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ICANN Transcription

Transfer Policy Review PDP WG

Tuesday, 21 February 2023 at 16:00 UTC

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JULIE BISLAND:	Good morning, good afternoon, good evening. Welcome to the Transfer Policy Review PDP working group call taking place on Tuesday the 21st of February 2023.
	For today's call, we have apologies from Crystal Ondo (RrSG) and Steinar Grøtterød (At-Large). They have formally assigned Jody Kolker (RrSG), Raymond Mamattah (At-Large) 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.
	As a reminder, all members and alternates are 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 Zoom Room

functionalities. If you have not already done so, please change your chat selection from hosts and panelists to everyone in order for all participants to see your chat and so it'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.

Please remember to state your name before speaking for the transcription. Recordings will be posted to the public wiki space shortly after the end of the call.

And as a reminder, those who take part in the ICANN multi stakeholder process are to comply with the expected standards of behavior. Thank you. And over to our chair, Roger Carney. Please begin.

ROGER CARNEY: Thanks, Julie. Welcome, everyone. Just a few updates before we get started on our agenda. Council last week approved our project change request so that we can start working on our phase two stuff earlier, hopefully. Since we've already done that, that's good. But just make it official. That's been approved. Again, even the timeline update and a few small charter updates, mostly just verbiage corrections.

But all that was done and it's approved and the new charter is on the wiki, I believe. So please take a look. Again, nothing big, we're flipping the phase two forward of phase 1A. And the other big

thing is we're not going to have multiple reports, we're going to finalize it with just one big report when we're done here.

Other noticed, late in the last week—I actually don't remember exactly when—compliance put on the list, or staff put on a list—I'm not sure who actually posted it—about the input on Section 1A 3.7.1. Again, this is kind of a homework background kind of thing. Please take that and socialize it in your groups, see what your thoughts are on it. And again, we'll bring it back up and talk about it. But just we want everybody working on it in the background so that we can get it looked at. And again, we've got time before we can get back to it. But just so it's in the background.

Also, staff had sent out the outreach letter to the working group so that any issues anyone sees can be updated and changed before we send it out to all the other stakeholder groups for their input on Phase Two items. Again, this is just a letter for those outreach. It's not we're not expecting anyone in the working group the answer at this point. We just want to get it approved by the working group so that we can send it out to all the stakeholder groups and get their input. Again, take a look at it and if you have any comments or questions, suggested changes, try to have those done this week, no later than next Monday.

Probably my last update is just maybe a forward look into ICANN 76 which is just a few weeks away now. We do have two sessions scheduled for ICANN 76. The first one definitely will be a working session. On exactly what, we're not sure. Obviously, depends on how far we get and where we're landed on. We're thinking something still in the lines of the TEAC, any cleanup on that or anything. So it unless we get through that in the next couple of

weeks. Again, probably not. But that's the plan now is that first session will be on that. First session is Saturday. So we get started right out the gate. Great.

And the second session, were kind of hoping, maybe a little more community involvement in the second session. The idea may be that depending on where we're at in the TEAC, and if we've identified any open gaps that's not being solved, go into a discussion of possibly a fast undo or the rollback that we've been talking about, and see if we can get some community input on that discussion as well, during the face to face. So that's the focus of the second session. If we don't get a lot, we'll just continue on with a working session and continue working. So second sessions is on Sunday. So that's nice. We'll be done on the weekend.

I think that's all for the updates. I will make a call to any of the stakeholder groups that want to bring forward any discussions or comments working with their own groups, or anything that they need for the working group to address, please come forward. And we'll get them talked about and see what we can do. Anyone.

No. Okay, I think that's all my updates. I don't know if staff had anything else. But I think we can jump into our agenda now and jump into the TEAC and actually the charter questions but turn this over to Emily so she can run us through from the surveys that we got when we started this project.

EMILY BARABAS: Hi, everyone. So I've just dropped into chat the new working document that we'll be using to support discussion on TEAC. It's

structured quite a bit like the other working docs that we previously produced for the phase one topics. So it should look familiar. At the top of the document, you'll see that we have the current applicable policy language. 1A 4.6 is the bulk of it. And I'm not going to go through the language here, but it's available for your reference. And so the main provisions are there. And then also 1A 6.4 and specifically 6.4.4 focuses on the registry operators' obligation under the transfer if documentation is provided about a registrar who's not responded to the message in the four-hour time frame.

The next section of this document is about the available data that we have. And the data comes in the form of responses to a survey that you'll probably recall was done as part of the policy status report that preceded this PDP. So the information is not extremely recent, but it does capture some themes that might be relevant to the discussion. So we'll just go over very quickly some of the things that are applicable to the TEAC and then we've duplicated specific elements of the responses that speak to some of the charter questions so that those can be seen in context as well. You can see the full survey results here at this link if you're interested in that. But the summary again focuses on those that are related to the TEAC specifically.

So question 18 of the survey is asking about whether it's an effective way to handle urgent inter-registrar transfer issues between registrars or do the TEAC policy requirements require change? There was a mix of responses to this question. So you can see there are quite a few that said yes. There are quite a few

that said no. And there are some that said they weren't sure or there wasn't enough data.

Among the yes responses, you see a couple of themes. The first one is this idea that there should be a requirement not only to respond initially within four hours, but also to work towards a resolution? There's also a comment that talks a bit about that there should be a standard agreement between registrars for which losing registrar believes the transfer has happened without the registrant's consent. So again, this is sort of more about the resolution following the initial contact with the TEAC as opposed to the mechanics of the initial contact itself.

For the negative responses, so those who think that there needs to be changes, you see some of the same themes echoed. So again here, the first comment says that the TEAC is a good way to make a first contact but needs to go further in requiring registrars to work together to investigate and reverse a disputed transfer.

It also talks about the potential of using a neutral mediator to find a resolution and also raises concerns about this four-hour initial response timeframe, referencing the burden across time zones and languages. And this response suggests that perhaps there could be different requirements depending on what time zones the registrars are in. So if there is close time zones, maybe the requirement is smaller, bigger difference between time zones and a longer response time.

