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## ICANN Transcription

### Transfer Policy Review PDP WG

**Tuesday, 11 April 2023 at 16:00 UTC**

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JULIE BISLAND:

All right. Well, good morning, good afternoon, and good evening. Welcome to the Transfer Policy Review PDP Working Group Call taking place on Tuesday, the 11th of April, 2023. For today's call, we have apologies from Raoul Plommer, NCSG, Crystal Ondo, RrSG, and John Woodward, ISPCP. They have formally assigned Juan Manuel Rojas, NCSG, and Jothan Frakes, RrSG, as their alternates 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. All members and alternates will be promoted to panelists. Observers will remain as an attendee and will have access to view chat only. Alternates not replacing a member should not engage in the chat or use any of the other

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Zoom room functionalities. If you have not already done so, please change your chat selection from host and panelist to everyone in order for all participants to see your chat and so it's captured in the recording.

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 right, seeing none. Please remember to state your name before speaking for the transcription. Recordings will be posted on the public wiki space shortly after the end of the call. As a reminder, those who take part in the ICANN multistakeholder process are to comply with the expected standards of behavior. Thank you and over to our Chair, Roger Carney. Please begin, Roger.

ROGER CARNEY:

Thanks, Julie. Welcome, everyone. Just a couple things to cover before we jump into our agenda. The first is we have one more week for the phase 2 comments for the constituency. So if anyone is still planning to provide any phase 2 early input, please do within the next week. It's due next Monday. Thanks to Steinar and the group, I see that they posted theirs today. So that's great. Just anyone else that's planning to provide any early input, please have that done by Monday.

And the only other thing is I'll open the floor up to stakeholder groups to see if they want to bring anything forward to talk about, discussions they've been having offline or anything that they have questions or comments for the group button. So I'll open the floor up to any stakeholder groups with anything to bring forward. Okay,

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great. I think we can jump in, and I think Emily, do you want to take us through the current work plan?

EMILY BARABAS: Hi, Roger. Sure. Just a moment. Let me go ahead and share our screen. Okay. Well, that's tiny, but what we're looking at is pretty much the same as what we looked at last week. No open action items from the last week. And again, here, this is just a reminder that we're looking to wrap up the TEAC/TDRP and any other related recommendations by ICANN77. So just a quick update there. And again, this will be on the wiki page for those who want to reference it for today's meeting. Thanks.

ROGER CARNEY: Great. Thanks, Emily. Okay, I think we can jump into our agenda here, and I think Emily, are you up next as well?

EMILY BARABAS: Hi, Roger. This is Emily again. I am. So you'll all recall, this is agenda item three. During the conversations, ICANN77, George Kirikos raised an issue with the TDRP, section 3.2.4(ii). And this was something that required sort of time sensitive resolution as opposed to something that would wait for the outputs of this PDP. So just to remind everyone what that item is, and I will drop the TDRP into the chat for those who want to follow along. This 3.2.4(ii). And the issue was that if the gaining registrar is unable to provide the gaining FOA, that can be a grounds for the transfer being reversed. And as we all know the gaining FOA is subject to deferral of compliance regulations or enforcement. And so that

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shouldn't any longer be the case even though it's currently on the policy text.

So as a short-term resolution, this is something that we've done elsewhere in policies where there's an element of the policy that's been overcome by events but the policy has not been updated yet via policy development. There's now a banner on the transfer dispute resolution policy that states the sort of relevant facts, which is that contractual enforcement has been deferred on that gaining FOA requirement. And that enforcement will continue to be deferred until the matter is settled through this transfer policy review. And that as a result, the requirement set forth in 3.2.4(ii) will not result in a decision to reverse a transfer. So this is a temporary measure that's put into place to ensure that it wouldn't be the case that someone would seek a reversal on the grounds of a gaining FOA not being produced. Are there any questions about this item?

Okay. So we just wanted to provide that update. And of course, there will be further updates to the policy itself as a result of recommendations coming out of this PDP. So going back to the agenda, Roger, did you want to introduce this one or shall I just continue onwards?

ROGER CARNEY: Thanks, Emily. Yeah, please go ahead.

EMILY BARABAS: So as a result of the conversations over the last couple of weeks, we've heard some people speaking up quite vocally about the gap

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analysis and others who have been less vocal. And that may be for a variety of reasons. But just in case there are folks who are maybe struggling to follow the conversations or are less familiar with some of the elements that are in place already with respect to the TEAC and the TDRP. We thought it might be helpful to just do a really brief overview with a visual, and Caitlyn has very kindly produced something for us.

Again, you can follow along. It's linked on the wiki page for today's call. But the idea is that it just for anyone who's maybe having trouble following where some of the pieces of this gap analysis conversation fit into the existing process maybe this will help a little for visual thinkers. So I will share that. And I think Caitlin is going to walk us through it.

CAITLIN TUBERGEN: Thank you, Emily. This is Caitlin Tubergen from support staff speaking. And as you can see from the visual on the screen, this is a very amateur and at times sloppy representation of the ways that a registrar can resolve a potential transfer related issue. But as Emily noted, we thought that at times there might be some folks conflating different paths here so that if we outline them visually, it might be helpful for further discussions.

So we'll just do a quick overview of this document. So step one in any sort of issue that we're dealing with via TEAC informal resolution or transfer dispute resolution policy involves a registrant reaching out to the losing registrar generally, noting that their name is gone or it's been improperly transferred and they don't understand. And so they obviously reach out to their registrar. And

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at that point, the losing registrar determines is this an urgent issue. I think multiple folks in the group have noted that registrants always believe that loss of a domain name is an urgent issue. So that might be a relevant question. But if it is an urgent issue, you would go down the yes path, which is the losing registrar would contact the TEAC channel of the gaining registrar. And the gaining a registrar would then have to make an initial non-automated response within four hours of receiving the message to that specific channel.

And as folks noted last week, the TEAC is really just a flavor or expedited start to informal resolution. So ultimately, what you see on this chart is that if it's not an urgent issue, the losing registrar could contact the gaining registrar for an informal resolution. But ultimately, even if it is an urgent issue, it will expedite the response or it should because the TEAC or a policy required response time or response initiation, and then it would go to informal resolution if there is some sort of evidence presented that there has been an improper transfer.

So from there, we continue to page two, so if Emily could scroll down. So this kind of starts the, what happens through the informal resolution? So if the registrars are able to informally agree on a resolution of this potentially improperly transferred name, you would go to the left where it says yes. And if they are able to agree, either the name would be returned to the losing registrar or they might agree that there wasn't an improper transfer and it stays with the gaining registrar. If the two registrars are not able to informally agree on a resolution, the paths show on the right side of the graph or the amateur visual. So the losing

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registrar could choose to file a transfer dispute resolution complaint through one of the approved resolution providers.

