain has some sort of lock or some other kind of restriction around it. But it's the best form that I think we can come up with at a general level without trying to be able to account for all of the different subtle nuances. But at some point, all frictions have been cured. We talked about here several recommendations about what's supposed to happen with the TAC that it's provisioned with entropy. There's a TTL set for the TAC and that it's securely stored.

We get into this section where the TAC will be revealed and sent to the Registered Name Holder. Then we start into this section where the Registered Name Holder will submit the TAC, pay the fees at the gaining registrar. And then moving down from left to right is the activities that occur mostly behind the scenes and mostly within EPP of what happens to the TAC and to actually initiate the transfer from the losing registrar to the gaining registrar.

This is the one section that changed the most from the group's discussions back in January. I do invite you, especially our Registry colleagues, to review through this in detail. I believe I've captured the changes that we discussed at that particular time, because there was confusions from the previous version about when the lock would happen or some confusion around how the TTL would be terminated once the transfer was being initiated and those types of aspects.

This section is when the registry accepts the transfer and the process starts is more about the remnants of what used to be called the losing FOA, which we're terming now as kind of a Transfer Confirmation. But in principle, part of the existing policy is still intact, that the RNH has the option to initiate the transfer upon the notifications immediately. Or if after 120 hours or five calendar days, the transfer will automatically go through. And of course, in that process that the RNH has the ability upon these notifications to cancel that transfer if they believe something is amiss in the transfer process.

Assuming that it all goes through, eventually we get over to the closing parts of the process and the registry is completing the

actual transfer itself. There are poll notifications sent from the registry to the losing registrar, and the gaining registrar notifications are sent to the Registered Name Holder, the transfer is complete, and the final notification is sent to the Registered Name Holder.

What is new in this particular part of coming from our Group 2 discussions is I needed some kind of method in this overall process for those occasions where the TDRP perhaps could be filed that would disrupt the transfer process. It doesn't go into detail. As of now, I don't think staff has any intention of creating a swim lane on the TDRP. But if the group feels that it's necessary, we can create a whole new swim lane about that. It's probably not necessary but we'll circle back to that as we start to consolidate towards the Initial Report.

My final point that I'll make here is you're going to take notice of these two yellow task squares that are listed here. One of the things that the group did not come to resolution with is the possible use of the established relationship procedure, which we will circle back to, I believe, after we conclude on the change of registrant charter questions and discussions. So those are just kind of temporary markers to help inform us that we need to get to closure on those before preparing the Initial Report.

So that's really all I have from an overview perspective. I'm happy to field any questions, or if the group hasn't been able to review it in detail, please send questions to the list and we'll be able to respond accordingly. So thank you. Roger, back to you.

ROGER CARNEY:

Great. Thanks, Berry. I think this visual is a big help. I know a lot of people are more visually stimulated to actually understand things. My preference usually is reading, but I love the fact of being able to bounce what I think I read to something that someone else has drawn up. So I think even if you're not a visual person, that really does help balance that and provide that next level of, "Oh yes, that is correct." So, thanks for that, Berry, and thanks for giving this update.

Any comments? As Berry said, I think we don't need to drill into this deeply. But in between meetings, good homework project here is to step through this very detailed, and make sure that we have things lined up correctly, and we're not missing anything obvious. But more important is what's on here is correct. So it's definitely a good homework project for those in-between meetings. Okay. If no one else has any questions on that, again, I encourage everyone to definitely take a detailed look at it. So I think we can move on to our recap of where we're standing now. Caitlin, are you taking us through this?

CAITLIN TUBERGEN:

Yes. Thanks, Roger. Hopefully everyone can see my screen. And thank you to Berry. I really encourage everyone, once we go through the recommendations, to go back and consult the swim lane because it does clearly show what these recommendations represent in a visual manner. And all of the specific recommendations are highlighted within that visual.

A couple of months ago, as we were starting to go through the Group 2 questions and close in on some of the preliminary

recommendations, a couple of working group members had noted, I don't remember where we are on Group 1(A), it's been a while, which it has been a while, I believe we transitioned back to Group 2 in late January, early February of this year. And so before we go back to Group 1(B), which is change of registrant, we wanted to refresh the group on where we landed. As a reminder, this is where we landed post Public Comment. So there were a couple of things that changed once the group went through all of the public comments. As we go through these, you'll see some of the recommendations were updated to go back to the status quo of the policy because the group didn't agree or was unable to agree on a path forward based on some of the public comments received.