There's a comment here that again suggests that the four-hour time frame is a problem, and suggests extending it to 12 to 24

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hours. A comment below that says that the TEAC is not used, which seems to indicate that it's not effective.

The comment following that again, sort of talks about this issue of following through, so requiring a deadline by which the TEAC response must give a final answer on whether the transfer will be reversed, not just an initial deadline. And a couple of other sort of high-level responses that there's more to be done on this.

And then this last cluster of responses, you see a number of registrars responded that they're not familiar with TEAC, which may be an issue in and of itself. It's only used very minimally. So one of the respondents said they only received five contacts. So it's hard to evaluate whether it's working. And another comment saying that there needs to be better data.

A couple of other comments, again, about this this four-hour time period and enforcement around keeping information up to date. That's something we heard also in last week's call. And then a couple of other questions that were not specifically about the TEAC, but where people spoke about issues with the TEAC. Again, here you see concern about the four-hour response time, and needing that to be more fair to those registrars in different time zones. A sort of call for more information about how often the TEAC is used to help with assessing whether it's effective.

A couple of comments. This was a question to registrars about what issues customers are having related to transfers. And there are a couple of responses that either customers are not able to get their domain name back if it's hijacked, or that the process to undo in the case of an error or hijacking is unclear. So this again

may point to issues with the existing processes or tools or information, a lack of information about them. It's a little bit hard to tell from the responses.

And then finally, a couple of responses to a question about what the ideal transfer process should look like. One respondent said that there needs to be an effective ability to reverse the transfer that should be immediate and done via EPP command or other contact to the registry. And another response that more generally says ability to reverse the transfers is needed.

So those are the inputs we have from the survey. And Roger, if you would like, I can just dive into the first charter question and we can start there, unless there are questions about the survey. Please feel free to throw up your hand if you have questions about what we have so far at the top of the document.

But otherwise, last week, we went over at a high level the charter questions under this topic. And today I think the goal is to do a slightly deeper dive looking at both the initial pain points that folks identified on the last call, as well as the survey data that's relevant.

So the first question is about whether there's enough data to evaluate the effectiveness of the TEAC and if not, what data might be needed. So as we talked about last week, at the moment, though, the primary source that we have is this survey data and the inputs from those who have direct experience with the TEAC in terms of numbers, at least from the ICANN Org side, there's not really hard data on the use of the TEAC that can be drawn.

Some of the things that we talked about during the last meeting. Because the TEAC communications happen through a variety of channels, it can be difficult to get a complete picture with data of how it's being used and whether it's effective. But the survey responses and some of the discussion last week, [2.2,] as well as discussion in the charter drafting process, and the drafting of the issue report indicate that there may be some issues to address. And the question was raised for further consideration, could there be requirements going forward that could result in better data to support the next review of the TEAC? So I can pause there. This may not be the best question to start with, but we could certainly see if there are inputs already on this. And this might be one that we circle back to after we've had some further discussion on some of the other charter questions. Thanks.

ROGER CARNEY: Great. Thanks. Yeah, it's nice to go through the survey results. It highlights several things that we talked about last week as well that individual members brought up. So that was great.

So yeah, looking at the first chart question, does anyone have any thoughts on this? I mean, obviously data is always the one that comes up. And we talked about, and we've talked about several times, and other instances of needing data. I think it's important.

I think the interesting thing is these contacts are individual, one on one registrar. So the data that can be gleaned really is from that survey, or anecdotal from registrars themselves, indicating their experience and everything. So, I think the question itself is great. Is there data? Okay I think we've kind of walked around that

already. But I think one of the important things is could we improve this somehow so that there is ongoing data, especially for the next review? But any thoughts on data? Anyone have data that they want to share?

Okay, I think this kind of leads in—I think there were several discussions last week on the communication channels that are used. Obviously, there's very little that can be used to send data back and forth on TEAC situation. So I think that when we look at this, is there a possibility of having that quick contact still? And again, I know that we talked about that being a phone or not last week, but maybe having a more—again, the quickness of that, efficiency is great, but being able to document it somewhere as well is going to be important. Is that a system maintained by ICANN that you log things in and it goes into the—losing the name of it now but the registrar portal at ICANN, or is it just simply, okay, yes, you can use the phone number but email is required? Is that email including a compliance@icann email address as well so they can also track that? Just thoughts. Anyone? Thoughts on that? Thanks, Theo. No requests coming your way so far. Prudence as well.

Okay, again, just think about this. And I think the important part— and we kind of touched on it last week as well, is for those that do have experience on TEAC, thinking about how can we track data on an ongoing basis? And again, is that simply just an email? Or is it something that you log in and register with ICANN? Even though maybe there's a quick contact, you still have to log things. So it's something to think about. And again, as we go through the

other charter questions, maybe that'll lead us to a good solution somewhere. Eric, please.

ERIC ROKOBAUER: Thanks, Roger. Hey, everybody. I'm trying to wrack my brain—so we at Newfold, have used the TEAC contacts before, very limited, only when we couldn't reach a registrar's normal transfer contacts that they have published. Before NSp, I think it was ICANN's radar, I feel like that was when we used TEAC. And it was something that was tracked in the system. It was kind of you had to go through that format that ICANN provided to contact a registrar's TEAC. Since then, I think with NSp, I don't see that same logic. So I don't know. And maybe I missed it. If that is something if there's anyone that has that background knowledge, do we have any data from the radar days of when TEAC contacts were captured? Thanks.

ROGER CARNEY: Great. Thanks, sir. Owen, please go ahead.

OWEN SMIGELSKI: Thanks, Roger. So responding to Eric. Yes, when there was a radar, there was a system for doing TEAC communications. So there could be some data from that, although I know ICANN deprecated and probably burned that system years ago. Only problem about getting data out of that, if it's available, is that even during radar, there was an email address provided as well, too. So it was not required that all TEAC communications go via radar. It

could still also go outside and be a telephone call or an email. So whatever picture we see would be incomplete. Thanks.

