ICANN Transcription

Transfer Policy Review PDP WG

Tuesday, 16 November 2021 at 16:00 UTC

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JULIE BISLAND: All right. Good morning, good afternoon, and good evening, everyone. Welcome to the Transfer Policy Review PDP Working Group call taking place on Tuesday, the 16th of November 2021 at 16:00 UTC. In the interest of time, there will be no roll call. Attendance will be taken by the Zoom Room.

For today's call, we have apologies from Kristian Ørmen (RrSG), Keiron Tobin (RrSG), and James Galvin (RySG). They have formally assigned Volker Greimann (RrSG), Jody Kolker (RrSG), and Beth Bacon (RySG) as their alternates for this call and for remaining days of absence.

As a reminder, an alternate assignment must be formalized by way of a Google Assignment form. The link is available in all

meeting invite e-mails. All members and alternates will be promoted to panelists. Observers will remain as an attendee and will have access to view chat only. As a reminder, when using the chat feature, please select everyone in order for all participants to see your chat and so it's captured in the recording. Alternates not replacing a member should not engage in the chat or use any of the other Zoom Room functionalities. If you're an alternate not replacing a member, please rename your line by adding three Z's before your name and add alternate in parentheses after your name, which will move you to the bottom of the participant list.

Statements of Interest must be kept up to date. If anyone has any updates to share, please raise your hand or speak up now. Seeing no one, if you do need assistance updating your Statements of Interest, please e-mail the GNSO secretariat.

Please remember to state your name before speaking for the transcription. Recordings will be posted on the public wiki space shortly after the end of the call. 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 CARNEY: Thanks, Julie. Welcome, everyone. Just a couple of things before we get started on our agenda. As you can see, the agenda is slightly different than what I mentioned last week. We decided to give the locks discussion a couple more weeks just to allow people to think about that. I know that Owen mentioned last week that the Registrar group was looking to do a poll on the locking. So

we decided to wait a couple of weeks on that. So everybody has time to think about the lock discussions that we've had and we'll touch back on those in a few weeks. As you can see, we've decided to jump back into some of the draft Candidate Recommendations and start covering those. We had done the Auth-Info TAC ones earlier. So we'll move on to the next ones.

One thing to note is since we're doing such a great job and being so efficient, we're going to look to do a PCR—I think that's a Project Change Request, maybe someone can correct me if I'm wrong. Thanks, Berry—to the Council to pull forward the NACKing discussion that was actually scheduled for Phase 2 and pull that forward to this Phase 1A time slot so that we can hopefully get a complete view of the Transfer Policy once we wrap up Phase 1A. And hopefully, we don't have to go back and touch on that too much. Maybe it's just for review once we've got that settled and report out. So you'll see that coming through and if anybody sees it on Council, that's what we're going to do. And we'll probably schedule that after we get through our discussions on bulk and everything, so please look forward to that. Berry, please go ahead.

BERRY COBB: Thank you, Roger. Just to put a little more substance around the PCR, as Roger noted, the NACK that's a part of the Phase 2, we will pull that or we will request to pull that into Phase 1A. So that includes copying what we do now for our Phase 1A charter questions. We'll review through each of those and develop preliminary recommendations. And that becomes a part of the Phase 1A or, really, Phase 1 final report.

Another part of that PCR will be to inform the Council that we may have discussions around the TEAC in chatting with staff and the leadership team. We know that they're indirectly connected, maybe one can argue directly connected. So assuming that we get approval for the project change request, we won't limit our discussions about the possibility how the TEAC may change and be enhanced with respect to the NACKing of transfers. So our discussions we are bound, it won't be limited but the Project Change Request itself will be specific to state that any kinds of proposed changes or maybe preliminary recommendations that we uncover through discussions of NACK will not be a part of Phase 1. Any formal recommendations with respect to the TEAC would still be part of Phase 2. Thank you.

ROGER CARNEY: Great. Thanks for the clarity, Berry, and the expectation setting. So if anybody has any questions on that, again, we'll be putting that together and taking that to Council next month. So again, we'll look to do that work post the bulk discussion. And I see that Steinar also mentioned in chat that they'll be holding a poll. And I assume, Steinar, that's on the locking, tomorrow's At-Large meeting.

STEINAR GRØTTERØD: Yes, that's about the locking.

ROGER CARNEY: Okay. Great. Thanks, Steinar. I guess last here then—thanks, Steinar, for bringing that up—that any other groups that want to

bring forward any discussions they've been having or topics that they'd been discussing with their groups in the past week or so that they want to bring forward now for open discussion, open the floor up to any of the groups that want to come forward, bring anything forward that they've been talking about. Okay. Again, hopefully, we remember to do that every week. And again, anybody that's doing anything that wants to be brought forward, please feel free at the beginning of calls.

All right. I think that now, we can jump into our agenda and start looking at the Losing FOA Candidate Recommendations. As previous on the TAC, Auth-Info, staff has added all the recommendations that we have come up with any way so far any of the Candidate Recommendations to the end of the working documents for each of those topics. So here's the Losing FOA working document with all the Candidate Recommendations at the end.

I looked at it quickly this morning. I didn't see any specific comments from any of the working group. But we'll go through the each of these individually and discuss them here. If anybody has any comments, concerns, bring them up, and we'll go and talk through. And again, this won't be the last time. This is just our first review of these. So please bring forward any discussions now and we can talk about those and see what any changes we need to make. I know that when we did this for the TAC, we made quite a few changes and a couple of additions, actually. That's what this review is for, it's to get these closer to alignment with the group and see if we're missing anything or if anything's not presented correctly.

Okay. So let's jump into Candidate Recommendation #12. The working group recommends eliminating from the Transfer Policy the requirement that the Registrar of Record send a Losing Form of Authorization. This requirement is detailed in sections of the Transfer Policy. Sarah, please go ahead.

