ICANN Transcription

Transfer Policy Review PDP WG

Tuesday, 05 July 2022 at 16:00 UTC

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JULIE BISLAND:

Good morning, good afternoon, and good evening, everyone. Welcome to the Transfer Review Policy PDP Working Group Call taking place on Tuesday the 5th of July 2022.

For today's call, we have apologies from Jim Galvin (RySG). He has formally assigned Beth Bacon (RySG) as his alternate 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 Host and Panelists to Everyone in order for all participants to see your chat and so it's captured in the recording.

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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? Please raise your hand or speak up now.

Catherine.

CATHERINE MERDINGER: Thanks. Not much of an update to an SOI. Just highlighting that Donuts is now Identity Digital Inc., and I've updated my SOI to reflect as much. I don't know if anyone cares.

JULIE BISLAND: Fantastic. Thank you, Catherine. Anyone else? All right.,

Please remember to state your name before speaking for the transcription. Recordings will be posted on the public Wiki spaces 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. I don't have too many major things to bring up before we get started. Just a reminder that the Phase 1A public comment period is open and open for public comment. Hopefully everybody's working on their comments and getting some input on those so that we can refine our

recommendations in September/October maybe. But hopefully everybody's doing that and taking a look at those.

The other item, I think, is just a reminder that we're going to take a few weeks off at the end of August to give everybody a break and hit some holiday time for everyone. Again, I think we've got six more sessions before we'll break. And during that break, really, it'll be a good time for everyone to relax, obviously. But also peruse the comments as the comment period will be closed. And when we get back from our break in early September, we'll start to go through those public comments and review them and respond to them.

I think that's about all I had besides obviously our weekly call out to any of the stakeholder groups that have had some discussions that they want to bring forward. Questions or comments that they have been talking about outside the group that they want to bring into this group to have some response.

So I'll open the floor up to anyone, any of the stakeholder groups that want to provide a comment. Okay.

And thanks, Emily. The deadline on the public comment period closes August 2nd—in chat there. So less than a month to finalize any comments that anyone wants to make on those. So, again, please work with your stakeholder groups to provide comments and hopefully we can take a look at those in early September.

Other than that, I think that we can jump into our work product for today. Thank you. Staff put together a chart of some of the points out of Section 2 of the Transfer Policy that deals with the Change

of Registrant and has pulled out specific items of functionality or process and put them in a chart here so that we can discuss each one of them and hopefully decide if they need tweaks or any modifications—drop them or maybe add to them somewhere along the line if we need to.

The Change of Registrant Policy, Section 2 of the Transfer Policy, is pretty compact. I'll say it's not a long read. It does say a lot, but there's not a long read to it. And I think that this chart will help us pull out all of those specifics in there. Again, it says quite a bit even though it is a fairly small read there.

So I think what we'll do is go through this. And I don't know if Emily or anyone on staff wants to introduce this at all. I don't think it needs a whole lot. But again, it's pointing out each of those functionalities or purpose, or process items of the current Change of Registrant.

Emily, please go ahead.

EMILY BARABAS: Thanks, Roger. Hi, everyone. This is Emily from ICANN Org. I don't have a lot to add, but I'll just say I think we've found in Phase 1A that this was sort of a helpful exercise in looking at some of the Phase 1A elements. And, specifically, I think it was around FOA that we did this. And so we thought it might be useful to do again to essentially look at the high-level elements of the policy requirements, think about why it's there or why it was put in there or what function it currently serves even if that wasn't the original intent.

And some of these are kind of dependent on one another. Right? A notice about the 60-day lock is really just contingent on the 60-day lock existing. So, some of these will be less scenario-focused than others.

Make sure everyone kind of understands those high-level elements. And then do a little bit of thinking around, does this still make sense? If it doesn't make sense, are there alternatives? Should this particular element of the policy be an area that the group focuses on?

I think the intent here is really just to have a little bit of a heat map around —we've heard that people want to see changes to the Change of Registrant policy, but I think drilling down a little bit deeper into some of the specific elements will help us know where to focus conversations going forward.

And it could be ... You know, your suggestion could be to start from scratch. And it could be, "Hey, there are particular elements here that could be tweaked or changed." But that's the intent here, is to make the conversation a bit more specific compared to the last few weeks. Thanks.

ROGER CARNEY: Great. Thanks, Emily. And again, going back to the Change of Registrant Policy. It is pretty compact. There's only three sections. Section A is definitions. B is about the eligibility of a Change of Registrant. And then Section 3 details out all of the steps and procedures to follow. So I think that you'll see in this chart that it refers to Section 3 almost exclusively. And that, I think, works out

okay because it actually pulls in those other two sections as we go through.

So I think we'll hit on all of the topics of the current policy. And I think that we can jump in this first one, but I think the first one is probably a fairly large one, confirming that the domain name is eligible because, really, all of Section B is about that eligibility. So this first bullet here, or first line in the chart really goes to the whole section of B and does that still makes sense. Does that need updates? And things that.

So I think this first line here is pretty big just because it is basically a complete review of Section B. And I think we'll just do that. I think we'll stop here and see what people's thoughts are on the eligibility. I think that there were some comments from our Issues Report that talked about some of the problems that registrants have here. And I think that maybe someday eligibility can be tweaked to help out that process. So I think it's important to look at what does constitute that something's able to be gone through this process.

So, yeah, let's go ahead. And for this first line, let's take a look at the Transfer Policy. And specifically, that first line points you directly to Section B. Bo I think that that's the important thing. Looking at Section B, it has some pretty good detail in here. And I think this is what we need to at least start with. And it will drive us to the rest of the items that we need to look at.

I think I'll open it up. If people have thoughts already on things that maybe don't function quite right as it is now ... I think that some of it still makes a lot of sense. And we did a lot of this in Phase 1A as

well, especially 2.3. It specifically talks about if there are disputes. So it probably still makes sense, I think. I could be, you know, we kept those in 1A as well. But does that need to be updated and enhanced for real world use now?