ROGER CARNEY: Thanks, Owen. Yeah, to that, and to Eric's point, a lot of times I know registrars have contacts with other registrars and a lot of this TEAC kind of stuff actually happens organically, not through a defined process like this. So those things would be hard to capture as well. So, Emily, please go ahead.

EMILY BARABAS: Thanks, Roger. I just wanted to confirm that indeed, we don't have data from the naming services portal. We can double check back with our colleagues about possible older data from radar. Although I think that probably would have been provided in the policy status report if it was available, but we will double check on that. Thanks.

ROGER CARNEY: Great. Thanks. And I see Holida dropped a note in chat as well. Looking for some of that data as well. And again, I think historical data is great, but I think we need to think about if we want to provide this data going forward, how can we facilitate that, make it part of the process? Okay, let's go ahead and move on to the next charter question, Emily.

EMILY BARABAS: Our next charter question is F2 and F3. There was a numbering issue in the charter numbering so it's one set of questions with two

numbers attached to it. So this one is about the four-hour timeframe. And you'll recall the main concerns are about registrars located outside of the Americas and Europe in particular small and medium sized registrars, and those where English is not the primary language and they may need to staff an English speaking TEAC contact.

So the Registrar Stakeholder Group provided a public comment to the policy status report as an input to the policy status report that was sort of clustered with the survey results in the policy status report regarding these questions. The Registrar Stakeholder Group comment expressed significant concern with the four-hour response time requirement and noted the burden that it causes on certain registrars and talks about this difference between the possible four-hour response time for registrars with overlapping time zones and a longer timeframe for those with a bigger gap.

And again, you'll recall there were a few other relevant comments. One was about extending the response time to 12 to 24 hours. Another one, just saying that the four-hour window was too difficult. And one more comment, again, talking about the sort of unfairness to certain registrars.

So from last week's deliberations, it was raised that the four-hour time frame is quite rigid. So if the TEAC doesn't respond within exactly four hours or less, the transfer can be undone. But at the same time, that four-hour timeframe requirement can be gamed by bad actors.

It was noted that there could be an opportunity to potentially be more flexible with the requirement either in terms of the timeframe

itself or with the penalty. So maybe there's another possible penalty that's not quite as consequential as transfer undo.

One idea that was raised was that the required time frame could be contingent on how urgent the request is. And some working group members also noted that it might not make sense that the first contact requirement, so that four-hour timeframe is very rigid but then there are no requirements about meaningful resolution, which kind of gets into the next charter question. I'll pause there. Thanks.

ROGER CARNEY: Great. Thanks, Emily. Yeah, and I think that when you look at the four-hour timeframe, I think that that last comment Emily mentioned about the resolution is probably the bigger deal than the initial response. Obviously, yes, you want to know that someone's looking at it and everything. But that four-hour window—and as mentioned here, the penalty for missing that is, okay, then it can be undone. I know I've heard several suggestions about, okay, let's not undo the transfer itself completely. But how about if we just roll back DNS if no one responds? Leave the domain where it's at. But roll the DNS back to the prior state before it was transferred. And that would resolve immediacy issues, and then the issue of the transfer itself can be worked out in a longer time period.

And I think obviously, we're seeing what's important in that here, is that resolution. The four-hour contact is great. But the resolution is probably the more important part. Okay, thoughts on this? Again, if we're looking specifically at the four-hour timeframe, is it too

rigid? Some people I've heard say we we'd rather have shorter response but the consequence of not answering that—and as someone mentioned last week, the probability that it can be gamed because of the consequence is pretty large, that that gaming part can increase just because of that.

Thoughts, four hours, need to adjust it? I think, as pointed out here, the Registrar Stakeholder Group suggested maybe a scale or a slide where certain time zones that are next to each other, four hours seems realistic. To me, I'm not sure—thinking about how that affects a whole lot of things. A TEAC to me could be initiated in a time zone that's not even a good time in that time zone. So I'm not sure how that affects going across six time zones. It may actually be better in the other time zone. I don't know. But just my thoughts on that. Sarah, please go ahead.

SARAH WYLD: Thanks. I think we said at a previous meeting that we have a few different pieces relating to undoing or reversing transfers that are all interconnected. So I hate to say it, but I think my answer here is that I don't want to answer this yet, because the requirements of this particular contact might be different depending on how an overall transfer reversal process looks like. Like if there's a different process for a really urgent one and a non-urgent one. It just feels like there's sort of a larger structure that we want to work through first before we decide on a timing requirement for an emergency response maybe. Thank you.

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

THEO GEURTS: Thanks. So I'm going to slightly disagree with Sarah here. I think that we come up with some kind of solution for the quick undo feature, or whatever you want to call it, is highly [unlikely] going to happen. So I think if we started working on this and discussed whatever timeframe that response hour should be, I think that is something that is going to last in the policy. And I think the other stuff is not going to be changing much soon. Thanks.

ROGER CARNEY: Great, thanks. And I'm not sure if Sarah was thinking—I don't know if she's promoting the undo at all, but more holistically looking at—there's more impactful transfers at some times than others. And is there a different path or escalation process based on that immediate impact? If it's a domain that has nothing associated to it, is there a large urgency to have it returned? Can that go through a slower process? Or if it takes down somebody's website or email or whatever it is, does that have higher urgency than a parked page somewhere. Emily, please go ahead.

EMILY BARABAS: Thanks, Roger. Hi, everyone. So to Sarah's point, I think this is always the question. It's a bit of a which piece of the discussion comes first. And so maybe a suggestion about this. As we go through these charter questions, there may be things that folks already see as pain points that are related directly to the TEAC

and could already be either resolved or clarified to improve the process as it exists now.

What we briefly touched on during the beginning of this call was that one of the possible sessions for ICANN 76 could be sort of a gap analysis looking at the function and applicability of the TEAC and the TDRP as it exists today along with any improvements that folks have already—to the extent that we already have agreed improvements to the TEAC by the time we reach ICANN 76, we can incorporate those as well. But then sort of identifying the gaps that are not currently filled or the needs that are not being met, dovetailing a bit with this question of whether an additional undo mechanism might be appropriate.

