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ICANN Transcription

Transfer Policy Review PDP WG

Tuesday, 09 August 2022 at 16:00 UTC

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JULIE BISLAND: Good morning, good afternoon, and good evening, everyone. Welcome to the Transfer Policy Review PDP Working Group Call taking place on Tuesday the 9th of August 2022.

For today's call, we have apologies from Zak Muscovitch (BC) and Eric Rokobauer (RrSG). They have formally assigned Arinola Akinyemi (BC) and Jothan Frakes (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 ye-mails. All members and alternates must be promoted to panelists. Observers will remain as an attendee and will have access to view chat only.

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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? Please raise your hand or speak up now. All right, seeing no hands. Please remember to state your name before speaking for the transcription. Recordings will be posted on the public Wiki space shortly after the end of the call.

And as a reminder, those who take part in the ICANN multistakeholder process are to comply with the Expected Standards of Behavior. Thank you, and over to our chair, Roger Carney. Please begin.

ROGER CARNEY: Thanks, Julie. I don't think there's a whole lot for me. Maybe just some scheduling talks before we jump into some discussions. We have a couple of items we'll cover before our agenda.

But just on the scheduling, as Keiron mentioned, we'll be taking a pause here for the next few weeks, starting back up on September 6th with our current comment period closing on August 16th. That'll give us about a perfect window for the report to be written. And that should be back to the working group by August 30th, just a little less than a week before we jump back into reviewing those. So I think the timing works out well there.

And I just wanted to mention that we have received a few more additional requests to extend the comment period. At this time, I don't see that we're going to do that. Again, it's fitting into our

schedule perfectly as it is. And since we extended it once, we're almost at a 60-day comment period today, or when it closes next week, I should say. So I don't see us extending that. And again, we'll get that report at the end of the month, and the working group can start reviewing that prior to our September 6th meeting which will kick off our review.

And along those lines, again, this is the Phase 1A Initial Report. We'll be published a Phase 1B Initial Report. And then we'll be combining those into a final report. So I think there's ample opportunities to bring up those items. So I just wanted to provide that detail.

I think I'll jump to, maybe, Emily. I think Emily had a follow-up to one of Keiron's questions last week. Emily, do you want to jump on?

EMILY BARABAS: Sure, Roger. Hi, everyone. This is Emily from staff. And actually, before I do that, I'll just mention as a follow-up to Roger's comment about our break and the public comment period and our review of those comments, towards the end of our agenda, we'll talk a little bit about what you can expect in terms of how we'll be coordinating and organizing the comments for your review. So, stay tuned for that later.

I did want to take a moment to follow up on a question that Keiron had last week. And to do that, I'll just remind everyone what the question was first. So you'll recall from last week's discussion that the question was raised about why it was that Section 1A, 1.1.4,

where it says that one of the Change of Registrant triggers is the administrative contact e-mail address being updated if there's no prior registrant e-mail address. And Keiron asked about the origins of that, why it ended up in the policy based on the IRT's work. Theo has been around since that time and kindly gave us his recollection.

And I just wanted to note that while it's difficult to go back and pinpoint the exact moment in the transcripts because of the way they're organized, we were able to go back to two ICANN Org staff members who were around at that time as well, and they both confirmed Theo's recollection that the reason it was in there is that some IRT members had pointed out that there were certain legacy domain names out there that, at the time, did not have a registrant contact but did have an admin contact.

And so while those cases may not have been common at the time, the group did want to have a contingency plan for those cases. And that's why it ended up in there. But of course, as we've discussed, it's entirely possible that that piece of the definitions would be going away anyway because the admin contact is going away. But we'll come around back to that in future discussions.

And Roger, I will pass it back to you. Oh, and Keiron, unless you had any further questions about that, I'll pass it back to Roger. Thanks.

ROGER CARNEY: Great. Thanks, Emily. Thanks for the chat, Keiron. Is Jim Galvin on? Yeah? Okay. I'll ask Jim to jump on for a couple minutes here

to maybe expound a little bit on what he had started last week, or maybe even the week before, of possible ideas around how COR and our Phase 1A work can maybe be melded together. So, Jim, if you want to jump on and just let us know your thoughts there.

JIM GALVIN: Yeah. Thanks, Roger. Jim Galvin, Registries Stakeholder Group. But I am speaking for myself here, coming at this purely from a technical architect point of view, much the same way as I was offering a lot of discussion about the whole TAC development when we were going through the Phase 1A stuff.

I'm pretty sure it was last week. I tried to suggest something. I don't think I really did a good job of it. And so I had chatted with a few people and with Roger, in particular. And I asked for a few moments just to try and capture this and see if I could get through it quickly. I think we talked about most of these elements, but I want to tie all of this together and make, again, my suggestion about—make this very concrete that Change of Registrant really doesn't need to exist. And I think that we can just leverage what we've already done, and I just want to walk through that quick.

My thinking about this is let's focus on our overarching objective and take this back to first principles. And I would suggest that our primary first principle here is that transferring is about managing control of a domain name, as opposed to thinking about Change of Registrant and all of those details. Let's focus on change of control of a domain name.

And I think in Phase 1A, what we did was we defined control as changing the Registrar of Record. That's one layer of control that the system has. And we spent a lot of time ... Based on a shared understanding of a risk profile and developing a shared understanding of a security profile, we established some guidance for the industry, for predictability and security of that control as something moves between registrars. And that's essentially what we did.

And I think if you peel back that layer, the discussion that we've been having here is, what is change of control inside of a registrar? And we talked about all kinds of issues about all of that and different kinds of things that it might be. And I observe that in our ICANN registration ecosystem, control about a domain name within a registrar is really about contactability.

And as far as I can tell—and so this is kind of a question here for the group—that is the only thing which is actually absolutely required of registrars with respect to a domain name registration. There has to be contactability of whoever is in control or whatever is in control of that domain name.

So I'm thinking that in the same way that in Phase 1A we defined control as a Change of Registrar, we would define control in this case to be a change of contactability. And that's the only thing that we're focused on here. So any other changes that might happen to the registration data are not subject to a Transfer Policy. The only changes that are subject to a Transfer Policy are changes of control, changes of that contactability.