As folks have noted on this call that is a time consuming potentially expensive process. And so it's not a commonly used procedure, and that may be because things are able to be resolved informally. Or it may be that the losing registrar doesn't think that there's enough evidence to warrant filing a transfer dispute resolution procedure. However, if they do believe that and they do decide to file a TDRP, you would go to the yes and ultimately the panelist from the TDRP would issue a decision either transferring the name back to the losing registrar or leaving it as is. In the event that the losing registrar doesn't choose to file a TDRP, which as we know is most cases because there are so infrequently file TDRPs, there are additional options available, and these options would be available to either the losing registrar or the registrant itself.

So at that point, you could either contact ICANN compliance and have them investigate what happened with this transfer. What we have here is we note that ICANN's contractual compliance department doesn't have the standing to issue a transfer of the name. If it's not able to be resolved through the compliance channel, the other option is to pursue a formal court action where the court would have standing to ultimately transfer the name. So hopefully, this is helpful in terms of what options are available from a visual perspective to see what may be missing or what may need to be enhanced or if status quo is okay to keep.

But we thought it may be helpful that through the course of the discussion, it might be helpful to pull up the visual to see precisely

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what folks are talking about. Are they talking about the informal channel? Are they talking about the formal channel? Are they talking about what's missing in a particular channel so that we can kind of zero in since we think that at least our interpretation was that some folks may have been conflating some of the different options available?

And also, obviously, if you see any obvious issues or mischaracterizations, please feel free to point those out and we can fix the document. But really, it's just a helpful tool. It's not any sort of formal decree of policy just for folks who might be more visual learners than us just talking about policy language. So with that, I will turn it back over to Roger to manage the queue. Thank you.

ROGER CARNEY:

Thanks, Caitlin. Yes, that's a good visual as always. Nice, especially for those that process better visually. So, Owen, please go ahead.

OWEN SMIGELSKI:

Thanks, Roger. And thanks Caitlin and ICANN stuff for this presentation. And are you apologizing for the graphics side? I like it. It's better than having those silly flow charts that we all see all the time in a little variety here. So if you could scroll back up to the first page on there. I think, yeah, one thing that is missing off of the losing registrar uses TEAC channel and the beginning registrar makes non automated contact.



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The one thing that's missing there is what happens if the gaining registrant does not make the contact within four hours because that's a little bit of a diversion thing there, and that actually is grounds, if I'm not mistaken, for ICANN and or the registry operator reverse the transfer. So that's kind of one little hole that I saw there. But otherwise, it looks great. Thanks.

ROGER CARNEY: Great. Thanks, Owen. Yeah, that's good catch there. I didn't even notice that myself. So yeah, that's obviously a decision point there that if there's nothing there, then it can take another path. Emily, please go ahead.

EMILY BARABAS: Thanks, Roger, and many thanks to Caitlin for being the author of this document, and for Owen's keen eye. We'll make sure we update that. I was just going to note before we dive into the next agenda item that much of the focus of the items in our gap analysis are, I'm not sure if you can all see my mouse here, but this this sort of informal resolution without the TEAC. So for those who are thinking visually about this, this is the area that we're primarily focusing in, in the current conversations. So again, we can come back and reference this later, but that's the kind of the focal point at this stage.

ROGER CARNEY: No, and that did show up, Emily. That's a good point of point to where we're at. The spot where Owen was point to we've discussed that quite a bit as a working group, and we haven't

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come into anything formal on specific updated timeline, but it sounds like the group is definitely wanting to update that four hours. And as Owen mentioned currently, that four hours has a pretty big action at the end of it. So and that's also something the working group has talked about updating this. Is that action appropriate or not?

Great. Any other comments or questions about this? Again, I hope Caitlin is up for the updated visual once we start making progress down that path so we can compare them side by side so that everybody sees all the discussions that are going on and where those were at if we ever do get to any changes on this. And as Emily pointed out in this gap analysis on the right here. Steinar, please go ahead.

STEINAR GRØTTERØD: Yeah, hi. This is Steinar for the record. I also posted this question into the chat. And I'm just curious. And I also need some clarification whether there are some sort of policies that saying that the losing registrars do have to act if the registrant contact requesting to investigate a domain name transfer that hasn't been initiated or approved by the registrant. Because that's something of the essence in our At-Large input to the Phase 2 chartered questions, is that we kind of feel that the registrant is totally out of the loop.

And the only option is as been displayed here to go into court. I'm also sorry to say that's maybe more a regular process in U.S., but not necessarily all over the world. Like what I'm familiar with Norway, Europe, etc., taking that into court is not necessarily easy

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path forward. And may not be maybe same cost as TDRP panel. So this is something that is actually the start of what I hope to have some clarity and also some discussion and deliberation about it. Thank you.

ROGER CARNEY:

Thanks, Steiner. And I'll let anybody else jump in that wants to talk about it. But it's a good point that you bring up, Steinar, that the registrar today is the one responsible for initiating transfer disputes. And as we've talked over the past few weeks, there's the idea that there may be some thought behind registrant in post-dispute. Again, if that falls in line here or if that's just a recommendation that needs to be looked at later, however that works out. But I think that's been identified.

And just from a standpoint, obviously, I would say a high 99% of the time the registrar is not doing this on their own. They're being notified by the registrant that there's an issue and then the registrar response to that. But to your point, Steiner, they're not obligated. I don't think it any policy unless someone can tell me. That to follow-up on that, it's at their discretion to initiate that process. Anyone have any comments on that? Okay. We'll get fancy there, Rick. Links back to the policy sections.

Okay, great. And again, thanks to staff and Caitlin for putting this together, because obviously, the visual provides another way to look at this and for some, the best way. All right. Let's go ahead and move on to our next agenda item. Okay, a gap analysis. Back into this. I think we left off at the bottom in the first section. Jothan, please go ahead.

JOTHAN FRAKES: Yeah. Hi, Roger. Jothan Frakes for the record. So I made a little change to this, and I've conferred with my fellow registrars about this. And I've added another bullet point item under possible outcomes here. And it may affect that diagram slightly that we were just discussing. Which is the reversion of name servers for the domain name and focus as part of this conversation in this mitigation. And what that means is that registrar A, who is the losing registrar, contact registrar B, who is gaining registrar, and starts to discuss the matter of the possible reversion. And they make that contact to the TEAC or other contact that they may have in their rolodex to work it out amongst ourselves.

The situation would be that, and it kind of requires some subjectivity that if it's an exigent matter that needs immediate attention that perhaps reversion of the DNS while they work out the actual custody of the domain name is the appropriate solution to mitigate whatever that problem is. And sometimes, and I've been exposed to this a few times, that that DNS reversion often just completes the conversation and resolves the matter.

And the reversal of the domain name transfer is not even necessary anymore. But this is something that we should probably make at least slightly formal so that we don't overlook it as being a trivial matter here because for all intents and purposes, wherever the domain name is, is less relevant to how users can access it through the DNS. And I think it's a fundamental piece of this that we should be discussing. Thank you.

