ICANN Transcription

Transfer Policy Review PDP WG

Tuesday, 24 January 2023 at 16:00 UTC

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JULIE BISLAND: All right. Good morning, good afternoon, good evening, everyone. Welcome to the Transfer Policy Review PDP working group call taking place on Tuesday the 24th of January 2023. For today's call, we have apologies from Keiron Tobin, Eric Rokobauer, and Catherine Merdinger all from the RrSG. They have formally assigned Jody Kolker and Jothan Frakes as their alternates for this call and for remaining days of absence. As a reminder, an alternative 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 Zoom Room functionalities. If you have not already done so, please change your chat selection from

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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. All right, I don't see any hands.

Please remember to state your name before speaking for the transcription. Recordings will be posted to the public wiki space shortly after the end of the call. And as a reminder, those who take part in the ICANN 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. Looks like we're getting a few more people on. So that's good. While we jump into our agenda, just a couple, I suppose reminders. We're trying to wrap up phase 1A discussions and any cleanup by the end of the month, which means this meeting and our next meeting, before we start into phase two discussions in the first week of February there. So we just have a few last items to clean up. And we'll go over a few of the items today as well.

Couple of the items that we still need from the small teams is the rationale for recommendation 13 on the TTL. I think Rick and team were talking about maybe a smaller rationale than what was presented a couple of weeks ago. So we're still looking for that. And the sooner the better so we can get agreement on that rationale, so we can get that past us. I don't know if there's an

update on that from that small team or not. Anything from that small team?

Okay, again, we'll need that rationale, or we'll have to go with the rationale that we have. So just, again, we want to wrap this up within the next week or so. Thanks, Rick. And the other item open, I think on the small teams, was the threat vectors team. I think that there was still a writeup that they were working on. I know they had some preliminary stuff done. But there was a write up on that. And again, we'd like to get that wrapped up before we move on to phase two. So I don't know if the threat vectors team has any update on that.

Okay, again, [inaudible] up from the threat vectors. I know they had something, I believe the last ICANN meaning that they were working on cleaning up, so that as well before the end of the month. The only other item I think is just a call for the stakeholder groups, anybody that has anything they'd like to bring forward to discuss or anything they've been talking about in the past week or so with their own groups that they want to bring forward to the group. We'll open up the floor to any of the stakeholder groups to have anything they want to bring forward.

Okay. All right. I think that that's all I had for any updates or anything. So I think we can move into our agenda up into our input on Recommendations 10 through 22. We didn't receive any input. I am going to take as everybody has read this and likes our updates that we had done. Thanks, Emily. There's the document in chat.

Again, I don't know that there was anything too contentious in 10 through 22. But again, I think that hopefully everybody has had a chance to read it. We've had this open for quite a while now. And hopefully the lack of comments is proof that we have documented this correctly. So again, the goal here is to give everybody the chance to review this and make any comments because we don't want to see any surprises come when we start writing the report on this and say, oh, yeah, but we thought this and that. Thanks, Steinar. I think that's the important thing, is just having everybody have the time to look at it and make sure that they're comfortable with it so we can move forward and not have any surprises later on.

Okay, so again, we'll assume everybody's done their homework, has read through this, and we're all good on these and we'll move forward with these and put this past us and move forward. Okay, item four. Oh, the proposed language from Compliance on record keeping. I think I'll turn this over to Holida to walk through.

HOLIDA YANIK

Thanks, Roger. In response to the group's suggestion, Compliance has drafted the presented proposed language concerning keeping transfer-related records for your consideration. And as you can see, this language—I can read it so it will be easy for me also to go through it.

So registrar shall retain all records pertaining to the provision of the TAC to a registered name holder, as well as the notifications sent per the requirements under this transfer policy. At a minimum, the records retained in accordance with this section

shall document the date, time, means and contact to whom that TAC and notifications are sent.

Registrar shall maintain these records for the shorter of two years, or the longest period permitted by applicable law and during such period shall provide such records to ICANN upon reasonable notice.

So this proposed language was drafted in a way that would provide coverage for the type of records that are not contemplated under the current registration accreditation agreement and the current transfer policy. This was initially explained in our previous inputs.

And we also believe that this text would also provide coverage for other means of more modern communication. That was initially referenced in the initial report with regard to the provision of notifications.

And further, it provides clarification for the information that these records shall contain so that the registrar maintains and provides to ICANN the relevant records upon requests so that the compliance will be able to determine registrars' compliance with obligations concerning the provision of TAC and required notifications to a registered name holder.

And yes, Sarah, that's a good question. I'm coming to this point. This language has been drafted in light and in alignment with the current RAA requirements. So the period suggested for keeping records corresponds to the data retention period required by the RRA.

And at the same time, as you can see, it also does not prohibit registrars from setting their own retention periods to comply with data retention requirements set by applicable laws that registrar is subject to. So kindly submitting this for your review and consideration. Thank you.

ROGER CARNEY   Thanks, Holida. This was I think sent out at least a week ago, so hopefully everybody's had a chance to review this and has their questions ready. So good question, Sarah. Holida, please go ahead.

HOLIDA YANIK: Yes, we have reviewed the suggested period in the drafted registration data policy, but we attempted to base our language on the currently enforced requirements. But this is open for any suggestions. And we also expected that the working group would be suggest to align the requested period with the requirements of the data policy. So this is open for discussion. And this is not the final language that we are proposing. Waiting for your consideration and any suggestions and feedback.

ROGER CARNEY   Great, Holida. I can't remember exactly—I know that the talk on the registration data policy was between 15 and 18 months, I think it settled on 15 finally. Maybe someone can correct me if that's not right. But the other thought that popped into my head when I read this was, does there need to be anything said about data processing agreements or anything like that as far as providing

the records as well? And I don't know if it does or not, if that's covered, but just something to think about and something people can think through.

Okay, thoughts from the group? I think that the group asked Compliance for this, just to get some record keeping requirements in place as well, just for proof of any of the actions that are being taken. So it seems like this is a good shot at—we're at records retainment kind of requirement here. The timeline as Sarah brought up, I think obviously should be aligned to whatever the policies coming out is. And again, I don't really specifically remember because I remember talking about 15 months and 18 months. But it seems like it would be good to align those together.