So if an e-mail address changes or the phone number changes, then what I would suggest is that we don't need a special process. We just invoke everything we already did. We just use all of the steps that we put together for Phase 1A. And that's how we handle that change, and that's what it means.

So to walk through a quick example here. If someone wants to change the e-mail address, if a request to change the e-mail address comes in, then what happens is, at the registrar, you would provide a TAC to the old e-mail address. And the requirement would be that that TAC then has to be retrieved at that e-mail address and brought forward and entered as part of ...

It might be submitted later. It might be submitted in real time. I mean, you've got to make all of that work. But you give them the opportunity to submit that TAC, and that is what allows the e-mail address to change. If it's a phone number, the same kind of thing applies. You're going to call that phone number. You're going to give them the TAC, and then they have to copy that and enter it into whatever portal, whatever mechanism you have for the request in order to allow that phone number to change.

And that is essentially what is in Phase 1A, all of that process. And all of the same rules apply. You do all of the appropriate lockdowns that come from that. You know, whatever is decided in Phase 1A [inaudible] we go.

Now a couple of important things to know. This process, then, is wholly managed within the registrar. So you don't have to interact with anyone outside of that. It's all within your own processes to do that.

If the existing e-mail or phone number is problematic, well, I suggest—and this is certainly something open for more discussion—you already have processes for dealing with that, if someone has a problematic e-mail or phone number. So all that really happens here is that someone wants to change those things and they don't have access to the old version.

Then it just drops into whatever other manual process you already have that exists when somebody wants to change those things and they don't have access to the old one. So, no new process here. You just continue to do what you've always done, and that continues to apply. We don't add anything here with that.

And the last thing that I think is interesting here, it's been observed to me that sometimes registrars have other things that they actually consider a point of control. There are registrars who consider the name to be a point of control. Or they consider the organization element as a point of control. And I think that we just allow for registrars, as a matter of local policy, to add any other points of control that they want.

The baseline point of control is changes to contactability because that's required in the overall ICANN ecosystem. You should be allowed, or you should consider as a question here ... Registrars should be allowed to add other points of control.

And I think we talked about all of this before. I just kind of wanted to capture it and walk through all of that quite simply, but I think that's where we are. And you still do all of the notifications in the locking that were present in Phase 1A. You just execute all of that as is.

So it's really just using what we did before and being very specific and precise about defining what transfer is change of control and what control really is. And then we just absorb all of the work we've done.

So, those are my thoughts. I hope that made sense. Back to you, Roger.

ROGER CARNEY: Great. Thanks, Jim. Take a look at Sarah's questions and comments there in chat, but I'll call on Theo while you're reading that. Theo, please go ahead.

THEO GEURTS: Yeah. So it sounds pretty reasonable except there is, of course, a slight issue here. And that is, of course, those pesky wholesale registrars. Those processes that are available to retail registrars, those are not available to me. I need to rely on the reseller to make sure that everything gets processed. It's their customers. It's not my customer, so I cannot even do anything or apply a process without reseller approval.

We are not a data controller here. We're the data processor. And as such, we have all kinds of agreements in place. So that needs all kinds of updating. But even then, a core problem is that it's not my customer so I need to rely on the reseller to make sure that they go through the processes as intended. And that means that if those processes are approved by our reseller, they need to make the change and they need to approve the change.

And I as registrar, as also a register, I cannot do that, especially now with our thin profit margins. I mean, if we have a manual process there in place because we happen to be also a registrar, that's going to be problematic for our industry. Thanks.

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

SARAH WYLD: Thank you, hi. I really like using the same process as much as possible. That is a very good idea, but I'm not sure that I agree with doing that in this circumstance. So, definitely this bears thought. This is something I want to have more time to think through.

So first thought is that expanding the use of the TAC might require updates to the recommendations because we recommended that the TAC be used for something very specific. So, that's one thought.

And then, so let's say I'm the domain owner and my e-mail address listed on my domain name is invalid. So now I'm going to go to my reseller and log in to my control panel and change that e-mail address. But I can't because I need to get this TAC that's being sent to me by e-mail. So we have the same problem that we already have with transfer, with the COR. It's the same.

This doesn't solve that problem of ... Right, sure. So I fall back on whatever process. But then still, after ... The process that I have for changing the e-mail is that I log into the control panel and I do

to change. And in today's world, that's going to trigger an approval process. And if the e-mail is invalid, I can do it by SMS. Right? That's what COR offers. You can do it by phone.

So are we going to send the TAC by phone? No, we're sending it by e-mail. So I just do not understand how falling back on an old process is going to help us in this situation.

And then finally, third thought, I am a domain owner. I have a password to access my account. So once I have logged into my account, that shows that I'm making ... Right? So, having a second password for specific changes seems weird to me. It seems like ... I'm not sure that it's creating more streamline to this process.

It feels like domain owners already have notifications that they have to read and answer before this update happens. And in this new idea, there are still notifications that they have to read and deal with. It doesn't seem to me like we're making the process better. But again, maybe I'm not understanding it. It will take more thought. Thank you.

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

RICK WILHELM: Thanks, Roger. Rick Wilhelm, PIR. I did not have a chance to discuss this in advance [with] Jim, but it is an interesting idea. I would agree with Jim's internal assessment about the tradeoffs as well as the comments that Sarah and Theo had made.

I had previously stated something related to that, which Jim had put forth, which was broadly that I'm not sure why this Change of Registrant Policy is being mixed in with this because I think it's fundamentally different and it's a customer issue related for the Registrars. And I'm not sure why there's policy around this because changing the registrant is a transactional thing that happens inside of a registrar.

And I'm not sure why there's policy around it because I think that Sarah has brought up the points that even are better articulating and better supporting that position, that the registrar has a password, has a login, has authentication mechanisms that are in place for its customers. And so the fact that this Change of Registrant ...

I think that the industry has moved past this concept and that this solid Change of Registrar mechanism is what we need, not so much a Change of Registrant. Thank you.