As Roger said, this is obviously partly to be able to get broader community input on the issue of the transfer undo because there was quite a bit of heat around that the last time it came up. But it might also get to the issue that Sarah is getting at, which is that it can be hard to answer these very specific questions sometimes if you don't look at the big picture as well. So we might need to toggle a little bit between the specific charter questions about the functionality of the TEAC along with the bigger picture of these different channels and how they might interplay. Thanks.

ROGER CARNEY: Great. Thanks, Emily. And one other thing on that is I think all the disputes originate from the registrar. And I've heard people say, why shouldn't the registrant have the ability? And it's an interesting topic of where does that start? To me, it's probably always going to start with the registrant anyway. Most registrars

aren't going to know what kind of impact there had been on a transfer. That's going to be a phone call from a registrant to customer service or to wherever saying, hey, all my stuff broke now. So it's one of those where it's a fine line of, to me, the registrant is initiating that process. And obviously, the immediacy will be more known to the registrant than the registrar, at least the perceived immediacy. The detail work, obviously, can come from the registrar themselves. But to me, again, it's going to come from a registrar. And when you look at a four-hour window, and I see these issues that people brought up, if a transfer happens in the middle of the midwest of Iowa in the middle of the day, that's pretty inconvenient for a lot of the globe to be recognized within four-hours. But to me I don't know that a transfer [go] bad at that time—and get back to the gaming situation here. I think that if you move that four hours, because the transfer happened in a time zone eight hours from the origination, that doesn't seem like it flows very well. And again, to me, that just looks like someone can game that. And just thoughts on my part.

So the four-hours to me, it seems, obviously there's a time that has to be set, I think that what you have to look at is what has to be done within that time period. And if it's not met, what's the actions taken if that's not met? Or if it is met, what are those actions? Okay, so four-hours is the focus here. Should it be shorter? Should it be longer? Should it be flexible? I think people need to think about those things and come to—and again, as Sarah mentioned, obviously, it plays into other questions. And once we get that, I just think that as Theo mentions, let's focus on looking at what's there, does it need to change, does it leave a gap or not? And then we can work on those things. So Sarah in

chat says one day is more reasonable than four-hours. Theo likes that as well.

So, as in the survey, I think that several survey people said greater than four-hours, and some people suggest even 12-24. So Theo, please go ahead.

THEO GEURTS: Yeah, and just to pile on on those comments, four hours is actually a very small window of time. I mean, if I look at the registrar I work for, four hours is just not achievable during the weekends, because there is basically nobody there, we just do some monitoring for whatever system falls down or whatever. But if a TEAC comes in, and somebody is monitoring that email box, that doesn't even mean that that person understands what a TEAC request is and what the requirements are. So for a small registrar, it's pretty problematic. And all these different time zones come into play also. I mean, during the evening, there is nobody there to monitor anything in the box. So that is just simply problematic to come into compliance with the requirements. Thanks.

ROGER CARNEY: Great, thanks. And in chat, it looks like 24 hours seems like where everybody's leaning. To Sarah's question of business or real time, I think that we'll try to stay as real time as we possibly can, and try to stick to a set number of hours, even if it's 72 hours, whatever it is, let's try to stick to a real markable time instead of trying to get confusing on the business stuff. But I think that there's general

agreement in chat anyway on 24 hours. So I think maybe people start thinking about that. Does 24 hours make sense? Does that work or not? So Theo, please go ahead.

THEO GEURTS: Yeah, and one thing we might consider also, there is, of course, a sense of urgency when there is a domain name stolen. On the other hand, I find it reasonable that if you are dealing with a small registrar, and it's in the middle of the night, and they're not going to respond in timeframe, I think that is reasonable. But I also find it reasonable that when staff is back on the job and it's within business hours, then there is a focus to get it resolved, at least in response to do that, as soon as possible. I think within business hours, then I think the four-hour requirement might be even reasonable. If it's just within those business hours of those registrars. So if you draft some language around that idea, then you sort of can accommodate the sense of urgency and being reasonable. Thanks.

ROGER CARNEY: Good suggestion there. And also, I think, again, I think get back to—obviously, the reason here is this is because someone has raised a concern of immediacy, urgency. And I think that trying to be flexible, trying to be reasonable with everybody's schedules and everything, 24 hours obviously eliminates time zone issues, but still doesn't eliminate weekends and things like that, actual business times people work.

But I think you have to look at also what can be done—if someone says that it's really urgent, they're losing customers, they're losing dollars, they're potentially impacting safety, whatever it is that their business is running, is there a step that is less consequential than undoing a transfer and still making things work as they were prior to ...?

And also, does the fact of when a transfer dispute—I won't say TEAC necessarily, but a dispute is initiated X amount of time after the transfer was already done, does that also play into it? So if someone comes in three weeks after the transfer was done and says, "Wow, this has to be changed back today," does it fall within that urgency kind of thing? So other things to think about, I think, as you're thinking about, does a four-hour window work? And if we say 24 hours, does a 24-hour work? And does somebody that's waited two months to dispute a transfer—should they be able to do something like that? Something to think about.

Okay, so I think for F2 and 3, it sounds like let's hedge this to the 24 hours and see what people think and see if that works. And again, I think that we're just hearing from those, but I think those people that are being quiet now, think about that. Does that work? Does that help? Does it cause problems?

Obviously, I think when you look at the survey and everybody's discussion so far, the four hours wasn't reasonable. But it definitely provided a high sense of urgency, but it wasn't reasonable to work with. And as people mentioned, a lot of times people would work around that because of that, and they wouldn't issue a TEAC or anything or go through that process. Okay, so I think we could go on from this and say we're going to use a

working 24 hours here. So working idea, concept of 24 hours here. So all right, Emily, please take us to the next one.

EMILY BARABAS: Sure. So this plays very much into some of the additional timeframes that Roger was referring to. You'll recall that the section 1A 4.6.2 of the transfer policies says that communications through TEAC must be initiated in a timely manner within a reasonable period of time following the alleged unauthorized loss of a domain. So the question is whether there needs to be more guidance around the reasonable period of time referenced here.