Any other comments, questions, feelings for putting this in as a requirement into either a new recommendation or adding to another recommendation? Thoughts on that? Thanks, Holida, does say 15 months. Okay. I think it's good. The working group requested this from Compliance. So I think that we should work this into, again, either a new recommendation, which seems to make sense, or if there's a place to fit it into other recommendation, then we can do that. Since it encapsulate a lot of different items here, to me, it seems like a standalone recommendation makes sense. But Thanks, Sarah. Yeah, I agree, a separate one. Okay, any comments, suggestions, concerns about turning this into a recommendation and aligning that with the 15 months? Emily, please go ahead.

EMILY BARABAS:	Thanks, Roger. And I think in your recap, after I raised my hands, you pretty much covered it. But just confirming indeed, standalone recommendation is what we will draft from the staff side using this language for the most part, but making that adjustment with a 15 month period consistent with the IRT's outputs. And that will come out in the next redline. Thanks.
ROGER CARNEY	Great. Thanks, Emily. Thanks, Prudence. Okay, thanks, Holida and team for putting this together and bringing it forward. I think we can move on. I think we went through this fairly well last week, if I remember right, talking about the text for the override or exemption from, I would say not an exemption but an override from the Rec 17. Sarah, your hand is up, please go ahead.
SARAH WYLD	Thank you. I am still really not sure how I feel about this Rec 17. I like flexibility. You know that. but also, I'm concerned that it would cause customer service nightmares, people who think they are eligible but they're not. It might be difficult to document why decisions are made. I don't know, I just hesitate. That said, I do have a couple of suggested changes that are not really substantive. But I do think they just help clarify the text. So I wanted to start with those.
	Okay, so where it says the registrar may unlock the domain, I think it should instead say the registrar may remove the registrar lock from the domain name, because that way it corresponds to the beginning of the sentence where it says they must apply a

post change of registrar lock. So I'm going to say instead of unlock, we should say remove the registrar lock. And sorry, I can provide this in writing later if that would be helpful. Emily, whatever, you prefer.

ROGER CARNEY   Maybe if we can capture it real quick, that way people can start thinking about it, too.

SARAH WYLD   And where it says less than 30 days, I think that should be fewer than 30 days. And then I was interested in why it says for the purpose of an inter registrar transfer, just because I can't imagine what else purpose it would have. So I think we could remove that phrase for the purpose of, and then we could add in at the registrar's discretion. To me, I think that would be useful change.

ROGER CARNEY   On your registrar discretion, is that in place of on a case by case basis?

SARAH WYLD   No, that's just before it. So removing for the purpose of an inter registrar transfer, but not quite replacing it with at the registrars discretion, but then adding that in after. Wondering if I could paste like a screenshot into the Zoom, because I have it written down. No, okay. So those are the changes I'd like to propose at this moment. Thank you.

ROGER CARNEY	Okay, thanks, Sarah, and as Sarah said, she's not sure if she's in support or not, that she's still thinking about it. But then, I think that's one of the goals, really, for today's meeting, is to get that thought process through of if you are supportive of it or not, because we'll keep the language or not keep the language moving forward. So again, introducing it last week or two weeks ago, whenever we did, giving everybody time to review it was the goal so that we could get some forward commitments. I know Steinar did ask that on the call as well as, is it something that the group's going forward with or not? And at that time, it was not, it was just a proposal. So now is that time to see if we're moving forward with or not. Owen, please go ahead.
OWEN SMIGELSKI:	Thank you, Roger. Sarah, thank you. We should have had you on the small team, would have made this a lot easier. But I think I like those changes, except for the one where we suggest removing for the purpose of an inter registrar transfer. I think that wording does need to be there. Otherwise, registrars will just start removing locks just for the heck of it for other reasons, and we'll lose them and things could then transfer if it wasn't intended to be for the transfer period. So I think we should keep that just to keep it very narrow in that scope so the locks aren't just being removed.

And Jothan put in chat, "Can we please say client transfer prohibited status instead of registrar lock" I don't think we should do that. Because I know that there are other ways to prevent a transfer lock other than by setting an EPP status. There can just |

be an internal registrar flag that says allow transfer, don't allow transfer, which may not appear in the RDDS. And so I think we need to leave it up to the discretion of the registrar to determine how they're going to lock a domain name. Because other places in ICANN agreements and policies, it does not necessarily specify exactly what a lock is, just that it leaves up to the registrar. Now that I'm talking, I realize the UDRP does have a UDRP lock, but that's a very specific type of lock. But I think we should just give the registrars the option to figure out how to do that. Thank you.

ROGER CARNEY   Great, thanks. It sounds like Sarah's okay with leaving that piece in. And to your point on registrar lock, we've tried to be not specific about that so that that is a flexible business model so that it can be an actual EPP status or it's not necessarily the specific EPP status or it can be one of a couple, or as Owen suggested, it could be just an interim process that locks it. And again, I think that we've purposely tried to allow for that flexibility there. Jothan, please go ahead.

JOTHAN FRAKES: Well, I'm trying to catch up with the chat here, because there seems to be a dialogue going on about what I proposed. I think I like the wisdom of what Owen is saying, I just want to make sure that we have defined what registrar lock means if we're going to use it here. Because when I hear registrar lock, I think client transfer prohibited, because I'm thinking in terms of how I would implement this as a technologist, but I do the point about some registrars may have some other status that they use to alter the

eligibility. I think that as long as we define what that is, we're basically saying whatever it is, we can call it the transfer ability or whatever we call it, registrar lock just isn't specifically defined. And we'd want to make sure that whatever we're setting could be unset as part of what we're defining here.

Just for me, as a guy who's going to have to go and implement this stuff, or out of respect to people who are going to have to go and implement this stuff, I know the better we define it, the better it works. And it really does help customers. I saw Steinar put a comment where there's a concern, I guess, about some sort of opacity to a transferability status for a domain name. So I think I'm going to want to know, as a gaining registrar, if somebody wants to transfer domain to me, it seems to me that whatever statuses are cleared and the creation time as had been defined in recommendation 17, that I can actually accept and process that transfer.

