
ICANN Transcription

Transfer Policy Review PDP WG

Tuesday, 19 December 2023 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 19th of December 2023. For today's call, we have apologies from Zak Muscovitch, BC. He formally assigned Arinola Akinyemi, BC, as his alternate for this call and for remaining days of absence. As a reminder, an alternate assignment must be formalized by way of a Google assignment form. The link is available in all meeting invite emails.

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. Please remember to state your name before speaking for the transcription. As a reminder, those who take part in the

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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. Just a reminder. This is our last call of the year. We will take a couple weeks off and we'll resume our calls on January 9th, same time as we've been doing it. But just to let everybody know, just to make sure no one tries to jump on next week or the week after. We'll have two weeks off.

And looking at the schedule moving forward, we have, I think, eight meetings planned prior to ICANN79 next year. Our goal is to be as far as we can be, complete our change of registrant discussions, and hopefully loop back to any of the open items that we have, any loose ends that we have still throughout the whole process, by the time ICANN79 is around. So we've got some work ahead of us—again, today's call and then eight more sessions. I think we're in good shape. I think we can do that. So again, hopefully everybody enjoys their next couple weeks off for the holidays and whatever else everyone's doing.

But I think, other than that, I'll just open up the floor to any of the stakeholder groups that want to bring any comments or questions forward that they've been discussing within their own stakeholder groups for the group. Anyone have anything they want to bring forward? Okay. Great.

I think, then, we can go ahead and jump in. We went through a lot of change of registrant only kind of process last week, security

measures last week. And I think we're going to leave that as is for now, just to let that soak in for everyone. We're going to move on to discussing a change of registrant followed by a TAC request or inter-registrar transfer request and what kind of security measures are necessary for that. So give the whole gamut before everyone takes off for a couple weeks, just so it's in everyone's mind. Then we'll come back and try to wrap those two big topics up when we get back.

But I think I will turn this over to Christian to take us through this first few slides here.

CHRISTIAN WHEELER:

Thanks, Roger. As Roger said, last week we went over security measures for when an improper change of registrant would occur as part of the normal process and then as far as what other security measures should maybe be put in place when that does happen. This week, we're going to talk about when a change of registrant is followed by a TAC request. We can talk about how soon that should be followed, about how recent that change of registrant should be. But for the purposes of this meeting, we're going to just discuss, like last time, various different options on the table for what should happen if that does occur.

Currently, there is a 60-day lock that's put in place when there is a change of registrant that would prevent a transfer to another registrar for 60 days. The group has discussed and there seems to be some feelings that that doesn't really provide that necessary security—that it's causing more registrant frustration than anything. So if the 60-day lock is done away with, what should

replace it as a means to protect registrants if there is an improper change of registrant and then they try to transfer to another registrar, at which point it becomes much more difficult to try to fix that or address that, once it's moved to another registrar.

So we're going to be discussing a bunch of options today, like last time, a similar type of format where we'll discuss different options. Feel free to talk about any pros or cons of each, if this should be tweaked, if this is just totally not right. So we're just going to be throwing out some food for thought for all you guys.

Just going to start with the first one. As far as a minimum requirement for registrars, if a TAC request follows a change of registrant ... So for this exercise, we're just going to assume that the change of registrant has already occurred, or anchor contact method, however we want to define that. That's already occurred and now they've submitted a TAC request to transfer registrars.

The first option would be that there is no special requirements that are necessary, no additional security measures. So for the regular transfer policy, or the updated transfer policy, they must be provided within five calendar days of the registrant's request. That would be regardless of any recent change, would be the part of this option.

There would be no required 60-day lock if the group decided to do away with that. And the registrars could potentially utilize the voluntary or registry-level lock without requiring a 60-day lock in the transfer policy. Just wanted to throw that out there. That option might still be available to registrars if they did want to provide that level. But this option would essentially be that there is no required

lock. And when they ask for the TAC, the registrar can give it to them, regardless of whether there was any kind of change of registrant recently.

Let's give an example scenario of this. Let's say Jane Doe's e-mail address gets updated. Then her registrar gets a TAC request from that new e-mail address. The registrar would simply provide that TAC within five calendar days. As part of the regular process, they would send a notification that the TAC was issued to that new e-mail address. The registrant would use the TAC to transfer the domain name. Say it's janedoe.com. And then the registrar—in this case, the losing registrar—would send a notification that the transfer has been completed.

So this is essentially just what it looks like when a domain name is transferred. We we're just going to leave it at that for now. I see Sarah has her hand raised. So go ahead, Sarah. I'll hand it over to you, Roger.

SARAH WYLD:

Thank you, Christian. Can you just go back to the other slide that you were showing just a second ago? There was an example. Yeah. Okay. "The registrar provided the TAC within five calendar days." There's another piece to that step in the process, right? I think we made a requirement that the registrar does a security check to make sure that it's a valid TAC request. Isn't that a thing? And so, if that is a thing, it seems to me that it's relevant here. Thank you.

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

THEO GEURTS: Yeah. Thanks. I'm not sure about a check within the five calendar days. I know we said something about it. I'm not sure how realistic that is. But if you can go back to the other slide ... Yeah. So if registrars could potentially utilize the registry lock, that requires that every registry offers that. So not everybody has them. Most have but not everybody. So there's a little bit of a dependency there. For the rest, it's looking good. I don't see any issues here. So good to go. Thanks.