SARAH WYLD: Thank you. Hi. I did miss last week's meeting due to vacation, so hopefully I'm not completely off base. So we're making this new recommendation to take out the Losing FOA, but there will still be a notification and that's under Recommendation 14. I wonder if it would be useful to include like a footnote or something so that a reader who is looking at this for the first time doesn't read that and just think like, "Oh my God. There's going to be no notification?" And then they get on to number 14 and they're like, "Oh, there is a different notice but it's not quite the same." I wonder if there would be value in providing some kind of explanation for the people who are less familiar with all of the changes altogether? Thank you.

ROGER CARNEY: Great. Thanks, Sarah. Hopefully, you had a good vacation. You're back and refreshed. Good idea. Good thought. I think that kind of makes sense and will make it easier to read and maybe a little less confusion when someone's reading it. So Zak, please go ahead.

ZAK MUSCOVITCH: Thank you, Roger. I just want to reiterate the importance of what Sarah Wyld mentioned from my perspective because I had

received a few weeks ago a panic missive about, "Oh, all the notices are being removed. There's going to be no Losing FOA anymore, etc." I think that it would really go long ways to include that kind of explanation or context that Sarah mentioned. Thank you.

ROGER CARNEY: Great. Thanks, Zak. I agree. I think that when you look at it, we removed what was in there today but we've replaced it, to my opinion anyway, enhanced it and made it better. So, yeah. I think that some wording there will help clarify that. Emily, please go ahead.

EMILY BARABAS: Hi, everyone. This is Emily Barabas from staff. Thanks to Sarah and to Zak for this input. I did want to provide a little bit of context about kind of how this is structured. So if you scroll—I think Caitlin's on screen share and she can scroll up a little bit maybe. The Candidate Recommendations are preceded by a response to the charter question, which is about is the Losing FOA still required? Are there any updates necessary? And the response to the charter question does provide that context that I think you're looking for, which basically says the Losing FOAs serve these important functions. But the working group also noted that there are other ways to go about serving these functions and kind of details the thinking around that and the rationale, and then says that these additional notifications would serve in its place. So I recognize that there's a chance that people will be pulling out the recommendations. And just looking at those, I do think we can add

a footnote or some sort of caveat language, but just to note that they won't be presented in isolation. The idea is that the responses to the charter questions kind of go hand in hand with the recommendations. Thanks.

ROGER CARNEY: Thanks, Emily, for that. Sara, please go ahead.

SARAH WYLD: Thank you so much, Emily. That is exactly what I was looking for. And indeed, I should have just read the entire thing before speaking up. So thank you very much.

ROGER CARNEY: Yeah. Thanks, Sarah, and thanks, Emily. I think the important part is what Emily said. A lot of times, readers will obviously jump to the recommendations themselves and only go back to the deliberations and discussion documentation if they have questions or whatever. So, I think it would be still helpful to note the fact of please see other areas of reasoning for this. It's not being completely eliminated. So thanks, Emily. Okay. Any other comments, questions on number 12 there? Okay. All good.

All right. Then let's jump into Candidate Recommendation 13. The working group recommends that the Registrar of Record must send a notification. I think that probably in brackets here says, "Specify method of sending." I think that we have to come up with some wording of how to genericize this hopefully so that we're not

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being prescriptive but still being logical about it. So let me continue and get to this, I guess.

"The working group recommends that the Registrar of Record must send a notification to the registered name holder as listed in the Registration Data at the time of the TAC request, without undue delay but no later than a certain time period," which we should fill in "after the Registrar of Record provides the TAC. If the Registrar of Record provides the TAC by e-mail, the e-mail containing the TAC and message notifying the RNH of the TAC request must be two distinct communications. This notification may be written in English and oral language of the Registration Agreement. The working group recommends that the Registrar of Record be required to include the following elements and the Notification of TAC Provision: domain name, date and time that the TAC was provided, and instructions detailing how the RNH can take action if the request is invalid how to invalidate the TAC, basically." Okay. Let's open it up for discussion. Sarah, please go ahead.

SARAH WYLD: Thank you. Hi. I'm curious what we mean by "distinct" here. What is our goal in the word distinct? Do we mean that it needs to be two different separate messages? Which I think is what we mean. But I'm just not sure that that's what we're saying in the text, right? So if that's what we want—because the word distinct like to me, I could send one e-mail that has two sections separated by like a line break or something with fancy formatting. That's two distinct messages, even though it's in one e-mail. So that might be something to clarify. Thank you.

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

EMILY BARABAS: Thanks, Roger, and thanks, Sarah. Indeed, the intent is based on the deliberations to basically say that these need to be two entirely different communications. They cannot be part of the same message. So if you have a suggestion for the best way to say that so that it's clear, noting, of course, that we're I think maybe not going to say something about being—I guess, in this case, you could say two different e-mails since this is for the specific case where both are e-mail. But if you have a suggestion for wording that would be more clear, please do suggest it in the text itself. Otherwise, we'll try to come up with something. Thanks.

ROGER CARNEY: Thanks, Emily. I'll just note that Sarah suggested possibly separate as be two separate communications. Theo, please go ahead.

THEO GEURTS: Yeah. Thanks. I don't see the value of sending two separate e-mails. In fact, I think that will only burden us more. I mean, we already sent a massive amount of notifications through e-mail to registrants with other operations already. It is not uncommon that a registrar gets blacklisted for sending out ICANN or mandated messages or auto messages by it, for that matter. So I would like to see it that we can do a combination of this. If we can just send

an e-mail with what we are doing, what is required and with the TAC itself, that would be really, really great. And you also got to keep in mind, the more messages you send, that usually can create the issue that certain messages end up in the spam folder. So people are waiting. They see one part of the message and now they are waiting for the TAC, and the TAC was flagged by a e-mail server for whatever reason as spam. And then people start mailing to support like, "Where did the TAC go?" Well, then you have to explain, "Maybe it's in your spam." So reducing the amount of notifications is a better thing, in my opinion, all the time. Thanks.