ROGER CARNEY: Thanks, Rick. And I think that's where Jim was trying to get. We did a lot of security modeling and enhancements in Phase 1A that seemed like, obviously, the group was behind because we actually made it, as Sarah mentioned, we streamlined the inter-registrar process and yet we still made it more secure than it is today.

And I think that's what Jim was trying to do, is draw that line of the security model to Change of Registrant. And really looking at, are there pieces there that work? And obviously, some of it doesn't

work. I don't think Jim got into it here, but when we talked, obviously there wasn't a TAC being set at the registry, or a need to do that if it's just a Change of Registrant.

But I see Jim's hand up. Go ahead, Jim.

JIM GALVIN: Yeah, thanks. And again, speaking for myself here. So I want to just emphasize two key points here. I think that we need to come at this ... I'm suggesting coming at this from a place of first principles, which is what we're actually trying to accomplish here with a transfer.

And I believe and I'm asserting—and we can certainly debate whether this is true or not—that it is about change of control; that that's what's happening. That's what we're trying to manage and streamline, is change of control. So rather than focusing on changing the registrant or changing the registrar, it's about change of control.

And then there's two layers of change of control. That's the Change of Registrant and then, of course, contactability is the one point of control which our entire ecosystem has. So I don't want to lose track of that because I want to stay away from terminology like Change of Registrant and stuff. I think that all of this goes away.

Now, with respect to the wholesale market ... Because clearly that's an issue, and people see that as a significant implementation issue and changes that have to happen there. I think my observation here is that the whole ... There's no new

work that you're not already doing. Okay? And that really is the observation that's going on here.

I'm sure that there are some things that you're going to have to do to apply Phase 1A to your resellers. And I would expect that that should work in this system, too. Right? We're just reusing what you're going to be doing anyway. That's the point.

So, I guess, I don't want to solution-solve here the wholesale market. I mean, that's for you folks to do. But I really would appreciate an opportunity to have a more detailed discussion with someone maybe outside of all of this about what's going on there. I'm just looking at this from an architectural point of view. It just feels like if you're implementing Phase 1A, we're just saying reuse that.

So you already have issues of how you're going to integrate Phase 1A with resellers. I'm not adding anything here. And keep in mind that Phase 1A talks about doing certain functional things. I gave examples of e-mail and phone number. I gave examples of how you would send an e-mail message or send a phone number.

But Phase 1A doesn't actually say that. It says that you have to do notifications. It says provisioning. So the actual prescribed methodology is not present. Okay? So, again, whatever you're already doing, we're just going to reuse that. In principle, there shouldn't be any significant new work. Thanks.

ROGER CARNEY: Great. Thanks, Jim. Yeah, and I just wanted to [mention] two things. Yeah. Jim's right. you know. We purposely tried to avoid

calling out a specific method of communication in 1A, and we did that very well. But I also just wanted to point out that Jim obviously doesn't have a whole lot of skin in this. He's just throwing out the ideas here more as a principle than it is ... Obviously, this doesn't affect him or his group as much as it does others. but I want to thank Jim.

Theo, please go ahead.

THEO GEURTS: And the points are valid. From a policy perspective or a procedure perspective, it's a pretty good thing. However, we already have a very complex system which already costed a lot of money to implement. And we already have lost a lot of money on the overhead when it comes to support, which is still going on. Now what we are going to do is replace that system with a TAC-based system.

So that means for us as a registrar—and maybe others are more lucky—but since we will have to do significant code changes on the contact level, so that's going to be costly. But again, we still will not remove the complexity of changing your e-mail address. It's still there. You're still working with TACs. So the complexity for the registrant will remain. You're just replacing it with maybe a better system, but the complexity remains. And that is a big problem.

And I understand sending a message to a phone number or calling a phone number, that is maybe doable for retail registrars. For us, a few cents on an SMS message is just out of the

question. We cannot ... With our margins, that's just not doable. Maybe we are in the wrong wholesale business or in the wrong business side of things. We should have better margins. But that is where we are. I mean, it's a race to the bottom. And it's still going on, and it will go away for a long time, I'm afraid.

But that is reality that I'm facing. And we are all facing, still, the same complexity. So I agree much more with what Rick just said. This shouldn't be even here. And we maybe can replace the entire tax system with just a notification system. I would be along with such a move. But replacing a complex system with another complex system for the registrant? That doesn't make a lot of sense to me. Thanks.

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

JOTHAN FRAKES: I won't repeat a lot of what Theo said because I agree with what he's saying. I think, Jim, you're raising some really good, principled perspectives. And from the registry level, I'd liken it to looking down at the Earth and seeing these little blue rectangles. But you can't tell if they're a tarp or a swimming pool. And before you command somebody to dive in, it's probably best to have a closer look down at that lower level.

For the registrars, there's a diversity of business models. I mentioned this in the chat. And in some cases, there's bulk registrants, commercial registrants, resellers, hosting companies. There's such a diversity that exists inside of the registrars.

There's also a diversity that exists in the implementation systems across various registries. So, reseller systems that have gotten their downline customers to integrate, or customers of registrars that have implemented all of the different transfer process, one of the things that registrars do is they try to simplify the process for their downline to make it easier to implement these systems.

So as all of these changes are being proposed with respect to Transfer Policy, it's very likely that reseller systems are going to try to normalize that or minimize as much as possible of the impact of that to their downline so that those different parties don't have to make a lot of changes to how their transfer stuff works.

So what we're doing here is when we entertain looking at the COR and introducing TAC and some of the other things that are larger changes to how transfers might behave, we're really diving into adding a lot of complexity without necessarily proving the benefit or advantage of doing so. And it's really largely mostly disruptive within the registrar layer of the strata. It's probably fairly opaque to the registries.

So from a principled standpoint, I get where you're going with this and I don't disagree with you. But from the actual implementation from a tactics standpoint, this is a lot of squeeze with a minimal amount of juice. And it's not something I think we should continue on, if I could recommend something here. Thank you.

ROGER CARNEY: Thanks, Jothan. A pool or tarp. Is a tarp just a slip'n'slide if it's raining?