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ROGER CARNEY: Great. Thanks, Jothan. And thanks for talking on that. We are going to move into that in our next section here because it's specific about it. But they do all help because in the last couple weeks we've had a few people speak on that. And again, I think we'll get into it here shortly, but that's one of the things is there's a little bit to work around if that's a possibility. When does that happen? You know, what action triggers that? And then when it does occur, can updates be done while it disputes up? And, again, we'll get into that in the next section, but thanks for bringing that up. Theo, please go ahead.

THEO GEURTS: Yeah. And just by any chance that I'm jumping the gun here, I'm very much in favor of reversing the DNS back to the original settings. However, thinking about that, I came about, and maybe it's an edge case. Maybe we are the only registrant doing this, but maybe there are other registrars that are doing this also. I mean, if you have a domain name registered with us, you are free to use our name servers. There's no problem there. But the moment it moves out to different registers, then I think five or seven days, we're going to wipe the domain name from the name servers and together with all the records with it.

So whatever is left there, redirecting the domain and making the domain name operational, that's gone. So that might be a little bit of an issue for us as a register. But if all registers are having the same practice, then this could be a little bit of a bigger problem, but that is something you'll get to it when the time is there. Thanks.

ROGER CARNEY: Okay. Great. Thanks. Thanks, Theo. Yeah. And then again, good point and something we need to discuss. Because even if it's not an immediate thing I know there's data clean up and it'll happen eventually. So if it takes too long, but we'll get to that. Zak, please go ahead.

ZAK MUSCOVITCH: Roger, Zak Muscovitch. I'm perfectly happy to wait a little bit till we get to this in the call, but I wanted to address the name server issue. So just tell me when to. Thank you.

ROGER CARNEY: Okay, I'll get back to you, Zak. I want to try to clean up this first section and then we can move into the DNS topics real quick. Jim, please go ahead.

JAMES GALVIN: Yeah, thanks. Okay, so Jim Galvin for the record, Registry Stakeholder Group. I'm sorry, Roger, the context might not be right here for this. I wanted to observe about this, make a comment about moving back the registry stuff. I guess I have two comments about that. And if you're not dealing with DNS issues at the moment, maybe I should hold off.

ROGER CARNEY: Yeah. Thanks, Jim. Please hold off, and we'll get to it. We'll finish this section up. I just wanted to clean this up before we moved on.

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JAMES GALVIN:                   Okay. Thank you.

ROGER CARNEY:                   Great. Thanks, Jim. Okay, outside Jothan's remark here, because we'll cover that next. Any other comments on this first section? We went through this. I think now two weeks in a row, we've gone through this process and discussion. And I think the big thing about this is we've had a lot of great discussion on it. And, again, I thank Jothan for bringing this up because what we really need to look for is the groups coalescing around this and support moving the idea forward or not. Again, it doesn't have to move forward if we are okay with the status quo or we can't get enough agreement this status quo that exists. But I think the big thing here is making sure that the groups come together and make sure they're making a statement from the group after we've talked through these facts or ideas. So I think that's the big step here. But Emily, please go ahead.

EMILY BARABAS:                   Thanks, Roger. This is Emily from staff. So just in case folks were maybe not on the last call or haven't been following all of the discussions, shall I just very briefly recap what we're talking about here in part 1?

ROGER CARNEY:                   That would be great. Thanks, Emily.

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EMILY BARABAS:

So you know, you'll see lower in this document that there's a bunch of elements that people propose and we're not going to get into those just yet as Roger said. But there was some support expressed and some opposition expressed to the idea of taking informal resolution for non-emergency cases and creating some either requirements or guidelines around what that process needs to look like. So this is not changing the status quo in terms of things like DNS reversal or reversing a transfer. It would only be for cases as a baseline where there's mutual agreement by both registrars for a specific action. So the problem that this might solve is that some have said that there's not enough structure, there's not enough transparency to what the expectations are, and that there need to be some deadlines because informal resolution isn't happening fast enough.

So some folks thought that this would create some more transparency. It would set some more expectations. It might facilitate getting better metrics. But, of course, if there are requirements in place, that also means that people need to follow those requirements, considerations around gaining need to take place and so forth.

So there were some questions about whether it would actually be the case that adding, for example, SLAs for an initial response or documentation that a registrar is expected to provide some of these things that could be added to put some more structure around this is actually a form of kind of recreating the TDRP or a dispute resolution mechanism. So from the perspective of people who don't necessarily think this is necessary informal resolution is

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already working. And if there are problems with dispute resolution that the solution should be to fix dispute resolution and not to create a bunch more rules around informal resolution.

So that's just a very brief summary of where we left on this. And I think as Roger said, what we're looking for here is to understand the level of support for formalizing some of the process and potentially even volunteers for putting pens and paper and who's saying what they think needs to happen in terms of requirements or guidelines if they do advocate for that. Because so far only a couple of people have spoken up in on one side or the other. I'll leave it to Jothan. Thanks.

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

JOTHAN FRAKES: Yeah. Thank you. And I noticed that we're talking about DNS reversion, and I want to explain that there's two versions of this. There's one where the registry would take action, but there's all also one where the gaining registrar would take action and set the DNS servers for the domain that's in focus back to those specified by the losing registrar who's contacted them. And I think those are two different distinctions. And I'll give you a scenario because I was asked for, like, what's a situation where this would happen.

So, the example that I have, and this is a personal experience as a registrar dealing with this at the gaining registrar. We had a situation where you have a large corporation and you have sort of a right hand doesn't know what the left hand is doing, a very

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aggressive marketing person spends a lot of money, buys a domain for a marketing purpose for that company, and they set up a register that domain at a registrar and they get that domain set up, put a marketing campaign behind it using the resources at the registrar they chose to register the domain name at. And then they're contacted by legal or IT who say, here's our corporate policy on how you need to manage and govern domain names. We need that domain transferred to us.

Then the staff member sort of lower level junior staff member takes and transfers that domain name over to the new registrar in midst of a very large and expensive marketing campaign. They just use that domain and it's treated like all of the other bulk domains that they manage at the corporation and they set it to the homogenized named servers that they just generically use, and it blows away and breaks a giant marketing campaign that's underway.

And so, the resolution was to immediately change the name servers to the prior name servers, and that fixed the issue. The marketing campaign was back online, and no animals were harmed in the making of this film. That didn't require a reversion of the DNS, and it was started as a transfer dispute because the marketing person contacted the losing registrar to see what we could be done. It didn't end up at all being a transfer dispute, but it did originate in the transfer because the registrar was contacted in the hopes that they could resolve the matter. The registrars were able to work it out amongst themselves.

So, the DNS reversion solved that problem. And that is the case where sometimes a DNS reversion between the registrars can

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resolve a matter without any activity required by the registry. Hopefully, that explains. Thank you. And to quote my favorite TV show right now, I have spoken.