But I'll open it up to anyone that has anything specific that they have now that they know that, "Okay, this doesn't quite work like it should." And maybe we need to update it or remove it or just add something in. So I'll open up the floor to anyone that has any comments on basically the eligibility of a Change of Registrant.

Okay. No one thinks of any changes that at least right now are needed here. I think that ...

Thanks, Sarah. For those that aren't watching chat, Sarah's going through the bullets basically and taking a look at that section C2. Sarah, please go ahead.

SARAH WYLD: Thank you. Hi, everyone. Hopefully, I am reasonably audible.

ROGER CARNEY: Sounds good.

SARAH WYLD: Excellent. So, Roger, if I'm understanding what we're doing right now, we are thinking through the reasons why we might not allow a Change of Registrant.

So looking at 2.1, that seems reasonable. I went back to the expired Registration Recovery Policy and I'm reminded that what it says here is that the period that it's talking about here is the Redemption Grace Period. So I think that is fine.

And then 2. 2. I think maybe that's going to need to change. Maybe we are not going to require both people to authorize it. Maybe. But then 2. 3, I think, looks reasonable. In those circumstances, the ownership should not be able to change.

I haven't scroll down further than that yet. Thank you.

ROGER CARNEY: Great. Thanks, Sarah. Yeah, and to your point on the 2.2, yeah. And we'll hit on that topic of, is there an affirmative action needed around the board, as it is today? Or does that need to be updated? I think you're right on 2.2. We can look at that in the context of a couple of questions down below.

Rick, please go ahead.

RICK WILHELM: Thanks, Roger. Rick Wilhelm, Registries. This is a little bit related to the concept of DNS abuse, but I wonder if there should be something in here where the name is in violation of the registrars terms and conditions, or something like that. I don't know if we necessarily want to call it DNS abuse specifically, but if there's something related to the name being suspended or somehow not in an unnatural state due to it being a violation of the registrar's policies that, therefore, that might be a reason why the registrar is

allowed to hold up a Change of Registrant because that might be a situation where someone's trying to "cover their tracks."

I'm not really sure if that's part of ... It's not really a dispute, and may not be a court order. This would be like if a name gets suspended for DNS abuse under policy. I don't know if this is ... Because that might not be fully there also. Something to think about. Thank you.

ROGER CARNEY: Great. Thanks, Rick. And I think that we, you know, even in the Phase 1A we kind of touched on that, too. We had some long discussions on what does that mean and how does that work. But we did look at that as part of one of the denials for a transfer as well. So maybe that does make sense.

Sarah, please go ahead.

SARAH WYLD: Thank you. Yes, agreeing with Rick. I think that's a good idea to have some leeway in there for those kinds of changes to deny a change under those kinds of circumstances. I notice if we look down at Section 3, which is when you can do a change and not go through the process, 3.6 is updating "in response to an abuse complaint." So it feels like adding something in Section 2, which is when you would deny that change, sort of corresponds to this section which is when you would do a change without their approval.

So we might want to consider either mirroring the language saying "an abuse complaint" or maybe both of them. I think both of the changes should have the same language, but "in response to an abuse complaint" might not be quite the right way of phrasing it. So we might want to update both. But, yes, agreeing that we should add something is Section 2. Thank you.

ROGER CARNEY: Great. Thanks, Sarah. And I think Mike's comment is that the language should apply here. And I think he's mentioning the language that we settled on in 1A on the denial reason. So I think that we can pull that. And if it needs to be tweaked any to make sense in this context, that's something we can do. But we can pull that language directly from 1A. Okay.

Any other comments now on this section here? It doesn't sound like there's a lot needed here, but we can definitely take a look at what was added in A1 and pull that over to here as well. Okay.

All right, let's jump back to our charter and look at #2 here. "Obtain confirmation of the Change of Registrant request from the new registrant, or a designated agent of the new registrant, and provide certain required notifications." I think we can go ahead and jump into ...

Theo, please go ahead.

THEO GEURTS: So that is actually one of the issues where the confusion starts. The new registrant must agree with the notification e-mail that is

being sent. You need to obtain the confirmation of the Change of Registrant. And that process, even regardless of how many FAQs you dedicate to it, that keeps being a point that is sort of confusing to the registrant. And I don't see what you actually gain from it. I mean, if it's a criminal, they always will confirm because that's the whole intent. So they will always say yes.

So I think this section is a little bit ... It's confusing and doesn't add much to the purpose itself. At least that's my opinion. Thanks.

ROGER CARNEY: Great. Thanks, Theo. And just something to think about, this says "confirmation." Would it make sense if it was just a notification? And I'm just throwing that out there, because we change some of that as well Phase 1A. But just something to think about. Does that even make sense? And maybe that doesn't even make sense.

THEO GEURTS: It makes total sense to me because that is what we've been doing for many years with the .nl domain names when a registry actually sends a notification to the registrant that the details have been changed. That makes sense. But asking confirmation prior to the entire process, that just bogs it down. Thanks.

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

SARAH WYLD:	Thanks. I am agreeing with Theo. Surprise. I think we don't really need a confirmation at this stage. I would like to see a notification sent to both the old and the new contacts. Maybe, ideally, with some kind of Cancel or Undo option, similar to what I think we're going to discuss about the fast undo for a registrar transfer.
	There should be something that allows a person to quickly and immediately flag that it's a problem or undo the change or something. But I don't think we should require proactive confirmation from both or either contact. I think notification and then only some kind of problem occurrence is what we need. Thank you.
ROGER CARNEY:	Great. Thanks, Sarah. And kind of just jumping on your comment about possibly giving them an option. Obviously, that can be in the policy or not. But I was thinking this last sentence in this one talks about confirmed within a number of days. Does that notification, if it's changed to a notification, does it make sense that, hey, you've got two days or one day, or whatever it is to basically NACK it, as you were kind of describing to the ... Say, "No, there's something wrong here so let's not do this." Does that still fit, putting the timeline around it like this last sentence kind of does?
	Theo, please go ahead.
THEO GEURTS:	Wow. That sounds [like] a logical idea. I do think that we're going to run into issues when domain names are also being transferred. We can work around that, of course, because we can put it in

some kind of queue where we don't do the transfer all at once. But that is going to be problematic in some cases unless it falls within the five waiting days. But I'm not sure. I think there are some operational challenges which I haven't really thought out. I think that's the answer. Thanks.