In our initial discussions of this charter question, it sounds like really, there may be two timeframe elements that the working group may want to consider, although the charter question specifically refers to the first. The second one could also be a subject or recommendations. So the first one is about the timeframe for the initial contact to the TEAC following the alleged unauthorized loss of a domain and the second one is that timeframe for a final resolution of the issue.

The policy status report, there's a few relevant comments from the Registrar Stakeholder Group. You'll recall that there was a comment about the fact that the requirements don't currently require that registrars work together towards a resolution and that the process should require that registrars do work towards a resolution potentially with a mediator. This doesn't reference a timeframe specifically, but it does sort of indicate that there needs to be more structure to the process towards resolution. And then a couple of other comments that we heard earlier, one about

needing a timeframe for not only your initial response, but also resolution. And also, a comment that there needs to a deadline in which a TEAC provides a final answer.

So looking at some of our initial deliberations, first, regarding the timeframe for first contact to the TEAC, it was raised that from one perspective, if you don't notice for a long time—this is registrant doesn't notice for a long time that the domain has been transferred inappropriately, maybe that's an indication that this isn't an urgent issue to resolve. And maybe the TEAC isn't the right channel. But then from another perspective, there could still be a case where an RNH doesn't quickly realize that there's an issue, but once they do, the resolution needs to happen quickly. So from that perspective, there shouldn't be a hard cutoff for using the TEAC.

There was also a suggestion that the current language references a reasonable period of time following the alleged unauthorized loss of a domain, that this should be changed to a reasonable period of time following the time that the registrar finds out about the issue. Because registrars may not immediately be aware exactly when that alleged unauthorized loss of the domain happened. At the point that it happened, the registrar might not be aware that it has happened.

Regarding the timeframe for resolving an issue raised through the TEAC, it was noted that some registrars quickly respond, so within the four-hour timeframe, with a non-substantive response, but then take quite a long time to resolve the underlying issue. And there's no penalty involved in that. And also, there was a suggestion that perhaps the negative impact of the transfer could define how urgent the issue is, and therefore the appropriate

timeframe for final resolution. And I believe that that's as far as we got on deliberations for this one. So I'll pause here. Thanks.

ROGER CARNEY: Great. Thanks, Emily. Okay, yeah, I guess the questions did lead in well to each other. Any comments, thoughts on this? Anyone have anything? And I think the important thing here is, looking at two different kinds of timelines, one being, is there a window of reporting an urgency, but also, a very important part is, the process timeline to get to a resolution. And that resolution may not be obviously, to undo the transfer, but that resolution may be yes, it's fine, but I think separating those two timelines, is there a realistic way of defining—what was it, reasonable time period to report this?

You can hear people saying and thinking, Well, what happens if someone's on vacation and not in contact, on holiday for a month, whatever it is, and they just came back and found out hey, my website that was producing me X amount of dollars a day is no longer doing anything and hasn't been for 30 days. Is that reasonable? Is it reasonable at two weeks, is it reasonable at six weeks? I think that that's something to look at. Any thoughts on reasonable reporting time to be able to use an escalated dispute mechanism? Okay, "come back six months later and say needs to be resolved today." Okay. Thanks, Rick. Yeah, I agree. That's kind of what I said it. So hopefully someone would agree.

I think it does get tricky. And I think the last suggestion here about the negative impact defines the urgent issue. I think that that's even hard to say what's a negative impact. It could be—just going

to say some numbers here, $50 a day. But that may be more important to somebody—a customer than it is to anyone else. So I think that that's hard to say the negative impact is going to drive urgency, because it may be completely reasonable and urgent, and maybe all the dollars that that person ever makes is happening every hour that this is gone. And again, it could be tens of thousands of dollars, and it's not that urgent, because it's not that big a deal to them or whatever. It's one of those where it's hard to judge that. Rick, please go ahead.

RICK WILHELM: Sure, thanks, Roger. So I just want to offer that it sort of is a little bit illogical if the communication is happening by the TEAC and then the transfer has taken place in the distant past. We had discussion among the registries and there have been situations where in the past—not a lot, but where transfers have been six months after the fact. And there have been requests on doing that have come in via the TEAC. And we've had to undo those that were allegedly fraudulent when that TEAC failed to respond.

So it seems like there ought to be some sort of a limit on using the TEAC gambit when the transfer—like what I think Sarah's putting into chat, like the time to file that dispute should align with a lock period, etc. Certainly within a week seems reasonable. But once it gets past the sort of standard lock periods, restriction periods of 30 days or something like that, then the TEAC approach should not really be used, it doesn't seem like, because this is making an emergency for everybody involved, the registrar and the registry, when this is something that's happened a while ago. And if the

registrant hasn't noticed it for that long, then it doesn't seem fair that it causes a ruckus at the registrar and the registry. Thank you.

ROGER CARNEY: Thanks, Rick. And again, I think one of the things to think about is, that doesn't mean that it couldn't be worked quickly even if it was 32 days later, 60 days later, it doesn't mean that it couldn't be worked quickly. It's just doesn't mean it falls within that policy requirement. So something to think about. So, Theo, please go ahead.

THEO GEURTS: Yeah, thanks. So I agree with Rick mostly. But I do think it's kind of situational that you talk about the urgency. In the example of six months, if the DNS was never interrupted, and everything was still working, then there is no urgency till it has been changed. And that is usually the alert the registrant gets that something went wrong and the domain name was stolen. And suddenly, you have an urgent situation because even if it's a simple domain name which you use for your email, then most likely everything in your digital world is connected through an email, a password reset of a banking, God knows what, and then suddenly you have an urgent situation.

On the other hand, if you take the example of that six-month scenario again, and it's a blog, and during the transfer, the DNS was interrupted, and nobody noticed that the blog was offline for six months, yeah, that is not a really urgent case because nobody noticed that right away. So it cannot be deemed very urgent. But I

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do still struggle a little bid with how can you define what is urgent? I mean, that is so specific under each scenario and there can be millions of scenarios in my opinion. So that is a little bit hard to define. Thanks.