ROGER CARNEY: Great. Thanks, Theo. Yeah. I would say this last bullet is just a thrown-out option. It wasn't necessarily something we were going to dictate in policy. It was just an option for the registrars to recommend or not. Again, it was just thrown on there as an idea.

As far as Sarah's comment, I think, on the security part, when we talked about the five-day window, we've talked about giving ... That period of time was for several reasons. But one of the main reasons was registrars being able to do due diligence as to confirm for themselves if they're comfortable with the request.

Again, I think when we were talking about that in our group 1A stuff, there was a lot of this discussion around change of contact information, followed by a TAC request, and that that due diligence could be looking at that and saying, "Okay, yeah. They updated their postal address," or, "Okay, yes. We see that their e-mail address, they updated but it was just a typo or whatever it

was.” Or it could be a completely different e-mail address and that was their main contact point. But the registrar has already verified that that is a valid e-mail address or whatever so they do have a comfort level.

Again, I think that that gets down to some TAC requests may be almost instantaneously fulfilled. If the registrar and is comfortable, and there's been no contact changes, and the customer's made it clear that they wanted to move this or whatever, maybe that just happens almost instantaneous. Or if the account has seen a lot of activity in the last day or so, maybe the registrar does spend more time. But that five-day window wasn't specified as anything being specific. It was just giving up to five days, which the current policy also allows. Jody, please go ahead.

JODY KOLKER:

Hi. Thanks, Roger. I was wondering if you could go back to the previous slide. In here, the first line is what I'm looking at. "The registrar receives a TAC request from the new e-mail address." That's usually not what happens. Usually, the customer will log into their account at the registrar and then request a TAC request. And then, at that point in time, that's when a registrar would look to see if the e-mails have changed. I don't know. It's just a nitpick. I just wanted to point that out, is that we usually don't get a TAC request from an e-mail address. Thanks.

ROGER CARNEY:

Yeah. Thanks, Jody. I think that maybe this was just shortened up. I think it is trying to describe what you just said. There is a TAC

request coming in and the registrar notices that there's been a new contact method, or in this case, a new e-mail address. I think this was just shortened up. But yes. I think that that was the idea, Jody, was yes, there's a TAC request and then the registrar notices it. Again, I think it goes back to that five-day window in our discussions that we had in group 1A about the reasons for that five-day window and this falling into that.

Owen, in chat, you're talking about maybe what—a TAC request and then a change of registrant. But I don't know that the order is necessarily specific. I think that, again, this five-day window can allow for that. I would say most registrars will probably take a better look at it in your scenario of, "Hey, I requested a TAC. Oh. And now I need to update my information." Obviously, to me, that just raises the level up. As you said, it's fairly normal but it still is one of those where it raises that level to me. Owen, please go ahead.

OWEN SMIGELSKI:

Yeah. Thanks, Roger. I just wanted to chime in because I just do recall from my time in compliance that that was one of the biggest grumpiness that registrants had with the change of registrant. They needed to change their address so they could transfer but then they couldn't transfer because they changed their address. So there was a lot of frustration. I know that the compliance office had a bunch of stuff about that. They also wrote stuff up on that. So I just wanted to make sure that's considered to ensure that what the needs of registrants are, are protected moving forward.

ROGER CARNEY:

Great. Thanks, Owen. It's good to bring up because we do need to make sure that we're handling that. As you said, it is a common occurrence that comes up. Okay. Any other comments on that?

Sarah in chat. I think it depends on the registrar. Again, I think that's why that five-day window is not specific. I think some registrars systemically can easily look for, "Oh, a TAC request was done," and their systems will check to say, "Has anything changed in the last x hours?" or whenever and be able to flag that or whatever, if they have someone reviewing that or not. Again, I think it's registrar-dependent and that's why it's not specific to that five-day window what exactly is going to occur there.

Again, this is just one of the options that was put there. When we look at it, we've removed, basically, the current 60-day lock idea in it and still went along with how it would occur today—again, without that lock. But we have several more here that we want to walk through.

Again, as we walked through last week's, just a change of registrant not followed by a TAC request, we started to blend a few of the options together to make something that was more palatable to everyone. And I think that we'll probably see that here as well. But just trying to lay out these options and then we can maybe a la carte it and pick here and choose there. But maybe I'll turn it back over to Christian so he can take us through the next one.

CHRISTIAN WHEELER: Thanks, Roger. And thank you, Jody. Yeah. So as far as the tech request from the new e-mail, yeah. You can think of that as just the registrar receives a TAC request from however the registrar typically does. Thanks for highlighting that.

Okay, option two. This is another option. When a registrar receives a TAC request, the TAC would be provided within five calendar days only if there's no objection from the new or prior registrant received during that time. So that could be that five calendar days where the registrar has to do that due diligence. This could be that due diligence, essentially, where the TAC request would trigger a notification informing them that there would be a five-day waiting period. It could also be more or less, depending on how the group feels.

But it's essentially a waiting period before that TAC is actually issued so that if the new or prior registrant contacts them, probably from some kind of specific channel where they're looking for that kind of contact. If they object to the change of registrant or TAC request, saying that, "No. This was not me. This was not authorized. Stop this," then the TAC wouldn't be issued. And then whatever improper change of registrant process that the registrar has would then be triggered.