ROGER CARNEY: Yeah, okay. That's great. And it's good to bring up because I wasn't thinking about it as I was saying it either. So I appreciate that, Theo.

Rick, please go ahead.

RICK WILHELM: Thanks, Roger. Rick Wilhelm, Registries. So one of the things that Theo's point brings up is a point that I brought up in a prior call. This situation here, Theo brings up Change of Registrant in combination with a Change of Registrar. It really brings up the situation why this policy, having it intertwined with the Change of Registrar, kind of muddles it a little bit because Change of Registrar almost always looks to the registry like a Change of Registrant even though most of the time it isn't. And so we really need to be, when we're thinking about this, really precise in our terminology about, here, when we're thinking about Change of Registrant in the context no inter-registrar transfer or with an inter-registrar. Because I think that, really, they're two very, very different situations, as everybody here knows. I just think it's important that our documents reflect that. Thank you.

ROGER CARNEY:	Great. Thanks, Rick. And that's an absolutely ... The final Issues Report came up a couple of times. Obviously, they're intertwined together, but these events could happen independently. And to your point, we need to make sure when they're happening together that we're actually addressing that correctly versus just a simple Change of Registrant.

Okay, so it seems like there's fairly good support for changing this confirmation to the new to a notification. It seems like everybody that's talked has been good with that, but is there anyone that thinks it needs to stay or has a different idea on that? Okay.

And again, this 1.2 is just specific to the new registrant or the one that it's going to. So I think that we'll touch on both of these. And I think we can move on from that.

What's our next line in our chart here? "Inform the prior registrant ..." Okay. And that is, I think the next section in the policy, 1.3. So let's jump there. Okay, "Inform the prior registrant or its designated agent that if its final goal ..." Oh, this is a little different, okay.

" ... that if its final goal is to transfer a domain name to a different registrar, the prior registrant is advised to request the inter-registrar transfer before the Change of Registrant to avoid the 60-day lock." And obviously, the opt-out is part of this as well. So this is a little different than 1.2, [I was thinking].

So to Rick's point, this is kind of the net stage here. If the plan is to move this and you're just updating because maybe it's an old e-mail or updating it because the name had a typo in it, or whatever

it is, this one's trying to describe what Rick was trying to make clear. That there are two paths here on Change of Registrant.

So I think that this is trying to hit that spot of, okay, so let's warn them or tell them that, "Hey, this has an impact if you're changing the registrant. So if you're going to try to do a transfer to another registrar, let's execute that first."

So, yeah, we can talk about those. And I think we're going to hit on those in chat here. 60-day lock. And I think that, obviously, today there are a couple of ways to avoid a 60-day lock. If a registrar provides that option of opting out of the lock—I think it's opting out of the lock, right? Yeah. And the registrants says, "Yes, I want to opt out of the 60-day lock," then they can avoid that on a Change of Registrant for any reason, to be honest.

[Theo, your] hand went up and down so, maybe, just a transient thought for him.

Okay. So today in the policy, there's a way to avoid the 60-day lock. But I think we have to get to that spot of, does that 60-day lock make sense at all? Does that 60 days ... Is that the right number? And obviously, one of the issues is should there be a way to opt out of it? Can the registrant say, "Yes, I know I'm changing this, but I still want to do it and not have it locked"?

Theo, please go ahead.

THEO GEURTS: So, I was a little bit fuzzy on the details back then why we even went for the 60 days but shorter. If my memory serves me

correctly, we just mirrored to the language of the other 60-day lock that were in the Transfer Policy. So I think that is the whole big reason behind it. So there's not much thinking behind it.

And, of course, the policy itself already gives the registrar the option, upon request, to remove the lock if that is required. My thinking is that we offer it because if we don't offer it, it's going to be a nightmare for our support team. So I can't imagine ...

They already started not offering it. And if they don't really offer it to a registrant and really insist on the 60-day lock, well maybe you need to find another registrar. Maybe that's a bit blunt there, but it is somewhat in the policy.

Maybe we should, instead of "the registrar may remove the lock," maybe when we must change it to "must remove the lock." And then we have two paths here. Maybe mirror the current timeline of the 60-day lock to what we now have in the policy as a draft. And include another version that the "may" goes to [inaudible] for the registrar to offer to remove the lock upon request from the registrant. Thanks.

ROGER CARNEY: Great. Thanks, Theo. And to your point, the 60-day ... The number, anyway, mirroring ... And I think that when we went through the Phase 1A discussions, we talked about that and it seems like it's appropriate to try to keep those same numbers the same. So that's what we did with the locks on the transfer. Kept them as 30 days. So maybe this drops to 30 because that's kind of

what we've decided in 1A. Maybe it doesn't. It seems to make sense, and it follows the logic used in Phase 1A as well.

Sarah, please go ahead.

SARAH WYLD: Thanks. So on the topic of the post core lock, I feel like it's not necessary. I have only ever heard people complain about the lock and want to remove it. So I think we don't need it. I would like to see the post core lock removed.

However, if there is any core lock, then the period of the lock should match the period following a registrar transfer. So I don't think we need it, but if we do that's how long it should be. Thank you.

ROGER CARNEY: All right. Thanks, Sarah. Steinar, please go ahead.

STEINAR GRØTTERØD: Yeah, hi. Well, my experience is that when you decide to change the registrar, you go into the present registrar and you suddenly discover that some of the registration data that you put into the control panel for this registrar some years ago actually is not correct. It needs to be updated.

And in these scenarios, then you end up with some days' lock. And you can't transfer because of the Change of Registrar because these changes may be seen as material changes. So my personal opinion, and what I believe is kind of user friendly, is just

get rid of the lock after the Change of Registrar. And at least make it consensus for all that all of the registrars do have the same practice, and it's regulated in this policy. Thank you.

