
ICANN Transcription

Transfer Policy Review PDP WG

Tuesday, 12 July 2022 at 16:00 UTC

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JULIE BISLAND:

Good morning, good afternoon, or good evening, everyone. Welcome to the Transfer Policy Review PDP Working Group Call taking place on Tuesday the 12th of July 2022.

For today's call, we have apologies all from RrSG—Catherine Merdinger, Prudence Malinki, Owen Smigelski. They have formally assigned Jody Kolker, Essie Musailov, and Rich Brown as their alternates for this call and for remaining days of absence.

As a reminder, an alternate assignment must be formalized by way of a Google assignment form. The link is available in all meeting invite e-mails.

All members and alternates are 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

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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. I see a hand from Jim Galvin. Go ahead, Jim.

JIM GALVIN:

Thanks, Julie. I suspect that many folks are aware of this. My employer, Donuts, having a year and a half ago acquired Afilias, together they have rebranded and we're now called Identity Digital. I have not yet updated my SOI on the ICANN website. I'll get to that shortly, but I just figured I should at least mention to people that the name has changed. But otherwise, everything is the same. Thanks very much.

JULIE BISLAND:

Thank you, Jim. All right. Please remember to state your name before speaking for the transcription. Recordings will be posted on the public Wiki space shortly after the end of the call.

And as a reminder, those who take part in the ICANN multistakeholder process are to comply with the Expected Standards of Behavior.

Thank you. And over to our chair, Roger Carney. Please begin.

ROGER CARNEY: Thanks, Julie. Welcome, everyone. Just a couple of quick updates, I guess, before we jump into our agenda. The public comment period is still open for our Phase 1A work until August 2nd. Again, trying to encourage everyone to get their comments in early. We've already seen a few start to flow in, which is great. But please work with your stakeholder groups and get your comments in as early as you can, but definitely by August 2nd. And then we can start taking a look at those after that. But please get your comments in.

Other than that, I think I'll just turn it over and see if any of the stakeholder groups have anything they want to bring forward, any discussions they've been having in the background, anything they want clarifications on or anything. But I'll open the floor up to any of the stakeholder groups that have comments now, please.

Steinar, please go ahead.

STEINAR GRØTTERØD: Hi. I have more like a question because the At-Large is reviewing the initial draft report and there have been some comments that I can't really answer, and it's connected to why we set the 14-day TTL for the TAC. Is there anyone that can really recall the most rational way why put the 14 days and not some other days? Thank you.

ROGER CARNEY: Great. Thanks, Steinar. Thanks for the question. I'll open it up to the floor if anyone has anything to say.

I think that was just a general thing that, for the security purposes, they didn't want that to last for a long period. And I'm not sure that ... To be honest, I don't really remember if there were other dates really proposed. Or, you know, time periods, I guess. But obviously, just for the security reason of not having that code out there for [very long]. But again, I don't really recall.

Maybe staff or one of the other members knows if we talked about other time frames. I just know the 14 days everybody kind of ... I guess there was no pushback on the 14 days when it was suggested for that security reason.

Emily, please go ahead.

EMILY BARABAS:

Thanks, Roger. This is Emily from staff. I hate to rely on my memory because it's not always reliable, but I do believe that 14 days was originally suggested by TechOps. And while the group discussed some alternatives, they ultimately—or you ultimately—felt like 14 days seemed a reasonable number. I'm just going to go back and see if there's anything else in the working documents that's worth sharing, but that's my recollection offhand. Thanks.

ROGER CARNEY:

Great. Thanks, Emily. Berry, please go ahead.

BERRY COBB:

Thank you, Roger. Just to build on what Emily is going to research, I think the duration was also a function of certain

transfers that may need to be cured before the transfer can complete, such as resolving locks and some of the other issues that registrars may encounter in completing that transaction.

And like you, Roger, I don't recall hearing any other options of duration. But I think there was some general discussion that in those cases where things needed to be resolved, there needed to be appropriate time to do it.

