ICANN
Transcription
IRTP Part D Working Group meeting
Monday 21 April 2014 at 15:00 UTC

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Group call on the Monday 21 April 2014 at 15:00 UTC. Although the transcription is largely accurate,
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On page: http://gnso.icann.org/calendar/#apr

Attendees:
Graeme Bunton - RrSG
Barbara Knight – RySG
James Bladel - RrSG
Angie Graves – BC
Bartlette Morgan – NCUC
Kristine Dorrain – NAF
Kevin Erdman - IPC

Apologies:
Paul Diaz – RySG

ICANN staff:
Marika Konings
Caitlin Tubergen
Lars Hoffmann
Berry Cobb
Steve Chan
Terri Agnew

Coordinator: Recordings have started.

Terri Agnew: Thank you, (Brian). Good morning, good afternoon and good evening.

                 This is the IRTP Part D Working Group call on the 21st of April, 2014.

On the call today we have James Bladel, Kristine Dorrain, Bartlett Morgan, Steve Chan, Graeme Bunton and Angie Graves. Joining later in the call is expected Barbara Knight.

We have apologies from Paul Diaz. From staff we have Berry Cobb, Marika Konings, Lars Hoffman and myself, Terri Agnew. I'd like to remind all participants to please state your name before speaking for transcription purposes. Thank you very much and over to you, James.

James Bladel: Thank you, Terri. And welcome, everyone, to the IRTP-D PDP Working Group call for April 21. In Europe this is Easter Monday so we have a lighter group this week.

So as per our normal procedure does anyone have any updates to their statements of interest? Seeing none I will then move on to the agenda. Does anyone have any comments or additions to the agenda that was circulated on the mailing list and appears in the right hand column of the Adobe screen? Berry.

Berry Cobb: Hi, James. This Berry for the record. I just wanted to point out for the working group that the public comment period does close I believe this Friday if I'm not mistaken. And as a side note that we did another announcement on ICANN.org putting more focus on the videos that was recorded between yourself and Mikey which, you know, I think offered up a really good analysis or, you know, a brief summary of what the recommendations were about.

Whether that translates or not into more additional public comments being submitted we'll find out. But we did see an extremely large spike in the number of views on that video which is a promising sign. So -

and we definitely conveyed the message. Whether you agreed with the recommendations, disagreed with them or, you know, offer up any changes to please submit comments. So hopefully that will translate into something valuable.

James Bladel: Thanks, Berry. I did see that announcement. And the only thing I had to say was the video was good but the sound quality for - from my side of it was pretty bad and I don't - I'm not quite sure how that happened. But, yes, that was I thought very informative.

And the last I checked, and granted this was several days ago, there were two comments submitted; one from the Registrar and one from the Registry Constituency. So hopefully we'll, as you say, get some interest drummed up and get some additional comments and feedback submitted to that channel.

And then does that end the reply period as well, Berry? Or is that just the first comment period?

Berry Cobb: The reply period closes on the 25th so, yes, that will close us out. And then of course our next meeting we'll start reviewing through the comments via our comment tool.

James Bladel: Okay. Thank you, Berry. Excellent. And just as another final matter of housekeeping I notice that Volker is not with us on the call today but I can report that he did notify Council of our changes to status of our co chair, Mikey O'Connor, and our intentions to proceed with a single chair at this time and revisit that as the need arises if that becomes an impediment to our work.

I can tell you there has been no response to that on the Council list so my understanding is that just silence equals acknowledgement and we're free to proceed. So that small action item that Volker had from our last meeting has been completed.

So with that I think we can dispense with all of the housekeeping and dive right back into our exciting and amazing use cases beginning at the top of Page 3 of the document that's in the Adobe chat and we can start with Line 14.

Berry, go ahead.

Berry Cobb: Yeah, just real quick, James, if I may? I'm going to take down this redline version and Lars and Marika did a fair amount of changes to the previous document and I think it'll probably be better if we advance forward with this version certainly in terms of ease of reading but there were some pretty substantial changes in terms of the organization of those that I think will benefit us to move from there.