ROGER CARNEY: Great. Thanks, Steinar. Keiron, please go ahead.

KEIRON TOBIN: Thank you. Just in regards to the core lock, I'm just wondering, because we've got the potential 30-day lock in there and for new creations and transfers, whether we should just leave this down to the registrar to kind of make that decision. I don't think it needs to be as much in the policy. And kind of go into details. I think maybe removing it would probably serve more purpose, especially as you can opt in or out. So just adding things like that may enhance the user experience. Thank you.

ROGER CARNEY: Great. Thanks, Keiron. Okay, so it sounds like there's some good support for removing the core lock. And again, I don't think the time period matters when we're talking about removing it. I think it would be important to hear from anybody that thinks that the core lock should stay and detail those reasons why it should stay.

And again, I think Caitlin dropped in to chat some of the thoughts that the IRTPC had on why that that 60-day lock or a lock—again, the 60-day, I'm not sure that matters that much—but a core lock happens. And that was to facilitate recovery of domains that had been hijacked. And again, we've had several discussions on ...

That's a tough thing to see or even prove, especially in having no numbers to back that up.

But again, that's where IRTPC got to that spot. But what I'm hearing from this group now is let's remove the lock and not have it in policy. And something that Steinar said that caught my attention, though, was—and maybe even Keiron kind of led me to it as well—should the policy state that there should not be a lock put on it? And again, I think Steinar said, "Let's make it standard across all registrars." And Keiron made it sound like maybe the registrar has an option. So if there's an option that kind of changes that user experience from registrar to registrar ...

Theo, please go ahead.

THEO GEURTS: So, the scenario that Steinar described that was exactly one of these scenarios which Michele Neylon described in 2015 where a large Irish e-mail provider went out of business and everybody had to update their e-mail addresses. It was exactly the same scenario where people were running into problems because there was suddenly a lock into it. And that is why we have the option that the registrar may allow the Registered Name Holder to opt out of it because we already predicted problems there.

So I think Steinar's scenario is absolutely viable. I do know Caitlin posted just a few minutes ago why we came up with a 60-day lock. Given the low amount of actual domain hijacks which we don't know about, I think the entire 60-day lock doesn't make much sense now. Thanks.

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

SARAH WYLD: Thank you. I had a further thought. If the purpose of the core lock is to prevent the domain ownership from being updated and then it transferred to another registrar and the original owner can't even prove that they used to own it to get it back, maybe this is something that we fix not by locking the domain but by considering how to address it as part of the transfer reversal process. Thank you.

ROGER CARNEY: Great. Thanks, Sarah. All right, so I think it sounds like there's a lot of support for removing a lock here, a Change of Registrant lock. And I think let's go with that idea and let's see others' thoughts on if it should keep going or not and see if we can ... If there are reasons people can come up with, great. It's there in the policy day. So I think it sounds like are wanting to remove, so let's lean that way. And let's have anyone that wants it to continue, let's throw that out there and say, "Okay, and this is the reason why we want it." And then we can build that and maybe help everyone else swing back that way if it's needed.

Oh, okay. And I do see Daniel actually said he'd like to keep it but maybe reduce it. And again, if Daniel wants to give some reasons behind good uses of it, I think we've heard from several people about how it kind of breaks the system today. So I think that ...

Let's have some good logic behind the reason to keep it. And again, keep it, as Daniel suggested, maybe a little less time period. So let's drive into what are those reasons for this it to stay. Obviously, we've heard reasons for it to disappear, so I think we just need some reasons for it to stay.

DANIEL NANGHAKA: Looking at the issue of security in this case, I think if we just simply remove it, there is a security vulnerability that would happen especially after the transfer has been made. But to be able to reduce that risk [I suggest at least] reduce the number of days [inaudible] instead of removing the lock. Thank you.

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

THEO GEURTS: Yeah. And those reasons why the lock should stay should be backed up with facts, just ... Not to criticize anybody here, but saying that there might be some sort of security risk, that might be the case. But as a registrar, I really want to know what that is and how many instances that occurs because I can only act on the data which I have.

And when I look at the data which I have looking back on the amount of stolen domain names or hijacked domain names from the period 2011 until 2016 before this policy was in effect, we had zero domain name hijacks while we had hundreds of thousands of domain name transfers.

So I understand that there might be an issue, but I would like to have that fully documented what that issue is in terms of security backed up with, "And this is how many times that instance occurred, so we are dealing with a real problem." And I know that it's very hard for somebody to come up with, and understand it's hard for everybody to come up with statistical hard, cold data. But that is what we need to do as a working group.

So I always go back to how many times did I have an issue prior to this policy and after the policy. And that is basically how my policymaking is being driven by data on the data which I have. I don't know. I've only got my own data which is a couple of million domain names. And that is, of course, from a statistical point. Not everybody's data. But that is the only data which I have. So if you want to have good arguments, I'd like to hear them. Thanks.

ROGER CARNEY: Great. Thanks, Theo. And I think that on the flip side, obviously, removing it is a change that we're making. So I think that the Issues Report did provide us some comments stating this "huge problem"—in quotes there—this problem that registrants have, as Steinar perfectly stated what I think the Issues Report says is. That when a registrant comes in to make a change to a transfer, they update it and then want to transfer.

So I think that it would be good, too, to see if we could get numbers from anyone that has anything on those registrant blocks that they're getting, basically. Again, I know Theo said he has a representative slice of domain. So I think if we could come up with, okay, we get this complaint X number of times a year. And

maybe even ICANN Compliance has some numbers on that they could share with us on the 60-day lock being an issue for registrants' frustration.

Okay, any other comments? Questions? Keiron, please go ahead.

KEIRON TOBIN: Yeah. Just to echo, you can opt out of this at the present time. So it's not actually set in stone. Many, many people who purchase domains from the marketplace use this to opt out. So it's kind of not a one-shoe-fits-all scenario, just to kind of place it in people's minds. Thank you.

