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ICANN Transcription

Transfer Policy Review PDP WG

Tuesday, 07 June 2022 at 16:00 UTC

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JULIE BISLAND: Good morning, good afternoon, good evening. Welcome to the Transfer Policy Review PDP working group call taking place on Tuesday the 7th of June 2022. For today's call, we have apologies from Prudence Malinki (RrSG), Crystal Ondo (RrSG). They have formally assigned Jothan Frakes (RrSG), Essie Musailov (RrSG) as their alternates for this call and for remaining days of absence.

As a reminder, an alternate assignment must be formalized by way of a Google assignment form. The link is available in all meeting invite 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. If you have not already done so, please change your chat selection from hosts and panelists to everyone in order for all participants to see your chat and so it's captured in the recording.

Alternates not replacing a member should not engage in the chat or use any of the other Zoom Room functionalities.

Statements of Interest must be kept up to date. Does anyone have any updates to share? If so, please raise your hand or speak up now. Seeing no hands, if you need assistance updating your statements of interest, please email 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.

ROGER CARNEY: Thanks, Julie. Well, welcome back everyone, after a week off, and before some of us head to ICANN 74. Just a few things before we jump into staff walking us through the public comment form for our initial report. Just a few items that have popped up over the last week or so.

I think a couple of weeks ago now we had talked about one of the denial reasons. I don't remember specifically the number but it was the evidence of fraud or I think registration agreement, and then we were trying to tweak that so it wasn't just a generic registration agreement.

And someone I think Sarah may have suggested material added to that. And then I think Holida a couple of weeks ago or three weeks ago suggested a couple of other possible changes. And it sounded like on the call, maybe not any disagreement to those. So I wanted to put that front and forward for everyone. And it seems like that was some good wording.

Evidence of fraud, or yes, and I think we changed it to violation of registrar's domain use or anti abuse policies. And I think that was Holida's suggestion from a couple of weeks ago. And there wasn't any vocal—anything against or for it even last time. But now that we've had a few weeks to talk, I know there was a few chats that thought that that kind of works out. But I wanted to throw it kind of open now to see if there's any issues with that. And if not, we can go with public comment with this. Again, the violation of registrar domain use or anti abuse policies. Okay, looks like Sarah, Keiron, Owen, and it looks like some good support for it. Emily, please go ahead.

EMILY BARABAS: Thanks, Roger. Hi, everyone. I just wanted to note also that you'll see some additional redlines on screen and in the document that I just shared the link to our summaries or recommendations. And that's just an update to the rationale to correspond to that text update to the revision. So I don't think there should be any surprises there. But folks should take a look at that and just make sure it's consistent with their understanding of the rationale. Thanks.

ROGER CARNEY:	Great. Thanks, Emily. All right. Any other comments? Thanks, Eric, for support there. Okay, it looks good. I think we have some good language to move forward with then. Okay, let's go ahead.

The next thing I wanted to talk about real quick was Farzani sent an email. I think it was a couple of weeks ago, maybe just a week ago, it seems like a while ago. And I didn't see her on. She didn't join yet. It was to do with a topic I think we had talked about briefly before, and that was on the concept of some registrars who are charging a transfer fee, and how to get that to work correctly.

We talked about this a while back, and maybe more than a month or so ago. And I think we that we had decided not to jump into this because it was kind of out of scope of what we were trying to deal with. I think everybody recognize that yeah, some registrars do charge this, and again, obviously, the transfer policy today and [inaudible] suggesting for what comes next, it is clear that you can't charge—or withhold the transfer because of something like this. And it's not—registrars can charge what they want, but they can't withhold the transfer because of this. So Thanks, Keiron. And I think that's what we came to, that we thought this was added scope from our charter, but I wanted to bring it up and see if anybody had any thoughts or concerns about this. Again, I think from our group, the way I see it is it is out of scope. And again, I think we're handling—and today's policy, and what we're suggesting handles this correctly. So, again, not that they can't do it, it's just they can't stop the transfer. Theo, thanks. Jothan, thanks. Okay. Great, thanks.

Alright, so I think that's good and we can let Farzaneh know that obviously, this wasn't the first time we talked about it, but again, I

think we're continuing our agreement from last time that out of scope, and it's addressed appropriately.

Okay, and the last thing, I think, or next to the last thing, maybe I should say, that I want to cover before we jump into the public comment form, so Jim had made some redline suggestions to our discussion around the standard TTL. And he made a few redlines for the recommendation or really just for discussion around it. Thanks, Emily. And there's the link to that.