So as a general reminder, Group 1(A) deals largely with the first part of the Transfer Policy, so inter-registrar transfers under Roman numeral I. That includes losing and gaining FOAs or Form of Authorization. It includes the Auth-Info Code or what now the group is calling the TAC. It also deals with instances where registrars can deny transfers or NACK a transfer. And lastly, there are a couple of updates based on the EPDP Phase 1, Recommendation 27, Wave 1, related to the Form of Authorization that the group recommended.

So the slides should look similar to what we presented for Group 2 during ICANN78. What we tried to highlight is the exact text of the recommendation, so that you have that in front of you, with some of the important language bolded, as well as what in short this means. So the first recommendation that the group agreed to is the elimination of the gaining Form of Authorization. So you'll see

that the gaining FOA requirement is now removed. And as a quick reminder, registrars would use the public RDDS to send a gaining FOA. Now that that information is largely redacted, this became a requirement that most registrars were unable to comply with due to new data protection requirements.

So there was a carve-out that noted that when it was impossible to send a gaining FOA, registrars were no longer required. That started in 2018, I believe. So in other words, this is just an agreement to continue with the elimination of the gaining FOA. And in recognition of the gaining FOA being removed due to the impossibility of sending, there are some added requirements to the Transfer Authorization Code or the TAC, Auth-Info Code, as well as some additional notifications that we will go over shortly.

The next recommendation, Preliminary Recommendation 2, is actually a change from the published Initial Report. Originally the group had agreed to eliminate the FOA and replace it with a different notification to the registrant. However, there was substantial public comments related to the losing FOA, and the group was not able to agree on how to proceed. So accordingly, the FOA will remain in place as that status quo, and generally when the group can agree status quo will remain. However, we did highlight a couple of changes that the group did agree to minor modifications. So the term standard Form of Authorization is being sunset and its replacement is the term Transfer Confirmation.

There's a couple of things that need to be added to the Transfer Confirmation. That includes the gaining registrar's IANA ID and a link to the page where those are maintained. The Transfer Confirmation must be provided in English. And lastly, we'll see this

kind of throughout the group's recommendations. Whenever there is a reference to calendar days, we've added in the hours equivalent to that. And that's because in some policies, there's reference to business days, and that's really to eliminate the confusion with that. So in short, Preliminary Recommendation 2 is maintaining a current requirement with a few minor modifications to that.

Preliminary Recommendation 3 is a new losing registrar notification requirement. So the group in recognition of the elimination of the gaining FOA and making sure that the customer really does want to transfer its name, there is now going to be a notification when the Transfer Authorization Code is issued to the Registered Name Holder. Because that shows that the registrant would like to transfer its name. In this notice, similar to the other notices and the policy, it must be provided in English as well as the language of the Registration Agreement. And there are certain things that need to be included in the notification, importantly, an explanation that the issuance of the Transfer Authorization Code will enable the transfer of the domain name to another registrar. So that's to highlight to the customer what the implication of this is. Also, it needs to include instructions on how to take action or invalidate the Transfer Authorization Code.

Preliminary Recommendation 4 details another losing registrar notification requirement. That is the requirement that the losing registrar must send a notification of transfer completion no later than 24 hours after the transfer is completed.

There's a new added preliminary recommendation that came from Public Comment discussions. It's a new registry requirement, a

new losing registrar requirement, and that is that the registry operator must provide the gaining registrar's IANA ID to the losing registrar and its notification of pending transfer request. The reason is that it will enable the losing registrar to provide this information in the Transfer Confirmation as well as the notification of transfer completion.

This slide is a visual of the notifications that are being recommended. So as you can see, there are three notifications now. And the first is the notification of TAC issuance. That is required to be sent within 10 minutes of the registrar issuing the TAC to the Registered Name Holder. Also, there's the Notice of Transfer Confirmation or what used to be called the losing FOA, that is required to be sent after the Notice of Pending Transfer is received from the registry. And lastly, there's the Notice of Transfer Completion, and that's sent within 24 hours after the transfer is completed.

So the next group of recommendation deals with Auth Codes or, as you heard me referring, the TAC or the Transfer Authorization Code. The group had discussed at length that with the elimination of some of the requirements that they wanted to make the TAC more secure or add some security enhancements to this since this is really the key to the domain name.

So Preliminary Recommendation 5 is really just a new definition that the Transfer Authorization Code is now going to be used in place of the Auth-Info Code. So anytime an Auth-Info Code is mentioned in the Transfer Policy, that will be replaced with Transfer Authorization Code.