JOTHAN FRAKES: Yeah. You still don't want to dive onto it, though, from a diving board.

ROGER CARNEY: Thanks, Jothan. So, interesting. And I appreciate Jim's input here and thought process. And honestly, it ended up working well with our agenda here because it kind of leads us into what we wanted to talk about. And I think maybe Jothan said it in chat, actually. I don't know if he actually brought it up when he was talking. But in chat he said something about the change of ...

And it's interesting because I've thought about this several times when I read the current Transfer Policy, Section 2, inter-registrant. So today, even though I know Theo said some things happened in implementation and got maybe messed up, inter-registrant is truly, to me when you read that is, okay, a different registrar is going to get this. Not that a registrant's coming in and updating anything on their records. It's actually that the current registrant's no longer going to be in control of that domain. They're giving the control to someone else.

So I think that's one of the stumbling blocks we keep running over. There's just general maintenance for registrants, and that should occur continuously and should be encouraged as much as possible. But then I guess the question that comes in is if there is a true change of control, should there be policy around that? Because I don't think anyone wants policy around just a registrant update. I think that's what we've all decided.

Coming into update, again, I think should be encouraged and encouraged heavily. I think that even in our policies, we try to do that. But I don't think that we want to focus on that. I think we want to focus on if there is a true change of ... And again, Jothan, I'm not sure of the right term. Change of control seems like the best word right now that I can come up with. But a registrant is no longer going to be responsible or wants responsibility for that or wants to pay for it—whatever it is—domain and someone else is going to be.

And again, I think that ... When we talk through those things, I think that's where the focus is. At least that's why I see it. I think everybody so far has agreed, hey, if a registrant wants to update their data, let them and they shouldn't be penalized for doing that because they should be encouraged to do that. But I'm wondering if the change of control as several people, even non-registrars, have kind of mentioned today is more of a registrar decision. And maybe there's policies that affect that if that decision is made. I don't know. Just something to think about.

Okay. So Jim, thank you very much for bringing this up. And again, I think it's great and I think that the philosophy you took of stepping back and looking at it from a different model really does help us get to a good solution. And it really did fit in well to the agenda today because the agenda today was to focus on, really, the big items of e-mail address and phone number.

We've talked through name. We've talked through organization. We didn't get into postal address, but I haven't heard anyone ever say updating a postal address is a big deal. So it's one of those where ... Though some registrars may consider it that. I don't

know. Maybe their main contact is through post. I don't know. And I think that's, again, what leads me to think maybe it's a registrar decision—maybe in conjunction, obviously, with the registrant—but a registrar decision of when a registrant change is more than just an update.

So again, thanks, Jim, for bringing it forward. But also thanks for letting us piggyback and jump into the discussion we wanted to have today which is very focused on, especially in the current policy, e-mail address and phone.

And I did not see the 60 chats that went on because I was talking too much and not paying attention. So if anybody wants to bring anything forward, please do on those.

Jothan, please go ahead.

JOTHAN FRAKES: Well, in the chat we're kind of waxing about the same topic. But essentially, I think there's an issue of change of control, kind of principally, across all of the different contract layers in ICANN. I think I'm saying that right, Jim.

But for the intended purpose of this, we're looking at the change of administrative contact, for lack of better term, or the person who's now the Registered Name Holder changes entities. I think that's at the core of what we're trying to solve here, or not solve here. And that is control over the domain name, for all intents and purposes—the person who could then subsequently transfer the domain or make any kinds of changes and, I don't want to say owner, but essentially owner of the domain name.

And still, that has a certain degree of opacity to the registry with respect to the relationship between a registrar and the registrant and servicing that Registered Name Holder. It still kind of lives at the registrar side of this. Whether it's the same registrant, a change of actual Registered Name Holder, or just a simple ... Like if I correct the spelling of "Jonathan" to "Jothan" on a registration of mine, I don't want the name locked, necessarily. Right?

So there's certain changes that you can't tell at the registrar level, even, are really an account move or a Change of Registrant. But you definitely can't tell at the registry level. And there's no reason to build a giant transfer process around those types of changes, whether they're small administrative knits or even actual entity change. That's still within the registrar. We're still going to be accountable to the registry. We're still accountable to ICANN for all of the policies, etc. It doesn't change any of those responsibilities.

So that was what was going on the chat. Sorry, lots of words.

ROGER CARNEY: [No, great].

JOTHAN FRAKES: [I'll go ahead and zip my lips].

ROGER CARNEY: Thanks, Jothan. I appreciate that. Sarah, please go ahead.

SARAH WYLD: Thank you. So this is really interesting to me. What are we actually talking about? And I notice that Jim says in the chat just now, "This is not about ownership or account or a Registered Name Holder or registrant." Isn't it? What are we talking about?

We're talking about the Change of Registrant process, so I think we all need to come to agreement here as to what is this process supposed to do? What are we trying to achieve? And then we can figure out what's the best way to achieve it.

But, indeed, there is a difference between who owns the domain ... Sorry, there may be a difference between who owns the domain and who is contactable for that domain. And do we need to ... Like, what does the policy need to cover? Does it need to cover anything? Thank you.

ROGER CARNEY: Great. Thanks, Sarah. I think that's a good point to bring up. And I think what Jim has been focusing on is when the main communication method a registrar uses changes—not necessarily the method, but the details of that; so your phone number changes or your e-mail changes— should there be policy around what happens then?

And again, I brought up the fact that today's policy says "inter-registrant." So to me, that means a change of control. I don't want to say "ownership" because people don't like ownership on domains. But I'll stick with "control" there. That's actually moving from a registrant to a different registrant, and basically under a

different agreement. It's probably the same agreement, but it's signed by somebody else.

And also, I guess the easy one that I think everybody agrees on is just the typical update. But I think Jim's concern was, on a typical update, if that main communication method is being updated, should there be different policies in place for that? And he's suggesting, if there are, it makes sense to use Phase 1A as much as possible. I think that's what Jim's saying, and I'll let him talk after I call on Keiron.