ROGER CARNEY:

Thanks, Jothan. Again, I think, again, we're going to get to this, but just one quick comment. It may have come through the dispute area, but I'm not sure that that really falls within this. But, again, we're going to get into that in the next section. I think here the focus is on the informal process, do we want to formalize that and do we want to add to it? In the last few calls, we've talked about and it seems like there's at least a knowledge gap that these things occur.

You know, a dispute occurs well before a transfer, TDRP gets recognized. This view process is ongoing for a while anyway, and the idea here in this first section is should those points be formalized or not? Again, getting back to when a dispute is recognized, should we more formalize the steps that currently are happening, and that's what this whole first section is about. Rick, please go ahead.

RICHARD WILHELM:

Thanks, Roger. Rick Wilhelm, registries. So, I guess, just on this particular topic that Jothan is talking about, I don't think that this is really, the situation that he described while I'm empathetic to it, it's not really a transfer dispute. It's like my domain is, and here's how I fixed it kind of a situation. So, I don't think that that's really a transfer dispute as we've been thinking about it.

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At one point in the discussion, Jothan had brought up the concept that there might be some consideration of a registry getting involved and bringing about the reversion of named servers, and I just wanted to say that if a reversion of named servers is going to happen, it's going to need to be between the two parties. Because for the registry to be getting in the middle of that is an operational nightmare for the registries on a number of levels. So, I don't know if we want to talk about that now or not, or if that's really even being proposed, but I just mostly wanted to say that, Jothan says, 1a states it as in RY action. Yeah, well, we should throw cold water on that.

ROGER CARNEY:

And again, we're going to get into that discussion once we get past that one. Thanks, Rick. Again, I want to solve this issue before we move it to the next one. So think that maybe we can just do a quick informal. Yes- No kind of check mark using the Zoom tool. I would say are people in favor of adding some structure to this informal process into a new update and however it gets in there, but added into the dispute mechanism here. And if you're in favor of formalizing these, do you put the-- y'all have access. You guys have access to the Yes-No check marks. Yeah, okay. Okay, no worries then. Okay.

EMILY BARABAS:

Roger, oh, sorry. My apologies for interrupting. Could we just do it with hand raising? Is that possible?

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ROGER CARNEY: Yeah, we could. Yes, that sounds good.

EMILY BARABAS: And then ask for, say support. And then clear them and then try an opposition. Sorry about that. Thanks.

ROGER CARNEY: Yes, I won't call anybody, but those in favor of, again, codify and making it more less informal and more formal on the structure between a registrar complaint and a TDRP, what occurs today. Those are in favor of that, please raise your hand. Okay, great. Thank you. You can lower your hands if you want. Thank you. And those opposed to actually formalizing this you can raise your hand now. Again, we're not looking for a debate or anything. But if you have reasons that make you think, no, that's probably not a good idea, go ahead and raise your hand here as well.

RICHARD WILHELM: So, Roger, can I make a quick comment real quick?

ROGER CARNEY: You bet. Thanks, Rick.

RICHARD WILHELM: Sorry to interrupt. Rick Wilhelm, registries. I guess as a registry, the registries aren't really opposed if the registries want to formalize this informal process. Unless and until the registrars decide that their formalized informal resolution process has the

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registries starting to do things like in 1a. I say that with a grin on my face and love in my heart. Like, we're fine if y'all want to formalize, I'm waving my hands, formalize the informal processes. Go right ahead. Just don't write the registries into that. Does it makes sense? Right?

ROGER CARNEY: Yeah. And let me be clear. I'm not talking about any additional things that aren't occurring today. I'm talking about just the formalization of what occurs in between a registrant complaint and a TDRP.

RICHARD WILHELM: Copy that

ROGER CARNEY: That's not currently a DNS reversal today that doesn't exist. I'm just talking about contacting the other registrar and doing this and maybe putting timelines to it, which current does in today, but does that make sense to look at doing those things? The DNS reversal, the locking, everything else, that's a different discussion that we're going to have shortly, but thanks for clarifying, Rick. But again, I think specifically looking at codifying this, it sounds like people think it's a great idea. Are a good idea at least, and we don't have any opposition to it. So, I think that that's great. I think that, like, let's cover a few of these topics later on. But I think formalizing what's informal today, we maybe have to get to maybe a small group of people just working through that.

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And again, I'm not talking about any additional things. I'm just talking about formalizing those processes today. And then we can work on if there's any other changes that we're looking at doing. So, Jothan, please go ahead.

JOTHAN FRAKES:

Yeah. Thank you. So, I explained a scenario that came in through the TEAC as if it were a transfer rollback request or transfer dispute or potential transfer dispute, and it was really a case where the DNS subjectively was the solution. And I guess my point there is had that been something that the registry was compelled to do something about, I don't think that would have been very elegant nor good for the specifics of that particular case, although it would have solved it.

That's really should be dealt with at the lowest possible level, and that's going to be the registrars. I also think that the DNS reversion should be considered to be something where there is subjectivity available to the registrars to determine if it's appropriate to do so or not. It may be that new name servers or newly specified name servers might be appropriate to leave in place even if you roll the transfer back from registrar B to registrar A. And so if we discuss DNS reversal, it should be a subjective element that has some maybe definitions about what that looks like if you do, do it. Thank you.

ROGER CARNEY:

Okay. Thanks, Jothan. And, Zak, thanks for the comment in the chat there. Staff politely put in codify for me. And I keep changing

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it to formalize it. But I think you're right, Zak. I think codify it makes a lot more sense to say it that way. So I'll keep trying to use that terminology in this part. But I think we do have support to codify what's occurring today. Again, I think if nothing else, the transparency, but to me, it's that just a lack of knowledge of what happens when a dispute has initiated to actually get to a TDRP and there's a lot that can occur in between. And I think we may need a small group. But I want to cover some of these other topics before we get into that. But be thinking about if you want to join a small group on codifying those points that occur today. Again, when a registrant identifies a dispute issue and what occurs between registrars after that and anyone else that's involved.

Okay. I think that's good for this first section. And, again, I think that we saw good support in the hand raising there. And I didn't see any opposition in, obviously, no risk concern about the additional features which we'll get into now. But I think that we can move forward and say codifying and make sense, and we'll look forward to a small team doing that and providing this back to the larger group. But let's move on and talk about some of the additional items that have been brought up honestly since ICANN76.

I think we can go ahead and move on to the next section now unless staff needs anything else clarified here. Okay, great. Thank you. And now I think we spent most of our time on the first point, talking about this point. So we'll get into this point now. And I think this has been brought up several times by different people, and again even in the last 15 minutes when we've touched on this, there's any arms to this. So I think that but I think Sarah is the one

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that led us an actual documentation of this idea a few weeks before this, and basically, it's one of the steps she suggested being possible. Or maybe Sarah didn't even mention this at all. She can speak to that, I guess.