ROGER CARNEY: Great. Thanks, Keiron. Yeah, and that's a good point that though the policy says a 60-day lock, there is a purposely built opt-out option that allows that the 60-day lock in today's world doesn't necessarily have to exist anyway.

Holida, please go ahead.

HOLIDA YANIK: Thank you, Roger. Yes, Roger. Just agreeing with your last comment. This opt-out option is optional to provide or not to provide to the registrant. And from the from the complaints that we see and from the responses from registrars, we can see that not all of the registrars are given this option.

And as another suggestion to think about, may I also suggest the possibility to include into the policy the possibility to remove an

already placed lock? Not as a footnote, but within the policy. Because currently that footnote is not clear language and is confusing. And just to not compromise the security, I'm suggesting to think about such option. Thank you.

ROGER CARNEY: Great. Thanks, holiday. Yeah, and I think, getting back to ... And Steinar just put it in the chat as well. But getting back to his comments from a few minutes ago, the "may" causes different experiences. And I think that was Steinar's comment when he was talking. Let's try to make it the same.

And Holida's idea about possibly providing a post lock mechanism to get out of the lock ... So if it would get locked, is there a way to unlock it within that period of time, currently 60 days? Would there be a way the registrant and registrar could unlock that because they either didn't have the option to opt out or they missed that and didn't do it or they changed your mind 10 days later and want to transfer? Is that a way to solve the problem as well—keeping the mechanism in place but allowing an unlock to occur? Again, probably a Registrar/Registrant agreement to do the unlock. Just a thought.

Anyone have comments on that? Okay, so I think we kind of have three proposals here. Remove the lock had pretty good support. Daniel's concerned about the security problems in that, possibly. So maybe keeping the lock but shortening that time frame to match what our Phase 1A time frames came out to. And then Holida also throwing in maybe a third option, a C option of, okay, if

it does stay is there some language we can put in there that will allow a registrant to get that lock removed if needed. Okay.

So let's all think about those. Again, I think that this sounds like the group is heavily leaning toward removing it. But again, I think to Theo's point, let's look at numbers. Is there is there anything that we can look at. And not just numbers, but I mean anything that shows ...

Removal is great. Again, the Issues Report says registrants have trouble, and everyone on this call has mentioned registrants have trouble during this transfer period. Can we get numbers behind, does that occur once a year? Does that occur once a day? And again, does the hijacking problem solve that? Especially as Keiron pointed out there's an opt-out feature. So is that security really there because it's just a checkbox.

But as several mentioned, and I think Theo was the original one who mentioned it, some registrars don't provide that option and they're not required to provide that option. So let's think about that. And again, I think that those were kind of the three options discussed. Again, getting rid of it, shortening the time frame maybe, and maybe adding a way to remove it if it does get set. And we will touch on that. Just everyone give it a thought. And if anybody has, again, some data to support that, it would be great.

All right, let's go ahead and jump into the next one on our list. So this is the one I thought was before. "... obtain confirmation of the Change of Registrant request from the prior registrant or the designated agent of the prior registrant." So, yes, let's jump into 1.4.

So this was similar to the confirmation of the new registrant, but this one is to the prior registrant or the current registrant. So, "Upon or after informing the prior registrant or its designated agent, if applicable, as described in II.C.1.3 above, obtain confirmation of the Change of Registrant request from the prior registrant, or the designated agent ... The registrar must use this secure mechanism ..." Again, same as the above.

But again, I think the big question here is this confirmation. Do we need the confirmation? Can it be a notification? Is anything needed here? Again, this is a little different because this is, theoretically, the person making the change.

Theo, please go ahead.

THEO GEURTS: Not to sound like a broken record, but if somebody really wants to steal a domain name, they are going to get it regardless of this confirmation prior to the change or not. The registrar must use a secure mechanism. I know that several registrars use SMS as a secure mechanism. I'm not sure why they are doing that because the policy doesn't use ... A phone number isn't regarded as a material change, so a hacker could easily change the phone number for the SMS and then the secure mechanism will deliver the required confirmation to the criminal.

So this is all a bit not really helping in any case. So, you know, just like the other one, it doesn't really serve a purpose if there is really a case of domain name hijacking. And if it would be a case of domain name hijacking, we don't know the numbers. They would

ROGER CARNEY: Great. Thanks, Theo. So again, this is very similar to, I guess, the new registrant.

So changing this from a confirmation to a notification is what's being suggested here. Does that cause any pain for anyone? Again, this would match what we had discussed in the first one there of changing it from an affirmative confirmation to a notification. And then Sarah said maybe we add in something that allows them to stop this fairly quickly so that there's a least some feedback form.

Steinar, please go ahead.

STEINAR GRØTTERØD: I just wonder if there is someone who has good examples of a secure way of verification between the communication between the prior registrant and the new registrant and all of these things. Is there anything that is a technique that is more secure than the present policy and the present practice? If there is, maybe we can have some information about that. Thank you.

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

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THEO GEURTS: Yes. Basically there are countless examples of where there are way out of bounds secure mechanisms that are being deployed. Their registrants require absolute, 100% security for the domain name for several reasons. The domain name could be key critical for the operation of a company. It could be a million dollar worth domain name.

The spectrum of why a registrant thinks that the domain name must be under lock and guard for 24/7 a day, there are countless. But they are all commercial solutions and they are all driven to the fact that these secure mechanisms are in place to make it as hard as possible to change anything on the domain name itself. Could be the name servers. Could be the e-mail address being changed. Regardless of what it is. But they're all pointed to absolute, 100% security rather than ease of use.

And that is basically the problem with the policy here. If we want to have the security, then we've got to make sure that the flexibility of how a registrant can transfer to a cheaper or a better registrar is going to be more problematic. So, yes, there are countless opportunities there, but it comes at a cost of flexibility. Thanks.

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

KEIRON TOBIN: Thank you. I'm in favor of changing it to notification, but I'm actually still struggling to comprehend ... I mean, I understand it for my purpose. But I don't know about anyone else. I've read this

about five times, just literally going back. It seems like such a mouthful to try and explain. Maybe we would look at simplifying it.