So, that's something that I want to make sure we at least define somehow. So if we have gone through and done a glossary—and it's been a long road already in the group, if we have defined what registrar lock means, then then this is fine, but I was suggesting the wording. But I do take into consideration what Owen is saying. And I think what he's saying is wise. So however we can make that clear to somebody who has to go and actually implement this, I guess, my, uncaffeinated point. Thank you.

ROGER CARNEY   Thanks, Jothan. Yeah, and I think maybe kind of touched on it there. And maybe a couple of things in chat were touched on. This

is policy language. And as Berry said, I think the working group kind of came down to restricting or basically policy says a lock is in air quotes because it's not defining the implementation values of that policy should not—or if it does, it's for a specific reason, and those implementation issues should be left up to the implementers, or the IRT itself. So I think that that's the thing we've tried to avoid going through our discussion. Jody, please go ahead.

JODY KOLKER: Thanks, Roger. I just wanted to add an example. And I'm not sure how I feel on either part of this. But um, I know that some registries do not allow a domain to be transferred away within 60 days of the create date. But there is nothing in the WHOIS or in the actual EPP commands or responses to say that the domain cannot be transferred away.

For instance, there isn't a server transfer prohibited lock on the domain. It's just something that's written into the registry to say, you can't transfer this domain name away within 60 days. But the only way you can know that is to call the registry and find out about the rule.

I think that's a little hard to explain to customers. And actually, it's happened to me where I specifically said the domain could be transferred away, but the registry had a lock on it, but it wasn't displayed in the WHOIS and it's not displayed in the EPP commands.

So I think I'm kind of with Jothan on this that there should be a lock on that domain if it can't be transferred away for whatever reason. But I understand the part of not having a part of the implementation. I'm just throwing some opinions out, I guess, and I'm not sure where I am on this. But that's been my experience with registry locks that don't exist on the domain. Thanks.

ROGER CARNEY   Great. Thanks, Rich, please go ahead.

RICH BROWN: Hello, everyone. I'm not really debating the status locks at this point. I just want to state I'm actually against this entirely, this change. We put in place the 30-day hold or will be hopefully, and we still haven't determined our phase two stuff about clawbacks or transfer disputes and what have you. And historically, couple of years back, domain theft was rampant. And they were skipping registrars, meaning they would transfer from one registrar to another and then immediately to a third, negating that original registrar's ability to really dispute the transfer, even if it was disputed, because where the domain transferred to, that domain is no longer there.

So I personally think this is just disabling our ability to enforce any sort of dispute policy that we might put in place, or might even make it harder for us to put such a policy in place if the domains are going everywhere, based on registrar discretion. So just wanted to bring that up so everybody's aware of that. And I think

this change will be detrimental to our future. Anyway, I'll give it back to everybody. Thanks.

ROGER CARNEY   Thanks, Rich. And good point on bringing up the dependency and obviously, the reason why we're pulling our work forward. So this does have some lingering dependencies on our dispute discussion. So obviously, we want to get this down and get a good agreement on it and move forward. But obviously, if we find something in our future discussions that will break something, we will revisit. Emily, please go ahead.

EMILY BARABAS: Thanks, Roger. So I just brought up on screen the latest redline to remind people what's in the report currently, and this has not been revised since the initial report. So this is what the working group came to agreement on prior to the initial report being published. And as Berry mentioned in chat, it uses the term restriction or restrict rather than using the term lock. And that was by design for the working group that, as you see here—there are a couple of places where the term lock is used as sort of a shorthand in the response to the charter question. And there's a footnote here to remind everyone that the term lock is not intended to imply or require a specific technical solution for implementation, but rather, is just being used as shorthand for a restriction.

So what I wanted to highlight here is just that—not that this isn't an issue that is of importance, but that it may be sort of a distinct question about whether the group wants to revisit this. And maybe

that's its own conversation. And the proposal to modify the existing recommendation with this exception is potentially a separate conversation. So I'm not sure if we want to kind of take those separately or kind of find a way to make sure that we're sequencing them in a way that makes sense.

I will pause there. And there's actually one additional question that I think we want to introduce into this conversation as well, in looking again at the language of the recommendations to make sure that they're sufficiently clear. But we can bring that up when we're done with these two items. Thanks.

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

JOTHAN FRAKES: Yeah, thank you. I think Rich Brown brought up a good point here, is that, why are we talking about this? Why was this introduced? And the registrar hopping thing is something that is an important consideration. I know I had proposed or suggested that at some point, if there was a way that the registry were tracking how many hops in a given timeframe, that might be a good data indicator, but that isn't tracked. And we don't have a way to really look at that.

But I think what we're thinking about here is the integrity of the registration—registrant in case of it's taken, and balancing that against the flexibility to perform market needs or customer needs. And I know that this is going to be interdependent on what this rollback looks like that we discussed in the next phase. So what I wanted to maybe suggest is or ask as a point of order is, if we

define this, I suspect that we're going to come back and look at it if we look at the rollback stuff and consider, okay, now that we've set the rollback to whatever it is, that this is something we need to revisit. So as just a question about procedure, once we define this, once we let the dust settle on this, are we going to be able to come back to it and modify it once we start to have the conversations, the important conversations, I think, about the rollback, because they're very interdependent.

ROGER CARNEY   Thanks, Jothan. Yeah, and again, the point of walking through all these recommendations and making sure that we agree to them is so that we can move forward. But again, to Rich's point, and to Jothan's intervention there, if we come up with something in the future that breaks something or makes us rethink something substantially, obviously, we'll revisit those items.

The whole purpose of moving phase two forward was to get those dependencies identified and resolved prior to moving forward. So I think obviously, if we come to an agreement in March or April or May, whenever it is, that, hey, this is how this is going to work, and it breaks something that we said, we'll definitely get back to revisiting that. We will have to so that we have something clean that we're not breaking every time we look at it. So Steinar, please go ahead.

STEINAR GRØTTERØD: It's more like a common to Jothan's about the registrar jumping. My thinking and my hope was that the increased security that we

have added into this updated policy will reduce the registrar jumping in the G environment to some sort of a minimum.

Of course, there will be possibilities. But there will be possibilities to jump. But then you have 30 days lock, if it's not an opt out feature, being an enabled. So, in essence, the argument of registrar jumping doesn't really ring in my mind at all. Thank you.