So it's essentially following that same kind of idea of the 60-day lock, where that gives them 60 days to try to catch something in the act, if there is a TAC request. This would be, basically, a period during which if there is an objection, then they would not issue the TAC.

Just added a last bullet right here—it's just an idea—that maybe if the new and prior registrant both contact the registrar and give their authorization, that the TAC could be issued earlier than that five days, just as an idea, just to prove to the registrar that this change of registrant was, in fact, authorized and that they can go ahead and provide the TAC. So this was just an idea.

Normally, if the prior registrant, or new registrant, or someone contacts the registrar and says, "Hey, this recent change of registrant wasn't authorized," that would trigger what we talked about last week—some kind of process for the registrar to act on it. But if there is a TAC request, it's going to be leaving the registrar soon. Maybe there should be some period of time during which there's an opportunity to object to that. And maybe that could be a notification to the prior registrant as well, whatever their [client] contact information was. Just an idea for that. So I'll leave it there.

Here's an example scenario. Let's say that their e-mail address is updated. The registrar receives a TAC request. They send a notification to Jane Doe, saying that because of the recent change of e-mail, there will be a five-day waiting period. And then, at the end of the five days, if no objection is received from that new or prior registrant, then the registrar would provide the TAC, say within 24 hours.

Or if the registrar receives an objection from the prior registrant's e-mail—that's what was changed—and they say that, "No. This change of information was not authorized," then the registrar would inform them that the TAC cannot be issued and then it would trigger whatever process it has for dealing with improper

changes of registrant. So I'll leave it there for discussion, see what you guys think about that.

ROGER CARNEY:

Great. Thanks, Christian. I think when you look at this, this is, again, stepping into a lot of discussions we had in group 1A on this. Again, that five-day window allowing the losing registrar to do what it needs to do. Obviously, the losing registrar has the most vested interest so they're going to try or they should. Maybe they won't. But this allows them to at least have that ability to do a good level of security check to do that.

Again, I think when we went into the group 1A discussions, this option here was one of those that we touched on but we fell to being less prescriptive than this. But obviously, it was discussed and it's one of the options here. But I'll go to the queue. Sarah, please go ahead.

SARAH WYLD:

Hi. I really appreciate that we are thinking of different options for how to deal with this. I just don't really like this option. A couple reasons for that, that are sort of related. The reasons are, number one, this is combining two processes that are, I think, actually separate processes, those being updating domain contact info and requesting the TAC. So I don't think it really makes sense to put the dependency there.

The other problem with it is that this is putting the security processes in a place where it's only applicable sometimes. And connecting the security processes relating to the domain contact

update with the TAC process in a way that I think is not really necessary or conducive? Coherent? I don't know. So if we think that sometimes it's reasonable to send a notification of a contact update, I'm not clear why it's not reasonable to do that all the time. And I don't think we need to only do it when the TAC is requested. Okay. Thank you.

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

THEO GEURTS: Yeah. Thanks. And to quote Jack Reacher, "Details matter." If you look at the example scenario, the registrar receives a TAC request from an email address, that is not how a TAC is being requested. That is basically an API call based on a contact when we are talking wholesale registrars. We only get a request to provide the TAC because whatever happened at the reseller initiated that process. So we can't just state it like, "Okay. We are getting a request from an e-mail."

The reason I point that out is I do agree with Sarah here. It seems like we are having separated notices because we are having different processes. Because when the TAC is requested, we already have in the policy that there is a notification being sent where the registrant can take action, even the cancellation of the request. So we've already got it covered.

Looking at the rest of the stuff, I think we're making it operationally more complex for no good reason. I understand that we want to increase the security here. But again, take multifactor

authentication. 2% of all Twitter users only have two-factor authentication enabled. That's your real issue there—registrants not using all the security options available at the registrar. That is the biggest problem there. Thanks.

ROGER CARNEY:

Great. Thanks, Theo. Just to clarify that again, that first example line, the TAC request is coming in however—through the control panel, through API, whatever. And the second part of that—again, I think it's just a verbiage issue—is that the registrar notices that the e-mail has changed. Again, I think that's two separate and I don't want to try to confuse them. But to your point, Theo, thanks. Jody, please go ahead.

JODY KOLKER:

Thanks, Roger. I don't know. I like this but this could be more of a business decision by a registrar, whether they want to go to this extent to be able to do this. To Theo's point, details matter. I'm wondering—saying that because of the recent change of the e-mail. How long is considered recent? Is it a day, is it a week, or a year. That type of thing.

Personally, I like the idea of sending an e-mail to both the previous registrant's e-mail and the new registrant e-mail. What I really don't want to see come up in here is that I don't want to see that they both have to approve it because people lose access to their e-mails, etc., all that kind of thing. So my—not objection to this. But what I really want to see out of this is please don't force

the new registrant and the old registrant to both approve this TAC to go through. Thanks.

ROGER CARNEY:

Thanks, Jody. And I'll just throw in there because I think you're just adding on to what Sarah was saying and Theo was saying. I think that the idea of a contact change, and more specifically, maybe the specific method that's used—e-mail, or phone, or whatever it is—that change. I think you hit on it, the timing of that change versus the timing of a TAC request. To Sarah's point, there are two separate processes.