But one of the steps possible when there is a dispute, and again I don't know that it's time dependent. So it's something to think about. Is this only with the TEAC is used? Or is it only if an urgent matter is used? Or is it something that is just a standard process that occurs in a dispute. But Emily, do you want to walk us through what's been said so far on this?

EMILY BARABAS:

Hi, Roger. Sure. This is Emily from staff. This came up a couple of times during ICANN76 and then also came up in the context of the proposal that Sarah put forward at the top of this document. And the way that she presented it was that I believe it was number four. Right? Nope.

SARAH WYLD:

Step two.

EMILY BARABAS:

Oops, step to. There it is. I'm sorry. So the gaining registrar returns the name servers to the pre transfer settings as part of the resolution process. So that's the way it was framed in Sarah's proposal, but I think different people have talked about it in different terms. So, I think one of the pieces to discuss here is specifically what we're talking about when we're talking about

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reversal. Is it by mutual agreement? Is it a default step that's happening? And so forth. So I see that there's some live editing happening from different folks. If we start to get into a challenge with the editing, it might make sense to do commenting so that we can see what the different perspectives are.

I think the problem it might solve as it was presented was that it could reduce the impact of a bad transfer while things are being resolved between the registrars. And during ICANN76, I think the registries were already raising some of the concerns that were coming up at the beginning of this call as well about the complexity and the putting additional responsibility on the registries when there might be disagreement. Oh, Jothan is saying his edits are just clarifications. So, if everyone's okay with that, then that's okay.

And I think they're outstanding questions for discussion if people are interested in pursuing this about for example, to what extent should there be discretion involved and by which parties and how could the concerns raised by registries potentially be addressed in a potential proposal for this feature. Thanks.

ROGER CARNEY:

Great. Thanks, Emily. Yeah. And I think one other thing that maybe came up late on the call last week was the possibility that this is a default immediate action that just happens based on if a dispute is brought up to attention, and the other thing I think someone mentioned was, if there's no response to a TEAC instead of the possibility of the domain going immediately back

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after four hours or whatever, that may be the action could be a DNS update.

And, again, I think those were the things I've heard. But we want to talk through these points. And I know Jim and Theo held back a little bit on what they were saying earlier. So invite everybody to come up and talk about it. So, Sarah, please go ahead.

SARAH WYLD:

Thank you. This is Sarah. So just thinking a bit operationally about how this could work, and keeping in mind the scenario that Theo raised, we're changing the name servers back to the pre transfer name servers are maybe not always the best plan, but on the other hand, if the losing registrar is telling the gaining registrar. There's a problem here, and we're going to figure it out, but immediately, let's just put the name servers back to what they were. I imagine that if that losing registrar is one that normally would stop providing resolution services once the domain leaves. In a case of a dispute like this, maybe they would do something to make their name servers continue working so that that's not an issue, as one thought.

There has to be some kind of communication that says, hey, we have a problem. Right? So perhaps in that communication, it would include either please put the name servers back or would not include that. And if it does include that, then maybe it needs to say what the name servers were prior to the transfer because I'm not sure if the gaining registrar always tracks that. So I'm just thinking a bit logistically about what information would need to be included. Thank you.

ROGER CARNEY: Great. Thanks, Wyld. Yeah. And I think that that's important. Yeah, I would agree with you. I'm not sure any gaining registrar does today or is too concerned about what the prior ones were unless they're doing a DNS check or something update. So, they have to coordinate better. But I think the idea here is really kind of again, if you look at our paths, how we've been drawing things, when you get to this spot, I think you had to think about both. Okay, when both agree that there's a dispute ongoing and something maybe needs to happen. But also, I think you have to look at what happens when they both don't agree and is there any way to resolve that as well at least temporarily? So, again, both things, I think, need to be addressed. Jim, please go ahead.

JAMES GALVIN: Yeah. Thanks, Roger. Jim Galvin, Registry Stakeholder Group. Just to emphasize this point about DNS reversion, it's not just an issue for registries. It's a pretty big issue for you registrars for the same reason, it's an issue for registries. And Sarah actually just touched on it. And so I just want to call it out and make this really clear. You know, it means that somebody is keeping track, whether it's a registry, the registrar, is keeping track of not just the name server records, but in the case of the registrars, the content of the zone, and being prepared to put all that back. So DNS reversion might sound like a good idea, but it's a lot of work all around. Setting aside, the fact that as Rick was pointing out and was put in the document that registries, our starting position is not on board with that at all or any responsibility that we have in that space. So just want to make that discussion point clear.

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The second comment I want to make is there's a comment in here under 1a about there may be additional concerns when thinking about DNSSAC. I added this comment in the document over on the side. So this is hopefully just a reminder here to this group. But I thought we had told ourselves that DNS technicians were at a scope for our discussion. Because if we're going to pull them in here and start talking about it, there's a whole lot more we have to get back to if we're going to bring that into scope. So just wanted to point that out. Thanks.

ROGER CARNEY:

Oh, that's a great point, Jim, and I think that recognition that there could be issues with DNSSAC is about as far as you mentioned that we agreed to earlier. We're not here to solve those issues. DNSSAC is not necessarily a transfer issue, so it's not part of that. But recognition that if we do something, it may affect the DNSSAC is something we can do. But thanks for that.

And then just to add on to your first comment, Jim, and Sarah's last comment maybe, and Jim, to your own idea and I think that you had to be careful even there because maybe it's not even the losing register that's hosting those. It may be a third- party DNS provider hosting those. And, again, Steve mentioned there's cleanup that gets done, how often timing wise, and obviously, that's all has to be addressed. They're at least identified as a possible issue. And, again, I think there's probably quite a few of those branches that can come off of that. And I think that when a losing registrar is requesting it, the expectation is as they've

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resolved those issues. But again, something that we have to go through and discuss. Zak, please go ahead.

ZAK MUSCOVITCH: Thank you, Roger. Zak Muscovitch. So if I may turn our attention to the proposal under 1.a regarding DNS reversal. And so, this is the question I have really is that if the approach that I thought we're adopting is a codification of informal practices that currently exist, then an introduction of any mandatory step would seem to be consistent with that. And so, what I'm wondering here in terms of the current revised tax under proposal, 1.8 at the very time, is whether this contemplates the two registrars agreeing to reverse the DNS change as they're working on something or is this some kind of trigger that as soon as the two registers begin working, on an issue that triggers a DNS reversal? If it's a later, I think it's very problematic. Thank you.

ROGER CARNEY: Thanks, Zak. And maybe I should have staff jump in here, but I didn't really associate section 1, the codifying the informal process to 1a as maybe you're doing there. I think to me anyway, and I have Emily jump in here. But to me, I was just thinking, these are just points that came up to this when we were discussing it, and this is just additional things. This these are codifying issues. These are new issues that we're talking about. But let me have Emily jump in. Emily, please go ahead.