ROGER CARNEY   Thanks, Steinar. That's a good point to bring up, is this lock isn't the only one thing that we've done to improve the security. So it's that package of enhancements we've made that improves this. But again, obviously if one of our future agreements breaks something, we will take a look at it and review it.

Okay. Any other comments? Thanks, Sarah, for some language updates and everybody for the discussion on this. I want to thank the small team because I think this is a lot of work. And again, obviously somewhat controversial. It seems like a good idea, but then it seems like it breaks things. So I think that it's great that we have this body of work and that we went through this process to discuss it.

At this time, it doesn't sound like we have a great agreement on this. But I think that as everyone's pointing out, the discussion is based on everybody's future thinking, the future discussion. So I think that that's the important thing, is great work being done and great discussion on it.

It doesn't seem like there's big support for this right now. Maybe I would ask—maybe nothing super formal or anything but

representatives to their stakeholder groups, discuss this—we're hearing a lot of individual remarks here, which is okay, but we want a stakeholder feeling of this. Does it make sense to keep this? Does it make sense to review this when the rollback features or whatever happens in the dispute mechanisms comes through?

But I think it's important to take back to your stakeholder groups and say, okay, this was proposed language. Does it make sense? Do we support it, do we not? And again, I don't think it's a formal thing. Right now, as we know, this is a topic, even the 30-day lock, I know that when we discussed that, people said, well, that depends on the dispute mechanisms we come up with.

Thanks, Sarah. Yeah. And I think that's the feeling I get from everybody, is a decision on this is rather difficult without knowing the process in full. So Emily, please go ahead.

EMILY BARABAS: Thanks, Roger. So if we're wrapping up on the proposal, I might ask if we can take just a moment to talk about 16 and 17, and some possible cleanup that we want to do in the language that doesn't change the intent. It's not related to the proposal, but might be something to consider for the group.

ROGER CARNEY   Perfect. Thanks, Emily. Okay.

EMILY BARABAS:	So as I think you all know, the staff team is going back and doing some additional work to clean up rationales, look for any inconsistencies and so forth. And one of the things that we came across as we were looking at these recommendations, was we realized that it doesn't specifically say what happens in the case that there's already a practice, either through the contracts or through the registries' practice of having a 60-day lock after the domain is created, or after the transfer happens. So if we create this new 30-day restriction, should there be language in the recommendation that says any existing 60-day locks that are currently put into place will essentially go away in the future? So ensuring that consistency by being specific that the 60-day restriction where it exists should be going away. So that's the question from us to hopefully make sure the language is clear and implementation. Thanks.
ROGER CARNEY	Great. Thanks, Emily. Great call out. As we know, there's some conflicting setups on this. I think I've heard this actually in hallway chats as well, the assumption that the 60 days is going away. So I think that it's important that we document our expectation here that the 30-day lock is a 30-day lock and not a 30-day minimum lock and somebody can do a 60-day lock on top of that. The whole point of setting these to 30 and both of them to 30 was a consistent feel for everyone, not just registrars and registries, but consistent for the registrants as well.

So my perspective when we went through this anyway was that any existing lock requirements would disappear and these would override those. But maybe others have a different opinion, but

that's the feeling I got from the group. And should we make textual or language in the policy that states that? Does it need to be in the recommendation? Can it be a footnote? Can it be whatever? But we should probably resolve that because obviously, the question is going to come up. Thanks, Sarah. Yeah, I thought that 30-day was replacing those as well. Berry, please go ahead.

BERRY COBB: Thank you, Roger. Just to put more substance around this, in today's world as staff understands it, the 60-day—and I dislike using the word lock now, but I think that's how it's described in today's world, most of the requirements that are set are set by varying contracted parties, and most likely those are through instruments outside of the registry or registrar agreements. And so I think it's very important here that if the group does continue to support this particular recommendation, it actually needs to be precise within the recommendation text itself to be able to enforce that mechanism.

Put another way, for some instances, these requirements are listed within the RRAs or the registry registrar agreements, which I believe ICANN is not necessarily a party of. So without a specific consensus recommendation, I don't believe we would have a mechanism to enforce that. And so I think the specificity here is very important. Thank you.

ROGER CARNEY   Right. Thanks, Berry. Yeah, I agree. I think that we need to specify that. And again, I don't know if we need to call out 60 days or not,

but specify that the other locks at these points for these reasons are not valid any longer, however we say that. Thoughts, comments from the group? Good places to put the language on this? Do we embed it right into recommendation 16 and 17? Is it just a footnote on both of these pages? Thoughts on that?

Again, I think to Berry's point, it should be clear. So I don't know if a footnote is always as clear as you want it. To me, you still have to read every footnote and worry about every footnote, but thoughts on that. Thanks, Emily. Yes, ideally in the body. And again, what that language looks like, I think it will be a fairly interesting addition.

Okay. Thoughts from the group? Staff is willing to come up with some language to put in these recommendations to account for this. Thoughts from the working group. Thanks, Sarah. Okay, let's go ahead and have staff write something up and we can review it. Hopefully we can have that done before our meeting next week. Now I'm putting staff on the hook so that we can get that closed out in our last meeting of the month next week. Okay, sounds great. That will be the plan for this, to clean these two up and clean that issue up,.

All right. I think we can move on to our next agenda item, unless there was anything else to clarify on these, Emily.

EMILY BARABAS: That was it. Thanks.

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ROGER CARNEY	Okay. Great. Okay, on to number six. Oh, I think you have this as well, Emily.
EMILY BARABAS:	Thanks, Roger. So, again, in going back to our latest version of the redline, we realized that there's still some work to be done on the recommendation regarding the losing FOA, which we are now calling the transfer confirmation as a preliminary agreement. So I'm going to bring up the latest redline for everyone to follow along.

You'll recall There's some bracketed text that was for further consideration. And we'd like to go through those items and a couple of other suggestions that people made verbally on calls that didn't get discussed so that we can make sure to incorporate those as well.

So if you'd like to follow along in the redline itself, you can go to this page in the wiki. And it's the 21st December version of the red line, it's at the top of the page, you can download it there.