James Bladel: That sounds great. And I do - I think you're right, I do remember that there were a number of different use cases that sounded like there was significant overlap and they could have been combined. So okay this is much cleaner. Are we still on Line 14?

Berry Cobb: Yes, let me get there real quick.

James Bladel: Okay. While you're navigating, Marika.

Marika Konings: Yeah, this is Marika. Just to point out that I think some of the cleanup we've tried to do as well is to try to track the language closer to what is

actually in the IRTP so we're hoping as well that all of you will have a close look to make sure that we got it right. But we thought it would make more sense to actually track the language or descriptions as they are in the IRTP.

And I think as you already mentioned as well, as a result of that some of the use cases appeared fairly similar to I think we've tried to put those together or actually taken out those that were in principle duplicates.

James Bladel: Thank you. I think that's a helpful contribution because, if I recall, there were a number of - I don't want to say imprecise or ambiguous terms that were used to describe some of the use cases so I think that's helpful.

Okay so I think this version actually moves us up to the top of Page 3, Line 13, Berry, is that correct?

Berry Cobb: Yes I believe so yes.

James Bladel: Okay. So Line 13 where we have an individual or an entity that claims to be the registrant saying that I am the registrant but I'm not in control of this name. Here's why and help me get it back. ICANN policy does not apply but an inter registrant dispute process could be made available.

I think that - why I'd like to see clarification in this use case is whether or not the claimant's information appears in the Whois under the registrant or whether it's some other individual or entity that's appearing. I'm not clear from this use case whether, you know,

someone has simply lost control of the name for which they are the registrant or lost control of the name and they're claiming to be the registrant because I think from a registrar perspective that does matter.

One is simply that, you know, someone's been locked out of an account or an account has been compromised versus, you know, versus a true dispute between two parties. But I think in general it is correct to say that ICANN policy does not apply. Any other thoughts on this one particularly from any of the other registrars?

Okay. And we can move to Line 14, business partners split and claim rights on the domain name registration. And I think when we see "See Scenario 9" we're referring back to the pure form of a dispute between two claimants - two parties claiming to be the registrant.

Correctly, ICANN policy does not apply. This is a matter for courts to resolve. You know, courts or arbitration or there may be some terms of service, you know, spelled out in the registrar's registration agreement that governs here. But typically I think that, you know, it can definitely proceed all the way to the courts like any other type of valuable property that's in dispute. Any thoughts or comments on Scenario 14?

Okay moving to Scenario 15, a company goes through an ownership structure change. The original registered name holder tries to retain the domain name registration. You know, I think this is similar to the one above; this is a dispute between different parties.

I think it's - certainly there's significant weight given to whichever party is listed in the Whois as the registrant but other parties may dispute that and that would be, you know, that would be a matter for other

types of dispute resolution but not necessarily covered by ICANN policy.

Berry Cobb: James, this is Berry. Do you think it would be...

James Bladel: Yeah.

Berry Cobb: ...beneficial to also refer this one back to Scenario 9 as well?

James Bladel: I can't help but think, Berry, and I'm looking maybe for guidance from the rest of the group but can't help but think that we're saying the same thing a lot of different ways or we're capturing specifics in terms of stories or scenarios or use cases, whatever we want to call them, but in the abstract this is the same problem.

The problem is that two entities or individuals are disputing the rights to be the registrant of a domain name. And I think, you know, if you just look at that abstract use case a lot of these start to roll up inside of that whether it's because of the business partner splitting up or divorce or, you know, a change of an ownership structure or a falling out between a web developer and their client.

I mean, all of these things kind of roll up into, you know, a dispute between two or more parties on who gets to be the registrant. So I think, yes, to your question, can probably refer back to Scenario 9. Sorry for the long-winded response there.

But perhaps that's something that we can look at if we want to further reorg this list. So I don't know if anyone has any thoughts on that here

or if everyone's just kind of taking a nap and letting us go through; that's fine too.