ROGER CARNEY: Okay. Thanks, Keiron. Any other comments? Anything on this or to Steinar's question about is there a current good practice of communicating these changes to both the prior and new registrants? Anyone have thoughts on that?

And to Theo's point, should that be actually codified here in policy, or is that a feature? But still, just knowing what a good experience or good mechanism is of this notification or securing between the prior and new.

Steinar, please go ahead.

STEINAR GRØTTERØD: I was thinking when we discussed the inter-registrar transfer and we had a huge discussion about how important the TAC was and all of these, both during the number of bits in the TAC and the time to live, etc. And that kind of was driving something forward to increase security.

I do agree with Theo that if I have a [$1 million] domain name I will be very, very up to date regarding how this is being stated at the registrar level. And I will put everything, a lot of security mechanisms that are not in the policy that are ... I will do everything for a [$1 million] domain name.

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But from a practical point of view, similar to the things that we increase security in the TAC, is there something that we can have to prove that the verification and the notification between the registrants—the prior and a new registrant—is better secured? That was my intention. Maybe an e-mail notification as you do with the .nl, the Netherlands, is sufficient and is working perfectly well.

But if there is anyone that has something that is feasible but not too expensive for the regular $20 domain name. Thank you.

ROGER CARNEY: Great. Thanks, Steinar. Great question. Rick, go ahead.

RICK WILHELM: Thanks, Roger. Rick Wilhelm, Registries. I don't have any answers to Steinar other than probably just e-mail there. I think we do need to be mindful of the difference between notification and confirmation.

And I would also like to point out something just in ... Keiron kind of forced me to really read and look at this text here that's highlighted. There is a little bit of ambiguity here because there's this statement that "the Registrar must use a secure mechanism to confirm." And I think that the definition of "secure" in this context is not defined. And so therefore, it's ambiguous.

So while I don't think anyone within earshot is against the concept of security, the way that it's expressed right here without having any standard of what "secure" is leaves it open to all sorts of interpretation, including by Compliance. So that might be

something that requires some clarification. And perhaps even making it ... I don't even know if "secure" is the right way to word it there because that could actually get ... Oh, there we go. Okay, then maybe that should be capitalized in that text there. Because I was reading it as a lowercase, not as a defined term. Thanks for that.

I'm not sure if that was Julie or Emily that changed that. But, yeah, that should be capitalized then, if that's going to be the terminology then. Thank you very much.

ROGER CARNEY: Great. Thanks, Rick. And good catch there. If we're going to that, let's make sure that we can tie them together to something that is referenced.

Sarah, please go ahead.

SARAH WYLD: Thank you. Do we need something more to prove that the change request is valid if the request is already being made by the domain owner who presumably would have logged into their account? Maybe instead of a TAC, we have an account password at some point. Right? Isn't that security?

So for a Change of Registrar, I think it makes sense to have an additional step to validate, which is the TAC. But when remaining within the same registrar system, updating the ownership information is not an uncommon or infrequent thing that happens for all kinds of valid reasons. It happens, I think, more often than a

registrar transfer. So the idea that I always go back to is that we need to make sure to have an appropriate level of security in relation to the thing that's happening. So for that, I think we don't need the confirmation by e-mail. Thank you. Or a TAC. Yeah, thank you.

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

THEO GEURTS: To add on a little bit to that, these requirements for the confirmation, be it either by SMS or e-mail or whatever mechanism you use, there's still the possible violation of the GDPR in regards to accuracy. So it's still lingering a little bit around these confirmations that are all required.

Steinar asks is there something we can add to more security. And that is basically the question that's been lingering around for all of the years that I've done the IRTPC. Can we do something better here? And I wish I had an answer. I don't have an answer. Not at the cost of the flexibility.

And the problem is, as Sarah just described, we always assume that if a registrant can login with the right credentials into their account, we expect that they are the person who they are supposed to be and can make those changes without going through sometimes a living nightmare to update your e-mail address because it's longer functional for whatever reason.

And that's always been one of the big criticisms of this policy from my point of view, that we make it extremely hard for people to have accurate data in their accounts. That's just a shame. Thanks.

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

RICK WILHELM: I'll be quick, Roger.

ROGER CARNEY: No problem.

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RICK WILHELM: I think that one of the things that Theo's point, and also Sarah's point, brings up is that we're a little bit acting like we're inventing the wheel on account data maintenance and management. And in truth, we should be looking at what other companies and what other industries have done in this regard.

I mean, if you need to go and update your e-mail at your bank right now, they have a mechanism for doing that. Right? If Theo wants to go log in to his bank account and change his e-mail address, that he decided to change his e-mail from one to another, there's a way to do that. And similarity if he wants to update his phone.

And we should be able to look at good practices in other industries where similarity-situated valuable data is being manipulated every

day by normal consumers all over the globe, and we should be able to follow that practice. I mean, the fact that we think we're kind of inventing the notion of how people update their account data is to me a little bit mind boggling.

And I think that that's one of the things that Sarah brought up in her comment that I tried to bring up and chat. We need to really worry about Change of Registrant within a particular account at a registrar and Change of Registrant when it means moving a domain registration from one account to another at a registrar. That's another situation that's very different.

And maybe the policy needs to accommodate that notion because they're two very different situations. So maybe that's something for us to think about. Thank you, Roger.

ROGER CARNEY: Great. Thanks, Rick. Yeah. And I saw your chat there. It is an interesting thing of when we're talking about Change of Registrant, we're talking about [inaudible] possibly an Inter-Registrar Transfer. But also, now that there's this third [inaudible] here that, well, maybe it's a Change of Registrant at the registrar. Or maybe it's a change of an account at the registrar.

And is there a different mechanism or a different policy that should be applied. When it's still an intra-registrar change, should there be different ideas around a simple Change of Registrant and it stays in that account or whatever?

And I think that gets a little tough because then you're talking about the structure of a registrar's model, and maybe that doesn't

work out well. So it's one of those where it seems like there's a line there, but I think that maybe it's based on a registrar's model or implementation of a user experience.