So our preliminary recommendation essentially says that we're keeping the losing FOA. And we had the suggestion to use the term transfer confirmation in place of the term standardized form of authorization or FOA. We didn't hear any opposition to that, but wanted to confirm whether that's actually something that we're going to be going forward with and including throughout the report. So I'll start with that one, and then pause to see if there's any feedback on that specific term.

ROGER CARNEY	Thanks, Emily. Any comments? Concerns? Okay, everyone is good with that. So we'll use that. Theo, please go ahead.
THEO GEURTS	I'll have to read this over carefully because there's a lot of processing going on now. Thanks.
ROGER CARNEY	Okay. Thanks. Okay, back to you, Emily.
EMILY BARABAS:	Sorry, before you—
ROGER CARNEY	Go ahead, Jim.
JIM GALVIN:	I was having trouble finding the raise hand thing. I'm just being cautious because I'm concerned about the statement must include the gaining registrar's IANA ID. I guess from the point of view of gTLDs in this particular space, that's always true, there'll always be a gaining registrar ID. But I'm wondering if there's room for also suggesting that a name could be included, not as a replacement, or if that's even necessary in this space. That matters to registries who deal with other than gTLDs. That's always a cause here. So I'm just concerned about how this is worded in terms of being overly constraining. So just being thoughtful, more than wanting to object or make a suggestion for something different. Thanks.

ROGER CARNEY   Great. Thanks, Jim. I never thought about it in the ccTLD. But when it said ID, to me, it was at least in my head, as soon as I saw that, I was like, okay, I'm saying to Tucows and then in parens there, IANA ID. So I suspected that most people would identify the gaining registrar by name, as well as providing the ID, but the idea is obviously the key to the system. So, Emily, please go ahead.

EMILY BARABAS: Thanks, Roger. I was just looking at the recommendation 4.3 for the—this is the notification of transfer completion. And what it states there is that the notification must include the IANA IDs of gaining registrars, and a link to the ICANN maintained webpage listing accredited registrars and corresponding IANA IDs. And if available, the name of the gaining registrars may also be included. So we could potentially include that language as well in the losing FOA recommendation to provide that flexibility. So I don't know if that is helpful or provides some more consistency, but we welcome some input on that. Thanks.

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

SARAH WYLD   I have feedback on these changes and I hate to say it, but I kind of want to ask if we can go back to the 30-days transfer lock exception thing for a minute also, but I'll talk about this first if that's okay.

ROGER CARNEY   Sounds good. Thanks.

SARAH WYLD   Okay. So basically just mirroring what I put in chat, I know it's useful to verbalize. So I'm fine with changing the name. I think that is a helpful change. In terms of including beginning registrar's IANA ID, I don't think that's going to be super helpful, but I don't hate it. It's whatever, it's fine. So I'm okay with it.

The opportunity to accept and cancel the transfer, that one does concern me. I know that in today's process, it's optional to have the acceptance button in the email. I would personally rather keep it optional as it is today. But I think I'm the only one that feels that way. So I'm willing to not get my way. That's okay. And finally, the language is good. Thank you.

ROGER CARNEY   Great. Thanks, Sara. Let's go ahead. Sarah, you said you had something on the 30-day you want to—

SARAH WYLD   I do. IT turns out there's a confusion as to the applicability of that. And so I'm not sure if it was written in such a way that that exception applies to new registrations that are locked and also transfers or only the lock after a transfer.

ROGER CARNEY	Yeah. And the small team decided that it applied to only post transfers.
SARAH WYLD	Okay. So the current language is that the 30-day lock after a new registration is always 30 days. But after a transfer, the current language says there might be this exception with the proposal.
ROGER CARNEY	Right. That's the proposed.
SARAH WYLD	Thank you.
ROGER CARNEY	Yep. Okay. Emily, please.
EMILY BARABAS:	Great. Thanks, Roger. So if folks don't mind, maybe we'll take these one at a time and try to get some conversation on each of them just to make sure that we have an opportunity to flesh out each one.
	So we focus first on the transfer confirmation. It sounded like we didn't hear any opposition to that and some support. So we'll take, it sounds like, the action there is to take the brackets off and propagate that throughout the rest of the report.

Second item was the transfer confirmation must include the gaining registrar's IANA ID. I see from Jim in chat that using that language that parallels the notification of transfer completion. So not just saying gaining registrar's ID, IANA ID, but also including that additional language would address his concern. I haven't heard any opposition to that. But maybe I'll pause for a minute to see if people are concerned about that. So the suggestion would be that the gaining registrar's IANA ID is mandatory, as is a link to the ICANN website with specifics of listing the registrars and the IANA IDs, and then if available, also the names of the gaining registrars. So any concerns about adding that language to match recommendation 4?

JIM GALVIN   Really, it's just the consistency, making it consistent between the two.

EMILY BARABAS: For the moment, I'm not seeing opposition, and I heard Sarah say that she is not thrilled with the gaining registrar's IANA, but I haven't heard any additional folks stepping in for or against. We included this in brackets because some of the previous conversations, there were voices on call saying that it would be potentially helpful to have that information at that stage to help assess the legitimacy of the transfer request, but I'll pause to see if there are any other inputs. Thanks.

ROGER CARNEY   Jody, please go ahead.

JODY KOLKER: Thanks, Roger. When we discussed the IANA ID, we specifically wanted to be able to determine—basically to be able to give the customer, the registered name holder, an ability to be able to determine where this domain registration was going, so that the customer itself could determine that this was a good transfer, that it was being transferred to the correct registrar.

Now, the IANA ID doesn't mean anything to anyone, a to registered name holder, most of the time. It's the actual registrar name that is what is needed. But I'm sure that Theo is going to come on and say, "Well, that might not mean anything either because of the resellers that are underneath a registrar and the registered name holder won't even know that registrar."

But at least it's a start, at least that gives them something to look at. It would be up to the gaining or the losing registrar, actually, to send out, the registrar of record, the name of the registrar, actually to do a lookup of it or create a table of it itself. But I think it's helpful for the registrant to be able to know where the domain name is going, even if it's going through a reseller. Thanks.