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

RICK WILHELM: Thanks, Roger. Rick Wilhelm, Registries. One of the things that I would offer is that it's my recollection that in discussions in and around TechOps, that would be considered a maximum and then that there might be situations where a lower TTL might be warranted due to particular characteristics of the domain name involved in the registration. For example, certain high profile names because the TAC being active opens the name up for a transfer window.

And that is a period of exposure, so there might be situations where it's warranted or desired to have that window be shortened and made smaller than 14 days. And so in TechOps, one of things that I recall bringing up specifically was that there might be situations to where registrars might have risk-based algorithms— or in conjunction with registrants— where they want the TTL set shorter to have that window be shorter.

So the 14 days is a maximum, and it could be possible for there to be shorter. Thank you.

ROGER CARNEY:

Great. Thanks, Rick. Yeah, that's a good call out, Rick, that the 14 day being the maximum. And obviously that's left to the discretion of the registrant and the registrar as to if that should be a quicker turnaround. And the registrar can handle that on their own then by resetting that or setting it to null, as Rick pointed out. And it could be for various reasons, but that would be left to the registrar and registrant.

Hopefully that helped, Steiner. And Emily, I see a few things in there.

STEINAR GRØTTERØD:

Yeah. Thank you very much. It was very ... Yeah, thank you. That is exactly what I needed. Thank you.

ROGER CARNEY:

Great, thank you. Okay. All right, I think that was it. If no one else has any questions or comments, we can jump into our agenda which I think is reviewing our table from our working draft or working document.

I think we made pretty good progress last week. Maybe staff can tell me. I thought we were down to the last one or two items in the table to talk about. Obviously, we'll do a quick recap here. We talked about, you know, the big thing being changing

“confirmations” to “notifications.” It seemed like people were aligned there.

But one of the things that we talked through ... And I think if I recall, there were three scenarios on the 60-day lock—a lot of suggestion that we just remove that more of a hindrance, more of a stumbling block for the registrant. But then there was some thought that maybe it's still useful and maybe a shorter one or whatever ...

But then, also, I think the third option was something along the lines of, okay, if there's a lock, is there a way to create a mechanism that there can be an unlock process within that window? So I think those are the three ideas that we talked about around the 60-day lock kind of thing.

And again, I'm not sure that we completely got to a good decision there. But hopefully the work today, as we get on through our agenda here, we'll see some reasoning and maybe it'll point us to one of those solutions. Or we'll just continue that discussion for a bit. But I think ...

Are we on that last item there? Yeah, okay. So, the last item in the table was to actually do the 60-day lock. And not just talk about doing it, but actually setting the 60-day lock on there. And I think this ...

We talked about it in Phase 1, too—or Phase 1A—as well. What is a lock? And really, a lock in the policy sense is just making sure that something doesn't happen during a period of time. How that happens specifically on implementation, that's not something that

we've tried to decide here, you know, a specific EPP status code or anything that. And actually, in the current policy I think it says the exact same thing. If this is how it's done, then this is a way to look at it.

But I think the fact that the policy says there's a 60-day lock, how that's implemented is not necessarily something we need to work out here. But again, this last point in the table is actually turning that 60-day lock on so that it happens.

So I think, again, obviously the 60-day, as I just mentioned, maybe that's shorter. Maybe that's gone. Maybe there's a way to change that lock to unlock during the period. But obviously, one of the steps here is to actually do it and lock it if we're going to stay that way. And that's what this item, this requirement in the current policy states.

I don't know if anybody has comments here. Again, I think we've talked through a lot of these. But, anyone have comments? And really, any follow-up conversation from our last week's discussion on this 60-day lock? Should we keep it? Should we change it to lower? Should we get rid of it? Should we add a mechanism to unlock it if it's locked?

Good question, Steinar. And I think that's ... One of the things is that the 60-day seems extreme. And if it's kept, does it go to a 30-day to match? And again, we tried to standardize that on the post create and post transfer in the Phase 1A discussions. If the lock is kept, do we change that to match that 30-day? And again, I think all of those things are up for discussion.

Keiron, please go ahead.