And again, Jim's not making a lot of big changes here. There's few additions here. And I don't know if Jim wants to come on and talk to them. You know, I read through them. And my only question was on his first new sentence, there, it is a maximum because the TAC can only be used once. I'm not sure if that's at least clear to me or not as a reason why it's a maximum, but adding the term maximum seems to make sense to me in the prior sentence. Jim, did you want to talk to these at all?

JIM GALVIN: Thanks, Roger. I do think that the last sentence that I added down there is kind of substantive. And I had said that on the mailing list I want it to be to be fair and call that out to people. It is something that was expressed during our meeting, and I didn't want to lose track of it. Now up there, we are highlighting, it's a maximum, because the TAC can only be used once. Yeah, that was just kind of minimally explanative. And maybe it's a little too minimum. So there's no heartburn for me if we want to drop that and just have the word maximum in there.

I guess I was reacting to at least in my mind part of the problem is you can't put all that context in sort of a question statement here. But what I had going through my mind was the idea that its use could be shorter, because you do turn it off once it's used, and I was trying to add a little more explanation, but maybe that's a bit too much. So I hear your comment about that extra sentence there being a little much, and so I'm okay that if it comes out, that was just a suggestion. Thanks.

ROGER CARNEY: Okay. Great. Thanks, Jim. Yeah, and again, I think the maximum, I think [chat] showing the maximum seems to help out. But I think, let's the plan to remove this last sentence, this because it's only used once. Let's remove that one.

Thoughts on the next paragraph, the update in the role of enforcing—I think that that was a good change, too. And I don't see that delete as an issue. Okay. And to Jim's point here, I think that—Thanks, Sarah. And this last paragraph here that's on our screen, is probably more—I think Jim said substantive one. And he adds this whole last section here. So I think it's important to read through this and see if you guys agree with it, or did he record this correctly or do we need to make some modifications to it? Theo, please go ahead.

THEO GEURTS: I think for now, where we are at in the discussion, we can leave it be. Everybody can submit their own comment on this statement, if you will. So I think that's the correct way to go. Just go through the

comment period and make comments if you agree or disagree with this. Thanks.

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

SARAH WYLD: Thank you. I'm certainly not disagreeing with the substance of those points, registries have indeed expressed those concerns. I feel like point number two could be written a little bit more clearly for people who haven't thought about this before. So I'm just going to suggest some non-substantive changes to the sentence to hopefully make it flow a little bit better in a way that hopefully will be useful for first-time readers. Thank you.

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

EMILY BARABAS: Thanks, Roger. And thanks, everyone, for this additional input. Just in terms of the timeline, I'm wondering if we can set a deadline for any additional input on Jim's suggested edits. For example, I see that Sarah is already providing input, which is great. But maybe we could go over her suggested input, if it is in fact almost done, and then give people, for example, 24 hours, and if we don't hear anything within 24 hours, we can go ahead and incorporate that revised text into the sort of final edition of the

report that we're hoping to release to all of you tomorrow. If that's acceptable, that would help us close it off. Thanks.

ROGER CARNEY: Great, thanks, Emily. Okay. I think we've seen a couple supportive in chat already. Any other comments? Again, we take a look at it here. It looks like good support. So let's look at this. And if anybody has any heartburn from this, as Emily said, let's get that response back before tomorrow, or by the end of day tomorrow, so that we can get this wrapped up and moved on. Thanks. Rick.

Okay, and I think that was the last of the big things that I wanted to cover. The only other thing I want to open up the floor to any of the stakeholder groups that have had any meetings or any comments or any discussions over the last now a couple of weeks, I guess, or last month, or whatever it is, if they want to bring anything forward from their stakeholder groups, just to let the group know what's being discussed. Or I'll add that last week, we did go through a nice general overview of the initial report. A few questions on it, but nothing major. So I think we're looking in good shape for that. But I would like the open up the floor and anyone. Theo, please go ahead.

THEO GEURTS: Yeah, thanks. So this is not so much that the Registries Stakeholder Group has something to add to the discussion. It's more of a sort of public service announcement for those who are traveling to The Hague next week, or maybe this week. Entering the country will be not so much of a problem, that will go pretty

smooth, but exiting the country, that's going to be problematic. The last few weeks have been total and utter chaos at Amsterdam airport. There's lots of staff shortages. So people were standing in the line for six hours to Board their planes or not able to board their plane. So if you're traveling back to home, make sure you check the website, maybe follow Twitter. If you see [inaudible] trending in your Twitter timeline, you might want to check it out because maybe it is chaos again. So keep that in mind. If you want to arrive early, that is possible at the airport. But if you are arriving four hours prior to your departure, you are not going to be allowed to enter the airport. That's a new rule that just came in place. It's a little bit of an experiment. So keep that in mind when you're traveling back. It could be chaotic. One of the good things is there were some news items here on the national television about strikes, union strikes, that has all been resolved, the people that are handling your baggage are going to be paid a lot more. So they will continue working on your luggage, so that's been solved. But again, keep in mind it can be a little bit chaotic. Thanks.