ROGER CARNEY   Great. Thanks, Jody. Yeah, and I think that the ID may not mean a whole lot to some people. Obviously, someone that's used to transferring knows where they're going, it may be useful. But the name being useful. And to me, the idea is useful, not just potentially for the registrant, but for anybody that's reviewing this after the fact, looking at a compliance issue or anything like that,

or losing registrar that wants to investigate, whatever it is. The ID is more important to those actors than they are to the registrant themselves. So Theo, please go ahead.

THEO GEURTS   Yeah, thanks. So, what we are doing with the losing FOA, and we've been doing this for more than a decade, I guess, is we just mention the IANA ID of the gaining registrar and just look in our ticket system to see if there were any questions about the IANA ID. 10 years is a lot of data. And I have to confirm nobody ever asked us like, what IANA ID is it, what does it do and where is my domain going to go? I don't think it's that confusing, because I suspect most people don't even process it.

Personally, I find the IANA ID very handy, especially with UDRPs. I know most registrars' IANA IDs for the corporate registrars from within my head. But sometimes it's coming from a different registrar that I didn't anticipate. So it's always handy to look it up like where is it going and confirm it with the lawyers, hey, are you requesting the transfer from this and this registrar? And then it's either confirmed or not confirmed. So it's kind of handy and it doesn't create a lot of support overhead, as I just mentioned. Thanks.

ROGER CARNEY   Alright. Thanks. Jim, please go ahead.

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JIM GALVIN	Thanks, Roger. I want to make two comments. One, to put a slightly different spin on this gaining registrars IANA Id, I think under the principle of wanting to improve the security of the system overall, one of the vulnerabilities that's always present is once you give the tac to the registrant, the security of the system is now completely dependent on the registrant or registered name holder to maintain the protection of that item.

If for whatever reason, it gets out of their hands, and is otherwise used inappropriately, this is the mitigation for that. You must have this IANA ID because you have to have a way to convey to the registrant, the registered name holder, where the name is going. They need to know that the transfer that's in progress is the one they asked for.

Now, choice of IANA ID versus something else? Well, that's just frankly a function of the system which we have available to us. Yes, there's a lot of resellers out there, or yes, registrars might be using a name that's different than their IANA ID that's different than the name that's in the registry at IANA. All of those things are true. That's just an unfortunate consequence of our system.

The IANA ID is the only unique and unambiguous identifier that exists in the system. So that has to be what goes here and it has to be what's passed down. Operationally, that means both the gaining and losing registrar are going to have some things that they have to do to make this useful information and to facilitate the registered name holder.

For example, even on the gaining reseller side when they initiate the transfer, I would imagine that they would probably tell the

registrant or the person submitting the TAC that oh, by the way, you're going to get a confirmation request. And it's going to look like this, because they ought to know what it's going to look like so they can tell them, you should expect to see this. And if you see anything other than this, call us back and talk to us, or perhaps you tell them to reject it, I don't know. But that's kind of where I'm going with this.

And then on the losing side, there's nothing more that you can do except display the name that's in the IANA registry. Whatever that happens to be. And the registered name holder has to figure it out. All of this is just a function of our system and where it is. So I just wanted to call out that particular detail. And maybe I'll pause there, a couple of the hands went up. I had another point but I'll wait on that. Thanks.

ROGER CARNEY   Great. Thanks, Jim. Owen, please go ahead.

OWEN SMIGELSKI: Thank you, Roger. So I think in these discussions, we need to frame them that we should be talking about tech people here and not registrants. Because in my experience, working with customer support, as well as working in ICANN Compliance, people don't know what's going on. They're not reading these things. They're not going, "Oh, I've got this transfer request here. Does the IANA ID match up?" They barely read terms of service and things like that, and vice versa, shrink wrap licenses, etc.

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And even if they do start going down in there and seeing these IANA IDs and names and stuff, it might actually be more confusing in there because say for example, if you're using a reseller model registrar, such as Tucows, who I don't know how many resellers they have, tens of thousands if not more, that may just be really confusing for them to say, "Hey, you're going to this IANA ID, Tucows." They have no idea who that is because they probably have zero interaction or zero understanding of who Tucows is, yes, it's been disclosed somewhere in the terms of service that they agreed to when they went to the reseller. But I think that might just lead to more confusion for there. So I really don't think we need to get too concerned with those details. And I just think it's a superfluous detail we don't need to include. Thanks.

ROGER CARNEY   Great, thanks, Owen. Rick, please go ahead.

RICK WILHELM: Thanks. Interesting suggestion by Jim. We didn't circle up on this before he brought it up. So this is going to be an interesting thing, we're going to be a little bit counterpointing each other. I think we might want to be a little bit careful on this one for a couple of reasons.

One, because while it is true that this might make it easier in some ways to accommodate transfers that involve the CCs, by including the registrar name or some string which is perhaps indicative of the registrar name that corresponds to the IANA ID, it also opens up a possibility of conflict or disagreement between those two

fields when that data is communicated. And then we would have to specify actually which one of those things controls if they're both listed, because it's possible someone could put in the registrar ID that could be provisioned with the registrar ID for Tucows, but the string could say for example not Tucows. So I think we need to be a little bit careful here. And if we're going to do this, since it is a change from the status quo, we should identify a clear benefit because it is code that's going to have to change at all the registries and at the registrars. Thanks.

ROGER CARNEY   Alright, thanks. Jim, please go ahead.

JIM GALVIN   Yes, thank you. And thanks to Owen and to Rick's comment here, because that's a great place for me to segue into the second comment overall that I wanted to make about this. I'm a little cautious here about the way this is phrased. And I don't know what the fix is editorially. But the way this says that the transfer confirmation must be provided, must be used. I want to be really cautious here, because the transfer confirmation, I guess, as concept, if we're going to treat that label as a concept, that's fine. But the issue here is that a poll message on a technical level, to the extent this is written for technical people, is what's going to be issued from a registry to a registrar.

And for example, the registry is not going to do the opportunity for the RNH to proactively accept or cancel the transfer. That's a registrar responsibility. And that's not actually part of the poll

message. That would be the transfer confirmation element that comes from the registry to the registrar.

And so overall, this becomes an editorial exercise as to what these things mean, and how we're going to define them. I'm not confused with the way that they are. But Owen sort of made this thing about being written for technical people, not others.