ROGER CARNEY: Great, thanks. Great call out on the possible DNS impact and a transfer can happen and the DNS stays the same. And a lot of registrars probably wouldn't notice that until a DNS change did happen. Jody, please go ahead.

JODY KOLKER: Thanks, Roger. Theo said just about everything that I was going to say. So I guess I'm agreeing with him and Sarah. How do we define urgency? If it's a website's that is affecting X number of customers, do we define like limits? Like 100 customers, a million customers, 500,000 customers, then we've got a week to reverse it, we've got to decide, or if it's just a few customers or if nobody noticed, or if nobody noticed for six months, well, then it doesn't need to be reversed in a week?

But if the registrant actually noticed this within a day, should we have some kind of limit on that to say, "Hey, we've got to get this figured out if it's going to be reversed or not in seven days? "I don't know. I think that that's a lot of limitations, or [what do I want to say,] limits that we need to put on that. And I'm not sure how we can do that. Just throwing it out there. Thanks.

ROGER CARNEY:	Great. Thanks. Yeah. And my guess is this is how the IRTP came up with reasonable, is trying to balance all those different variables. Again, how impactful is it to the registrant, how long did it take, all those kinds of things. Obviously, it is different for each one. But is there a way to say, "Okay, if it's past 30 days, you need to document it some other way?" Or it's not that you couldn't use it as long as you provide the information to use it. Things like that. I don't know. Interesting. Yeah. And I can actually see how reasonable came up now instead of specific timeline here. So other thoughts, comments?
	Does seem like it's somewhat reasonable to say, okay, 30 days out. But then I think that, obviously, there needs to be that option of, as Theo mentions maybe, on day 31, somebody that's gaming this will just change the DNS then and be safe, and they won't have to worry about going through a quick response. Does it seem reasonable to align this with our locks, our [lifetime blinds?] It seemed like I think Sarah and Rick mentioned that, and it seemed to make sense. But obviously, I think Theo kind of put a few holes in that that would need to be accountable for. so is there a way to make that 30 days, but in certain circumstances, it can be longer?
	Okay, and again, I think that deals with when you can say—we can come up with a timeline there for making something go through this process. But I think the process itself has a timeline. So any thoughts on the process timeline, if it's urgent, does it need to be four days, there should be some kind of resolution and even if it's not the end resolution, maybe there's a step in there. Should it be seven days—I think Jodie mentioned that, that you should have a resolution?

And again, I think several comments here said the registrars should work together. And it's like, okay, that's nice, and if that happened, that would be great. But we know that the registrars can ignore another registrar for a long time. So what's the consequence there? Again, if it's an urgent issue, or if it's not an urgent issue, is it a different timeline that the registrars can come to an agreement on what to do? If it's urgent, should it be four days? If it's non urgent, should it be 14 days? Thoughts? Is that even enough? What happens if a third-party mediator has to get involved? Theo, please go ahead.

THEO GEURTS: Yeah, thanks. I find that extremely hard to answer, actually, because, if it would happen a lot, then you would have some kind of process in place and you would know how that process would look like in reality. And then you had hard cases, hard examples, if you will, of like, okay, in this scenario, when we encountered this domain theft issue, it took us like two weeks to get everybody on board, the resellers, de registrants and God knows who else is involved. Because especially with sub-resellers, before you get the right person, sometimes, get the right email contact from a sub-sub-sub-reseller as a registrar, that is sometimes a nightmare. So I can't really say for sure, like four days, seven days, because I don't have enough experience with it. So everybody's guess is maybe the guess. I don't know. Thanks.

ROGER CARNEY: Great. Thanks. Yeah. And again, I think that the discussions we're having here I'm sure happened a dozen years ago and that's how

they got to "reasonable." But I think the question is, should that be more defined than reasonable? I mean, obviously, it makes things easier for people. But it doesn't allow the flexibility that we're talking about that's sometimes needed. Theo, please go ahead.

THEO GEURTS: So just to throw this in there, and this is anecdotal evidence, and it happened with a ccTLD, but one of those domain names were stolen. And even though there was good contacts with the other registrar, it took nine months to get that domain name back. So it can take a long time. That is just a reality out there. Thanks.

ROGER CARNEY: Great, thanks. Any other comments on the timelines? Again, I think that maybe we can set a timeline for if it's urgent or not, but I think it has to be somewhat flexible, because in the 10 minutes we've talked about it, we were able to punch a hole in a few of those. But the timeline for reporting urgent, maybe is the 30 day lock, same time window.

Obviously, I think, again, we need ways to override that. But I think that, that sounds reasonable. But as far as resolution of an urgent issue or semi urgent issue or not urgent, as you know, does that need to be defined, should it be defined? Several survey comments suggested that there has to be an end here. So is that something we can get to I guess?

Okay, I think we've chewed through this enough. Again, think about that. Think about the timelines. I'm just throwing out that maybe for the urgent, it is aligned with the 30 day lock or whatever

that lock ends up being, I assume it's 30 days. We moved past that. But is there a mechanism to maybe override that and still make it urgent if it's past that with circumstances? Okay, I think Emily, we can go on to the next one.

EMILY BARABAS: So our next charter question is focused on the channels by which the TEAC may be contacted. So the TEAC may be designated as a telephone number. And as we previously discussed, there's a question of whether telephone communications provide enough of a paper trail for registrars who may later want to request an undo based on the failure of the TEAC to respond.

In deliberations, there was discussion that phone may have seemed like a quick, easy and efficient channel for the TEAC when those requirements were first put into place, but that an alternative set of requirements might be more appropriate now, potentially some sort of authoritative system of record that would have more of a paper trail associated with it. And it was also noted by one member that it would be better for ROs if the TEAC communication occurs by email, because it does provide that paper trail. And the second comment sort of feeds into the following charter questions about pain points for registry operators. I'll pause here for further input. Thanks.

ROGER CARNEY: Great. Thanks. Yeah. And we did touch on this quite a bit last week. So Theo, please go ahead.