But I think, again, we go back to—and as you said, Jody, maybe it's a business decision. I think that that's maybe correct—the registrars having the ability and saying, "Well, yeah. It occurred two minutes ago." It's like Owen's point, "Yeah, because it happens a lot." Maybe it does and you already knew it so you let it go. I think the hard part is trying to verbalize it or put it into specific policy.

And as you said, Jody, maybe making it more flexible and allowing the registrar to make those decisions. Maybe some registrars are okay. To me, a losing registrar would be ... It's to their benefit to know that the transfer, or to at least have a good idea that the transfer is valid. And again, to me, it's the losing registrar's responsibility to do that and they have the most at stake to do it.

So I think that Jody bringing up the time period is something else to think about. If they changed it two months ago, would it matter? If they changed it two hours ago, is that different? But again, as

Theo and Owen have constantly said—and not just over the last weeks but over the last years—change of registrant does happen, often, right at or around a TAC request, just because people are more aware of a two-year-old e-mail, or an old address, or whatever it is. But just my thoughts. Jothan, please go ahead.

JOTHAN FRAKES:

Thank you, Roger. Happy holidays, everyone. The thing we want to do here is if we do have some kind of an e-mail process that requires an absence of an objection. I just wanted to observe here that we need to factor in how some registrar businesses may be processing expired deletion—so EDDP or ERRP. There are some cases where a registrar may change the contact as part of that process to an internal processing account or something along those lines for the disposition of domains. I don't know. It might complicate things for the registrant to have to approve that process. So we want to make sure that we're factoring in that there are some of those activities in play. Thank you.

ROGER CARNEY:

Great. Thanks, Jothan. Catherine, please go ahead.

CATHERINER MERDINGER:

Thanks. I wanted to go to something Jody was saying. I think this ties back to Sarah's point about combining these. Jody mentioned sending notifications to both the old contact and the new contact but not wanting them to have to approve it. I think that's right except that I think that ... Well, no. The approval part I agree with.

But to Sarah's point, the change of registrant is one. So if I sold a domain to Sarah and I update the contacts to Sarah or I transfer it, I push it into her account, she updates the contacts, I'm no longer affiliated with that domain. And if Sarah wants to move it away from Name.com and I get an e-mail that says, "Just so you know, you have five days to object to this because this was changed recently," isn't this an opportunity for me to defraud Sarah? "Oh, no. Sorry. That wasn't legit."

And now it spins up a whole business line of just fake sales that are very complicated and registrars and not equipped to really handle. That's a whole business dispute mess that we don't get involved in. The answer is, "No. I can't help you with this. You guys need to work it out." So my concern is that by tying these two things together, if you really have two separate registrants, you're tying these two people together when one of them should not be involved at all. So I have a concern about that. And exactly, Sarah, it's a lot of time for registrars to have to deal with that. Thank you.

ROGER CARNEY:

Great. Thanks, Catherine. Jody, please go ahead.

JODY KOLKER:

Thanks, Roger. Thanks for that point, Catherine. That's a very good point. I think maybe that's why this should remain a business decision for the registrars to handle if they want to send this to both the losing and the gaining registrant. It is a security feature that registrars can decide to implement or not.

And I agree with Catherine. We've seen plenty of these where a domain is purchased by another person or another customer. It changes accounts. The e-mail address changes. You don't want the last person to go through, I think they call it seller's remorse, and say, "No, I really want that domain name back." Then now the registrars have to decide who's right and who's wrong here. Yeah. That is a mess. Thanks.

ROGER CARNEY: Great. Thanks, Jody. Okay. Any other comments before we jump into our next option? Okay. Let's go ahead and jump into the next option, Christian.

CHRISTIAN WHEELER: Thank you. Okay. This option is tying it to the WHOIS Accuracy Program Specification, which is currently in place. So this option would be that the TAC must be provided within five calendar days only if a recent change to the new registrant's and possibly the account holder's contact information is successfully verified per this policy. The account holder's is in there because that is actually part of the current WHOIS Accuracy Program Specification. And "account holder's" is defined, per the footnote at the very bottom, as "the person or entity that is paying for the registered name or otherwise controls the management of the registered name when that person or entity is not the registered name holder."

So currently, per the policy, when there is a change to the registered name holder's WHOIS information or the account

holder's contact information—again, if they're separate—the registrar sends a verification request by e-mail or phone. Usually it's by email. And if the registrar does not receive an affirmative response from the name holder within 15 days, the registrar either verifies the applicable contact information manually or suspends the registration. This is what the current policy already is under the WHOIS Accuracy Program Specification. They do have to verify and validate when there is a change to contact information.

Under this option, essentially, the registrar would deny a TAC request if there is a pending verification. So if there's an applicable verification of changed contact information, then they would need to make sure that it's verified before they allow the TAC request—before they allow the person to change it or allow the person to transfer registrars. So this is essentially combining two policies, or actually referencing another one, whereby if there is that pending verification, they need to make sure that no TAC is issued until that's successfully verified.

So under this scenario, let's say that Jane Doe updates her e-mail. Registrar would send a verification request to that new e-mail address. Then they'd receive a TAC request, which it would deny because the new e-mail address has not yet been verified by Jane Doe. So Jane Doe would then verify the new e-mail and request the TAC again. And then they would provide the TAC within five calendar days, confirming that it has been verified, and then send their notification per the regular transfer policy.