Keiron, please go ahead.

KEIRON TOBIN: Yeah. I'd actually like Jim to go ahead of me.

ROGER CARNEY: Okay. Thanks, Keiron. Jim, please go ahead.

JIM GALVIN: So I just want to walk down from the top again here. Sarah only read the first sentence that I had in my chat room thing there, so I just want to read that out. You know, in my mind, I'm sort of looking at this from a point of view of let's not focus on the fact that this is a Change of Registrant policy. We all have issues with it. I'm saying let's take a step back. Let's just eliminate it, decide that whatever role or purpose it had in its day, let's just examine what are we trying to accomplish? Let's come at this from a first principles point of view.

And I'm suggesting that the first principle is that the ICANN registration ecosystem, although we all talk about owner and stuff like that, it's not something which is codified in contracts as an obligation or a requirement. On the other hand, contactability is. And that's where I'm coming from in this. I'm looking at how the system overall is defined.

The ICANN registration ecosystem focuses on contactability. That's the obligation on registrants. That's what you're required to do and required to manage. And you've got a lot of rules around all of that. So I think that a Transfer Policy, its overarching principle is about managing that contactability. And I think that's where I'm deriving this from and where I'm coming from.

And that's why I'm saying if you're going to, if that's what a transfer process is supposed to do—is to manage contactability—then it makes sense that Change of Registrar is a change of control. And then change of whatever your contact methods are is also a change of control and the Transfer Policy should apply. And that's all I'm saying, unless you want to take out what transfer means or you want to define it as something different. I'm just abstracting that point.

And so change of ownerships get set aside and, simply, we focus on meeting the goals that we're trying to meet from the start. Thanks.

ROGER CARNEY: Great. Thanks, Jim. Kieron, please go ahead.

KEIRON TOBIN: Thank you. Yeah. So just thinking about what Jim is saying ... So we get many, many requests each day in regards to registrants who may not have access to their e-mail because it's expired and they need to log into their account. Obviously, people who have suddenly passed away where people are trying to get access to certain accounts.

On the registrant e-mail change, who will take liability—if I understand correctly—of a TAC being sent because the registrar would then have to send the TAC to the new registrant if the other person wasn't able to do so. Who accepts liability for that? Thank you.

ROGER CARNEY: Thanks, Keiron. I don't know if Jim wants to try to answer that or think about it.

JIM GALVIN: Well, I'm not a lawyer so anything I say would just be speculation. But from a technical point of view, I simply observe that you need ... Presumably, your manual process that you have today, whenever anyone wants to change their registration data, if you have triggers that don't allow that to happen in an automated way, then that's all that's going on here. So you already have processes in place for dealing with e-mail addresses that change that were problematic. I don't know why this would change any of that.

In fact, I think one could make the case that one of the reasons for calling that out is to make it very clear, I think, that there's a natural, logical place for liability if you have all of this picture here,

all of this system. Now I'm just getting too vague about at all, so we probably should just move on. Thanks.

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

THEO GEURTS: Isn't this fun? I mean, Keiron just making the discussion even more complex. [inaudible] we've arrived back to 2014, 2015, and 2016. I mean, we were having this exact same conversation, one edge case after another. I agree with Jim. We should definitely move on.

But one of the things that made the Change of Registrant policy back in the day workable was a designated agent. A lot of stuff and a lot of processes that Jim describes work very well for retail registrars. But for wholesale registrars, we always had the issue that we always needed to go back to the reseller for every bloody change. So we let the decision ...

If a change of any material change was warranted or was necessary, we left that up to the reseller. So the reseller could enter into the designated agent mode and make that decision. There are resellers for [inaudible] in Pakistan where an Internet service provider goes bankrupt and all of those e-mail addresses disappear.

A reseller in Pakistan knows exactly what's going on, so he will make the change with no problem. But if we need to check every time for an e-mail address change because it no longer exists with

the reseller, well then we are going out of business. And if you talk about accuracy, if you want to maintain accuracy, you need as less barriers as possible. The more barriers you introduce, the worse your data accuracy gets. So, we don't actually want to go there.

I mentioned the possible GDPR issues that could be there. We haven't even talked about possible liability. I know the Board is exempt from any liability. ICANN staff is exempt from any liability. We as volunteers, our bylaws are pretty vague about if we are liable or not. So I want to stay clear from anything that might even get into conflict with the GDPR. Could be not. Could be maybe. But I want to stay clear of that.

So let's maintain the principle of let's make the data more accurate and have less barriers. So, no COR. Thanks.

ROGER CARNEY: Great. Thanks, Theo. Okay, any other comments on this? I think Steinar, a few minutes ago, posted something in the chat about, you know, we have policies around making sure the registrant keeps their data as accurate as possible and up to date as possible, and that we shouldn't be creating policy to basically stop them from doing that. I think is basically that Steinar was saying.

So I kind of wanted to pose to Steinar the question of, does he see that continuing with these—I'm going to air quote these—"more important" fields of the contact methods of e-mail and phone? Steinar, do you still feel that those are just as likely to be

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updated and should be updated because that's what we want to do?

Steinar, please go ahead.

STEINAR GRØTTERØD: Hi. And again, this is privately my opinion partly based on my day job [as well as I've] been doing a lot of transfers, etc. Well, my thinking is that it is the registrar that has the obligation to keep their registrant data up to date, whatsoever. What sort of mechanism they do to make that process as secure as possible, well, that is something that might be used in their marketing and their branding to kind of show consumers and users that they're actually a professional team that have implemented security to prevent fraud, prevent hijacking, etc.

But the base here is that this is the registrar's responsibility. We shouldn't make [details] saying that if you do something like A, then you have to do B, C, D. If you do something like B then you have to do A, B, C, D like a process. This is totally in the area under the responsibility of the registrar.

And I know several ccTLDs that kind of have that same philosophy in saying that we have a contract with you as a registrar. You are obliged to have a certain standard. You're obliged to do what your end user [uses], according to the policy that the ccTLD have, etc. We need you to focus on security on that level, but we don't make policies on that. We don't say that changing an e-mail address should trigger something. Changing a postal address should trigger something. Changing a phone

number ... I will call you, sending pictures, or whatever. I don't know. It's purely the registrar's responsibility.