THEO GEURTS: Yeah, thanks. So I agree with email, that's the best way to document everything. I don't mind if registrar wants to call me or sends me a Skype or slack or LinkedIn message, giving me the heads up that there is an email coming. I think it's pretty reasonable, especially when there's an urgency. I mean, picking up the phone could be a fast track to get the attention of the gaining registrar. So that is all okay. But for the rest, when that process has been started, I want everything by email. Thanks.

ROGER CARNEY: Great. Thanks, Theo. Yeah, and that does seem to make sense. Again, I think we talked about it last week the email seems fairly responsive. I'm sorry, the phone number. I don't know that that's always the truth. You know, obviously, sometimes, a text message can be answered just as quick or more quickly. But I liked the idea of the phone, because it does show—but I don't know that—does it need to be a requirement, does it have to say that it has to be a phone number, or it just does need to be a contact?

To Theo's point—I think to many points that were made during the survey. I think that we have to find a way to be able to document this. And, yes, the phone number is great. But you lose the documentation out of that. I don't know. Email works well for documentation. Does that email need to flow into a central spot? Is it fine that each registrar maintains their own? Something to think about.

Thanks, Rick. Yeah. And Rick in chat, yes, phone call's great for alerting. And again, as Theo mentioned, maybe it's as simple as a Skype message that comes across, "Hey, check your email or

whatever, we've got this transfer issue." It does give you a quick nudge, versus even if it's a specific email addresses being sent to, it does provide that quick nudge to allow someone to go check that.

So I think that we're kind of coming to that agreement. And again, think about, is email good? Should it be a standard email box that gets checked or not? I don't know. But is the email at each registrar good enough? Or does it need to be centralized? At least tracking of it. The communication may still be an email, but when a request, an emerging transfer dispute is coming in or even regular transfer [inaudible] should that be tracked centrally somewhere? And again, more for thinking about ongoing data, knowledge and use, so we can look at trends and things like that.

Yup, exactly. Sarah, thanks for that in chat. When you centralize something like that, there's a lot of work that goes into that, and not just building the system or anything, but actually using it and you had to create a process when you do that and things like that. So that obviously centralizes—provides some benefits. But if the policy saying yes, this has to be done in email, then you can still do those data analysis because the data still exists there.

So I think what's we're saying is, yes, keep the possibility of a quick communication line there, being phone, whatever it is, a Skype, tweet, whatever it is, I don't know what it is, but also being able to state, yes, the formality should be documented in email. A good solution there that provides for thorough documentation and still provides that immediacy. Emily, I think we can move on to the next set.

EMILY BARABAS: Okay, next one is F6-F7. So again, this is one of these where it's sort of a set of questions with two charter question numbers attached. So we've got some pain points from the registries, and specifically around the obligation to undo a transfer under Section 6.4 of the transfer policy.

The first item is that registry operators do not have access to the designated TEACs for each registrar, making validation of an undo request nearly impossible. Roger, did you want to take these point by point? There hasn't been a lot of discussion on these items yet. So I don't know if it's helpful to do these one at a time or to read through all of them first.

ROGER CARNEY: Yeah, go ahead and read through them, and then we'll just walk through them.

EMILY BARABAS: Okay. So the first one is a about validation, and not having access to the designated TEACs for the registrars. The second is that there's no way for the registry operator to independently verify that the registrar did not respond within the required timeframe, or at all. And possibly having an authoritative email could potentially be a remedy or partial remedy to that.

The transfer undo requests associated with the failure of the TEAC respond are unilateral. So there's no validation required, leading to potential he said she said scenarios. And if there was

validation by the registry operator involved in this process, there's little time to do that within the five calendar day window in which the registry operator needs to take action. So we've got four pain points here. And I will pause. Thanks.

ROGER CARNEY: Great, thanks, Emily. So I think the registries laid out—I assume the registries put this in—some really good pain points or problems here that, looking at the registrars, to come to an answer, come up with an answer to. Is there something obviously policy-wise we can do to soften these or get rid of these pain points completely? Thoughts?

Okay, let's jump in that first one. Obviously, they don't have the details for the contacts, I think is what the big thing here is. It seems like something fairly easy to resolve. I don't know. I think that most registries—and maybe the registries can jump on—maintain a registrar contact. Maybe the TEAC is one of those elements that we can add to that registry contact if needed. And again, maybe this is the phone number or an email address or whatever. Rick, please go ahead.

RICK WILHELM: Thanks, Roger. On the TEAC, one of the things that can happen is that—this is not one of the ones that ICANN broadcast to their registry operators. And so if the TEAC changes at the NSp, it's up to the registry operator to detect that. So the ICANN doesn't let the registries know if the TEAC has changed. And so if the registry caches that—which most of them do—operationally they would

have to go check that freshness or have some process to update those but they don't get a notification if that TEAC changes.

And then of course, the registrar sometimes doesn't update the TEAC and the TEAC gets stale at the NSp. So those are two different problems. ICANN could help to solve one of them by publishing the TEAC to the registry operator when it gets updated. That would help. But then in some cases, ICANN can't really help solve the problem if the registrar has a stale TEAC, obviously. Thank you.

ROGER CARNEY: Great. Thanks, Rick. Thoughts on that? Again, I agree with Rick, I think that that's fairly simple. ICANN could probably do a push versus a pull there when it's updated. But that still doesn't solve the problem of stale TEAC contacts by the registrar themselves. But Rick, please go ahead.

RICK WILHELM: Real briefly. Thank you, Roger. I should note that stale TEACs are not a big problem. Because for most registrars, certainly, I would bet to all almost all the ones within earshot, the TEAC is very stable and seldom changes and is rarely stale. This is really more of an issue for the larger registry operators that do business with the proverbial long tail. And so that's where really kind of the issue is. Thank you.