So what do you guys think about this—essentially using the verification that's already happening across registrars per the

WHOIS Accuracy Program Specification but adding a caveat there that the TAC can't be issued until that verification is completed?

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

SARAH WYLD: Thank you. Maybe it's just me but I'm not actually seeing where this provides any security benefit against the domain being stolen. So if somebody updates the domain contact info and then requests the TAC, that TAC is going to be sent to the new e-mail, which means that they have to be able to receive e-mails at that new e-mail. That's the same thing that we're discovering by doing the verification process is can they receive e-mail? So I just don't see any actual security benefits here. Thank you.

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

THEO GEURTS: Thanks. I agree with Sarah. To make sure, I just got my COVID shot so I'm a little bit under the weather here. But I'm wondering if this operational scenario actually could happen. Basically, if reseller would change their account details as an account holder, then there can be no TAC requests until that has been verified. That doesn't sound really like an option you want to have. Thanks.

ROGER CARNEY: Thanks, Theo. Any other comments on this? Catherine, please go ahead.

CATHERINE MERDINGER: Yeah. I was thinking basically the opposite of Theo, though I don't run a wholesale registrar and so I'm not as sensitive to that. But I think this makes a lot of sense in that, sure, you changed the contact information. You should have to verify it and you can't bail with invalid contact information. That feels to me like you shouldn't be able to leave until ... Though, I guess why do I need to contact you, maybe. But that feels right to me. Those two processes, that should have to happen.

But I agree with Sarah. This doesn't really add security. I don't see that value in it. But this just feels like the right flow, that, "We have a requirement to validate this new information that you've given us. Sorry, we can't help you do other stuff until you've helped us check this box," basically." But again, not a wholesale registrar and mostly based on feelings. This opinion is mostly based on feelings. Thanks.

ROGER CARNEY: Thanks, Catherine. Theo, please go ahead.

THEO GEURTS: Yeah. Thanks. What Catherine says sounds very logical and I think it works for the majority of the business models. The only thing that I want to point out is that this can be used against registrants. Take a web developer who's the account holder. He

has this one customer who wants to move 50 domain names. He changes a couple of details within the account. Now suddenly, you cannot provide the registrant with the TAC because now you have this verification process with is going to last 15 days. In the meantime, he maybe updates it again, just out of spite.

You could be running into a very long process here, where an account holder is just messing about with the registrant out of spite. I think we don't want to have that in the policy. I'm not saying that it's going to play out like that but sometimes there's really some emotion there when it's about money. You see people do really weird things and you go like, "You shouldn't be doing that." Thanks.

ROGER CARNEY:

Great. Thanks, Theo. Any other comments here? Okay. Let's go ahead, Christian, and go to our next option. Again, try to get through these with a good amount of discussion and then we'll see if anything can be coalesced together, brought together to make sense, or one option stands out and just needs tweaks, or we're good with one. So Christian, please go ahead and take us to the next one.

CHRISTIAN WHEELER:

Sure. Option four would be, essentially, maintaining a transfer lock but allowing registrars to opt out of it or to remove it after it's placed. This is essentially saying that when a change of registrant occurs, registrars must place a 30-day transfer lock on the domain name unless it's previously opted out. Additionally, the registrar

may remove this lock after placing it, upon agreement of the registrar and the registrant. So it reduces that 60-day lock to 30 days, consistent with the other phase 1A recommendations. And it would allow the registrars to make the determination whether to remove that lock before the 30 days is over if the registrant and registrar both agree.

An example of this would be Jane Doe's e-mail is updated. The registrar places a 30-day lock. The registrar then receives a TAC request, which the registrar denies because of the recent change of registrant and the lock. Jane Doe requests the registrar to remove the lock, and they converse together, and then the registrar makes the determination themselves to remove it and then provide the TAC.

So this essentially maintaining close to what the current policy is but reducing it from 60 days to 30 days and giving the registrars that ability to remove it, which previously had been a cause for frustration, that once it's locked, they can't do anything about it. So what do people think about this option?

ROGER CARNEY:

Great. Thanks, Christian. I think even over the last couple of weeks, this option has been put up by a few different people in maybe just slightly different variations. But this discussion is a lot of what—the big issues with compliance—both sides. A registrar can't remove the lock, even though they had an option to opt out and they just missed it, whatever. In the current scenario, it's still painful for registrant and registrar. So I think that this is trying to strike that balance. So anyway, Sarah, please go ahead.

SARAH WYLD: Thank you. I like this option. Yeah. What I like about it, number one, the lock is a uniform 30-day period so it's the same as the other inter-registrar lock times. I like that. I like that the registrant can opt out of that lock as part of the core process, which I do still think the core process should be notification rather than proactive response. But that notification could include how to opt out. And I like that the registrar may remove the lock as long as there is an agreement there, because as was stated, that has really been a pain point. So thank you.

ROGER CARNEY: Great. Thanks, Sarah. Just trying to delve a bit deeper into this option here. Is there a responsibility? I'm looking more how do you enforce some of this? Does the registrar have to maintain some kind of documentation that there was an agreement to remove the lock? Again, maybe just trying to put half of my foot into compliance and say, "Okay. How can we make sure this was done?" But anyway, Sarah, please go ahead.