Then, as you can see, Preliminary Recommendation 6 goes hand in hand notes what the Transfer Authorization Code is defined as. And that's a token created by the Registrar of Record and provided upon request to the Registered Name Holder or their designated representative. The TAC is required for a domain name to be transferred from one registrar to another registrar, and when presented, authorizes the transfer.

Another new recommendation that came after Public Comment, this is really syncing up with the new registration data requirements and the Registration Data Policy about retention of records. So the current Transfer Policy provides for records to be maintained per the requirement in the Registrar Accreditation Agreement. This shortens that period to 15 months or the longest period permitted by applicable law. Again, that's really to be consistent with the Registration Data Policy, which changed that retention period and recognition of some of the new data retention law requirements.

Preliminary Recommendation 7 deals with some more specifications for the Transfer Authorization Code. It deals with some RFC language. The technical language is a bit over my head, but this is what the group agreed to in terms of enhancing the security around the Transfer Authorization Code.

Preliminary Recommendation 8 is a new requirement for registries, and that is that at the time the TAC is stored in the registry system, the registry must verify at that time that the TAC meets the syntax requirements specified in Preliminary Recommendation 7. So these recommendations go hand in hand.

Recommendation 9 is also new requirements for contracted parties in reference to the TAC. 9.1, the TAC must only be generated by the Registrar of Record upon request by the RNH. So it's created at that moment. When the registrar sets the TAC at the registry, the registry must store the TAC securely, at least according to the minimum standards set forth in RFC 9154 or its successor. And lastly, when the Registrar of Record issues the TAC, it must also provide the information about when the TAC will expire.

Preliminary Recommendation 10 is a confirmation of the current Temp Spec requirement, which provides that the registry operator must verify that the Auth-Info Code provided by the gaining registrar is valid in order to accept an inter-registrar transfer request.

Preliminary Recommendation 11 is a new requirement for registry operators. Noting again more security enhancements around the TAC, the TAC must be a one-time use, and the registry operator must reset the TAC to know when it accepts a valid TAC from the gaining registrar.

Again, a recap of the high-level landing for TACs is that the TAC is obviously a new term and it comes with an updated definition that will replace all references to the Auth-Info Code. It's a token created by the losing registrar and it's needed to transfer a name to a different registrar. The recommendations detail minimum composition requirements. They require the registry to verify the syntax of the TAC. It's generated only upon request, stored securely, maintained in terms of the communication about the TAC for 15 months. It must be provided within five days or 120

hours of request. I should note that, again, that's what's currently required in the Transfer Policy. But now we have added the hours, just to make that consistent through the policy, and there's a standard TTL for the TAC now.

For the Wave 1 recommendation refreshers, Recommendation 14 is a confirmation of The Temp Spec requirement, that's essentially that there's replacement of terms. So WHOIS data, WHOIS details, anything related to WHOIS is now being updated. And so those updates will occur through the policy, it's pretty straightforward.

Another thing that was pointed out by Wave 1 is that the Transfer Contact, which is defined in the Transfer Policy, is now obsolete because there is no longer an Administrative Contact. And accordingly, all references to Transfer Contact will be replaced with Registered Name Holder. So that's a definitional update. I see Rick has his hand raised so I will cede the floor.

RICK WILHELM:

Thank you, Caitlin. Rick Wilhelm, Registries. This is about the Recommendation about the registry and the syntax. I might need to go back and do some research. So I might be assigning myself an action item. I don't know that the registry can do this. Because we're getting a random number that has been generated by the registrar and it's been generated with this set of seed characters, and I don't know that we can verify that as it's written there. So I've got to go talk to some folks about that so I can revert the next time we meet. But we might need to flag that because I don't know that the registry can verify that. Thanks. Unless Jody is going to

tell me that I'm wrong here in real time, which he might be able to do. So thanks.

CAITLIN TUBERGEN: Thanks, Rick. I think we did have this discussion earlier. But my jet lag brain is—my memory is escaping me. And so we can also revisit some of the discussions. But by all means, if you'd like to assign yourself some homework, we welcome that. But I also see that Theo's hand is raised. So, Theo, please go ahead.

THEO GEURTS: Thanks. Thank you, Rick, for flagging that because I have similar thoughts there about the ability, if registries could even do that. So I'm curious of the outcome of the homework there.