Caitlin, your hands up. Please go ahead.

CAITLIN TUBERGEN: Thanks, Roger. And thanks, Theo and Rick. I wanted to go back to an earlier point, and this kind of touches on what both Theo and Rick were mentioning about changing account information irrespective of industry. And Theo is correct that under the GDPR, data holders have specific rights—or data subjects—and that includes the right to rectification of their data, which means if they want to keep their data accurate, they should be able to do that.

I will note that that doesn't preclude security practices. So for example, in Rick's example, I recently had to change some information for my bank, and there were several out of bound authentication that had to happen in order for me to do that. And I don't think that flies in the face of data privacy law. I'm certainly not a data privacy expert, but I do know that if you're doing industry standard practices in terms of allowing folks to update their information but to do so in a secure manner, that would not be in violation of data privacy law.

Now if you're asking for blood samples and urine samples, all sorts of extreme mechanisms in order to allow someone to update their information, then that would be a violation. But I think having an out of bound authentication, which is what the policy currently requires then the secure mechanism, shouldn't be prohibitive.

Of course, the group is welcome to discuss. And there are some experts on this call. But I just wanted to make sure that we weren't losing sight of having a secure policy just because there are new data privacy requirements. Thank you.

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

THEO GEURTS: So we can actually debate an entire day about if GDPR would be applicable or not and in what circumstances. But the issue, of course, is we don't know that exactly because if we follow the spirit of the law, there might be an issue or there might be not. The truth is we don't know that.

But regardless of that discussion, I wanted to bring on two points which Rick and Sarah mentioned. And I think the entire discussion about account, I think that is outside of this policy because it gets very complicated, as you mentioned, Roger. So I'm not sure if we want to go down that path.

The other point is, we talk about Change of Registrant, but I wonder how many times that is actually the case. I mean, a material change of e-mail address is considered a material change. Falls under the policy, but sometimes people are just rectifying their data. When I look at the numbers of people do an actual trade of ownership of a domain name, that is much, much lower than people just adjusting one field.

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I don't have the statistics ready, but I think in 80% of the times that the Change of Registry policy is in effect or applies is only due to the fact that for 80% people just are modifying one field that is considered a material change. So there are some distinctions there in what people are doing with that data there. Thanks.

ROGER CARNEY: Great. Thanks, Theo. Yeah, and again, I think that when you start talking about the account or the ownership, that's obviously something slightly different. And as you mentioned, the majority of Change of Registrants are not that flavor. It's, "Am I updating this field or whatever it is." And that's the same actual person. It's just a new e-mail, new phone number, or whatever it is. But yeah, it's one of those where if you look at it ...

And again, I think the account gets really difficult just because that's an implementation thing and it's probably different between registrars what that actually means. Okay.

Again, I think we hit this. And I think that the push here was to remove the confirmation which, as Keiron points out, changes quite a bit of the paragraph if you actually just ... If you're just changing that confirmation and notification, it really takes out a big chunk or modifies a big chunk of this. The secure mechanism between ...

It gets a little more difficult to do that [notification versus confirmation]. So I think that not just changing this to obtain or send notification. I think the whole thing, this one and the earlier one, will have to be looked at.

Let's go ahead and move on to our next one, thank you. So this gets back to maybe what I was trying to get to earlier, and maybe not so well as what I said. But the process to Change of Registrant within one day of obtaining the confirmation. So let's jump into ... Yes, thank you.

Fairly simple. 1.5, again, [inaudible] Change of Registrant is pretty compact but says a lot here. But 1.5 is, okay, once you have the confirmations from both sides, the registrar has a date to make that change. So now if we're changing confirmations to notifications, how does that affect this? It makes the change one day of sending the notifications. Is that how it looks? Thoughts on that?

Does this still even need to be here, I guess? It seems logical that you had to actually do the request or do the change. But does it is applying and how does it apply to a notification scenario?

Theo, please go ahead.

THEO GEURTS: Not sure what you're driving at, Roger. Both—

ROGER CARNEY: [inaudible] I think. The confirmation is a response back from both of the individuals. If it's just a notification, does this just change that says—as Sarah mentioned, because it's my favorite wording—"without undue delay"? But no longer than one day from notification of both parties? Is that how it changes?

THEO GEURTS: I think the change that's there, Roger, suggests that it's a good change. We just wanted to make sure back then that it wouldn't take too long, that the process would take unnecessarily long. And we just sort of figured that there might be some registrars out there who do a lot of manual stuff. I mean, there could be small registrars who don't have everything automated. That could be a scenario. But then it would realistically that one day would be reasonable to sort of process that.

ROGER CARNEY: Yeah. Okay, great. Thanks, Theo. Sarah, please go ahead.

SARAH WYLD: Hi. Sorry, there's suddenly a noisy truck outside. I'm so sorry. I'll have to come back.

ROGER CARNEY: Okay. Thanks, Sarah. And again, I think that the one day, to me, makes sense. And Theo mentioned, they put it in place thinking about different registrar models possibly not having this all automated. But I think the key to this is ...

And again, I think it's still important to say that because, to Theo's point about making sure that it just doesn't languish out there, making sure that the process continues and it gets completed. But I think the problem here, to me anyway, in 1.5 is obtaining the confirmations. We just removed, or we're suggesting to remove

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the confirmations and change them to notifications. So when does that one-day period start, I think, is the issue I'm trying to get around.

Sarah, please go ahead.

SARAH WYLD: Thank you. Sorry about that. The RAA has a section that requires that registrars update data or submit the updated data elements to the registry as appropriate within seven days of receiving an update from the Registered Name Holder.

So if we remove 1. 5 entirely, then I think what the process would look is the domain owner goes into whatever interface they use to manage a domain and they submit updated information which is given to the registrar And then the registrar, within seven days, will provide that to the registry if appropriate and also will notify the original and the new owner that the change has been completed.