SARAH WYLD: Sorry. That was an old hand.

ROGER CARNEY: Oh. Sorry. Okay. Theo, please go ahead.

THEO GEURTS: Thanks. I still think this entire lock is just creating an extra burden that we already have with the current policy. Even when people have the option to opt out, usually they don't read what's being on the screen. That's problem number one. So if they forget to opt out, they still have to go back to the registrar, which creates another ticket. So basically, we're losing again money on something that doesn't solve anything. This is not adding an extra security layer. Thanks.

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

STEINAR GRØTTERØD: Yeah. Hi. Two things here. What I understand from the metrics we have received from ICANN Compliance is that the transfer lock of the change of registrant is causing a lot of problems because the registrant is being prevented to go to the new registrar. If it's possible for the registrant to actually remove the transfer lock after they have changed the contact details, but we're not aware of that, this will also trigger the lock. That might help reduce the queue at the ICANN Compliance.

But my thinking is, also, if we completely remove this, do we see some sort of scenario that there will be more domain theft—maybe a hard word—because of this? Because what we see is that the number of domain thefts is quite low but the number of complaints regarding the transfer lock is quite high. So is that an estimate that removing this will open hell? Thank you.

ROGER CARNEY:

Thanks, Steinar. I think that that's a good point. I'm going to let Sarah talk to her chat here in a second. But I think the two things you look at is does adding this add something? In today's world, we say the 60-day lock and the ability to not unlock it has caused not just compliance issues but registrant issues, registrar issues. As Theo brings up, every time this happens, it's another one, two, three calls to resolve it. So there is frustration from the registrant and registrar and cost across the board to do that.

So are we stopping anything as far as domain theft or hijacking, whatever you want to call it? And I think that as we've talked over the last couple years, the change of registrant isn't really what's causing domain theft. It's the fact that someone can come in and change it if they've got someone's password or something like that. So to your point, Steinar, is removing this going to increase domain theft? From what we've talked about the last couple years, the expectation is no.

And to the point of does it lessen the burden, obviously everyone sees that it's definitely less of a burden not to have this. But again, I think that the issue around domain theft is always what this is trying to protect. But Sarah, please go ahead.

SARAH WYLD:

Thank you. Thinking a little bit more about this one, and thanks to Steinar and to Theo's comments, it sounds like maybe what we're doing here is adding complexity for the registrant and also adding complexity for compliance enforcement, and there might not be a proportionate security improvement. So as Theo said in the chat, if

somebody really wants to steal a domain, they can just wait the 30 days. That's one thing.

Another thing to consider is what happens if the registrant and registrar do not agree on this request to remove the lock? Then the registrant could choose to report it to ICANN Compliance. But how can compliance enforce that? They can't really. So that seems unfair. Going back to feelings, it feels useful but I'm not actually sure that it is.

And just wanted to check in about the data—the information that we requested to understand from the compliance report that was so complex and data-filled—will we be able to get the info that we asked for, hopefully in the new year? Or was it asking for stuff that's not doable? Thank you very much.

ROGER CARNEY:

Great. Thanks, Sarah. I'll let staff and Holida talk to that. But thanks for those comments. We'll get back to that as soon as we've finished this real quick. But Berry, please go ahead.

BERRY COBB:

Thank you, Roger. Recognizing fully that these are just options and we need to consider the options in fully-exhaustive ways, I just note that in this particular one, the statement "unless previously opted out by the registrant" is primarily what got us into this mess to begin with when CORE was implemented. So I think at this point, certainly within the group 1A discussions, there is no option about opting out of any of these locks. The question here, of course, is in the context of CORE. But given how things were

implemented with the current policy, that's what got us into this. Thanks.

ROGER CARNEY:

Good point, Berry. And I think Steinar brought up maybe a little bit of a bend to this. Maybe if the registrant has the ability to remove the lock as well, does that help? Again, I think it gets back to what everybody's discussing here. This feels like a possible security measure but it doesn't seem like it's doing the job it needs to do, and is actually causing more work and headaches for everyone else, and not getting that out of it. So I think that, again, the discussion where we're going, as Catherine even said on the last one, it sounds like it makes sense. But is it actually adding any benefit? Because it's definitely adding a cost and risk factor to it.

Okay. Any other comments? Or else we'll touch on the next one real quick as well. Okay. Christian, let's go ahead and go to the next one.

CHRISTIAN WHEELER:

Thank you, Roger. This one is one where the registrar would have to offer the registrant an opt-in option or added protections. So it doesn't stipulate what those added protections should be. It would be left to the registrar. But they would have to give the registrant an opt-in option rather than an opt-out. That would probably be offered upon registration or maybe otherwise prior to a CORE or TAC request so that they actually get the benefits of those protections.

That could include things like multifactor authentication, requiring that confirmation from the prior and new registrants, maybe that longer waiting period before the TAC is issued, a transfer lock restriction. So it's just basically providing options for the registrar to offer as far as what kind of protections they want to choose but requiring that they offer an opt-in option for registrants and making that clear to them that they have those options.