ROGER CARNEY: Great. Thanks, Theo. I agree with your last statement wholeheartedly. Obviously, as many as is needed but the fewer the better to get to that point. I think that the background on this, I think the important part being the notification to the registered name holder—and maybe I'm wrong—but I was thinking that the issue came up that someone can request this that's not the registered name holder and we wanted to make sure the registered name holder was notified. So I think that that's where this background came from. Again, I think that there's also the idea of the concept of the five-day window at the beginning. If you request it, you may not get it for five days. So there was that idea of, "Yes, it was requested and it's sent to the registrant." That gives them that five-day window to say, "Hey, yeah. But I don't want that done." Maybe the account holder did it by accident, whatever that is. I think that that's where those two ideas came

from. Now, if it's right or not, I'm not saying that. I'm just saying I think that's where it came from. Steinar, please go ahead.

STEINAR GRØTTERØD: Hi. I had questions in the charter. Whether that is a good one or bad one, I don't know. But we kind of proposed that the date and time that the TAC was provided, if possible, I will also like to have the name of the person or the entity that requested it because it might be, as you just mentioned, is not necessarily be the registered name holder that has requested the TAC. So if that is feasible provisioning-wise, I think that's a good idea. Thank you.

ROGER CARNEY: Great. Thanks, Steinar. Yeah. I guess I don't have a response on that myself. Hopefully someone else does. I'll have to think about that one. Daniel, please go ahead.

DANIEL NANGHAKA: Thank you very much. I just pulled in back to a few discussions that we had in the At-Large CPWG regarding to the issue of notification. One of the things that shows up was the amount of notifications that we shall be sending out are simply too many. And when it comes to the number of communication e-mails coming in here at all, I think if we can be able to condense the information into one e-mail, that would be adequate enough for reducing on the issue of spam just as iterated. Because spam was one of the discussions that we had at the CPWG. It has also been mentioned here. Probably we have to rethink how we're able to submit or condense this information into one e-mail. Thank you.

ROGER CARNEY: Great. Thanks, Daniel. I don't know if maybe staff has some more background. Those were my thoughts on why this was put in here. I also think, as I'm looking at this, I'm wondering if we're actually even catching the problem. I'm focusing on—it looks like the second sentence—if the Registrar of Record provides the TAC by e-mail. To me, the problem probably more exists if they don't provide it by e-mail. The RNH should still get a notice by e-mail or some notice of the TAC request. Again, just throwing that out there. Maybe we're covering that later. Sarah, please go ahead.

SARAH WYLD: Thanks. Roger, I think that you just hit on exactly it. I went back to the chart because I find that an easier way to think about which templates are happening, which times, which is what we're doing right now. If you're in the chart, we're on rows four and five. Row four is providing the TAC to the domain owner, and row five is sending a separate notification saying the TAC has been provided. And also, here's some stuff. I think that the question that we haven't answered is in cell E4, which is do we need to dictate who the TAC is provided to? And if the TAC is only provided by e-mail to the domain owner, then we don't have a problem to solve in the issue of making sure the domain owner knows that the TAC has been provided because it's been provided to them. So we don't have this need to send two separate messages because that's the problem we would be solving. But I think you're very right, that if it's provided by any other method other than e-mail to the domain owner, then we need to make sure that this other message is sent. Thank you.

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

THEO GEURTS: Both into response to what you just pointed out, Roger and Sarah, in my mind, it can only go to the domain name owner. What's coming out of the pipeline with the EPDP Phase 1, there will be registrars who will no longer have an admin contact, will no longer have a technical contact. I mean, those days are gone. So there will be only one contact in several registrar systems and that will be registrant. And that's the only contact where I will code it in such a manner that it will only go to the registrant. Where it's going to is, without question for me at least, it's going to be the registrant because when we will implement the EPDP recommendations, we will stop with all these other contacts. In future, most likely, you will be only one contact. For the time being, it only makes sense that it goes to the registrant. Where else would it go? I wouldn't send it to an admin contact because I don't know really who that is. That person might be designated by the registrant but that data could be horribly out of date. So I'm not taking any security chance there to send it to another contact than the registrants. That's my thinking here.

When we are talking about how we supply the TAC, that could be through different means. Owen already mentioned other ways of sending a TAC. But it could also be that you sent when the TAC is created, you send a message notification, "The TAC has been created. Go look into your account and retrieve it from your

registrar account." That could be another option on how to obtain a TAC in a secure fashion. Thanks.

ROGER CARNEY: Great. Thanks, Theo. Daniel, is that an old hand? I want to make sure that—okay, awesome. That's an old hand. Emily, please go ahead.

EMILY BARABAS: Thanks, Roger. I was just going back through the deliberations document to try to refresh my memory for where this came up and why. I think in some of the early discussions about this particular notification, some support was expressed for making these two distinct communications. And I think that the justification was that there might be a sort of a security element to this. But we don't have that documented in detail in the working document now. So I think we have a takeaway then to just go back and see if we can find if there was a justification that was more detailed in the discussion for that. Obviously, if there's agreement at this stage that that should not be the case and they can be combined, we can certainly make adjustments there. We'll just share it on e-mail if we find something that needs to be brought back into discussion on that. Thanks.

ROGER CARNEY: Perfect. Thanks, Emily. Daniel, please go ahead.

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DANIEL K. NANGHAKA: Thank you very much. Just to clarify that, in case we are sending out the information using various channels, then it would be better to highlight it in this document that, for instance, if it is through e-mail, probably one application could work. But in case there's another channel, then probably multiple communications can work in this case. I think it would be better to be more explicit in that mode of communication. Thank you.