So maybe we should be thinking about when the notification would need to be sent out. But I don't think there needs to be a confirmation. Because there's no confirmation, I don't think there's a place for this one-day time frame. Thank you.

ROGER CARNEY: So going off of yes ... And as soon as you said, I thought, "Oh, okay. How does that work? It's conflicting."

It's like, okay, no, It doesn't conflict because there may not be a change at the registry. Thinking of a thin registry. There may not

be a change based on that. But there may be a change at the registry, and the registrar has up to seven days to do that. But I think the issue here is that they wanted to get the updates at the registrar done within a reasonable time. And I think that's what this one day was for. And I'll leave that there.

Theo, please go ahead.

THEO GEURTS: So I think the issue we are trying to tackle here is, if we go to a ... Okay, we've got different scenarios here. If we as a working group eliminate the process where we do get confirmation and replace it with notifications only, then this 1.5 doesn't make any sense anymore because it's already past the fact. I mean it's already done. We already changed the information and the notifications have been sent to the prior and the new registrant. Then this section does not make any sense anymore.

But if we keep the process as is and we still need to obtain confirmations, yeah, then this needs ... Then it can stay as is or we can go with this suggestion that Sarah mentioned earlier on in the chat. But it completely depends on which scenario this working group moves to. And that's either notification system or keeping the current system in place with some tweaks. And then this stays relevant. Thanks.

ROGER CARNEY: Great. Thanks, Theo. And I guess it's a good point that you bring up because I was thinking slightly different than you were when

we were talking about notification and Sarah's intervention about providing a way to stop it.

I was thinking out of 1.2 and 1.4 that notification would be sent to the current registrant information. And 1.4 would send it ... Or vice versa, I guess. There would be a notification sent to the current or prior and the new, but not necessarily actually done yet. And then that's why I thought 1.5 made sense still. And within this one day, the registrar would make that happen but the notifications wouldn't be that it happened. It was notification that it was going to happen. At least that's how I understood 1.2 and 1.4 notifications. And then there would still have to be a period of processing that. So just my thoughts. Thanks.

Steinar, please go ahead.

STEINAR GRØTTERØD: Hi. 1.5, is this Change of Registrant within the registrar control panel as an example? Or is it Change of Registrant on the registry level in the WHOIS/RDAP system? If it is on the registry level, there's no way, due to the GDPR, to actually verify that for the new registrant. So I'm a little bit ... Where is the one-day scenario being held? On the registrar level or the registry level? Thank you.

ROGER CARNEY: Great. Thanks, Steinar. Yeah. And I thought this was talking about the registrar data. So it would be changed at the registrar. And as Sarah mentioned, the contract says if it's needed the registrar has to make that change at the registry within seven days. But to me

that's just the notification where the registrars is telling the registry what was changed.

But here, to me, 1.5 is saying in the registrar database the data is being changed, and it has to be changed within one day of, currently confirmations. But if we're those to notifications, does that change to say, "This has to happen within one day of those notifications?"

Okay, so I think it sounds like people want this to be removed, but I still don't see the process that forces the change to happen. And I think that's my concern. 1.2 and 1.4 say you're notifying the two people that are affected, but you're not necessarily doing a change. You're just notifying that that change has been requested. At least that's how I'm interpreting it. And maybe I'm wrong and everybody can correct me there. But I think that there's still a mechanism that forces the change to actually occur. And I think that's what 1.5 was intended to do is make that change.

Okay, so let's go ahead. I think that the changes the 1.2 and 1.4 to make them notifications makes sense. Everybody agrees to that. Or not everybody, but the majority of people are thinking that makes sense. So I think 1.5 just needs to be updated to reflect that when those notifications are set, the registrar has to be actionable there within one day of sending those notifications.

Okay, let's go ahead and jump back. Our next one. We've got a few minutes. Yeah, let's try to jump into this.

"Notify the prior registrant and new registrant before or within one day of the completion ..." So this is the completion notice. And let's jump into it. Okay, good section here. So maybe it wasn't ...

"Notify the prior registrant and new registrant before or within one day of the completion of the Change of Registrant. The notification must always be sent to both the new and prior before or within one day of the Change ..."

So this is interesting because now you kind of getting into what Theo was thinking earlier. And maybe there's only a notification at the beginning. But let me jump into the rest of these real quick.

"... explain the request that was received and list the domain(s) being affected or in question; include contact information for questions; and advise the prior registrant and new registrant of the 60-day lock as described in C.2 ..." And we'll just leave it there.

Theo, please go ahead.

THEO GEURTS: So these were just the notification requirements after the Change of Registrant had been processed. And that was basically the language that we build around it. Looking at it now and looking at it back then, I think it's still okay to have this language when we talk about notifications. Thanks.

ROGER CARNEY: Great. Thanks, Theo. Any other comments on this section here? Again, just a notification of completion and what that notification

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needs to do or say or provide. As Theo mentioned, it seems like it's still appropriate.

Theo, please go ahead.

THEO GEURTS: Of course this 1.6.4 is subject to change if you make any other decisions to the process mentioned above.

ROGER CARNEY: Great. Yeah, exactly. Thanks, Theo.

THEO GEURTS: [But it was obvious].

ROGER CARNEY: Okay. Any other comments on this? Okay. We've got five minutes left, so I think we'll cut it here. But I think that we've had good discussion on these items here and I think we need to take the next week and look at these and say, okay, does that make sense—changing these to notifications, removing a lock. Is there support for that? Again, do we remove it? Do we shorten it? Do we add in a way to unlock it?

Think about those things and we can touch on those again next week. But we'll update it with what we see as a good agreement across the team here. And then we can take a look at those and see if it makes sense in a new environment of not confirmations but notifications and the like.

Thank you, Emily, and for calling that out. And please take a look at the working document. And again, drop in comments, ideas, suggestions in the working document on this. And you can drop them in this chart or this table that we've got laid out or anywhere in there,

Okay, I think that will give us our day here. So, any other comments or questions from anyone before we conclude? Okay.

Next week we'll talk to everybody again. Thanks, everyone.

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

[END OF TRANSCRIPTION]