I wanted to ask a different question. When I was reading the language, I did really like the mentioning, "This is a part for the registries, this is a part for the registrars," except the IANA ID that was completely neutral in who had to do what, so I'm flagging that for future discussion on how we're going to fix that. Thanks.

CAITLIN TUBERGEN: Thank you, Theo. We can take that as an action for the Support Staff team to look at that recommendation and make it clear who the requirements is for with respect to that recommendation.

Any other questions about the recommendations we've gone over so far before we go into the next topic for Group 1(A)? Theo, do

you happen to remember which recommendation you were referring to?

THEO GEURTS: Not off the top of my head. But we did recommend as a working group that in one of the notifications we should show the IANA ID of the gaining registrar, I believe. This sort of lands back to the discussion who's going to provide those IANA IDs here.

CAITLIN TUBERGEN: It might be Recommendation 2 that you're referring to, Theo. We'll have a look at that.

THEO GEURTS: Okay.

CAITLIN TUBERGEN: Yes, we'll have a look at that. Thank you, Theo. Rick, please go ahead.

RICK WILHELM: There was one of the recommendations about IANA ID where I think there's something that the registry needs to tell the losing registrar. Yeah, the registry operator must provide the gaining registrar's IANA ID to the losing registrar in the pending notification transfer request. So that's one where I think it's got to be in the EPP notification. So there's a change that the registry operator has to do and in the EPP payload. Then all the registrars

are also going to have to be able to accept that EPP. Yes, not in an EPP info message. It's like an EPP poll message, I think, or in one of the transfer messages. Jody might be able to recall this off the top of his head. In EPP change poll message or something like that. I'll shut up and let Jody give the answer.

JODY KOLKER:

Can you guys hear me all right? I think so. Yeah, that's right. I believe it was supposed to be in the poll message. It wouldn't be in an info command at all. It would just come through in the poll message. I believe there was an extra, what I want to say, attribute that's sent with the poll transfer. I mean, there is an ID that is sent back in the transfer poll. That is basically an identifier. That is usually the login of the gaining registrar, their ID, basically, that can be used to log in. It's kind of a security issue, I would think, that registries are using. Or some registries are using, I shouldn't say all. But anyway, replacing that ID with the IANA ID would work really well. Just a thought. Or it can be passed on as another attribute of that transfer poll message. Thanks.

CAITLIN TUBERGEN:

Thank you to Rick and Jody, who are obviously far more technical than the support staff folks are. So in terms of the IANA ID and what needs to be added to messages, I believe we have additional text within the report about that that we can reference. But if it's not adequate, and it would be helpful to have some implementation guidance or additional text that can help contracted parties who are going to be implementing this policy,

we can certainly think about adding that so that no one is confused.

Any other questions on the recommendations we've gone over so far? Okay. So we have just finished covering the Rec 27 changes, which are just definitional updates and confirm what's in the Temp Spec. So no new requirements with these, just confirming what's already in existence.

The next topic under Group 1(A) is the NACKing of transfers. And again, NACKing is when the current Registrar of Record denies the Registered Name Holder's request to transfer the name. There are enumerated reasons in the Transfer Policy why a registrar can deny a transfer, and some of those enumerated reasons are being updated slightly. The first two are similar in the sense of currently the registrar must restrict the Registered Name Holder from transferring a domain name within 60 days at the initial registration date and within 60 days of the completion of an inter-registrar transfer. Both of these items are being changed to 30 days or 720 hours.

The other important thing to note is that currently in the policy, it says the registrar may restrict for 60 days post creation and post inter-registrar transfer. The working group agreed to change that to "must" so that it was consistent across all registrars, and so that it would be transparent to the customer and it would be clear when transfers could be denied for timing reasons.

We also wanted to note that there are some asterisks here that right before the group reviewed the public comments and edited the recommendations accordingly, there was a small team within

the working group that was looking at an established customer relationship procedure which could potentially get around some of these mandatory 30-day locks. But that group agreed to revisit that topic once Group 2 and Group 1(B) were settled so that it could better inform those discussions.

For Preliminary Recommendation 18, this is a language update. The working group is recommending that upon request, the potential gaining registrar needs to be provided with the reason for denial. So that's the update there. It's not currently upon request, now it's upon request. So that's a small change there.

Preliminary Recommendation 19 is the working group's providing clarification to some current language. It used to be the NACKing reason was evidence of fraud for number one. Currently, it's now evidence of fraud or the domain name presents an active DNS security threat as defined here. Two, the reasonable concern that the transfer was not requested by the Registered Name Holder and some additional language on payment disputes. So, non-payment for previous registration period has some added language, including payment disputes or credit card chargebacks if the domain name is past its expiration date at the current Registrar of Record.