That's my private opinion. I don't know whether I have the At-Large into that. But anyway, that's it. Thank you.

ROGER CARNEY: Great. Thanks, Steinar. And that's great. It's nice. I mean, most of the discussion has been focused on contracted parties, so it's good to get a view even ... And I'm not saying it's an ALAC view. Just another view on that. And I encourage you, BC or IPC, anyone that has any other thoughts, it's great to hear, again, to see a different viewpoint on that so that we are doing the right thing.

I think Steinar, in his personal capacity, is very much in line with a lot of what the several registrars have said. Really, any change to any registrant data is really up to the registrar/registrant. And the registrant should be doing those things. And I just wonder if there's a spot ...

And again, I've heard this several times on this call already today, that it's a registrar responsibility. If they determine that it's more than just a registrant data update and it's a change of control, should there be policy around if they determine that? And I'm not saying that the policy determines it. I'm just saying if a registrar determines that it's more than just a normal update, should there be policy around a true change of control?

And I know it's a fine line from what Jim was trying to say because Jim was trying to be about the contactability. But it sounds like the

majority of this group is not that concerned about the contactability. That person can update anything in their record and should be allowed to without any—and again, maybe air quotes here—"punishment," anything negative to affect them. I don't know if it's punishment, but negative in that they can't transfer or they can't do what they want to with it.

But again, I think there's a fine line of, okay, if there is a change of control—and I'm not saying it's my policy or it's the registrar decision, but whichever way—should there be any policy around if there's a change in control? And again, it gets back to if you read today's current policy, it says inter-registrant. So to me, at least at one point—or maybe it was a mistake, I have no idea—at one point it was thought that there was a change of control there and that's what the policy was supposed to be about.

Any thoughts on anyone bringing that forward? Should there be policy on a change of control? From Steinar's personal opinion, I think Jothan, Sarah, several others thought basic updates are basic updates, and there shouldn't be any policy. The best thing we can do is be transparent about it and send a notification. But if there's truly a change of control, should there be a policy? And should the chain of control be defined by policy or defined by a registrar?

Berry, please go ahead.

BERRY COBB: Thank you, Roger. I'm not going to be able to answer your question because that was directed, really, to the working group

and not staff. So kind of as a reminder, back from several meetings ago about the history ... And Roger, I think you touched on a couple of aspects that we need to be very specific about moving forward. And that is the terms that we use today that is part of the existing policy versus some of these other terms that have yet to be perfectly defined.

So those calls several weeks ago, I can't remember when it was, it was IRTP-B that actually introduced the term "change of control." And I don't recall seeing a specific definition about that, and it seems that if that phrase or that—yeah, I guess it's a phrase—is going to continue to be used, we should probably create a very specific definition about it.

But from what I'm hearing right now, there's not exact agreement about what that means. So change of control was introduced in IRTP-B. It was carried forward an IRTP-C. That developed that one recommendation that then got turned into implementation of what is now termed as "inter-registrant transfer." Certainly, everything that I've heard here ...

You know, Change of Registrant doesn't exist as a formal term anymore. It was a shorthand term for the policy discussion in the group that was doing it, but the end result of the policy is not "Change of Registrant." It is most likely a very improper title of inter-registrant transfer. And obviously, that has a bunch of varying connotations or interpretations that the group has discussed here.

And then, finally, from change of control to inter-registrant transfer to what is formally defined in the existing policy today, which is

material change. And so I would ask that the group be very specific with the terms that we're trying to use to minimize some of the confusion.

And my final parting statement—and I believe maybe I'm stealing a little bit of Emily's thunder for the last part of the agenda item—but by and large, this is the last time we're going to specifically be talking inter-registrant transfers as a specific policy discussion item because when we do reconvene, we're transitioning back into Phase 1A and the inter-registrar transfer recommendations that the group came up with.

And so I think what is very important is when we do pivot back to that, that we keep all of these issues in mind. And I think maybe staff has some ideas about some possible homework with respect to this. But hearing what I'm hearing, at least from the Contracted Party House and even some of the non-Contracted Party House, is that by and large, the inter-registrant transfer as a policy we see today is largely not fit for purpose. And Jim made that very clear in his very introduction.

And the spreadsheet that was just on the screen was the very idea of getting down to the nitty gritty, which is now kind of being defined or used as a term change of control. Which takes me back to, I think, the very first action item—and maybe we can try to do this on-list until we return—to try to nail down what does change of control actually mean versus the context of the defined terms that we have in the existing policy?

And one final statement is, again, we're going to need I don't want to say full consensus, but we're going to need very strong

consensus on unsetting this whole policy and the rationale behind it. Thanks.

ROGER CARNEY: Thanks, Berry. Yeah, and that's a good point to bring up on definition. And obviously, we're seeing it in chat. And throughout today's discussion, we've kind of stepped back on what each term means a little bit. And I think that's important that we do ... Once we come to, "Hey, let's use this term, let's define it, let's put it down, and then we can live with it"—even if that's not how we thought about going into it—as long as everybody's on the same page, that's where we want to be.

One thing Berry said that I'll just add to. He said this will be our last time we're talking about Change of Registrant because we're going to come back to the comments when we get back in September. We'll come back to Change of Registrant later. It'll just be a couple of months before we get back to it. And I think that's what Berry was getting across.

And not that we can't talk about it on list. Not that we can't have homework based on it. So again, I think that we can see a lot of chat on getting to definitions. And I see Sarah even put in the chat about, okay, change of control versus Change of Registrant. And I think Jothan even said change of RNH. So it's like, yes, I think that ... And it's to Berry's point we need to get to what that means so that we can use it.

And to me, when I look at today's policy, material change is ... To me when I read it, I'm thinking this is a change or control or that's

what the policy thinks is a big enough step to call it an inter. And again, maybe that's a misuse of the title. But the policy was to control part.