ROGER CARNEY: Great. Thanks, Daniel. I was kind of thinking the same lines, that maybe we actually split this recommendation up. Again, we'll take a look at the reasoning we got to this to begin with. I'm wondering if it's not that we just leave it fairly plain and simple that when the TAC is requested—and I think this is where the tripping spot we got into was when the TAC is requested, the registered name holder is notified. Again, that notification probably needs to be e-mail that the TAC was requested. Control panel notification probably, to me anyway, wouldn't do it. But when a request is made, the registered name holder is notified, their request is made. I think that the problem we ran into it was, okay, but if the request is made and the TAC is basically provided at the same time or within a short period of time, does there need to be two communications there? Or how do you handle that, especially when we want to distinguish notification to the registered name holder versus notification to the requester? Again, it's just something to think about. Sarah, please go ahead.

SARAH WYLD: Thank you. I'm not sure if I'm being useful anymore or just belaboring the point that we have now all come to agreement on. But if our goal is to ensure that the registered name holder is aware of the request, then if the TAC is sent directly to the registered name holder, we don't need to send a separate message saying, "Hey, I've also sent you the TAC," I think because they've got the e-mail that says, "Here is your TAC." However, if somebody logs into the control panel and views the TAC, which then we have a question of is there a way to know that that's happening? But if there is, then we should tell the registered name holder, "Hey, somebody has obtained your TAC." I hope that's helpful. Thank you.

ROGER CARNEY: I think that is helpful, Sarah. Maybe that's not how I said it. But I think you're right. I think that that's what we have to look at is if the registered name holder is receiving the TAC via e-mail. I'm not even sure that that's even correct if we just say e-mail because maybe the registered name holder signed up for some other mechanism of communication, Facebook message or SMS or something. And if that's done—but if the TAC is provided via that mechanism to the registered name holder then they know that the request happened. Does that make sense, I guess? Okay. Thanks, Sarah.

Okay. Again, as Emily mentioned, let's take a look if we had some good reasons for this. Otherwise, I think that maybe this is saying slightly different than what we wanted to say and that we want to say if the TAC is being given, presented, communicated to the registered name holder, then those two notifications don't have to

actually happen. It just needs to be one consolidated notification. But if the TAC is being presented a different mechanism, then the registered name holder should receive a notification that the request had happened.

Also, I think—I don't know, maybe we'll get into it here—that if there's an unintentional delay of the five days that the request notification probably should go out sooner rather than later. I think we're trying to get at that by this no period of time. But we probably need to look at that as well. When I mean that, I mean that someone had come in and requested to transfer again, registrant or domain access, whoever has it, came in and requested it. But the registrar is purposely taking some time to review before providing the TAC that I think that a notification to the registered name holder would be beneficial earlier, rather than later, that the TAC was requested. Thoughts, comments, concerns?

Okay. Let's take this back and let's let staff take a look at if we can pinpoint some good discussions on why we put it this way. Otherwise, I think let's look at maybe trying to separate these two ideas into two different recommendations and see if we can't do it that way. But let's move on from that and let's get into some of the more specifics. I think, even Steinar mentioned that maybe during the TAC notification that maybe he was looking for some more information and maybe provide some requests for information. Again, I don't have to think about that personally, but I don't know if anybody else has ideas on that or even on this list of what has to be in the provision or in that notice. Is this the correct information that has to be in that notice? Going along with what Steinar

mentioned, I could see ... This mentions the date and time the TAC was provided. I probably would rather see the date and time it was requested and then when it's provided, it's probably going to be in that message anyway. I think that something important might be when it was actually requested. So thoughts from anybody? Is this list right? Is this is the complete list? Should we add to this? To Steinar's specific question, if anybody has today an idea of is that reasonable to include the requester information as well. Emily, please go ahead.

EMILY BARABAS: Thanks, Roger. It might be helpful also as we're running through these candidate recommendations to zoom out for a second and talk about the notifications in the table that Sarah had dropped into chat. I know it's been a little while since we've discussed this.

There are four different notifications that the group discussed. Two that it thought should be potentially mandatory and two that it thought should be potentially optional. The mandatory ones were a notification when the TAC is provided and when the transfer is complete. And then two optional notifications when the TAC is requested and when the transfer is pending. Of course, there was some discussion about some of these might be able to be combined in certain circumstances, but I don't think the group has yet reached conclusion on that.

So in terms of what we presented here, we kept the elements separate, including what is included in each of those notifications. So the Notification of TAC Request has information about when the TAC was requested, where the Notification of TAC Revision

has information about when the TAC has been provided. Now, as I said, through further discussion, it may become clear that the group wants to combine some of these things. But what we tried to do in this initial draft of the Candidate Recommendations was to reflect our understanding of where the conversation had been left off about that. I hope that makes sense. Obviously, we'll run through these sequentially, but we organize the mandatory ones first and the optional one second, rather than putting the recommendations in the sequence that they would happen in the process of a transfer so as they are in this table, simply because the mandatory ones are in fact what would be required and the optional ones are just guidance or suggestions.

Hopefully, that high level gives a little bit of context for what's being presented here. And like I said, there's plenty of opportunity for all of this to evolve. We were just trying to capture what we saw on the table in the form of something that looks a little bit more like recommendations so the group can look at it a little bit critically with a fresh shot and think about whether this is actually what we want to put forward. Thanks.

ROGER CARNEY: Great. Thanks, Emily. That helps out a lot. Theo, please, go ahead.

THEO GEURTS: First off, I haven't thought this completely through yet. I think it will complicate our work a little bit more with the current recommendation, but it just popped into my head that as a

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registrar where we work with resellers, our system, of course, can see when a reseller initiates the TAC request. That is something that we, as a registrar, can see. What we do not know as a registrar with resellers is how the reseller will deliver that TAC. Could be smoke signals, could be SMS, could be e-mail, could be through the control panel. So having a very prescriptive recommendation could be somewhat problematic in terms of how the TAC is going to be delivered. Because that is not a communication we will be sending because we don't know how the reseller will deliver the TAC.