The next group of recommendations—this is similar to what I noted earlier. Instead of having reasons why a registrar may deny a transfer, there are some reasons that are again going to be must deny a transfer. So the first is express objection to the transfer by the Registered Name Holder. That's just a textual update to reflect that Transfer Contact is no longer being used in the policy. But now it's Registered Name Holder. And then again, the transfer

was requested within 30 days of creation or 30 days after being transferred from another registrar.

There are a couple of small edits to the dispute procedures. So if there's a pending UDRP, pending TDRP, or pending URS proceeding, the name needs to stay at the current registrar through dependency of that proceeding. And so here we have a pending UDRP proceeding that the registrar has been notified of by the provider in accordance with the UDRP rules. That text has changed slightly to account for the fact that occasionally a registrar will be notified by its customer or by an attorney that there's going to be a UDRP case filed. But here it's noted that when the provider is notifying the registrar, that's when the name cannot be transferred. Similarly, Transfer Dispute Resolution Policy and pending URS when the registrar is notified by the provider in accordance with the URS procedure.

Again, the bold text represents some changes to the current must not deny transfers. For the third reason, a registrar applied inter-registrar transfer lock is in place and the Registered Name Holder is not provided with the reasonable opportunity. These are just some updates to the text. And then there's general payment defaults between the registrar and reseller as defined in the RAA. So a little bit of language clean-up here.

That concludes the recommendations from Group 1(A). There are some references for the group's use, which shows all of the working documents we've been working on, which goes through in a lot of detail, where the working group started, where they ended up. You're all very familiar with the working documents at this point in time, but we wanted to have them all on the slide so that

you can easily reference them if you wanted to go back to check why recommendation may have changed. And also we have a link to the updated Initial Report following the Public Comment review.

So this is the document that shows all of the recommendations that are on the slides and the supporting text behind them. So if you want to get a little bit more context, we would highly recommend you refer to that document.

So we've heard a lot of monologuing for me. But before I turn it over to my colleague, Christian, I just wanted to see if there's any questions on Group 1(A), if there's any outstanding questions, or if there's anything that you think would be helpful for us to update to make the information more clear, we're happy to hear suggestions on that as well. So I'll just pause for a moment to see if anyone has any questions or concerns. Okay. I'm not seeing any hands raised. So I'm going to turn it over to my colleague, Christian, who is going to talk about where the group left off on Group 1(B) or change of Registrant. Over to you, Christian.

CHRISTIAN WHEELER: Thank you, Caitlin. Change of Registrant, we're going to be transitioning into now following our bulk transfer discussions. You may recall, the group had some discussions earlier about change of registrant from about June to early August of last year. So it's been a while. We want to give you guys a refresher about where the group landed in those discussions. It didn't come up with any "preliminary recommendations" just yet, but staff has collected the points of alignment and agreement from the group from their discussions and also from your great work in the triggers matrix

that you did, too. So we'll go over that briefly as well. Could you just go to the next slide, please?

In the meantime, I will also just give a brief update about what the change of registrant is in case anyone doesn't really remember. The change of registrant is the second half or second part of the Transfer Policy for inter-registrar transfers and then inter-registrant transfers. One of the charter questions posed to the group that hasn't quite answered yet is should this be a standalone policy or should it continue to be as part of the Transfer Policy? The group did first look at what even is the change of registrant really briefly. It's essentially a material change to a prior registrant's name, organization, or e-mail address, or their administrative contact e-mail address. There was no registrant e-mail address that's going away. The material change is also something that's in Transfer Policy defined as a change to the Registered Name Holder's name or organization or e-mail address, or if it's accompanied by a change of address or phone number.

At the very beginning of these deliberations, the staff issued a poll to the group, asking a series of questions. It was essentially pretty clear from the get-go that the group believes that the change of registrant policy doesn't need to be changed significantly or is no longer necessary as it currently is. And that the principles from Phase 1A, which Caitlin just went over, should carry over into Phase 1B where possible, especially when it comes to the security principles, for instance, around the TAC and around the lock. Those will definitely come up again as we go deeper into the core discussions. Next slide, please.