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EMILY BARABAS STAFF: Thanks, Roger. This is Emily from Staff. So I guess there are a few different ways to think about it, but I think the first question in one overall is whether it makes sense to just codify the status quo as you said, Zak. And then these additional elements are things that I think could be if there's more structure added to the process, these would be elements that could be added onto a process as requirements or as agreed elements in a sort of framework or a set of guidelines. And I think your question is point on, which is would this be something that happens automatically or would this only be something that happens at the mutual agreement of the parties involved? And I think that that's something the group needs to resolve as part of these discussions. Thanks.

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

JOTHAN FRAKES: Thank you. Yeah, I agree with Zak that we don't want to revert the DNS in every certain case. I think that it needs to have subjectivity, and we need to make sure that it's a deliberate and intentional thing that occurs. Because the new name servers that the gaining registrar might be the appropriate name servers or not. And so we don't want to break something in the process of solving the dispute. Thank you.

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

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ZAK MUSCOVITCH: Thank you. Yeah, I appreciate that, Jothan. And just to touch on Emily's remarks, which I thank her for. I guess might as well put on record now that the reason I see a problem with it is if there's a trigger that makes DNS reversal mandatory beyond the reason that Jothan mentioned is that, there may not be any merit to the losing registrars commencement of the informal process. And that would open up like a very dangerous scenario of some registrar 24357 Ontario, Lincoln. Just initiating informal procedure all of a sudden, a website that's been up for the last five years goes down. Thank you.

ROGER CARNEY: Yeah, that's exactly right, Zak, and I think that's even part of when we look at today's process even if the tech is not responsive in four hours, that everything after that is still optional. You know, it has to be a decision made. It doesn't automatically get reversed. Someone actually has to make that decision to request that reversal, and to me, I would think the same would be here, but the losing registrar is as Jim has pointed out, maybe a losing registrar doesn't have the zone details anymore. So a reversal would probably break just as much as leaving it there. So, I think that there's a decision point that has to occur not an automatic thing. But, Jody, please go ahead.

JODY KOLKER: This is Jody for the record. I raised my hand, I think you guys have all come to where I was trying to get to anyway. As basically that there should be a reverse of the DNS when the losing register request it. I mean, it shouldn't be automatic. But I just want to



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make sure we understand that if the domain has been fraudulently transferred, and a customer or the registrant's website is down, and this is a registrant that he has customers for that are depending on that website, whether it's for travel or money or anything else like that, we need to get the name service changed back to what the registrant needs them to be, whether it was prior to transfer or whatever.

And I'm just wondering how do you codify that then to say the losing registrar has requested that the name servers be reverted back to what they were before transfer or to this set of name servers, that kind of thing? I mean, do you put a time limit on that then? Or how does that work? I mean some of these transfers may just be to park pages or they just need the domain name back. So reversing the name servers isn't anything to concentrate on at the time. But if it's customers that aren't being affected by this, if it's travel, if it's money being changed, that kind of thing, then I think that needs to be something that needs to be codified as to how long that should take. Like what does it take for the request? You know, it's just an email, it's just a phone call, what kind of paper trail is needed. Thanks.

ROGER CARNEY:

Great. Thanks, Jodie. Yeah. And I think that the whole SLA kind of thing is important to if we're going to get to that define along all these items being in the current process and anything we add. Zak, please go ahead.

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ZAK MUSCOVITCH: Thank you, Zak Muscovitch. The way I kind of envision the codification of the current status quo in terms of registrar to registrar negotiations for resolution of a transfer dispute, I would say that one registrar contact the other registrar and the two registrars may mutually agree on any interim measures such as, for example, change or reversal of the DNS while they work through a potential resolution. But the key is that there's no nothing automatic, but also it's not that a request result in a change to DNS either. A request is just a request it must be agreed to. And so I think that a true codification of the current status quo will involve mutual agreement on any interim measures. Thank you.

ROGER CARNEY: Great. Thanks, Zak. Yeah, and good point on that. Jim, please go ahead.

JAMES GALVIN: Yeah. Thanks, Roger. Jim Galvin for the record. I have to ask a question here. What is the basis or the foundation for wanting to go forward with trying to do all of this? Is it about cooperative parties or uncooperative parties? Because it occurs to me that if you've got cooperative parties in a situation, you really don't need any of this because you're all going to do the right thing. Right? And if you're trying to codify something for uncooperative parties. When you start talking about DNS reversal and reversion and zone content reversion, this stuff gets really complicated and really challenging to keep track of.

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And in all the scenarios around it I mean, even in the DNS, how long has it been? Who gets to make the decision about the quality of the concern here if you're going to make it subjective? I mean, to me, if you're going to make it subjective, what you do or don't do, you're back to the question of, are you dealing with cooperative parties or uncooperative? Because if you got cooperative, again, why does it matter? You're just going to figure it out. If they're on cooperative, you can't have subjective policies, you got to lay it out. You got to figure it all out in the details.

And I just hear us, this discussion here is going into all kinds of interesting edge cases. Everybody's got their favorite edge case to support the position that they're trying to put forward. And again, are you trying to accommodate cooperative parties or uncooperative parties? And there's a lot of work to do here if we're dealing with uncooperative parties. I guess that's my comment. Thanks.

ROGER CARNEY:

Great. Thanks, Jim. Yeah. And it's the same comment that I tried to make aware earlier, is I think there's two paths here. It is when it's cooperative when the two sides agree. And to me, that's the codifying of the current process. And again, the reasons for that to me was, yeah, it's more transparent that today, if a registrant goes to their registrar and says, hey, this is not correct, there's a gap between when that happens and when a TDRP happens or a court case may happen. You know, the registrar, the losing registrar, and the gaining registrar typically have some communication. But no one knows that. No one sees that.

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And to me, that's the codifying part of, as you mentioned, Jim, when people agree, hey, let's talk about what's going on here. And as Zak mentioned, that seems more simple to do the reversal if that even comes up and maybe that's not even going to come up at that time. But it seems more simple in that lines, but it's when they disagree or there is no response. Again, we're not talking about those directly. But those need to be resolved as well. And as Jim points out, those are more complicated or just have to be more structured than the process today that is not transparent.

So I think there's two issues. You know, codifying is trying to be more transparent about what occurs. And when you look at disagreement, that's probably when you get into the TEAC and the action of a TEAC and things like that, and those updates that occur there. So I think again, as I mentioned earlier, there's two paths that need to be looked at, and we need to either solve those or again, we don't have to solve them in the status quo states. But the earlier discussion, which is interesting because we kept jumping to this one, and now we're jumping back to the codifying, the earlier discretion is yes, let's codifying the informal process, and it would seem like everybody agreed to that.