ROGER CARNEY: Great. Thanks, Theo, for that inside information and the PSA there. That's excellent to know. Anything else that anyone wants to bring that up here real quick? Okay, I will go ahead and let staff jump into our review of the public comment form.

EMILY BARABAS: Thanks, Roger. Hi, everyone. So what we're going to do on today's call is run through the format of the public comment forum and the form itself that will be used to input public comments. And

some of that is just for your information so that you know what it looks like. But a big reason for this is that you all are going to be our ambassadors for the public comment process and helping your groups input comments that are relatively easy, we hope, to sort and process that have good substantive rationales and so forth.

So going through what we're doing and why we're doing it, which will hopefully be somewhat familiar from previous public comment periods for other working groups. You can then help us make sure that we get good input and that it's relatively easy to work through and use for the revisions, if any.

So I'm just going to show you an example. Hopefully, most of you are familiar at this point with what the new public comment looks like. But I'll just briefly give you an example of one that's opened recently, there's going to be an announcement on ICANN Org with some background information about what kinds of input are being sought. A link to the public comment proceeding. This is of course not our public comment proceeding, but one on a different topic that was opened recently. Some background on the topic, little bit of information about next steps and some links to relevant resources.

So this is the entryway to the public comment. This content has been drafted and is really pretty straightforward and brief to the point and just summarizes where we've been and where we're going. Is there any question about that so far?

Okay, so this is a draft of the form itself. Obviously, this is just a Google document. But it will be presented as a form embedded in

the public comment web portal, as is the case for all public comment periods at this point.

So the form—and I wish that I could show you a current form that's open, but actually there are no public comment proceedings currently open, so we'll just have to use our imagination. But it will start out with some instructions. And this is pretty important. And this is the part where you will all be ambassadors. The goal here is to make sure that the comments are linked as closely as possible to specific text within the initial report, that there's clear reasoning or rationale for why people are expressing certain opinions or support, opposition and so forth. And the goal of the form, as is the case with all forms, is to help us sort the comments so that they can be read all together on a single topic.

Important for your groups, there's obviously a lot of different areas where you can provide input, but folks can input on one topic or lots of topics. And there's an open section at the end where anything that's not covered in the form itself can be entered. So plenty of free text opportunity as well.

As I mentioned earlier, we really do want people to reference specific page numbers or quote specific text so that it's very clear what they're talking about. And again, that rationale is important, this is not going to be counting support, counting opposition. It's not a vote. The idea is to really look at those rationale, look at the thinking behind the positions and understand those so that it can be clear what's been taken into account so far, and what still needs to be considered. Okay, any questions about the instructions for this or what groups need to know as background?

Okay, great. So the first section is pretty straightforward. It's just asking for name, affiliation, whether the submitter is providing information on behalf of another group and any details about that. And then all of the following sections are focused on the recommendations themselves. So that really is the core of the questions here, are about the recommendations, which are the key outputs the meat of the report.

So each section is broken down by the topics. And we'll put, once we have the report finalized, we'll put the page number of references so folks can cross reference to the report itself. The first substantive section, section two is on preliminary recommendations one through four, which is all about the gaining and losing FOA. And the questions are quite straightforward, and each one is the same.

So we're asking the level of support for the preliminary recommendation, and you're just selecting one. So you either support it as written, support the intent but would like to see a wording change, you think a significant change is required so you're changing both the intent and the wording, or the recommendation should be completely deleted. Or you have no opinion. And again, you can select none of these if you just don't want to speak to Recommendation 1 at all.

And then if the response requires an edit or deletion, the request is that you provide any suggested revised wording and your rationale for why you think something different needs to happen. So we've repeated that for each of the questions. Each of these are the same, just obviously, putting the page reference for the next recommendation number.

And then this will be revised slightly, actually, sorry, this one has stayed the same. As you all know, we have two questions for community input, and those are inserted into the form in the specific locations that they fit with the recommendations. So here we have an example of the question for community input on recommendations three and four focused on the IANA ID and whether that should be included in the notification of transfer completion. And of course, we'll revise the other question based on the discussion today.