You just heard the definition of change of registrant. The group, you're really aligned that it's really not fit for purpose, and that the group had considered actually changing—maybe instead of change of registrant or inter-registrants transfer to something more along the lines of like a change of control, which was mentioned by IRTC—maybe I'm getting that acronym wrong—the discussion of what a change of control is but they didn't actually fully define it. Yeah, IRTPC. Thanks, Berry. They did discuss that but it wasn't clearly defined. So maybe that's something that this group wants to tackle as maybe it's not so much a issue of changes of registrant or maybe a change of phone number or a change of name, maybe not necessarily can be considered change of registrant. Maybe it's more about change of control, which is what the stated goals are really about security.

A change of control the group discussed could be a change to that contactability, the primary contact method or those mentioned of an anchor contact method, for example, maybe the e-mail address. The group also discussed whether they should allow registrars to determine what that anchor contact method should be or whether there should be baseline requirements that this group wants to come up with.

Ultimately, the definition of material change, the group decided should be revisited. Because it doesn't really seem like something that is currently fit for purpose in regards to the change of registrant as far as meeting its goals of trying to protect domain holders and make sure that's secure when they want to change their name and also change their registrar at the same time. So that is going to be a big discussion probably out the gate as far as

how should the change of registrant itself be redefined. Next slide, please.

Another point of alignment that the group agreed on. When the group first began discussing change of registrant, they actually went through the policy. Part 2A was the definition, Part 2B was about the availability of change of registrant, when should it apply and when should it not apply. The group went through and very quickly highlighted that there was one element that is thought should change. And that would be if there is evidence of fraud or it even presents an active DNS security threat, that it should not apply. That was something that was carried over from Phase 1A Rec 19 and carried over to here. That's uniform.

The group didn't quite decide where it should belong in that part of the actual Transfer Policy. So that could just be as a drafting thing. Because you'll see when you actually look into the Transfer Policy itself, there's a section that says, "The core process should not apply in this circumstance or the registrar must deny in this circumstance." It could go either place or both. It's more of semantics. But as far as the principle itself, this is something that the group seemed to align on. Next slide.

Then going into the actual change of registrant process itself, the group seems to align around the idea that a notification should be sent to the prior registrant rather than a confirmation request. Currently, when a registrant wants to change their contact information, they would need to contact their registrar. The registrar would need to get a confirmation from them and also a confirmation from whoever they're changing it to. So if that's a change of an e-mail, they need to get a confirmation from both e-

mails, for example. The group seemed to align more around that a notification rather than an actual confirmation requirement. That a notification to the registrant suffices for that level of security.

In bracket it says “and new registrant” because that was something that wasn’t quite yet decided by the group as far as whether—because currently a confirmation would be sent to the prior registrant and the “new registrant”. Even though maybe the same entity or same person just changing their information, a confirmation would be sent to both. That’s something that the group still needs to determine whether or not that notification, if that’s the replacement, should be just be going to the prior registrants or if it would be going to both entities, so to speak.

Largely, the reason why the group wanted to replace it was because that there’s already a lot of increased security from the Phase 1A changes that were made. For example, the 30-day lock when a change of registrar happens. If in the case that there is a registrar transfer going on at the same time, the group has determined that there should be a mandatory 30-day lock. And then in this policy, in the change of registrant policy, there is a 60-day lock that would apply that fall into change of registrant. It doesn’t really seem necessary now. Because if there is a change of registrar, then that’s already going to happen. That lock is already going to be there.

There was also discussion that the fact that the lock itself doesn’t even really provide a lot of security anyway. Because the idea is that if somebody had hacked into someone’s e-mail, for example, they could approve it anyway. So it’s already compromised. It doesn’t really do much other than providing a notification to the

domain holder already that, “Hey, someone’s trying to update your information.” That was part of the reasoning behind that.

Then finally, that the registrar must process the change registrant without undue delay after providing notification. That’s more semantic that the group quickly went through as they were going through the process. Ken, I see a raised hand.

KENNETH HERMAN: Thank you very much. Ken Herman for the record from Non-Commercial. So if I understand correctly, a change of registrant could be initiated and the notification is sent to the existing registrant. And in 24-hours regardless of what they do, that change is going to take into effect. Not giving people enough time, really, to respond and say, “My account with my registrar has been compromised and they’re trying to change things.” Is there some other process that I’m not aware of where there are protections against this? Thanks.

CHRISTIAN WHEELER: Theo, go ahead. Is that in response?