KEIRON TOBIN:

Thank you. Yeah, I would vote in favor of removing this lock. I've spoken to a couple of internal colleagues and kind of wrapped my head around a bit more of the policy. Kind of delved into it. And with the fact that you can remove it as well—well, opt in and opt out—as we discussed last week, I think it's probably ... In this instance, it's best to remove it.

If registrars do want to have their own policies put in place in regards to that, they can. And obviously, if we as a group decided that we did want to keep it, then definitely 60 days is not consistent. I think it would need to change to a maximum of 30 days as per the transfer window.

And also, in addition to that as well, I think we also would need to either make sure that this was across all boards and standardize it for everyone so that people can't opt in or opt out or get rid of it in its entirety. Thank you.

ROGER CARNEY:

Thanks, Keiron. Along that point ... I like the suggestion that if it stays, then let's make it standard and everyone does it. Have you had discussions or thoughts on a mechanism to unlock if the registrant and the registrar agreed to do it, or some other process? Has that been a thought, or any discussion around that?

Keiron, please go ahead.

KEIRON TOBIN: Thank you. We didn't kind of delve into that part, but I think it's definitely something worth considering if we were to keep it. And would the onus be on the registry or the registrar? I think, from the aspect ... I mean, I would guess the registries would reluctantly go against that in terms of having locks [inaudible]. Don't quote me on that.

And, yeah, from a registrar point of view ... And again, it's something that could be implemented there, which is kind of [done] at the moment. But there needs to be stronger regulation, just in its entirety, if we do decide to keep it going forward. Thank you.

ROGER CARNEY: Great. Thanks, Keiron. And I see Mike's note. Let's try to be consistent. And I think that was our goal in Phase 1A as well. And try to be consistent not just on the time, but how its applied across, I think is important. So I think we're kind of getting down to that spot of, okay, we're kind of coalescing around, okay, if it goes away, okay. If it stays, it's got to be shorter and probably a way to get out of it. But not at the registrant's discretion, but at a higher level. Okay, yes, this is acceptable and we're not ...

Maybe the registrar makes an agreement with the registrant that, okay, yeah, we see that this isn't hijacking and it's meant to be whatever. So we still have that little bit of security there if that's what it is. So I think that maybe we're coalescing around that, and maybe the 60-day is not something we need to really talk about

because, you know, I think everybody's saying that that's too long and doesn't fit.,

But I think maybe I'll ask Emily to pull up a document that staff been working on around the 60-day lock specifically, and maybe talk us through that real quick.

EMILY BARABAS:

Hi, Roger. Sure. This is Emily from staff. Let me just ... This hasn't been shared previously and when I'm done talking, I will drop it into the shared drive for everyone so they can ... Actually, do you know what? If you all just bear with me for a moment, I'll drop it into the shared drive and then you can follow along as well.

So this is very much the other working documents that you've seen, just an overview of the charter questions on 60-day lock as well as some of the background information from the Transfer Policy Status Report that you've previously probably seen. But it just brings together some of the relevant information to take into account as you think about some of these topics.

So as you'll remember, we're going to probably tackle these charter questions together as a segment of the deliberations later on. But since we're already diving into some of these discussions, it doesn't hurt to take a look now. So, see if this works for you all. Hopefully, it does. You'll remember that most of these documents start with ...

Oh, good. I see Roger in, so hopefully the settings or okay.

It starts with the applicable policy language, II.C.2. It notes that “The registrar must impose a 60-day inter-registrar transfer lock following a Change of Registrant ...” and this is the language that’s been discussed previously “... provided, however, that the registrar may allow the Registered Name Holder to opt out of the 60-day inter-registrar transfer lock prior to any Change of Registrant request.” So the registrar can provide for an opt out but is not required to do so.

And there’s this footnote which I think folks have also mentioned in preliminary discussions. “The registrar may, but is not required to, impose restrictions on the removal of the lock described in Section II.C.2. For example, the registrar will only remove the lock after five business days have passed. The lock removal must be authorized via the prior [registrant’s] affirmative response to e-mail, etc.”

You’ll see later on that there’s a trigger question specifically about Footnote 4 because there’s some confusion about the interpretation with that.