ROGER CARNEY: Great. Thanks, Theo. That's really good input. I'm hoping everybody's doing the same thing you're doing and running this through their head and trying to figure out, "Does that make sense? Can that work or not?" I think that that's definitely something we had to look at to make sure that we're creating the dependencies that are needed, but also allowing for that dependency breaking when it's appropriate. Again, I think maybe one of the things is breaking this apart makes that easier. We'll see again how that turns out.

Okay. A couple of other items of question in this one, obviously, specifying the method of sending. Again, I think that we're all in for trying to make it as generic as possible, but I think we still had to come up with wording that communicates that appropriately. So if anybody has ideas, I encourage them to throw it in this document where we have that bracketed "specified method of sending?" If anybody has some good verbiage that they can think of on how to make that generic, I look forward to seeing that.

The other bracketed item is a period of time. Again, obviously, without undue delay, but no later than an X period of time after the registrar provides the TAC. Is there a time period here? Does it make sense? Or maybe this even goes back to the bigger problem of are we stating what we actually want here? But, obviously, when I look at it and think about, as Emily mentioned, the optional pieces, we're kind of crossing that line of an optional and mandatory one here. So we'll have to make sure that those work together. Again, if anybody has thoughts on period of time, jump in the document and put them in here. Again, maybe we have to wait and see how this progresses and evolves a bit. But definitely be thinking about that.

Okay. Any other comments on the list provided in the TAC notification? I guess the only other thing—I don't know. The interesting thing here is the TAC notification or the TAC provision, which we're talking about the domain name, date, time, and instructions on how to undo it. But I've heard even on this call and in previous calls some people talking about the notification or the provision may be by e-mail pointing them somewhere else. So one of the things that we don't have in this list was actually the TAC. And if it is in an e-mail, I'm assuming the TAC will be in that e-mail. But if it's an e-mail pointing them back to the portal, I assume the TAC won't be here but there'll be instructions on where to find the TAC. Do we include something along that line that, obviously, the TAC has to be provided or instructions on how to find that TAC would have to be provided? Or am I overthinking it? Okay. Theo, please go ahead.

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THEO GEURTS:	I think the question is, why do you think that language would be required?
ROGER CARNEY:	If I look at this requirement here, I don't actually have to provide the TAC. Because it just says I had to provide the name, the date and time when it was provisioned, and how to undo it. But I don't actually have to provide the TAC according to this.
THEO GEURTS:	Yeah. That is maybe a little bit weak language-wise.
ROGER CARNEY:	Again, maybe I'm overanalyzing and maybe everybody else says no. It already says that. I'll let Sarah know. So Sarah asked what the question is and Theo points out, what is it? If I'm reading this recommendation, it says the Notification of TAC Provision requires me to send the domain name it's referring to, the date and time that the TAC was provided, and instructions on how to undo it. But it doesn't say specifically that the TAC has to be provided or how it was provided. And I'm wondering if the recommendation needs to say that or if I'm just overthinking it and everybody's comfortable with it. Sara, please go ahead.
SARAH WYLD:	Thank you. Hi. Don't we have a separate document similar to this one for the TAC? And perhaps the recommendation relating to

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when and how it's provided would be in that document instead of this one? Thank you.

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

EMILY BARABAS: Thanks, Roger. Actually, I was going to say something very similar to what Sarah said. We have a set of recommendations that are specific to the TAC and security requirements and provision and so forth. The reason that these recommendations about the notifications are sitting in the Losing FOA working document right now is simply because they were discussed in the context of eliminating the Losing FOA, and sort of the justification of eliminating it was the existence of these notifications. I think, ultimately, we're probably going to rearrange all of these recommendations so that everything related to the TAC, including notifications related to the TAC will all live together so you can see them all together. But to the extent that there's a recommendation that's specific to how the TAC is provided and what that looks like, I think that that probably sits, as Sarah said, with the sort of recommendations about TAC security that we've previously discussed. So we can actually probably pull that up if it's useful, but I do think that these recommendations are intended to be specific to some of these notification requirements that the group discussed. Thanks.

ROGER CARNEY: Thank you both for reminding me to think bigger than what we're just looking at. I agree with Emily that, obviously, when we get down to the point, we'll arrange these and we'll have to decide what order makes sense to present these recommendations in our report. So, okay. All right. Any other comments, questions on Candidate Recommendation 13? Really good discussion. Okay. Let's go ahead and move on to Candidate Recommendation 14. Emily, please go ahead.

EMILY BARABAS: Thanks, Roger. I actually have my hand up for Caitlin who cannot raise her hand because she's screen sharing. So this is for Caitlin.

ROGER CARNEY: Caitlin, go ahead.

CAITLIN TUBERGEN: Thanks, Roger. Thanks, Emily. Sorry for the confusion. I just had a comment about food for thought for Candidate Recommendation 13 and where this conversation is going. I was just envisioning a scenario in which someone logs into a portal and updates the registered name holder's e-mail address, and then shortly thereafter, requests a TAC. In which case, there could be some sort of fraud on the account. So I'm wondering if something the group may want to consider in the future is if the registered name holder's e-mail address is changed within a certain amount of days or time that that notification will be sent to the previous registered name holder's e-mail address or provide some sort of security valid in the event that there is some sort of fraud on the

account? Because if something is only being provided via e-mail and that e-mail is updated, what sort of security is there for the registrant? Thank you.

ROGER CARNEY: Thanks, Caitlin. That looks like it's spurred some discussion. Sarah, please go ahead.

SARAH WYLD: I love that you brought that up. Caitlin, I definitely think we should be thinking about that. I'm not sure that we actually need to solve for it, though. Because, yes, the TAC would go to the new e-mail address but I think this will come up when we talk about the change of registrant process, right? Because that scenario that you described is exactly what the change of registrant process is intended to protect against. And I'm not sure that that really matters, like the temporal proximity matters that much. But also, I think in some preliminary discussions, I think we found that the change of registrant process is fairly cumbersome and not actually particularly necessary in terms of preventing fraud. We're not seeing a high rate of fraud happening. And so, although it's the thing to think about, I'm not sure it's actually a problem we need to solve for. And if we do, then I think we would solve for it in the change of registrant phase of this group. Thank you.