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

SARAH WYLD:

Hi, thank you. So further taking a step back from specifically what the registry operator knows, thinking about where is the ultimate responsibility for determining if a transfer is valid or should be reversed, is not valid. And I feel like the registered name holder is really the party who knows where the domain should be. So if a registered name holder contacts the registrar, the pre-transfer registrar, the losing registrar, to say, "Where'd my domain go?" That registrar is the one who's going to determine if the registered name holder is lying about that. And maybe that determination is a conversation. Maybe there is some kind of indemnification. But ultimately, I think it might be best to get to a point where the registry doesn't have to make a decision, because then there's just a lot of different people involved in this decision making. And each one of them could throw the whole thing off, which is sometimes good, but maybe where we want to get to is what I put in the chat, like a chain, where the domain owner tells the pre-transfer registrar that this was wrong. And then they tell the registry and there's some sort of set of things that is in place. And then the registry returns the domain name. And it's not a yes or no on the registry's part. And there would be liability on the domain owner's part. I imagine if they're lying about it, they would lose the domain and maybe not be a customer anymore. I don't know. Those are my thoughts. Thank you.

ROGER CARNEY:

Great, thanks. And I think you probably get a big hug from Rick and all the other registry operators in that them making a decision on this is probably something they want to avoid as well. If they

get an instruction to move it and they know that that instruction has gone through the process—exactly, Rick. I'm sure they'd enjoy that.

I think the hard part is—I think you're right, I think the registrant—but it gets down to which registrant, because most likely, we're talking about two registrants now, and which one should have the decision of saying it's in the right spot? I think that's the problem that you run into, is, who has that decision? And maybe that's simple enough. And it's agreed to and it goes away. But typically, it's not going to. So how do you resolve that?

Yeah, and again, you're not necessarily talking about two registrants, but I'm guessing you are especially when we're talking about hijacking. I mean, obviously, if it's just something that happened as an error, it's probably not going to be a different registrant, and maybe they just moved it in thinking that there wasn't going to be a problem, but it occurred to be a problem.

But I think obviously, it's the scenario of when there's two registrars involved, how do you resolve that issue? And again, as the registries pointed out here, within a reasonable time as well, how do you do that? I think you will know fairly quickly that it may be a longer process than a shorter process. Obviously, I think If the two registrants or if it's the same registrant, it makes it easy in the process. If it's two different registrants and then they're fairly aggressively against each other, you know that that process is probably going to be a little lengthier.

Okay. Again, I think that the registries and Sarah would love to get to this spot where it's no longer really a decision. It's just, here's

the four checkboxes, they're all checked, okay, now I can do this. That'd be the obvious path to take. But how do you get to those? And what are those checkboxes that we need to go through to make sure that the registry doesn't need to make a decision? So thoughts?

Again, maybe this is one of those where I think we've talked about it where we've said, well, maybe there's multiple paths, maybe there's multiple paths here. If it's the same registrant on both ends and they say undo it, it's fairly easy to do. Even if it's different registrants but they agreed to it, maybe it's fairly easy to do. I think that maybe that doing the happy path there is fairly easy and quick to do. I think that maybe there are multiple paths here that we can look at. And maybe that's the solution. There isn't just one way to go.

Okay, again, think about that. Look at these specifically. And I think that the hard one is that he said she said where it's two different registrants, and they're not willing to work together well to resolve it. And again, it just puts everyone in this spot. But I think that that's the path that needs to be looked at and thought about. Okay, Emily, why don't you take us through the next.

EMILY BARABAS: So that's the end of the charter question set. We can touch briefly on a couple of other things that came up in the conversation last week that will probably come up again and might need some more airtime as well.

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One of the other pain points that was brought up was about sort of an awareness and education component. So not everyone knows about the TEAC channel. And it's not always clear when it should be used. So is there something different that's needed to help people understand the purpose and function of the TEAC? And I think that probably goes hand in hand with the question about restrictions. It's sort of the softer side of restricting when the TEAC is used, is making sure that there's a consistent understanding about when it's appropriate. And a question was raised about whether emergency circumstances should be further defined or guidance should be provided about when this channel should be used.

And then there was a bit of discussion last week about the function and purpose of the TEAC. So especially if there's going to be more guidance or structure around the function and purpose of the TEAC, what would that be? And so there was a little bit of discussion about when the TEAC is currently being used. And at a high level, it's about when domains have been transferred, but that transfer should not have occurred. And often, there's a time sensitivity related to that. But there could be different reasons. So it could be a hijack, it could be an error and so forth. And those circumstances could be malicious, could involve malicious behavior, but not necessarily.

And some working group members noted that there might be sort of a different channel or path if a domain is high-value or high-profile or something like a financial impact or a safety issues is raised as a result of the transfer, then that may be in different

channels appropriate compared to circumstances where that's not the case.

So this may be an area that we want to come back to, especially as we're defining kind of the relative roles and paths of the TDRP and the TEAC and any gaps that may exist, but perhaps that's something folks can give some more thought to. And we'll have a more structured conversation around that in the future. Thanks.

ROGER CARNEY: Great. Thanks, Emily. Okay, good. And again, I think we have made some good progress here. We've identified some at least thresholds we can start to work with and put in here and start discussing, but I think that obviously the items that people are thinking about—important, again, timelines, I think, we would come with a few possibilities. So we'll put those in, and we can discuss those further.

But I think it's good that we're able to kind of resolve the phone and the logging issue. I think that we need to come up with some language that fits that well. But I think that the resolution of making sure that there's a documentation path outside of phone is important.

Okay, so we only got a couple minutes left. Good to go through all these once. But I think we have some polls here to finish. But we have a good start on updating a few of these, or answering a few of these. So that's good. But I think that's a good stopping spot for the day. Any comments from anyone? I think we have just a

couple more meetings before ICANN 76. So we'll try to get things lined up for that. So Emily, please go ahead.

EMILY BARABAS: Thanks, Roger. That's a good prompt. So we do have two more calls before ICANN 76. Next Tuesday is the 28th. And the following meeting is scheduled for the 7th. If folks are not going to be able to attend the call on the 7th because you're traveling early or have other obligations on route to Cancun, please remember to submit your apologies early or just ping staff or Roger and just let us know so we can get a sense. We don't want to hold a call if we're not going to have enough people. So please think ahead and let us know if that's going to be an issue for you. That's Tuesday, the 7th and ICANN 76 starts on Saturday the 11th.

ROGER CARNEY: Great, thanks. Okay, I think we can wrap it up and we'll see everybody next week. Thanks, everyone.

[END OF TRANSCRIPT]