This is an example where Jane Doe gets a notification or is somehow informed of the optional protections that the registrar offers. Jane Doe, in this case, opts for two-factor authentication for any changes to her contact information and a longer TAC waiting period. Then later one, Jane Doe wants to update her e-mail address and change registrars.

So according to her options that she selected and the registrar's policies, she would log into her account and return a unique code to the registrar, which is sent to her by text because that's the type of protections that this registrar offers. They would accept her change of e-mail and her TAC request and give her the TAC request after the longer waiting period that she signed up for. So this is an option that would provide some flexibility for registrars but also requiring that they provide some kind of added protections.

ROGER CARNEY:

Great. Thanks, Christian. Theo, please go ahead.

THEO GEURTS:

I'm not going to dissect this entire thing here. But there's a lot to unpack there. But the moment you give the registrant the option, let's say, that there is a longer waiting period for the TAC being issued, I think you're going to run into a whole bunch of operational issues there that we cannot envision right now. Basically, I don't want to comment on all of it because I think if you're going to really dig down on it, you're going to run into issues somewhere else in the process the moment you start thinking like, "Hey, if I do this, now I've created a problem there and there."

So I'm not in favor of this. And again, if you really want to have registrants to have good security, just put it in the policy. Registrars, resellers, registrars should offer an adequate level of security. Done. It worked for the GDPR. We can make it work for the ICANN contract also. Then we don't have to wade into all these different examples here. Then we are just done and we don't touch upon any policy recommendations that deal with operational impact where we have some kind of one-size-fits-all solution that never works for everybody.

But the moment you add an adequate level of security for registrants into the policy, then it will be up to the registrars to make sure that those registrants have safe accounts. Then you are really adding security. This is not it. This is just creating more questions. Thanks.

ROGER CARNEY:

Great. Thanks, Theo. Catherine, please go ahead.

CATHERINE MERDINGER: Yeah. Plus one to everything Theo said. I think he said it really well. I would just also add that I don't know that this necessarily adds ... If I'm a registrant, and two years ago I registered a domain, and I opted in for additional security features, and now I have to get this domain transferred to someone because I've got to make the sale by the end of the year and whatever, and I don't want to deal with these additional security features anymore, either I'm going to have an unhappy customer as the registrar because they opted in and I can't let you opt out, or you're going to have someone opt out right before they have to do a transaction where they don't want the additional security features, which is exactly, presumably, what the bad guy's going to do as well. I guess if it's two-factor that's a bit harder.

I don't know that this necessarily ... I'm not seeing where the real benefit outweighs the incredible complexity, as Theo noted. I'm not sure I see it. I think, as a business decision, it's great. You can offer your registrants something fantastic if you want, if this is what you want to do. But I guess, especially from compliance's perspective, how do you enforce this? How do you do this? How do you take compliance from registrants? Are they going to be, "They didn't add enough protections?" I just think this is a can of worms and you end up with something really unmanageable. Thanks.

ROGER CARNEY: Thanks, Catherine. Okay. Any other comments on this? Okay. Christian, do we have one more?

CHRISTIAN WHEELER: This last option is just an “other” to open the floor up for anyone else that has their own ideas for maybe what should happen or some kind of protections. Could be a combination, again, of the previous options, or like you said, a la carte, just pieces of it, which pieces seem workable. So this is just to open the floor up to any other ideas as well.

ROGER CARNEY: Great. Thanks, Christian. Anyone have any other thoughts towards a different idea, different option, or maybe, again, as Christian mentioned, a combination of these that makes sense? Again, I know that we’ve heard that some of these ideas seem good and maybe not providing ... I think even Berry’s saying the current policy of being able to opt out causes this fundamental problem of, “I didn’t know it,” or, “I did opt out,” or, “Someone else opted me out,” or whatever. So it’s one of those where when you opt out of a lock ... And as in our group 1A there’s no way to opt out of those locks. Those are just locks that are there.

But anybody have any thoughts? Any different ...? Theo, please go ahead.

THEO GEURTS: I don’t have any suggestions for this because that would be totally against all the other things that I’ve been arguing. But if you look around at the current landscape or the reality that we are in, accounts are being breached on a daily basis, regardless of what it is. I just got a notification that my airline account got hacked.

Apparently, the Dutch data protection authority is going to make a case for it because it turns out their security was just terrible. So that's going to cost them a lot of money.

So I think from a higher-level perspective here, we don't have to do much here in terms of policy because cybersecurity regulations and laws, they will be coming and they will be coming hard. There is no avoiding this. We are living in a world where security is not taken seriously by a lot of companies. That is going to change soon. That is not going to be waiting, not a decade. No. Within a couple years. We've already seen the NIS2, where European organizations need to beef up the security big-time. The same thing is happening in the United States and other countries in the world. So there will be a time that everybody needs to have the security. So we don't have to do much here. Thanks.

ROGER CARNEY:

Great. Thanks, Theo. Any other comments here? Okay. Before we jump in—and I think we're going to jump into a poll question here—I just wanted to summarize what I've been hearing through the conversation. I think Theo did a good summary there on his own. It sounds like two things, I think. There's a good support for separation of these processes. Change of registrant is a process on its own. TAC is a process on its own. We spent a lot of time in our group 1A discussions about how to make that TAC more secure and more functional.