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

THEO GEURTS: Thanks. I understand where this is coming from. It's always good to think about such things. But I'm totally opposed against the idea. I mean, I understand the scenario. But in that scenario, when there is account compromise, there's usually also evil compromise. So you basically cannot stop this with an ICANN policy. You can try, but it will fail. Furthermore, I can't even comply with such language because I do not control the security of the control panels of our resellers. So that is going to be a no-go there. What I rather see is—I understand the need for security but it's already been bumped up by laws and regulation. I mentioned this earlier during our discussions multiple times. And the reality is, if you are a registrar and you have bad security, you're going to have a major problem in the future.

Just last week, there was this airliner, Dutch airline, by the way, who provided very poor security to its customers. And as such, it got fined by the Data Protection Authority for 400,000 euros. And they stated in their investigation that the controls were just bad, the security of the control panels was just bad. So I think there's already stuff like the GDPR out there that already takes care of the scenario, which Caitlin just already provided. But Sarah just mentioned it'll be very cumbersome already. The change of registrant is already very cumbersome and doesn't provide real protection against the main theft. As Sarah mentioned, the numbers are extremely low. So let's not complicate the entire process more and more. Thanks.

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

BERRY COBB: Thank you, Roger. Theo, I hear you. The ICANN policy here is global in nature, not EU or GDPR footprint in nature. That's not to say there are other regulations that may have the levels of relevance that GDPR does in terms of security. But trying to think about it practically, let's say a European registrar and a registrant's account panel is hacked, they transfer a fairly valuable domain name. And I know we're kind of getting onto the fringe here, and I know that next we still need to discuss the TDRP and how we can possibly mitigate that scenario. But I have concern that we're just leaning on laws and regulations to that are supposedly going to mandate increase security of contracted party systems. But when we think about it in practical terms that that domain is hijacked or stolen, what that means is that if the registered name holder doesn't get recourse through their registrar to try to pull back or claw back that domain or maybe they even do but then they're filing a request through their local DPA, there's an investigation behind that DPA, and then the registrar gets fined X number of euros. I mean, that's a very long process. I think the hesitancy here is what are other mechanisms that can be applied to enhance the security apparatus here? And I say that in the context that, at least at this point, the group is moving towards sunsetting the gaining FOA. I know that there are debates about the soft or hard security level of what the gaining FOA did, but at least there was a kind of a different channel check involved with that. So it's really just kind of a caution to the group that I don't think we can just purely lean on laws and regulations about security when we're also talking about trying to enhance the security for a global base policy.

ROGER CARNEY: Thanks, Berry. I'll say that the one thing with the laws and regulations, obviously, it's one of those where you look at it and either you're complying with them or you're actually trying to make them better or you're not complying with them, which is possible as well. But obviously, I think our goal is to make it better than even what law and regulation makes everybody the baseline, I would say. But I think that Sarah hit this right. And I think this discussion is more fitted toward our change of registrant discussion because that's exactly what it was. Caitlin brought it up as specifically a change of registrant information. So I think that it's great to discuss and actually be aware of it as we're doing this. But I think that our big discussion on this will come during that change of registrant discussion. Theo, please go ahead.

THEO GEURTS: To Berry's point, I think when we look at the GDPR, how that is affecting registrars globally, I think it's working out pretty well. But again, to my point, how do I know if a customer account panel and a reseller is being hacked? I don't know that. I mean, we are just adding more and more. I think we just added more notifications, which bear no relevance. It could be very legit. I think we are just going down a rabbit hole here, just like the change of registrant, which was not a pleasant journey to begin with at the end. But I think it's not going to add any value but maybe this is better addressed with a change of registrant policy, which is also up for debate. Thanks.

ROGER CARNEY:	Thanks, Theo. I agree. Again, I think it's great that Caitlin pointed this out because it's definitely something to be aware of as we're talking about this. But I think, obviously, this is a discussion we'll get into with the change of registrant. And to your point, Theo, obviously you're not going to know. If you know you're being hacked then you're not going to be hacked. But I think that it's not that part of it. If there's a change, is there something that needs to be done policy-wise to address that change and things that can happen along with that change? And again, I think that what we're talking about is change of registrant stuff. So we'll delay that major discussion until then.

Any other comments questions? Okay. All right. Let's go ahead and move on to Candidate Recommendation 14. "Working group recommends that the Registrar of Record must send a notification." Again, optional are something we need to fill in, specified method or not. And again, I hope someone comes up with some good language for us there. "Must send a notification to the RNH as listed in the Registration Data at the time of the transfer request without undue delay but no later than an X period after the transfer is complete." So again, going back to what Emily mentioned, this is our second notification that we basically came to an agreement on that said this is one of the mandatory ones, the first one being obviously when the TAC is provided. And the second one is when the transfer is actually completed.

Let me continue. "To the extent that the Registrar of Record has transferred multiple domains to the same Gaining Registrar at the same time and the RNH listed in the Registration Data at the time of the transfer is the same for all domains, the Registrar of Record

may consolidate the notifications of transfer into a single message. This notification may be written in English and/or the language of this registration agreement. The working group recommends that the Registrar of Record be required to include the following elements and the Notification of Transfer Completion. The domain names and the name of the Gaining Registrar (may include the IANA ID)." I don't know if that's something we want to do or not. Probably a good bracketed question. "Text stating the domain was transferred, date and time with the transfer, instructions on how the RNH can take action if the transfer was invalid, basically, how to initiate a reversal of the transfer."

Okay. So that's the totality of Recommendation 14. And again, this goes along with when the transfer is actually completed. Theo, please go ahead.