And again, I'm not hearing people suggest that we keep it here or move it. But if we come to a term—and again, Change of Registrant versus update of registration data—I just think that, to Berry's point, we need to be clear on those. And maybe Jothan actually has the whole solution, I think I heard him say.

So I'll call on Jothan. Please go ahead.

JOTHAN FRAKES: Well, I'd love credit for a whole solution, but that's too much pressure, Roger. I want to mention what Berry said about all of our normalization of what we label things as is super important. So we want to be very consistent because, obviously, we've lost a lot of [cycles to a lot of that]. So I want to take and go somewhere between the satellite view and the on-the-ground view of that tarp and maybe find something in the middle like a helicopter so we can get a little bit of perspective.

We are talking a lot about the integrity of a transfer and making sure that we have less friction, more fluid, but still safe transfers. And we still have isolated a lot of the parts of the conversation into silos. We're talking now about the Change of Registrant or some material change or non-material change to what the Registered Name Holder information is—the person who may receive that TAC.

One thing that we've done here is, in isolation, we're not looking at the holistic picture of the transfer integrity and lock periods. So I think if we have somebody transfer a domain name after the creation of a name or after the transfer of a name, we're talking about lock periods that would allow for some catching maybe bad stuff from happening. We're looking at that, and we had looked at that as some sort of Change of Registrant lock of 60 days, is what it is currently. It's still optional and still very diversely implemented across the registrars.

But really, the purpose of it was to make sure to reduce bad stuff. I'll simplify it there. I know it's for a variety of reasons. But are we looking collectively across all of these different actions? And saying, "Okay, well this happened. And then this happened. And then this happened," and "that looks suspicious" or "that's problematic" and we should have some sort of a locking period that might be collectively gathered.

So in the transfer between registrars, that looked kosher. Now we're seeing a Change of Registrant and now we're seeing a subsequent transfer all within a period of time. That could be, if we were tracking that collectively in some way—and the only way I see that would be at the registry because it spans registrars— would be a way to notice where we might be seeing some of the bad actions that we're hoping to guard against as we're adding more, I think, fluidity and reduction of friction in transfers.

I hope I said that well. But I guess to say it in a real simplified version is, could we have some sort of a tracking at the registry that when there is ... Whether it's a material or non-material change to registrant, perhaps there's a flag we could send to the

registry to say something changed. And when a transfer happens, could we have date of prior transfer somehow stored there so that we can look holistically across a stack of different attributes to make sure that we're not seeing a frequent transfer happen or things of this nature?

And we had some suggestions about the registry suggesting registrars do a lot more with the handling of inter-registrant change being treated like an inter-registrar change. Let's push that back. Let's put it back to the registry and say, "Okay, would you be willing to do this?" Because it principally would add a lot of integrity to the transfer process. Thank you.

ROGER CARNEY: Thanks, Jothan. Yeah, and I think Theo brought up one point that the degree ... And I think Jothan was trying to be a little more generic than just specifically context-specific, but a bigger mechanism or a more specific mechanism. But I think, Theo, the degree of thin or thick, I think, eventually that's a discussion that is going to happen outside of this group.

Owen, please go ahead.

ROGER CARNEY: All right. Apologies for the delay. This has happened twice in two days now where I go to unmute and I push the mouse pointer into the corner that causes my sleep to come on. [I may have to] find a new sleep corner.

So I just wanted to, before I start, to preface the statement and say that Namecheap does not think COR has served its intended purpose when implemented and that we are of the opinion that we should get away with its requirements and allow for registrars to do their own internal stuff there. I just wanted to get that out there to make sure that my position's clear.

So I think in hearing of it—whether it's change of control or as Jothan's talked about, material change—I think that there's just so many complications out there, and edge cases, that it's impossible to come up with a definition that we could readily apply across all scenarios.

We have some that just came up while on this call. A woman gets married and changes their name. That would look like a material change, but in fact it's actually not. It's still the same person. What about when you're changing an e-mail address and I don't want to use my AOL e-mail address anymore. I want to use my Gmail address. Well, that might not be a material change.

But what if I'm using my work e-mail address and now I'm moving to my personal e-mail address? One could make the argument that changing from a work to personal, that could possibly have some ownership issues if you registered it through your work for that. That might be an [indication] of that.

Because there are so many edge cases out there that, you know, if we were to sit around and spend 15 minutes, we could probably come up with brainstorming quite a few of them. I just find that because it's so impossible to define, I don't think we should really

be able to try and do that because any definition, somebody's going to be able to find a way around that.

The only thing that I can come up with how to define a material change is a tick box where the registrant says, "Yes, this is a material change." But then again, who might want to do that? Because then they're going to have all of these concerns and problems if there's locks, etc., and things like that.

And so while there are some actual changes of controls when there's an update to registrant information, my guess is that it's not that widespread. I think a lot of the changes that we're seeing or that are happening are registrants updating their own contact information. They've moved. They've got a new e-mail. They've got a new telephone, etc., because the contract and ICANN encourages them to keep their information up to date. And I don't think we should be penalizing them for that.

I think what are more outlying cases of change of control, quite a bit of those are registrant to registrant domain purchases and sales. And I think, not that I profess to know the domainer community out there, but they want those transfers to go through quickly. So if we put up other hoops and hurdles that they have to go through to do this change of control, it could lead to a delay in the transfer and the possibility of a sale might get reversed or buyer's remorse, etc.

So the main investors are watching what we're doing here and might have some opinions. So I just want to make sure that those views are represented here. Thanks.

ROGER CARNEY: Owen, just a follow-up question for you, then. So you think that no matter what kind of change to the registrant details, there's nothing policy wise—besides maybe the notification that we've already talked about—that's necessary.

ROGER CARNEY: Yes, that's correct. I think it's good to have some sort of notification, but doing locks ... And then, to be honest—this is my own personal thing here, not regarding my current employer—but when I was at ICANN Contractual Compliance, the designated agent was automatic in the background by a lot of registrars. Don't see anything. And it totally frustrates and overrides the purchase, the intent of COR. So, I mean, it wasn't really doing much of anything out there.