Again, it leads back to that five-day window. Again, not trying to tie the two things together—the change of registrant and the TAC request—because that five-day window could be much bigger

than just a change of registrant verification. It could be anything that the registrars come up with in their due diligence that says, "This is a highly-valuable domain. It's been on this account for 20 years," whatever. There's lots of things registrars can check in that five-day window.

So I think what people have talked about, all these things seem fairly logical but they're not solving a problem and they're creating ... Maybe it is creating a problem but definitely creating more work and more cost for everyone involved. Again, just summarizing what I think I've heard, we're not solving a problem—as Steinar mentioned, domain theft and hijacking, whatever it is. We're not solving that problem by these options. But we are creating overhead and cost and risk for others by doing these options.

So I think that it sounds like the group is leaning toward a less-is-more kind of idea here, in that maybe we try to make a clean break between a change of registrant and a TAC request. And we evaluate is our TAC request adequate security level, no matter what happened before it? I think that at least that's what I'm hearing from the group. But yes. Thanks, Sarah. Or as Jothan would say ... Okay. Much more holiday-appropriate, Jothan.

Okay. So I think we can go ahead and move in, Christian, to our poll question. So if you want to take us through that. Thanks.

CHRISTIAN WHEELER: Thanks, Roger. This is going to be similar to what we did last time. These are the options that we discussed so far. In a second, Julie's going to pull up a poll that's going to be asking your first,

second, and third choices. A little explanation on that. These are really just ones that you can live with and which ones you prefer. So if you don't like any of them, just selection option seven for all of them. Or if you only have one that you like or that you could live with, just do that one as first choice and then your second and third choices can also be just "none of the above" or "other."

I guess there were some issues last time, where if you selected one then you couldn't unselect it. We found a workaround for that so feel free to put "not applicable" if that does happen for you so you don't selection an option that you don't actually mean to select. Steinar, go ahead.

STEINAR GRØTTERØD: Yeah. Hi. I just need a clarification there. If I'm in favor of leaving all the change of registrant policy into the hands of the registrars, end of story, is option seven the one that I should mark? What's the option I should mark?

CHRISTIAN WHEELER: I would say probably "other" and then clarify that in the explanation.

STEINAR GRØTTERØD: Okay. Thank you.

CHRISTIAN WHEELER: Thank you. I believe that poll has been opened. So feel free to put in your responses now. Thanks.

ROGER CARNEY:

Thanks, Christian. And to Catherine's point in chat, one and seven being the same, I think there's a slight difference in them—just that you're actually making a choice versus "I'm not making a choice" with number seven, at least the way I see it.

Okay. Did that give everyone time, hopefully? Okay, Julie. Let's go ahead and see what the results look like. All right. So we're kind of spread here. But definitely, it looks like "other" or "A," the "no special requirements," is leading on first choice, for sure. And again, I think where our discussions landed were on the spot of, again, does the 30-day lock provide enough security measure or not? Option four, I think. Because it does bring into more complexity, more risk, and more involvement. But it looks like, again, the "other" or the "no special requirements." And again, I think that's where we landed in our discussion.

But definitely open it up for anyone to comment on any of these, their thoughts, any additional concerns about this. Again, I think, from what I've heard, we're leaning toward not doing anything special in this and trying to keep them separate. A change of registrant process is a change of registrant process. And what happens after it, before it, doesn't really matter. That process should be aware and do what it's supposed to do. So I think that when we did the TAC, or the group 1A discussions, we purposely did that as well, not trying to be concerned with what happened before or after but concerned about the process as it is. Steinar, your hand's up. Is that an old hand or a new one?

STEINAR GRØTTERØD: Definitely an old one. Thank you.

ROGER CARNEY: Okay. Thanks, Steinar. Any other comments on this, then? Again, I don't think we're looking for the exact answer today, just like last week we weren't looking for ... Like we want those things combined so everybody can think about them. And I'm sure that, over the next two weeks, everybody's going to really drill into them and think about them—next three weeks, I should say.

So I think that we're in a good spot here. I think that we've got some good movement forward. But I want everybody to see that. Last week's discussion, yes, everybody thought, "Hey, if there's a change of registrant, a notice should be sent, no matter what." If it was intentional or not, it should be sent to the registrant. So this week, we're talking about, "Yeah, if there's a change of registrant followed by a TAC request, there's nothing special about that. You handle a change of registrant as you would handle a change of registrant. And you would handle a TAC request as a TAC request." So again, that is different than what it is today. Obviously, that is a policy change.

Any comments? Comments? Okay. Was that the end of our agenda, Christian? I think it was.

CHRISTIAN WHEELER: Sorry. Found my mute button. Yes, that's all we have.

ROGER CARNEY:

Okay. Great. That's great. We ended almost 15 minutes early here for the holidays, which is great. Again, we'll have two weeks off and we'll get back together starting January 9th. And again, eight sessions we have before ICANN79 to get everything cleaned up, discussions done, so that we can start moving forward with some recommendations and start getting into our final report after ICANN79. So that's the goal. Hopefully we can do that. I think we've made good progress here on the change of registrant. We'll just have to start getting some actual recommendations out of this discussion, which I think we're getting to that point now.

But I think that's it and we'll give Berry back 17 minutes today to enjoy—maybe everybody start their holiday early. So thanks, everyone. We'll talk to you in a few weeks.

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