THEO GEURTS: Yeah. Quick comment on the number one there about the Gaining Registrar, the name of the Gaining Registrar and the IANA ID. When I get the information from the registry that a transfer has been requested and I'm being the Losing Registrar, I always get the IANA ID. But I don't always get the Gaining Registrar's name because that depends on if the registry has mapped that out. So if you want to have the name of the Gaining Registrar, then the registry will have to provide me with that one.

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ROGER CARNEY:	Okay. Thanks, Theo. Any other comments, questions? Does this match what people thought we were talking about on the transfer completion notification? A couple of comments in chat talking about the IANA ID being somewhat confusing. I tend to agree. And to Theo's point, the Gaining Registrar—obviously, there's multiple ways to do that. I think that we would have to come up with the way—either that poll message from the registry includes that information or there has to be some mechanism for the Losing Registrar of Record to obtain that information.

Does the IANA ID—again, I agree with people, I think it could be confusing. Does it hurt if it's provided with the name? And the only reason I suggest that is maybe it's more useful to the people involved in any dispute later on or anything that the ID may be as more useful than the name.

A lot less discussion. Either people got tired of discussing that or this is right spot-on and we don't have to change it. Owen, please go ahead.

OWEN SMIGELSKI:	Thanks, Roger. I think there might be a little confusion here between what registrars are doing on the backend versus what a registrar is doing with communications towards a registered name holder, regardless. I think including an IANA ID or some sort of other registrar ID that's not the name of the registrar, who's sending that to a registered name holder is way too confusing. They don't care. It'll over complicate stuff. Over on the back end, registrars certainly do need to know sometimes if there's a gaining or Losing Registrar, whatever polling information they're doing

with a registry, but that information needs to get passed so that registrars are able to readily identify which registrar that they are dealing with in that aspect but not for the communications going to the registered name holder. Thanks.

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

THEO GEURTS: I agree with Owen there. It's all about communication. But if I am the Losing Registrar and I need to inform the registrant that the domain name has been transferred with the name of the Gaining Registrar, I do need that information from somewhere. And if I don't get it from the registry, then it's going to get complicated.

ROGER CARNEY: Yeah. Thanks, Theo. I agree. Maybe one of the registries can jump on, too. I know that most registries contain registrar contacts as an object. And if they actually associate the IANA ID to that contact, I don't know for sure. But I'm wondering—and maybe it's even an ICANN Compliance topic to bring up—what name should be displayed. Obviously, IANA has a list of all the IDs and their company name associated to it. Is that the appropriate place that that should be taken from? Should it be the registry maintains their own object? Should that be where that name comes from? Just some things to think about.

Okay. One of the things that this recommendation gets into is the idea of if someone was transferring three or four domains, it

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allows what we all prefer, less communication or less, I guess, notices, the same amount of communication saying each of these have gone somewhere but less notices to deal with that and maybe consolidating them. One thought, one concern with this is do we need to separate an idea of registrant transferring ten domains, five of them to one registrar, and five to another? Is that a single communication to the losing registrant with two different basically or different Gaining Registrars? Or should that be separate notifications based on Gaining Registrar? Again, we've continually talked about the less notices, the better, as long as the communication is clear. Theo, please go ahead.

THEO GEURTS: So when we're talking about the current Transfer Policy in regards to the Losing FOA, you can actually combine the Losing FOA. I think we are not the only ones doing that. Sometimes you have a reseller who is transferring like 50,000 domain names, you combine that into one FOA. It's going to be a big one but it's better than sending 50,000 single notifications. Most e-mail providers are not going to take that lightly if you bombard them with 50,000 e-mail notifications. Microsoft doesn't like it. Google Mail doesn't like it at all. So you just need to combine it if there is a reason for that, and there's plenty of reasons there. Thanks.

ROGER CARNEY: Thanks, Theo. I think this wording allows it. Obviously, it allows the consolidating of it, which again, as Theo mentioned, is actually current practice as well. But it also I think allows it if someone chooses to separate based on business need that they identify. I

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think that language is flexible enough to afford either one, again, the minimal notification or if there's a business need to maybe be more direct about that specific communication.

Okay. Any other items? Are we missing anything that should be communicated to the Losing Registrar's registrant, I guess? That's kind of difficult one. Is there anything else that would be useful to send? Okay. Again, I'm glad that—obviously, this one is more in line with what people were thinking or have in their heads. So hopefully, we'll again revisit this and we'll know. But again, there's two different things that are kind of missing here that we're looking for in brackets. Again, I'm looking forward to someone coming up with our method of sending text or language so we can put that in there. Is there a time period after the registrars notified that this notice needs to go out? Obviously, the undue delay is great because it makes things happen as quickly as possible. But do we need to put in an X number of days registrar has to communicate this out? Five days, fifteen days, one day? Something to think about. Again, if you find something that you like, put it in the document and we can review it.

Okay. I've kind of lost track on the chat. So if anybody has anything they want to bring forward in chat, please do. I just hadn't paid attention to it in the last few minutes. So if anything there, people want to bring forward, please do so. Otherwise, we will jump into Candidate Recommendation 15. All right.

"The working group recommends that the Registrar of Record may also at its own discretion send a notification to the RNH as listed in the Registration Data at the time of TAC request, without undue delay but no later than X period after the TAC is requested. This

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notification may be written in English and/or the language of the Registration Agreement suggested elements of the Notification of TAC Request include domain name, date and time the TAC was requested, instructions detailing how the RNH can take action if the request is invalid, e.g., how to invalidate the TAC."

So this goes along with our prior recommendation on the timing of the TAC request in the actual presentation of the TAC. So this is one of the optional ones that Emily mentioned, notifications. This was, again, back to the important part of either there's a slight delay in providing TAC or the specific case of where the requester and the registrant may be slightly different people. So any comments, questions, concerns? Is this written appropriately? Again, I think this goes back to Emily's point of one of the optional notifications. Theo, please go ahead.