Well, okay, now we get into the question of how much detail do we need to make sure it's done right. And then with respect to Rick's comment, which is also a valid concern about things not matching, my answer to that is they match if we stick to the IANA registry, what's in the IANA registry becomes the de facto standard, if you will. And so there's never any confusion. Both the gaining registrar, gaining registrar or reseller and the losing registrar all know exactly what the right value needs to be in the name.

And the name field is only there for the purposes of registries that might do something different in the poll message. What I was really after when I said the name had to be there—and the same applies in the other recommendation—is that I wanted to make sure the poll message was going to be constructed in such a way that that extra information could be added so the losing registrar has something to work with in all cases.

But as long as we define it as coming from the IANA registry, there should never be any confusion and there's nothing as far as gTLDs are concerned, there's no confusion as long as registrars keep that field up to date, I would think. So yeah. What am I landing on here?

I'm concerned about the technical specificity of what's here, because what's here doesn't meet those requirements. And I think as a general concept, I'm good with what's here. And the requirement for the IANA id is about security principles. Thanks.

RICK WILHELM: Thanks for your comments. Just two things on that. I don't think that Owen was talking about the technical people, as in the people that write the code between registries and registrars. I think he meant more technical end users, customers, registrants that know, maybe an investor knows the IANA IDs of his favorite registrars and things like that, or someone that's looking into a possible issue is more technical. I don't think he meant as in technical specification being written from this or anything.

The other thing on the strings, if anybody looks at the IANA database, they'd be kind of surprised at how their company's name is actually portrayed in the IANA database. So I don't think that it's necessarily just a bug or an issue. Some of the strings are kind of weird in the IANA database. So I think, obviously, the name string is secondary to the ID. But Steinar, please go ahead.

STEINAR GRØTTERØD: I can't see that there will be a benefit for the end user if we remove the criteria for putting the IANA ID into the transfer confirmation notice. I know it is confusing because there are registrars doing business under different names and you have resellers and etc. But as some sort of a minimum, this is at least something that reflects to where the domain name has been transferred.

So it is at least a start for the end user or the losing registrar to dig up any conflict and any problems in that transfer. As I said in the chat here, the perfect world, there also could be included the actual reseller, or sub-reseller, that the registered name holder has put their domain into. But that's kind of a long way to go. But the essence here is I don't see we will help the end user removing the IANA ID, even though it may be confusing. Thank you.

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

THEO GEURTS   Yeah, so a couple of things there. Let's remind ourselves that we have done without the IANA ID in the notifications since forever. We've never done that. So there has never been a major breaking point within the transfer system in my opinion. So that is number one.

But when we are talking about resellers, I get a little bit scared, because mapping that all out is going to be an operational nightmare. So I don't think you will even want to go there. And I don't see the real issue. It is already an issue in the sense like we have a current transfer system which doesn't specify the resellers. So if there's not an issue now, I don't see an issue in the future. So that is number two. I think for the rest, I agree with the previous speaker. Thanks.

ROGER CARNEY   Alright, thanks. Okay, Jim, please go ahead.

JIM GALVIN	I don't want to disagree with Theo. But to add a little color to all of that. I think that one of the challenges that we face here in all of this is we certainly want to make sure that we correct things that have been a problem that we believe really are inconsistent with our overarching principles that we're trying to achieve. But I also don't want to miss the opportunity to create benefits that address potential security concerns.

And I would simply offer that including the IANA Id kind of falls into that category. People do talk a lot about hijacking, they worry a lot about it. You know, it's a nice buzzword, lightning rod, if you will, to attract attention. So the idea that this thing could be included, and thus it's available if we need it, I think it's kind of important. From a security point of view, it's simply—it certainly adds benefit to the system as a whole.

Now, whether or not you require a registrar on either side or reseller on either side to do something with that information is a completely different thing. But while we have the opportunity to change the system and make the system overall better, I would just offer that including it certainly doesn't take away from anything, and it offers opportunities for making things better if we want to go down that path. So I think the way to address Theo's concern or his observation about potentially not needing it is, okay, well, then don't use it right now and don't require people to use it. Thanks.

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ROGER CARNEY	Thanks, Jim. Theo, please go ahead.

THEO GEURTS	Just to come back to that. I'm not against it. I'm not very pro support for it also. I don't really care is too strong, language-wise. But if we have a system where we can pull the IANA ID from someplace, and that is actual up to date and accurate, okay, let's do that. having the IANA ID, it's then a simple matter of mapping it out to who the register is. It is something the registrars can do on our side. If you want to do that, if you already have the IANA ID, just mapping it, and then you're done. Of course, you have to go through a lot of gTLDs but that's okay. Thanks.

ROGER CARNEY	Great. Thanks, Theo. Jody, please go ahead.

JODY KOLKER:	I agree that having that IANA ID can be very helpful to registrars and to registrants. If there is some contention about this, can we make this a May? And then it's up to the gaining registrar or the losing registrar to say whether they want to include that information or not. I don't even know if that's something that we want to do [inaudible]. I know that in this group, mays have not been supported, let's put it that way, as well as musts have. Just a suggestion. Thanks.

ROGER CARNEY	Great. Thanks, Jody. And I don't think there's contention to remove the must. I think the important thing here is, in today's world—and I'm going to put this in quotes, the IANA ID is already being passed in the poll messages between registries and registrars. Now, only some registries do actually the IANA ID. Some other ones use their own internal client IDs for that. But the fact is that information is being passed around. And this is just making it a singular ID set which will benefit everyone. So I don't think there's any contention on the must there.
	Thanks, Prudence. Okay. Go ahead, Sarah.
SARAH WYLD	Just to speak to my comment, because I guess I'm confused. I thought that a list will be provided, a list of IANA ID along with registrar name so that then when registrar goes to put that into the email, they don't have to make their own list. We all have the same master list that somebody else—presumably ICANN—will keep up to date. Is that correct? Or have I misunderstood? Thank you.
ROGER CARNEY	So, if we go back to 4.3, whatever it is, where this originates from basically, the ID itself is maintained by I believe ICANN through IANA, and I don't know the agreement on how that works, but the IANA database has these IDs with the names associated to them.
	But the requirement here is the ID and a link to an ICANN page listing the accredited registrars and corresponding IDs. So to that point, Sarah, yes. The registrar hasn't maintained those and the

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IANA is the result or I guess the source of those names and IDs. So but the name can come from there as well. So the way I looked at it was the losing registrar would maintain either a lookup into the IANA database that says okay, 37 goes here, to this registrar or 19 goes to this registrar. And they pull that name from IANA, it's not going to be provided by ICANN, but it's provided through ICANN to IANA.