And I think as Zak point in here, DNS reversal may or may not even be part of that, but if it is, then it's not a big deal. It's because both sides agree to it. So that's done. But to Jim's point, the flip side of that is when they don't agree or there's no response, there has to be something that occurs or it stays like it is today. Jody, please go ahead. Jody, you dropped your hand, but I don't hear you talking.

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JODY KOLKER:

Hi. Sorry about that, Roger. This is Jody Kolker here again. Yeah, to Jim's point, to me, the most important part of this process is when the registrars don't agree. And that's putting a TEAC in place in order to get either have a dispute or somehow be able to bring this in front of the TDPR or whatever it's called. I forget the initials. I'm sorry. But in order to get a panel to review this, the biggest part of it to me in situations that I have been in is to have, and I'm going to say the DNS and what I really mean is just please change the name servers back to where they were. And if it's an uncooperative gaining registrar, it's impossible to have that done without the registry involved. And I know that that's leads to a lot of angst among the registries and understandably so. I can understand that.

I just wanted to go on the record that that would be the main concern that I have. It's that if it's an uncooperative registrar that is being brought to a panel, the website is still down and we're concerned about the registrant and the registrants customers about like I said, making travel arrangements, banking, etc., that kind of thing that are actually being affected by this hijacked domain. And that's where I would like to get the DNS changed back for the registrant and the registrant's customers. And like I said, I know that that leads to a lot of indigestions, however, you want to say it with registries. I understand that, but that's what is important. Thanks.

ROGER CARNEY:

Thanks, Jody. And just to be clear, you're for the codifying of the agreement when both sides agree. But you're focusing on the hot scenarios of no response or complete disagreement and looking

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for solutions there. But you supporting the fact that section 1, we're going to codify, hey, yes. If you agree, these are some good things to do and look at. But you you're trying to look for solutions to when there is disagreement.

JODY KOLKER: Yeah, that's right. Thanks.

ROGER CARNEY: Okay. Great. Thanks, Jody. Jothan, please go ahead.

JOTHAN FRAKES: Yeah. So I think we do need to have something where there isn't agreement. But in the TDRP, typically things precede the TDRP when all else has failed for lack of better term. And that's where you do need the interaction of the registry in some cases to assist with this. So what helped here though is the TDRP, a lot of times there'll be a question what was done prior to coming to this point. And codifying or maybe codifying, but having a list of the steps that were taken to get to where we are now. You know, did you attempt to revert the DNS? Were these other things attempted in the process of resolving this matter?

I think our important checklist of things and getting a little bit of consistency among all of us as registrars is I think somewhat helpful. I don't want to make it mandatory so much as giving us sort of a playbook so that we can help resolve this amongst ourselves as best as possible. We haven't measured, excuse me, for clamp. We haven't measured necessarily. There's no stat that

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says how often these are entirely friendly remedies nor do we know where it's been disputes. Because those will often vanish off into the courts or other areas. So what we have right now is just how many TDRPs have been filed. And I don't think that's a helpful stat to know about the unfriendly scenarios.

There is probably though some sort of a TDRP light that we still need to address. And I think codifying what happens in a friendly scenario will help us identify maybe some of what we may need to define in a TDRP light or an unfriendly scenario before somebody would have to take to doing a TDRP. Thank you.

ROGER CARNEY:

Catherine, thank you very much. You walked me right into where I was thinking as you were talking. I mentioned earlier about maybe a small team getting together, and maybe that's the next step here, is the small team goes through and documents that, again, that friendly path and what can be done and what does occur. And maybe that leads us to the possible points of, okay, when this doesn't become or it doesn't stay friendly and changes or at what point, and then where does that go?

I don't want the small team to tackle that part, but I think the small team to tackle that friendly path is a great idea because I think that'll lead us to those steps of is there something missing and is there a way, as Jim mentions, that has to be more objective about an unfriendly scenario. And again, unfriendly is, to me, no response or disagreement. And as Jim mentioned, that has to be quite a bit more objective than a subjective when two sides agree that there's an issue to talk about.

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So I think maybe staff can make a call for a small team to could codify this nice friendly path, we'll call it. And anyone that wants to volunteer for that, please jump on and we can get a group together, and hopefully, in a couple weeks to have something identified structurally that, hey, this is the friendly way we do this so that we can move forward on that. Emily, please go ahead.

EMILY BARABAS: Thanks, Roger. Emily from staff. So if people already know that they might be interested in volunteering, if you could drop your name in the chat or just say me, then we'll also follow-up by email to get more names if that's appropriate. And maybe before the small group. That's a good question. Roger, do you have a preference between whether it's limited to members or includes alternates as well?

ROGER CARNEY: I would say, alternates would be okay as well, work group.

EMILY BARABAS: Okay. But maybe it's helpful if we just kind of touch on some of these other elements so that the group knows what to include in their sort of friendly path documentation in terms of some of these sub elements as well, and we'll get them started with organizing meeting. Thanks.



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ROGER CARNEY: I think that's great. Yeah. And I think if we'll cover these and if then applies to that path or not, at least aware of where the discussions are going. So Emily, do you want to take us through the lock in section? Steinar, you have your hand up. Please go ahead first.

STEINAR GRØTTERØD: Yeah, hi. This is Steinar for the record. I may interrupt the discussion here, but I just need some clarification also on the set of questions. In my understanding, the TDRP, the objective of the TDRP is actually to identify who is the right correct registrant and who is the correct sponsoring registrar for a certain domain name that has been disputed. So if that is correct, I see that these DNS reversals the locking and these things we are now discussing, that is something that is not necessarily the outcome of a TDRP process. And it is maybe something that could smooth things up if there is cooperation. But the objective is actually to identify who's the right correct registrant and who is the sponsoring registrar for that particular domain name? If I'm totally mistaken, I'll like somebody just have to say it to me. Thank you.

ROGER CARNEY: Great. Thanks, Steinar. Yeah, I think you're right. I think the purpose of the TDRP is to understand and find the correct domain owner for that and give them the decision of what to do with it. But I think the reversal that people are talking about is a temporary solution to lessen the impact or the possible impact of what just occurred. And I think that that's the key is. The dispute mechanism could take days, weeks, months, but if the impact is lowered by the losing registrar, and again, the losing registrant. But I think that

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that was the idea of the reversal. It's just to lower that impact. Not to make a decision or anything, it was just lowering that impact. Sarah, please go ahead.

SARAH WYLD:

Thank you. This is Sarah. I'm not sure that I heard everything Steinar said. I was unfortunately distracted by the chat. But I don't think the TDRP is there to figure out who is the correct registrant and registrar. Right? The TDRP is a way to reverse the transfer that happens against policy. There are many circumstances like the whole gap here that we're trying to solve. The gap is when the transfer does follow the policy, but is not a good transfer. Right? So I think that's what we're missing. Thank you.