THEO GEURTS: Question. Why would I send a optional notification at my own discretion?

ROGER CARNEY: I think that here, a lot of the times, to me, this comes up with if the registrar's planning to have a longer due diligence period so that they want to recognize to the registry name holder that processes in place but that maybe they're going to take some time to confirm that the transfer was legitimate or for whatever reason. Again, when we go back and talk about Sarah's idea of the chart we were looking at, this was that first Notification of the TAC Request. Theo, please go ahead.

THEO GEURTS: Wouldn't it be logical then to add a number four, the reason of the delay?

ROGER CARNEY: I think if the delay is there, I think that makes sense. Theo, you've mentioned the last notifications probably the better, this probably is going to the other side with more notification occurring. So I think that that's the base. I think that a registrar may choose to send communication to the RNH every time a TAC request is done. And again, going back to the prior Candidate Recommendation. And also providing a communication at TAC provision/presentation. Maybe some registrars actually do have a request one and a provision one and a pending and a completion one. But to your point, I would think if it's due to a delayed TAC response, I think that would be a good idea.

Other comments, questions? This is aligned with what we were saying before. Theo, please go ahead.

THEO GEURTS: I'm still struggling with it. The wording is now very broad. You can use it for everything. When there is a delay, maybe that is something we want. But maybe to the point—maybe it's just me having my brains fried at this time of the day, being in a very long day—I didn't get the goal of the recommendation. I had to ask you why it was even there. So I can assume that maybe others are going like, "Why would we even do this while there is actually a very good reason?" So maybe we want to specify it like this and

this for perhaps this and this reason. I don't think we should be very narrow with it. Just have it as an example, maybe as a little bullet point or a little clarification point why that is here. Thanks.

ROGER CARNEY: Thanks, Theo. You bring up I think something that we did talk about and trying to decide if this was optional or mandatory. If the Registrar of Record knows at the time, "Okay, this is going to be 48 hours before we can provide the TAC," is that a required communication to the registered name holder that, "Okay, yes, we received your request but we need to do X due diligence and we'll provide the TAC for X days." And again, I think that it gets difficult because just the amount of time and research may be flexible, independent, I guess. I think that's probably why we came down to this position of, "Okay, this is an optional idea. And it being optional, is the list of items optional? Or are they required if provided?" is another discussion, I guess. Okay. Again, it may be adding something to Theo's point of clarifying when this makes sense to be used. And maybe that's not in the recommendation itself but appointed to somewhere that discusses that.

Okay. Well, we have about 10 minutes. Let's jump into Recommendation 16 and see if we can get through that at least. Okay. So Candidate Recommendation 16. "The working group recommends that the Registrar of Record may also, at its own discretion, send a notification to the RNH as listed in the Registration Data at the time of transfer request, without undue delay but no later than X time after the transfer is requested. To the extent that the Registrar of Record is being asked to transfer multiple domains to the same Gaining Registrar at the same time,

and the RNH listed in the Registration Data, other transfer request is the same for all domains, the Registrar of Record may consolidate the notification, a pending transfer into a single message. This notification may be written in English and/or the language of the Registration Agreement suggested elements of the Notification of Pending Transfer are: domain names, text stating the Registrar of Record received a request for transfer of the domains, date and time of transfer request, date and time of transfer will take effect if no action is taken, instructions detailing how the RNH can take action if the transfer is invalid, e.g., how to stop the transfer from occurring, include as much information about the requesting party as permitted and available."

So, I think this even touches on something that Steinar mentioned earlier. Again, I think that this is the second optional notification that Emily mentioned. This is the pending notification, which I think basically occurs. And maybe and I think, if we look at the chart—I don't have it pulled up in front of me—but this may occur at the same time as the TAC presentation. I think that was some of the discussion we had earlier was basically a transfer is pending as soon as the registrant or someone has the TAC in their hand. And that transfer becomes pending in the sense that prior to the TAC provision, there is no transfer. And once that that is provisioned and until it's actually executed, that transfer is pending or in a "pending" state. Again, this is the second optional one. Again, I think we talked about this being part of the TAC presentation, communication, but also can be separated. So I'll open it up and see if anyone has any comments, questions, concerns.

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Okay. The one thing I noticed on here is the fourth item, the date and time the transfer will take effect if no action is taken. I think is probably a difficult thing to come to, because once the TAC is provisioned, it's out of the hands of anyone besides the registrant with the exception of obviously a TTL. But it's really in the hands of the registrant as to when this gets actionable. So I think that number four becomes difficult, except again in the sense that if the TTL expires, then the transfer is cancelled, it's not actually going to happen.

Okay. Thoughts, concerns? Again, we read through all these recommendations, discussed them well, but we are not tracking them here. We will revisit all of these. Obviously, we have some updating to do on some of them. But again, good discussion on them. That's the reason to go through them is to get that early move from Candidate Recommendation to discuss recommendations, and hopefully we can finalize on actually making recommendations.

I think that with just five minutes to go, I think we'll stop here and pick up next week where we left off. Again, I think this is all the recommendations we have. We just have some texts that we need to go over on the other charter questions. So we'll pick that up. But with five minutes, I'll open it up. Any comments, questions anyone wants to bring forward? Again, I think that there's a few bracketed items in here. I look forward to people fill in any of those in in the document.

Okay. Again, take time over the next week and finish reading out this document, the text below, and the next charter questions. Also take a look at the Gaining FOA Rationale document again on

the Gaining FOA working document. Take a look at it, take a read of it. Please add comments as you think of them into the documents and we'll go over those things next week. So please take some time and we will see everyone next week. Thanks, everybody.

JULIE BISLAND: Thanks, Roger. Thanks, everyone, for joining. This meeting is adjourned. You can disconnect your lines. Have a good day.

[END OF TRANSCRIPTION]