Moving to then Use Case Number 16, registrar of record does not remove the privacy service contact information when a transfer is initiated. And as a result the gaining registrar cannot validate the identity of the person requesting the transfer. Also applies to any other entity that provides a privacy service.

So it's interesting; this is also coming up in - within the context of another PDP that's ongoing, the Privacy Proxy Accreditation Working Group, which Graeme co chairs. And I know there's some other folks from this group participate on that one as well.

I think that in this case, you know, the privacy service - the way it's being described is the privacy service is the transfer contact and so therefore having someone attempt to initiate or change the contact information when it arrives with a privacy services contact information is problematic and something that we've discussed in that working group as well.

I'm curious if anyone has any thoughts here. One thing we did discover is that the major privacy services to avoid this issue the major privacy services simply reject or (nac) transfer request. You have to cancel the privacy service in order for the transfer to proceed.

And that's not written in stone anywhere but that's kind of a generally accepted industry practice to avoid situations like what's described in Use Case 16.

But I'm not 100% clear that this would fall under the umbrella of the inter registrant transfer from IRTP-C. I think it's probably more correct that it's going to fall under the Privacy Proxy Accreditation program. So, Berry, maybe we can tag that as, you know, the rightful home for this use case.

Okay, green check mark. Any other thoughts on that, Graeme? I know that that's something that we beat up pretty heavily on our last meeting last Tuesday. Didn't mean to put you on the spot but. Graeme - oh, Graeme is - Graeme has no microphone so - but he is typing away furiously. Okay so I think he's in general agreement with what we're saying there. So okay.

So if there are no other thoughts or comments we'll move on to Use Case 17. A person registers a domain name on behalf of their company but does so under his or her personal account. The person then leaves the company but who should retain the domain name registration? Also Scenario 9 and correct to point out that ICANN policy does not apply.

I can tell you that the general way to resolve this at the registrar level is that someone who manages the business if the business is listed, for example, if a domain name is registered to Go Daddy and it has me listed as the registrant but Go Daddy is the organization that anyone from Go Daddy could demonstrate that they have the authority to, you know, to change that information.

They could move it to a different account by producing sufficient documentation to establish that they both are - their identity and their role within the company. So that's not a huge issue at least not as

much as it was. I think it's a bigger problem for smaller businesses or sole proprietorships, sole traders. But it is something that can be resolved.

And I think we ran into this a little bit when we were seeing and recommending, in fact, that large organizations will use domain administrator as the contact with a special email.

Compliance, I think, at one point noted that and said that that was invalid Whois until we pointed out that a number of large companies, including ICANN.org, managed their domain names the same way primarily to avoid the situation that's described here so that it's not tied to an individual and that therefore if that individual separates from the organization it doesn't create a dispute. But any other thoughts on Item 17 before we move on?

Okay I think I think Item 18 is saying the same thing in a slightly different way. Person works at a company and registers a domain name on behalf of their company possibly in the corporate account. However, their contact information is listed. The person leaves the company and access to the account and controlling email address is no longer possible.

I think this is, you know, this is similar to the one above. We can say Reference Scenario 9. We can say it's the same thing as Scenario 17. It's effectively identical.

Okay Number 19, registrant was not able to retrieve the auth info code from the control panel then the registrant requested the registrar send

it but was not sent within the required five days. Both conditions need to be present.

This is covered under the IRTP. There is a requirement for registrars to provide the auth info code upon request in a timely manner; I believe they have five days. So this would be a matter for ICANN Compliance because the registrar is no longer in compliance with the IRTP.

Item 20, the means provided for the registrar of record by the registrant to retrieve auth info code are more restrictive than the means provided by the registrant to update their contact or name server information.

Again, this is fairly clearly spelled out within the IRTP that registrars are not able to obfuscate the tool or the method or the mechanism to retrieve the auth info code and so this would be a matter for ICANN Compliance.