ROGER CARNEY:

Thanks, Sarah. So, yeah, a good clarification. I think the TDRP is there-- Interesting how you said it because, to me, it's for correctly-- it's not necessarily to reverse it. The dispute may come to a conclusion that it doesn't need to be reversed. So I don't think the purpose is to reverse it. Now that was the goal of the person that initiated it. But that doesn't mean that that's the purpose of that panel or that process. So I think that it is to determine who rightfully has the proof of ownership. Okay, any other questions on that? Otherwise, I'll have Emily jump into our next section just to give everybody. We've got about 10 minutes. Okay, Emily, please go ahead with 1b and just introduce it to us.

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EMILY BARABAS: Thanks, Roger. I'm just noting in the chat that I missed Zak and accidentally included Sarah, so our small group right now is one. Owen, Rich, Zak and Jody so far. So if I got that wrong, let me know in chat, and I will correct. But I think at this point, we got it right.

So then the next element that the group briefly mentioned was a question about potentially optionally extending a 30 day lock period in cases where two registers are actively working together on a problem related to a transfer. And I guess a question, and the problem that that might solve is if they're actively working together and a transfer occurs and the domain is transferred away that then it's harder to resolve the issue. So I think the main question here is this something that would be discretionary or would it be some sort of requirement? And what would it look like in practice if it's discretionary? Would it be similar to I think where we landed with the DNS update where it's essentially if all parties agree that this is something that should happen for this interim period that it would indeed happen or would it extend beyond that? Thanks.

ROGER CARNEY: Great. Thanks, Emily. Yeah, I think that that's a good point. And I think that as everybody walked through that discussion, it's obviously an agreed upon. Okay. If we agree, then let's reverse the DNS or let's agree to talk about this longer. And I think that that's where the lock in comes in is, as Emily point out, is that mandatory. So when the dispute comes in, the lock is put on there for a certain period of time and definitely whatever it is. Or as this friendly path sort of a case can talk about, if we agree, does it make sense to put a lock on especially when that decision making

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process overlaps that 30 day lock window that's mandatory on a transfer? Any thoughts? People have ideas? Concerns about locking? Zak, please go ahead.

ZAK MUSCOVITCH: Yeah. I would just say that it should be treated in the same way as any changes to the DNS upon mutual agreement in the context of the codification of the current process. Thanks.

ROGER CARNEY: Perfect. Thanks, Zak. Sorry. Yeah, Zak was saying that, yeah, he agrees that it should be similar to that decision making process of the DNS reversal concept. And, again, I think that as we had a long discussion on DNS reversal and all that obviously, locking would be a similar issue in the non-friendly. There'll have to be decisions based in that. But in the friendly, as Zak says, it seems to make sense. But if they agreed to that, then, yeah, that makes sense. And obviously, it could chip scales a little and that even if it's past the 30 days or right at the end of 30 days and both registrars are agreeing to discuss it, and it hits 33 days, and they're still discussing it and the registrant, the new registrant can move it out now. And now the gain registrar is no longer the gain registrar. And so I think that those are issues that should be discussed.

And, again, maybe it's as simple as, hey, can we put a lock on it? We see that it's going to be transferred and everybody agrees to it. Okay, doesn't look like anybody has the appetite to jump on this

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right now. But, again, I think it's worthwhile discussing especially for this small team to look at. So Zak, please go ahead.

ZAK MUSCOVITCH: Thanks, Roger. Yeah my energy is dissipating like everyone else's, I guess. But I just point out that one thing to bear in mind is that if there are reversals of DNS by mutual agreement of registrars or if there are extended lock periods by mutual agreement of registrars while they're trying to resolve an issue. The current way that the codification is written and even the current status quo itself doesn't necessarily inform the registrant, both the former registrant and the current registrant. And that's something to keep in mind as well. It may be something that comes up in the small group if we pursue the path that Jothan recommended about listing out kind of best practices as part of the agreeable situation. That maybe something that's important to include that the registrants at least notified this domain name is locked indefinitely. Something like that. Thank you.

ROGER CARNEY: I think that's a good point, Zak, because I was thinking about it as you're saying it. We're saying it's probably a good idea that DNS reversal and locking is left to mutual agreement. But to your point, if there's decisions and we mutually agree DNS reversal, does that say that there's an automatic notification to the two registrants. Does that mean you should or you have to? And, again, on all these steps, does that make sense. Okay, four minutes. Emily, do you want to run us through 1c real quick.

EMILY BARABAS: Hi, Roger. It's Emily. Would it make sense to maybe do 1 since 1c is the big one, which is the sort of open question on fast and due? Maybe we could just touch on 1d, which I think is maybe a quicker one.

ROGER CARNEY: Right. Thanks.

EMILY BARABAS: So this is the sort of item that came up in a few of the conversations where folks were talking about sort an escalation to a TDRP or a sort of automatic default to a TDRP. And I think the question is, are we really just talking about, if informal resolution. Yeah, and Sarah says TDRP cost money and it can't be automatic or required.

So I think this is really just a clarification that everyone is on the same page that when people are using those kinds of terms, what they're really saying is essentially that if informal resolution is not working or has hit a dead ends, that TDRP is in at least in cases where the transfer policy has been violated or there's a sense that it has been violated the TDRP is sort of the next logical step as opposed to anyone thinking that this would be something where it would automatically be initiated. So this is really just a clarification to make sure that everyone's on the same page about what we're talking about with respect to initiating a TDRP. Thanks.

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ROGER CARNEY:

Great. Thanks, Emily. And as Sarah said in chat, I think for multiple reasons, I think this again is one of those informational things that's good. You know, hey, these things happened and nothing, there was no resolution. So the next recourse is if you want to continue is, here's the TDRP or you can go to the court or whatever.

But yeah, this isn't an automatic next step. It's just informational. If you want to take another step, this hasn't been resolved. These are your options after this. You know, here's several options after this. Okay, any concerns on that? Again, I think mostly out of clarity here just so everybody's on the same page that it's not going to a TDRP, or it's not going to court. That's the decision point that has to be made by the parties after the fact of a non-resolution.

Okay, no one has concerns. Great. To Emily's point, I think maybe we'll hit 1c next week. And again, I think 1c is a big topic here, but I think we've talked about it mostly. And I think we can get through this fairly quickly. But I'll leave that to next week because it is a big topic and there's been a lot of discussion on it prior to this. But take a look at 1c so you're ready prepared for a discussion on it next week so we can move forward. And those volunteers for the small team, hopefully, you guys can get working on that fairly quickly.

But I think that's it. We're at time. Any comments, questions from anybody? Jothan wants to be on the small team. Thank you. Okay, thank you. Thanks, everyone. A great discussion today. And again, we'll jump back on this next week. And as Emily noted at the beginning of the call, we're trying to wrap up all our

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discussions and recommendations on the TEAC and TDRP charter questions before ICANN77. Thanks everyone. We'll talk to you next week.

**[END OF TRANSCRIPTION]**