Section three, again, the format of each question is the same. But this topic focuses on the TAC, largely repeating the same format and just that next section. Our additional question for community input, as I mentioned, we'll revise that and that is positioned with recommendation number 13 on TTL.

Section four of the questions focuses on preliminary recommendations 14 and 15, which is the phase one rec 27 wave one report. Section five focuses on NACKing transfers, recommendation 16 through 22.

And then section six is our catch all section. The goal here is to give people space if they don't want to be directly to the specific recommendations, but either another part of the report, something that they think is potentially missing, or other issues, there's two catch all questions here.

So one asks, are there any recommendations that—oops. Clearly, we have reused some of the text from previous forms. Any recommendations that the working group has not considered? Please provide details. And I think the character count on these is

like 8000 characters. So there's a lot of space. And if people need more, of course, we're here to be reached by email if folks need to submit more.

And then the final question is, are there any other comments or issues you'd like to raise pertaining to the initial report? If yes, please enter your comments here. If applicable, please specify the section or page numbers in the initial report.

So that is the form that we're looking to use. I don't know if there are further questions or clarifications that would be useful for the group. Keiron, please.

KEIRON TOBIN: Yeah, it looks fantastic. Just out of curiosity, can people submit anonymously? Or is the name required?

EMILY BARABAS: That is an excellent question, Keiron. I believe that name is required. Yeah. And that is standard for how we have been doing with other public comment forms as well.

KERION TOBIN: Perfect. Thank you.

EMILY BARABAS: Berry, please.

BERRY COBB: Thank you. Just to put color on that. The new public comment platform now requires any submitter to log in through ICANN account to make that submission. So if your respective groups aren't already aware, of course, you can always submit a personal comment. But there's also the need for a stakeholder group or constituency or an SO or an AC to also submit that comment. And as part of deploying that platform, there have been specific user IDs created for the represented groups to log in so that it's directly attributed as a group particular comment versus an individual or a single registrar, as an example, within the RrSG. Thanks.

EMILY BARABAS: Thanks, Berry, good reminder. And for anyone, I think most of the groups that you all represent have probably done some public comments already in the new format. But if folks do have any questions, either because they're submitting individually or with a group that hasn't submitted a comment before, there are some pretty good user resources on the public comment website that walk you through accounts and kind of how to work through the public comment process.

And I do see that there's a comment from Jothan here saying that the format is helpful for obtaining actionable input, but a little harder or more time-consuming than previously for the submitter. And Jothan, that is noted. And as we go through this, we do welcome feedback on it.

I think what we've found with some of the previous public comment periods where we have used forms, there really is such an added value on the backend in terms of what we can use and

how we process it that that's been pretty huge. And I will say that I think that this new form, as part of the revision, of the overhaul of the public comment process, is more user friendly than Google Forms, for example. Although we'll welcome feedback on that as well as people go through it.

And I'm just reading the question about how a registrant would self-identify when commenting. So I believe that you can also create an account as an individual and just submit it in that way so you don't specifically—and Berry has been working, I think, on some of the public comment stuff more than I have, so he can confirm, but I think that just like has always been the case, that anyone can submit a public comment. That's still the case. It's just that an account needs to be created in order to submit that form. Is that right, Berry? and if not, I can circle back with the group and confirm.

BERRY COBB: I'm sorry, what was the question again?

EMILY BARABAS: I was just looking at the question from Jothan about for example, a registrant self-identifying when commenting and that they don't have a stakeholder group. So my understanding is that just as it has always been the case with public comment, anyone and everyone, including an individual registrant, can respond to the public comment opportunity, but that they just need to create an account in order to do so. So they can do that in their individual

capacity. Is that also your understanding? And if you don't know, I can look it up and get back to everyone.

BERRY COBB: No, that is correct. So each and every individual will need to create an ICANN account if they plan to submit for the proceeding. So if I'm a normal registrant, it would be joe@joe.com representing myself, or maybe my own company in the same way, if you're a registrar, again, as an example, it would be jothan@registrar.com. And perhaps maybe even Bob at your same registrar would also want to submit a comment. Both are considered individual, but they're tied back to the organization, the company that you're representing.

EMILY BARABAS: Thanks for confirming. Are there any other questions about how this is going to run and what to expect? We've mentioned earlier that the target opening date for this public comment period is the 20th of June. And it will be open for 42 days—the standard minimum is 40—closing on the 1st of August. So that's what we're looking at. And I think we're in good shape to get there, given where we are with a report.