Item 21, registrar does not send the FOA or sends it to someone who is not a transfer contact. This is another (unintelligible). Major echo here. Something happened? Okay.

In this case is another example of a registrar that is not following the policy and this is a matter for ICANN Compliance.

Use Case Number 22, the registrar of record does not provide the registrant with the means to unlock the domain name. The registrant requests the registrar to unlock the domain name but the registrar does not comply within five days. Both conditions need to be present. Correctly identified as something that is covered by existing IRTP policy and this would be a matter for ICANN Compliance.

And the final use case, registrar allows the transfer without receiving the auth info code, which would technically be impossible and can theoretically happen in a scenario also involving registry error.

I'm having trouble with this one. I think, you know, obviously - well let's back up for one second. The mechanism of the registrar transmitting the auth info code to the registry I don't know that that is clearly spelled out in the existing policy. I think that's more a matter of just the technical operation of how the transfer transaction occurs between the registrar and the registry once the auth info code has been provided.

I think this would actually be a matter for the registry would be out of compliance for the IRTP and that this would be a matter for ICANN compliance because they allowed the transfer transaction to complete and they did not have the necessary authorization at the registry level which would be the auth info code.

So I'm not sure if there's - Lars - or I'm sorry, Berry, I'm not sure if there's a way we need to restate this but it is, I think, a little wonky here. Barbara. Barbara's going to fix it for us.

Barbara Knight: Okay so hopefully you'll be able to hear me okay. I'm actually (unintelligible) through the Adobe Connect. This is the Barbara for the transcript. So I can at least from VeriSign's perspective, and I anticipate that other registry operators are probably - have (unintelligible) the say way that unless an auth info code is past that matches that which is in the registry system, you know, those match the transfer will fail and it would basically send back some sort of an

error code to the registrar indicating that an auth info code is required. So I don't know if that helps.

James Bladel: It does. And from a registrar perspective I don't know that that could - it feels like the transfer would never get past a certain stage in the transaction where the auth info code is required to proceed. And if it's not submitted or if it's submitted but it's not the correct code that the, you know, the whole thing falls apart.

So I guess Scenario 23 is so theoretical it's some borderline n to very useful or informative in my opinion. And I'm wondering if anyone else feels the same way. I actually would recommend that we strike it. I don't see any one way or the other. Oh, green checkmark from Barbara.

And just because I think that, you know, it's so far outside of, you know, standard operating procedures and protocols for this industry that it just - it feels like it would be, you know, I suppose if there's a registry out there that's still operating on pencil and paper and faxes that might be possible. But in a modern EPP environment it doesn't seem like it would work.

So okay and that means that we are at the bottom of the list. So a couple of thoughts here. You know, I just certainly want to thank Berry and Marika and Lars for cleaning this up. I do think that we should probably have a good understanding of where this is going in our report. I believe it's currently an Annex. I hope that folks are satisfied with that for this information in the final report.

Does anyone feel that this is - I guess I'd love to take a queue for folks on their ideas on how well this is informing not only our current recommendations and our current charter questions but also any future work on this policy. Does this feel like this is, you know, advancing the cause in that direction or is this more just kind of providing some color and background and supportive information for the different scenarios that were examined as part of our discussions on dispute mechanisms? I would welcome thoughts that folks that might have on that. Barbara.

Barbara Knight: Thank you, James. This is Barbara for the record. So in my view I think it is - it's more kind of background information as to the things that we can serve when we are making the recommendations that we pulled forward. So I don't know that I would view it as the former (unintelligible).

James Bladel: Okay thanks, Barbara. Marika.

Marika Konings: Yeah, this is Marika. I think one of the objectives of this list was as well that eventually when IRTP Part C will be implemented that this could be used as a kind of checklist whether all the scenarios are covered by the IRTP Part C or whether there's still any scenarios remaining of which the Council or the working group would feel further work is required.

I think it's something we've discussed before whether there should be an alternative mechanism for those kind of disputes that are currently not covered by the IRTP and may not be covered either by the IRTP Part C. So for that reason I think it's probably fine if we leave it as an annex.