So I really think, while a lofty intention, I just think it's too difficult to implement. Now I think we could do some notification and things, but, really, all of those other hoops, hurdles, etc., I think are just too much. Thanks.

ROGER CARNEY: Thanks, Owen. Jothan, I think that's an old hand.

JOTHAN FRAKES: It is an old hand, but I'll take the opportunity. So I just wanted to elaborate because I've received some PMs and some questions about what I proposed. I'm talking about at the point we hit the end

of Phase 2 here, that we'll have some collective period of time during which a rollback would be possible. That we have some counter that we track. So if we define that at whatever X number of days.

That we'd want to have an idea of the different things that have changed, whether it's a registrar transfer, whether it's a change of—you know, some form of alteration to the content, who is the RNH. So that can be considered in the rollback period as one of the things about this whole process that we can take a look at.

So, again, something we'd track at the registry related to this. So if it's a change—like if I'm fixing Jothan from Jonathan on my name or someone changes their maiden name to their married name, or even if they altered an e-mail address or their phone number or whatever on the contact for the Registered Name Holder—you just send a "Something Changed" message to the registry.

They'd update this counter that they're tracking within that period of time. And when you go to consider whether it can transfer again or get rolled back, that information is used to make a determination as to whether or not that should move.

ROGER CARNEY: Okay, great. Thanks, Jothan. Last comment, and then we'll try to cover our preview of comments here. Rick, please go ahead.

RICK WILHELM: Rick Wilhelm, PIR. I'll just be brief. That suggestion that Jothan made, I'll just respectfully offer that that doesn't have a lot of

footing. And if it's going to get more serious discussion, I'd be happy to take it up and discuss it more thoroughly. But there's a number of issues with that. But I don't need to go through them here in real time since we're a little bit pressed for time. Thank you.

ROGER CARNEY: Great. Thanks, Rick. Keiron, one last minute.

KEIRON TOBIN: Thank you. Yeah, sorry. I just feel like, with this meeting, we're going off in, kind of, Registries trying to tell Registrars what to do, and Registrars telling Registries what to do. I think there's kind of lines where maybe we should be staining in what we know, rather than recommendations to each other. Thank you.

ROGER CARNEY: All right. Thanks, Keiron. Okay, I think we will end the discussion here. And again, as Berry mentioned, we're going to take a break from COR for a little bit here. And we're going to do the public comments, and then we'll come back to COR. So I would expect some homework to be coming your way. And again, maybe it's just on definitions. Maybe it's a little more than that. But, be on the lookout for some homework coming over [inaudible] not working on COR, specifically, on some of these topics so we can keep moving them forward.

But I think I will turn this over to Emily now to give us a quick preview—yes, thanks, Berry—on the [public comment] report. Emily, please go ahead.

EMILY BARABAS: Thanks, Roger. Hi, everyone. This is Emily from staff. So as you all know, probably at this stage, the public comments are now being submitted on this page here, in ICANN's public comment forum. And you can already see the ones that have been submitted to date here on this page. So we just want to give you a little bit of a sense of what you can expect once the public comment period closes.

It's scheduled to close on August 16th, and what we'll be getting on August 17th is a spreadsheet that has all of the responses per question in the forum that we can then use to process all of those requests. And that'll be sort of a master copy of all of the responses in one place. So assuming that that's readable and usable in that format, that's something that we'll share with you when it's available.

And then just to give you a preview of what else we'll be doing in the background while you begin to review those comments. There will be a summary report produced on August 30th. And then depending on the content of the comments and how much overlap there is, how much thematic content there is in the responses, and of course the volume as well, that will inform exactly what format we use to process those comments and help you get through them for the discussion part of this when you all come back in September.

But the most common tool that we use, you'll probably all recognize this, is a Public Comment Review Tool. So it looks like this. We would have one per question in the public comment forum.

The comments are divided, in this case, depending on the type of response—so whether the comments are supported, supported the intent or with wording change for the recommendation, was looking to make a significant change, or did not support the recommendation. And it gives an opportunity for the working group to go through each of these comments individually and record the working group's response to each of those comments.

So this is traditionally how we do it. There are cases where there's a significant volume of responses where we need to sort of process them thematically and sort of look for those themes to highlight and guide some of the conversation. And to the extent that's the case here, there are some other tools that we can use, other sorts of spreadsheets where we kind of put some of those themes in clusters so that you can see the comments that are similar together.

So the leadership team will take that away once the public comment forum closes and see which combination of these tools make the most sense. But you'll be getting copies of everything as it's ready to support your review of those comments as well.

So the expectation is that when we come back to start meeting again in September, so September 6th, that everyone will have had a chance to review the comments that have been received

and get a sense of what's out there. We will be having two meetings before ICANN75.

And the expectation is that the focus here for, as Roger said, a couple of months—so September and October, roughly—will be on review of the public comments in Phase 1A. But the hope is that discussions around some of the Phase 1B foundational work can continue, both over the break period on the e-mail list and also during the period when public comments are being reviewed.

So that means please keep an eye on the mailing list. Please stay engaged. You know, of course, people will have their holidays, some of you. But please do keep an eye on the mailing list and make sure that you're getting traffic on that list to the extent that there are assignments that folks will be asked to do offline. You'll be receiving those and be able to engage with us as well with questions or concerns.

So I think those are the main things we wanted to cover. Berry and Julie, if there's more to say there, please feel free to fill in any gaps. And otherwise, I'll hand it back to Roger. Thanks.

ROGER CARNEY: Great. Thanks, Emily. Again, we'll have a few weeks pause, but there'll be some list actions going on. So let's make sure, as Emily just noted, just take a look. When you're not on vacation, take a look at it and be on the lookout for the report. It will get published August 30th. So, take a look at that and be prepared to start discussing comments when we get back together on September 6th.

If there's nothing else, we will call the meeting to an end. Anyone? Okay. Again, great conversation today, and let's keep it going. And as Berry mentioned, let's think about those definitions that are needed moving forward. We will talk to everybody soon. Thanks. Bye.

[END OF TRANSCRIPTION]