If there are no other questions and comments, as I mentioned, we'll be sharing that final version of the report with the revisions to the questions. And just a couple of other housekeeping edits to all of you a little more than 24 hours from now. And then we'll be proceeding onwards from there and diving into phase 1B, and

using this form as it's been presented. So Roger, I can pass it back over to you if you'd like to take it from here. Thanks.

ROGER CARNEY: Great. Thanks, Emily. Okay. Again, I think we're well positioned for this initial report. But as Emily stated, this working group here is the ambassadors to make sure that comments come in and stakeholder groups get their say into this. So again, I think it's important that we all take it back and push our stakeholder groups to come forward and get the comments done during the period.

I think that was all for our agenda. I only had one last thing for other business, and that was to kind of talk briefly about the meeting next week at ICANN 74. I know a few of us will be there and, and some of us will still be in virtual. So it won't change a whole lot from this [group's aspect.]

But we are going to be jumping topics now into change of registrant. And obviously, we'll do an introduction to change of registrant. But I think that the two big things to focus on are those first two charter questions in the change of registrant, D1 and D2, I think, and basically D1 is—it's been said that the change of registrant is not fulfilling its goals. And if it's not, can it be changed to fulfill those goals, or are those goals even necessary?

So I think D1 is the big heart of this whole change and registrant that we need to jump into and get to think about. And again, I'm only bringing it up now just so people start thinking about it prior to next week so we can have a good discussion on it.

Again, D1 and D2 charter questions are going to be big and important. So I think between now and next week's meeting—oh, thank you for highlighting those—take a look at these. This is where our focus is going to be next week. So take a look at these two and get your thoughts behind it so we can have a good discussion next week. And I think maybe that was in our agenda when next week was actually. I don't remember exactly when it was, but I'm sure someone will let us know. Theo, please go ahead.

THEO GEURTS: Yeah, in preparation for that high-level discussion, it's also good to sort of try to find the answer, like, why did we even go with a policy recommendation back in the day to come up with the change of registrant? What did it actually achieve or did we try to achieve? And if we didn't achieve that goal, what would be the solution? And you know, to get a little bit of a pre context there when this was introduced back in 2015, always thought that it was rather excessive to the goals it tried to achieve in the sense that it was a very non-solution that didn't cover at all what it was trying to achieve.

And if people have actually some solutions to make it work, that would be really, really great. I couldn't come up with any solution back in the day. So that is always a little bit of a frustrating part, that this sort of got into a policy and also created numerous problems.

I mean, there were parts of this change of registrant policy which was a red flag for the community, in my opinion, that we couldn't

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even code several parts of this policy, which is a huge problem when you talk about a policy development process that you come up with a recommendation and then later on, it turns out, you can even code it.

So this is a very complex piece of policy. So I think everybody should be aware that if you want to have this discussion, you should be prepared for this one, and definitely read what's on the screen here, and try to figure out, why did we do this? And is the question not really—why should we get rid of this? Thanks.

ROGER CARNEY: Great. Thanks. Yeah, and I agree, I think that we have some good resources here. Obviously, the charter questions are pretty specific. But I mean, the charter questions are derived from the issues report. So obviously, taking a look at what the issues report states here is important. And as Theo mentions, taking a look back at why this was added in the first place is a great starting spot because obviously there's reasons why people thought this should exist, and do those reasons still make sense today, is one question to ask.

But also, as Theo mentioned, okay, did we solve those problems? Did we actually make that? And if not, again, if those reasons still apply today, can there be any changes done to actually fulfill that? So I think that's the big things.

And again, take a look at the issues report and obviously the charter itself and take a look back in history and look and see why

that was brought up to begin with. And staff will pull all that stuff together for us as well for next week.

So any other comments, questions on this part? Okay, and staff, can you remind us when our meeting is next week? Thank you. Next Monday, so it will be a day earlier. 10:30 Central European Standard Time. 4:30 Eastern. Sarah will have her coffee going.

All right. Any other comments or questions, anything staff has that I probably forgot or should have mentioned? Okay. Great. Well, we'll give everybody time back today. Again, spend the next 40 minutes, if you can, taking a look at those charter questions and issues report related to that and start getting prepared for next Monday's meeting. We'll dive into this quickly and hopefully make some good progress next week. Okay, we'll see some of you next week. We'll talk to everyone next week. Otherwise, have a good week and we'll talk to you later.

JULIE BISLAND: Thank you, Roger. Thanks, everyone, for joining. This meeting is adjourned. Safe travels to those who are traveling.

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