THEO GEURTS: Yeah, go back a little bit in the history of this. It’s a good question, Ken. I got a little bit of a leg up in regards to everybody else who spent 400 hours on the Change of Registrant Policy back in 2014, 2015, and 2016. The problem is that we have so many different business models. And if you want to protect the account of a registrant, we first must acknowledge that there is a large portion

of the registrars who have zero control over the registrant account. Meaning the wholesale business model, we are not in a position as registrar to protect the registrant control panels, accounts, whatever you want to name it.

What happened back in the old days, in the RTPC days, is that when you start messing with this change of registrant language, is that you are delving yourself into a technical minefield which hits huge operational issues. Back then, we had the idea or the illusion, maybe that's a better word, that we could improve the security or stop domain name theft back in the day. But what we ended up with was a complete and total operational nightmare. That's why you see a little bit of where the group is landing, maybe we should send notifications, tone the policy down, remove the policy. Because back when the policy came into effect, the realization of the registrars was immense that there was suddenly this policy that hit them so hard. As we heard back in the early deliberations of the group and ICANN Compliance provided us with statistics on all these registrants' questions, because suddenly it got all confusion for registrants. I mean, you certainly couldn't update your data anymore really, really quick. It's now requiring a data protection law.

So this is a very tricky policy that we are going to deliberate on. I'm just going to warn this group, you can get yourself pretty much very, very lost in this one without realizing the operational consequences. Even though some of these suggestions that will be made in the coming weeks have the best intent for the registrant but there is a technical reality. Thanks.

CHRISTIAN WHEELER: Thank you, Theo. Sarah?

SARAH WYLD: Thanks. Hi. Plus one to Theo, I think that was a lot of really good points. Very important to keep in mind that this does create operational issues and we really don't want to put a barrier to updating registration data, especially if that is inaccurate personal data. We want people to be able to update that as easily as possible. So I'm definitely still in support of the text on screen with a notification rather than a confirmation process.

To the question of whether 24 hours is long enough, I want to compare that to the current core process that's live right now, which is to process it within one day. I think we're not actually changing that. We're just making it more specific, 24 hours. I think that that is enough notification because, as Theo said, if the change is unexpected to the registrant, that generally means that there's a problem somewhere else. Maybe their account was compromised and that's what needs to be addressed. There should be other processes in place to handle account security so I think this really just does need to be a notification. Thank you.

CHRISTIAN WHEELER: Thank you, Sarah. Thank you for that clarification, that the current policy is one day, this is just a clarification of keeping it uniform with the other recommendations, keeping it to 24 hours and the calendar days. Thank you for highlighting that. Next slide, please.

This was another big element that the group seemed to align on just from discussions last year. And it was also harkening back to

a survey that was done by ICANN's Global Support Team that really emphasize that a lot of registrants are very frustrated with the 60-day lock. The group didn't really seem to think that it was really fit for purpose wasn't adding much security to it. So, most people aligned on the idea of actually eliminating that 60-day post change of registrant lock. In cases where it does coincide with a registrar transfer, there is already a mandatory 30-day lock that would happen after that. So that may be sufficient.

The group did discuss too that if it had to be retained, that should at least be reduced to 30 days to be consistent with the other locks from Phase 1A. But I would say, just going through the discussions, it did seem that most people seemed to aligned on just getting rid of that 60-day lock.

Theo, to your question in the chat, "Is that survey still available?" I'm happy to dig for it. I'm sure that's available somewhere. I'm happy to look at that and share that. But I can say with my experience, I actually came from global support prior to my transition to the ICANN Policy Team, I know firsthand a lot of those calls that we'd be getting or e-mails or anything like that from registrants, it was a lot of frustration with the fact that, "I just updated my e-mail" or "I was told to update my e-mail, and now I can't transfer my domain to the registrar that I want." It is a real big sore spot for people and the opt-out options weren't always obvious or they weren't even required for a lot of time. It was really something that was a lot more sigh of frustration than relief in my experience. Next slide, please.

That is actually where the group ended its discussion. It was only discussing for a little bit, about a month and a half. Then it took its

summer break. It was also pausing it pending discussions of the fast undo mechanism or clawback mechanism. But that, ultimately, the group didn't really decide to move forward on that fast undo. I believe the group aligned more on that the informal ways of resolving such transfers between registrars, they didn't want to lose that. But that is something that maybe could be discussed again. But ultimately, that is where the group ended up following those discussions. That would be Charter Questions, I believe, 1 through 6 of talking about the overall policy and the 60-day lock. The group did not get to discussions around the privacy/proxy element of this or the designated agent. So those are going to need to be discussed now that we're revisiting it. Next slide, please.