And I think Emily asked a question, if the name has to come from IANA, I think is one of the—I don't remember exact language she used, but I would say probably not just because again that name in the IANA is corporate name. So I'm not sure that that's what would be used by all, but I assume most people would look it up in IANA, so it's going to come from there. But maybe Tucows doesn't want specifically Tucows, whatever it is in IANA, I don't remember. And maybe they just want to say Tucows. So it's one of those where I think that being too prescriptive there would—so, Emily, please go ahead.

EMILY BARABAS: Thanks, Roger. Just to paraphrase what I'm hearing, it sounds like we are going to say that the transfer confirmation needs to include this highlighted text here as identical to the transfer confirmation, and that we're not going to specify further the details of this last sentence. So essentially, we'll use this exact same text in both places. Did I get that right? Thanks.

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ROGER CARNEY	I think that's the appropriate thing. If others disagree, please jump on.
EMILY BARABAS:	Thank you.
ROGER CARNEY	And Rich, that would still be possible because the name is not— yep, thanks, Rich. Okay, Emily, anything else that we need to cover here?
EMILY BARABAS:	I think we can introduce the next one, but we might need to continue on to the next call for this one. So one of the suggestions that was previously raised in discussion was the idea that the transfer confirmation would be required to include both an opportunity for the RNH to accept the transfer and also an opportunity to cancel the transfer at all times. So this would be a change from the status quo. And we wanted to provide an opportunity for discussion on that item as well. Thanks.
ROGER CARNEY	Thanks, Emily. And the status quo is you have to provide the opportunity to NACK, you just don't have to provide the opportunity to accept today. And I think Sarah brought that up earlier as well. So that is a change in that we're saying that we're making the acceptance option on the notification mandatory.

Any comments? Obviously Sarah's on that side, Rich is on that side of leaving it as status quo and the accept option is optional. Comments from anybody else? Anybody feel strong that except should be a must?

I'm not hearing anything strong. So I would say the consensus here—not the consensus, but the general agreement here is that we stay with the status quo. Thanks, Prudence.

Okay, I would say let's stay with the status quo and we can move forward.

EMILY BARABAS: Thanks, Roger. And this was I believe a suggestion from Sarah but correct me if I'm wrong, Sarah. I don't want to call you out. You suggested the recommendations should state that as with the new notifications, the transfer confirmation must be provided in English and the language of the registration agreement and may also be provided in other languages. So I believe the current language is that English is the only requirement. Let me just double check that. Holida might even know it offhand. But this would be consistent with what the recommendations for the new notices say.

ROGER CARNEY Emily this language is consistent across all of our recommendations, right? That's what we stuck to.

EMILY BARABAS:	So for the new notifications, we have said English and the language of the RA, potentially other languages. The current policy I believe says just English. Let me just double check.
ROGER CARNEY	All right, Rich and Sarah, today, the status quo is optional ACK. but I think for the language—yes, I think this is the language we've been trying to get to, in English, and that's mostly for Compliance and other issues around that, workability. The language of the registration agreement I think is something that's been trying to been worked in for multiple years now and can be provided in other languages.
	Okay, any issues with anyone on that language? English language of the registration agreement and can be provided in any other language. Jim, please go ahead.
JIM GALVIN	It suddenly had occurred to me here as I was thinking about—It sounds like you said status quo. So the requirement on the previous item, the requirement to must include the ACK. If you don't require the inclusion of the ACK, I just want to make sure you understand this, then what we're saying is we're not allowing for instant transfers in the policy, you're not going to set up a system that ensures that that can happen. Is that a proper interpretation? Thanks.

ROGER CARNEY	Yes, that ensures it now. Many registrars are going to provide the ACK so that there are instant transfers, but the policy itself is not ensuring that there's an automatic instant transfer.
JIM GALVIN	Right, well, some losing registrars make sure that that option is available. But yeah, other than that, if you're a gaining registrar and you want to get it right away, you're at the burden of whatever the losing registrar does, is that correct?
ROGER CARNEY	Correct. And again, as Sarah said, that is the way it is today.
JIM GALVIN	Right. Okay. And we're choosing to maintain that. Okay, thanks.
ROGER CARNEY	Thanks. Any other comments? So I think everyone's good with the English language registration agreement and other. We have two minutes left. So I'll let Emily—
EMILY BARABAS:	Yes. So I will tee up then—there's a few more items that I think we'll probably pick up on the next week that have come up previously. But people can start to think about that, and then we can discuss next week. So the first one is about the format of the losing FOA. I think there was a suggestion in previous discussions to also mirror the language of the notifications. So I'm just going to

drop that into chat so people can remember that basically says that it can be sent via a variety of communication methods.

So one question is whether we do in fact want to mirror that language for the losing FOA as well. So it's the first question for discussion.

The second is about expressing the deadline, the five/day window for response to losing FOA. If we want to specify that that should be both listed in hours and days consistent with what we've been trying to do elsewhere in the recommendations.

And then the third question is the issue that Jim previously raised and touched on as well on today's call, which is about whether there needs to be more specificity around the mechanics of how the losing FOA works and also around the pending transfer window. So questions around who's setting that and unsetting it, and so forth, and whether that needs to be included in the recommendation as well. So those are the things that I think we'll pick up with on next week. And hopefully, everyone has some time to think about that between now and then. Thanks.

ROGER CARNEY   Great. Thanks, Emily. Okay. All right. Good, good progress we made. Again, one more meeting hopefully, we'll be done with and wrap up all of 1A. Again, the small teams, get your work in as soon as you can so we can get that on the agenda for people to review and get approved. And then hopefully first week in February, we get on to disputes and get any items closed up that we had kind of left open.

Okay. Thanks, everyone. We'll talk to everybody next week.

JULIE BISLAND: Thank you, Roger. Thanks, everyone. This meeting is adjourned.

[END OF TRANSCRIPTION]