And then it also includes the note here that “Registrars are not required to apply a specific EPP status code for the 60-day inter-registrar transfer lock,” but that “if a registrar chooses to apply the clientTransferProhibited EPP status code, it must lock the name in a way that prohibits the Registered Name Holder from removing the lock, per section I.A.5.1.”

Below that you’ll find inputs to the Policy Status Report. So there are some metrics here from GSC, from the ICANN Monthly Registry Reports and Contractual Compliance—all sort of

indicating that there are some potential issues around the lock itself. Although these are sort of indicators and trends more than, you know ... They sort of need to be looked at holistically as indicators. Right? They're not necessarily hard facts that point to a perfect answer. Right?

There are some examples here of inquiries received by GSC—that's the Global Support Center—about the lock and some of the responses as samples to that survey that was part of the transfer Policy Status Report as well.

So this is just a snippet. The Policy Status Report has the most detail and the Issue Report also has a fairly detailed account of some of this data as well. But it's just recaptured here in summary for easy reference.

And I'll pause in just a moment, but I'm just going to give you a quick walk through the rest of the document. Then we have the charter questions below. And we only have early input from the BC on these charter questions. And those early input items are included in this document as well.

So I'll pause here. We can go through the specific charter questions if that's useful. Otherwise, we can always come back to this document anytime as a reference point. Roger, do you want to take the queue?

ROGER CARNEY:

Great. Thanks, Emily. Zak, please go ahead.

ZAK MUSCOVITCH: Thanks, Roger. So, I wanted to share some thoughts on this 60-day lock that we currently have. So if it were to be changed to a 30-day lock, I don't think I would see that as a significant improvement to the current problem because the current problem isn't the 60-day lock, per se—that it's too long and 30 days would be better, unlike with the other two kinds of locks.

But the problem seems to me to be with the current lock. It isn't the time period, but it's ... The policy as it's drafted seems to attract misunderstanding from some registrars that it's an ICANN-mandated 60-day lock. And they won't offer the opt-out. Period. Some registrars.

So that's one of the issues. If we just moved it to a 30-day lock, some registrars would say, "Hey, listen. We're still going to lock it down, but it's going to be for 30 days. And that's tough luck. We're not offering the opt-out." And that's bad for registrants. It's bad for consumers who probably wouldn't discover this issue until they ran into it.

The second problem with the current system is the timing of the opt-out. I don't see why the opt-out should have to be before the Change of Registrar request. It should be contemporaneous. So if we were to maintain a 30-day lock, to reiterate, I don't think it would really address the current existing problems. It would be kind of a red herring to reduce it from 60 to 30 in these circumstances. Thanks.

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

THEO GEURTS: Yeah. Just a couple of things there. I think Zak makes some really great points there. And back during the IRT, we put in the option to have the lock removed. Then you would request a Change of Registrant. It was more to accommodate the process itself. We already discovered that this policy would be very impactful for registrants/registrars on an operational level, especially for registrars.

And up until this day, it's still consuming overhead. I mean, I looked at our ticketing system two weeks ago to see if there's still questions coming in regarding this policy, the COR. And, yes. There's not a week goes by that there aren't some registrants, some reseller goes, "Why is this happening?"

And, you know, I can totally relate. Most of them also have a ccTLD domain and they don't have any of these policy requirements there. There's not a ccTLD that has a Change of Registrant Policy. At least not a big one. There might be some really exotic, smaller ones that might have some restrictive policies—[inaudible] comes to mind—that is somewhat problematic to change the registrant there.

But, you know, when you look at Nominet, DENIC, and .nl, etc., they don't have any of these 60-day locks or a Change of Registrant Policy, per se, because they usually cater to fast processes and make sure that they are consumer friendly. And that is basically one of the biggest issues with this policy. It's not very consumer/registrar-friendly. Thanks.

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

RICK WILHELM: Thanks, Roger. Rick Wilhelm, Registries. It occurs to me when listening and observing all of this that, again, I think we're faced with a definitional challenge here in that part of the challenge here is that the definition of "Change of Registrant" is difficult to nail down in the documents in that there's ambiguity between an update to registrant data made at the registrar and when a domain gets moved between one registrant account and another where the two registrants are unrelated parties.