Here is a repository of relevant documents. Everything's included in that core summary document that you can see highlighted to the right. There'll be chance to look at that. I believe it was shared as part of the homework. These working documents provide a more detailed look about what was discussed under each charter question. So I would recommend looking at that so you know where everyone landed on those, and that's where all of these are coming from. I did also want to draw your attention to the change of registrant triggers and actions matrix because that was one resource that was really helpful toward getting the group aligned on what might need to be changed for the actual change of registrant and whether it's fit for purpose in each element, what the change should be.

I definitely do recommend people looking at that matrix. We will probably revisit it again in our discussions upcoming. I'm happy to

hear, of course, if anyone has any thoughts, if we left anything out, please do let us know. If you recall something that the groups seem to align on or questions that you have based on what you've discussed already, happy to hear that now, and also looking forward to continuing the discussion over the next few months. Thank you all.

ROGER CARNEY:

Thanks, Christian. Thanks, Caitlin, for going through this overview refresher of where we're standing. I think it's a big thing. Christian hit on maybe two of the big topics that we have to address in the core discussions along with the rest of them. The privacy and material change, obviously, are big things. I think we've got a lot of work yet to do on that. But I think this really helps out and sets us up for moving quickly forward into our next meeting next week and beyond and get us back into the change of registrant discussion.

I'll open up the floor to any questions or comments. Again, I think this is a great refresher. I just thank staff for putting all this together. It makes it a lot easier to digest and less forward and get everybody on the same page. Anybody, any comments or questions? Zak, please go ahead.

ZAK MUSCOVITCH:

Thanks, Roger. Just very generally, and I don't mean to put you on the spot if you're not prepared to speak to this at this point, Roger, but what is the general approach that we're going to take in tackling the change of registrant aspects? Are we going to go about it methodically, provision by provision in the existing

Transfer Policy? Are we going to revisit work from the matrix? Are we going to look for solutions up front and then circle back? What ideas do you have about the most efficient and appropriate way to address these things? Thank you.

ROGER CARNEY:

Great. Thanks, Zak. I appreciate you leading me into not being able to answer it, because I'm not going to answer that right now. But staff and I, we'll get together and discuss it later this week and try to formulate a plan forward. If that's going through each charter question in order or if that's, like you just suggested, Zak, if that's maybe going through the policy in order, we'll discuss that and get back to the group on an idea of what we think could be efficient. And hopefully, the working group can provide any inputs or tweaks to that so that we can make that progress quick and easy. Thanks for giving me an out there, Zak, because I don't really have an answer yet. And hopefully, before our next meeting, we will have a good answer. Theo, please go ahead.

THEO GEURTS:

Thanks, Roger. I appreciate the upcoming discussions that you're going to have and form a plan. If I can make a suggestion here, maybe it's good to look back at the original recommendation on that language on why we even came up with the change of registrant. It could maybe help us a little bit to sort of get the spirit down on what the people were thinking back in 2010, '11. Get a little bit of a reference what the Board was thinking back then. Maybe that's a suggestion you can take to the Board or not. I'll leave it up to you. Thanks.

ROGER CARNEY: Great. Thanks, Theo. Great input. We'll take a look at that. Any other comments or questions? Again, hopefully we can get back to the group. Again, it's not going to be a "This is the way we're going to do it." This could be an idea of the way we can do it. And if the group agrees, we'll move forward with it.

Okay. Any comments from staff or anything that they want to close up their summary? Berry, please go ahead.

BERRY COBB: Thank you, Roger. Just really quick, just looking ahead. We have a meeting next week on the 14th. We will be taking the 21st off and then reconvening back on the 28th. So two meetings to close out November, and then we're meeting the December 5th, 12th, and 19th, and that will conclude the rest of the year. Probably around the week of U.S. Thanksgiving is when we'll send out calendar invitations for our meeting schedule leading up to ICANN79. Thank you.

ROGER CARNEY: Great. Thanks, Berry. Any other comments, working group or staff? Okay, great. Again, we went through this in detail but everyone has a copy of this in all these links to everything now. Over the next week, take a look and review these things again in preparation for our continued discussions here on change of registrant. With that, I think we can give everyone an extra 15 minutes to their day here. Thanks, everybody. We'll talk to you in a week.

JULIE BISLAND: Thank you, Roger. Thanks, everyone for joining. This meeting has concluded.

[END OF TRANSCRIPTION]