But I think if we clearly mark it, indeed, that that is the list that eventually we would need to go back to, to see whether IRTP Part C has addressed some of these items or whether there are still some on the list where - and maybe I don't know if it's discussion that already should be held whether there are any here that people feel that if they're not addressed it would require further policy work or whether there are some here where in all fairness the only means of addressing it would be through the courts.

So I think especially probably some of the ownership ones maybe those were - there may not be an alternative dispute mechanism option possible or available or should anyone - any of the use cases that is not addressed should be considered as part of a policy conversation. I think that's part of the question as well.

James Bladel: Okay thanks, Marika. I actually think you're absolutely correct that this is - it seems like it fits okay as an annex in this report but it would have been really an excellent addition to the IRTP-C final report because it would have helped to lend the implementation work that's going to continue on IRTP-C.

And I think that if we do spot any voids or, you know, absences of use cases that aren't covered then that's something that we can go back to this list and say, you know, we're missing some - we're missing some policy work here.

Berry.

Berry Cobb: Thank you, James. Just to dive a little bit deeper off what Marika was saying and especially as we reviewed Row Number 16. For sure, you know, it does circle back to IRTP-C and the inter registrant policy that's going to be implemented out of that.

But I'm curious if now that there is this connection to the Privacy Proxy Working Group and if we do think that this is something they should take a look at then perhaps this may - and Marika, please correct me if I'm wrong - but it may warrant us to go ahead and isolate this particular use case as a recommendation so that we formally refer it over to the Privacy Proxy group if we feel that that's necessary.

James Bladel: Marika, go ahead.

Marika Konings: Yeah, this is Marika. And I'm sure Graeme will jump in as well if I get something wrong here. But I understand that, you know, this particular scenario was also extensively discussed last week on the Privacy Proxy Working Group and I think they will continue their conversation as well on their call tomorrow.

Of course the big question I think here is who would be the appropriate party to look at that specific question? Because if it would require a change to the IRTP itself it probably would require a separate effort or, you know, possibly fold into this working group. But as I think this working group is already so far underway it may not be realistic.

But if it's something that can be resolved as part of privacy proxy accreditation or specific requirements for privacy proxy services that may be a way it gets addressed here.

And I think the group there is still trying to completely understand indeed how this works and whether - because I think part of the concern is that, you know, for someone using privacy proxy services they may not necessarily want to reveal their underlying information just when they want to ask for a transfer. But at the same time I guess for a registrar they require that kind of information to be able to authenticate whether indeed the request is legitimate or not.

So I think that's part of the puzzle that needs to be resolved but at least from my perspective it's not clear yet whether that's a privacy proxy question or whether eventually would be an IRTP question that would need to be addressed. And I don't know if James or Graeme has any specific views or insights there but it's definitely I think still an open item at least at this stage and I guess to be further discussed as well in the Privacy Proxy Accreditation Working Group.

James Bladel: Thanks, Marika. Graeme.

Graeme Bunton: Hey, this is Graeme Bunton. Just agreeing with Marika. I think there is an awful lot of new information from many parties in last week's Privacy and Proxy call where this notion that - which is I think well known to most registrars or anybody who operates a privacy and proxy service that you have to turn off privacy in order to transfer a domain. That was sort of unknown to many of the parties within that working group. And I think we've got a fair amount of discussion ahead of us over there as to how to move forward with that.

And I don't think we have a sense yet of whether that's something we can tackle actually within Privacy and Proxy or whether we'll punt it

back to IRTP, whether that's D or whether that's E, who could say.
Thanks.

James Bladel: Thanks, Graeme. And I just would echo Graeme and Marika, I think that - however I think that, you know, we've spent quite a bit of time discussing this and I think that discussion will continue tomorrow.

I think that the concern that I would have is if we start creating carve-outs in IRTP-D then it becomes a less elegant process depending upon the different - other service providers or domain products or services that might be involved.

I think it starts to get very - it starts to get very confusing whereas, you know, a more discrete approach would be to address this use case in the context of how privacy and proxy services are expected to behave when it comes to transfers of domain names so that there's some uniformity on that side and that it removes this issue or concern from the transfer side of the policy.

But I would point, as Graeme mentioned, that it was - it's always been sort of an industry convention that, you know, these names would disable the privacy function before the transfer was complete.

And I think that was a little surprising to a number of folks on that group and they want to take a closer look at how registries and registrars and privacy services can work together to coordinate the exchange and transfer of a domain name with a privacy information in tact and so right now that is the challenge that's before that other group.

So it is kind of tricky puzzle. And I think untangling it will be challenging. But I think it is perhaps important to note that it - at least in my opinion it more correctly belongs in the privacy proxy accreditation function as opposed to modifying the IRTP for all these different scenarios.

Marika's hand is up and then, Graeme, I don't know if that's an old hand or a new hand but we'll defer to Marika first if that's okay?

Marika Konings: Yeah, this is Marika. And this may be already continue on the conversation that will be held some more but I'm actually interested to see if that's a possible solution or reality.

Because whether an accredited environment of privacy proxy services whether this kind of trusted environment would be easier to create between registrars and privacy proxy services data, you know, identity would not need to be revealed publicly but that information, for example, could be shared with the registrar which would give enough confidence to enact a transfer, for example.

I don't know if that's something that - in that discussion could be considered or what, you know, the perspective is from registrars on that. But of course I think the problem in the current environment as well is that we don't have accredited environment where we know who the different parties and what the status is or what requirements they need to fulfill whether - while hopefully in the future environment that situation would exist and maybe there is a way then to actually create that secure environment whereby information would not need to be revealed while at the same time giving assurances to the registrar that the requesting party is really who they say they are.

James Bladel: Yeah, I think that's a good point, Marika, is right now the privacy services do not know, respect or acknowledge each other at least in a formal way. And so in a environment where we have an accreditation program perhaps they can more closely coordinate those transfers with an understanding that they're, you know, they are who they say they are.

I think the challenge that would remain is whether or not one registrar has confidence that the other registrar's proxy service or privacy service is compliant in other areas of the - not just this policy but also the RRA in general and is willing to accept the liability that may come along with that taking on someone else's name. So that, you know, I mean, all these things I think are, as we've discussed, are more fodder for that other group.

So this was a good conversation here. I think besides Use Case 16, which is interesting, I think that we probably could continue to consolidate some of these use cases especially all of those that are variations on Scenario Number 9. I think that in particular is a recurring theme.

And so perhaps maybe we can describe Number 9 in more generic terms and then refer back to it in these other cases or these can become, for example, sub categories of that general generic use case.

So any other thoughts or anyone else have any other ideas or concerns about where we're leaving this one - use cases? And empty queue. Okay well I guess that then puts us back to the group that we had on our agenda to continue to review and resolve these use cases.

The next step is to review the public comments that we have received and make sure that they are incorporated into our existing deliberations and recommendations and if not then we would reopen those deliberations and recommendations to ensure that they accommodated the public comments.

So my question then to the group is I think that we are through our agenda for today a little early. Certainly we have a lighter turnout due to the holiday as well. So we could probably adjourn for today with the understanding that by next week our public comment and reply period will have closed and we will begin the review of those public comments to ensure that they are addressed within our draft final report.

So if there are no objections I'd like to move that we close the call for today and circle back next week to begin unpacking those comments. I don't see any strong feelings on that one way or the other so I guess that's how we'll proceed. Just agreement. So thanks, everyone, and thanks for those who turned out, you know, despite the holidays. And, you know, Marika and for the folks out in Brussels make sure you just go take some time off and go spend some time with your family.

Berry Cobb: Great. Thanks, James.

James Bladel: Thanks, everybody. See you next week.

Barbara Knight: Thanks, everyone.

END