It's unclear to me, in my read of the policy, that the policy distinguishes between these two situations. And it seems to cause the lock ... In both cases where in the Change of Registrant data, the former case ... It isn't really needed because if someone's only updating their data, they don't want the domain to get locked down because of it. But whereas if, for security purposes, if a domain name registration is being moved from one party to another like in, let's say, an aftermarket situation, there might be a policy reason for security, why we want the thing to get locked down.

And right now, I don't think that the policy really defines that situation tightly. Whereas in a Change of Registrar, there's only one field that's involved—the registrar identifier. And it's very clear when that one is getting updated. In a Change of Registrant, I think it's more ambiguous.

And also, the same sort of situation happens in Inter-Registrar Transfer where the registrant data could change but the actual party that is responsible for the registration isn't changing.

So I think that might be some of the things that's leading to confusion around this. Maybe that's kind of food for thought for people to think about, and maybe a way out of our predicament to try and organize the language around some thinking around that. Thank you.

ROGER CARNEY:

Great. Thanks, Rick. Keiron, please go ahead.

KEIRON TOBIN:

Thank you. Yeah, just going back to Zak's point. I think it was a couple of years ago. The EU kind of got together and made it simple in terms of opting in and opting out of things. It had to be more defined and cleared.

And just kind of going off that, maybe to help with Zak's point or something that, if the 30-day lock was to remain maybe we should make it clear in the policy that every registrar essentially has to either opt in or opt out so that it's a clear definitive thing that everyone is following that same process. And whether they tick that or not is entirely down to the registrar, but as a [per] kind of main component, everyone has kind of set the same rules at the beginning. Thank you.

ROGER CARNEY:

Great. Thanks, Keiron. Yeah, and again, we did this through Phase 1A as well. The consistency is important here. And this is one of those where the option seems flexible and everything, but the implementation or the experience [inaudible] on the other side of not being very friendly.

But I think on those lines, I think we can take a small step back and maybe take a look ... In our agenda note that we received this week, we also received a little bit of homework to take a look at IRTPC use cases. And maybe that helps us see things and maybe eliminate things as well that was thought of back then versus how they are today. So I think ...

Hopefully everybody had a chance to look at those. And if not, we'll take a look at them here. But hopefully everybody looked at them and have some input.

But I think I'll turn this over to Emily and see if she can just walk us through, again the IRTPC use cases that they looked at. Emily, please go ahead.

EMILY BARABAS:

Thanks, Roger. Hi, all. Emily again, from staff. So actually, Caitlin has just shared a link in the chat to the IRTP Part C final report in reference to something else. But actually, if you wouldn't mind bringing that up locally for yourselves because the print is pretty small here. Let me make it a little bigger. But it's still probably easier to follow along.

We're all the way in the annex section. Annex G on page ... We'll scroll down to 74. So the IRTP Part C Working Group, as part of

their final outputs, looked at a series of case studies to demonstrate how their recommendations would look or how they expected they would look in action once implemented.

And as Roger mentioned, a couple of times in recent calls it's come up that there are these different scenarios that have differences. And maybe it is helpful for the group to think about those differently, or at least think about what the application of some of these rules and policy requirements might be in these different scenarios—whether they should be the same, whether they should be different, or whether some of these should not be considered at all as part of Change of Registrant.

So what we'd like to do is revive these a little bit and see if there's agreement that it would be helpful to look at these a little bit more as we talk about some of the specifics of the steps in the process or whether some of these we can sort of discard and feel like they're out of scope.

And I think what we really want to focus on is to stay at the very high level here, which are the scenarios themselves. And I can summarize them at a pretty high level. They did use things names and circumstances. But at a very high level we have seven cases.

The first case is a simple Inter-Registrar Transfer with no updates to registrant information and no Change of Registrant in terms of changing hands. So I think that this case is essentially what we were dealing with in Phase 1A, and unless there's disagreement this is probably one we don't need to look at in detail in Phase 1B. But of course, I can be wrong about that. So of course, feel free to say so.

Case 2 is a Change of Registrant where there is actually a change of hands. So in this case it's Mary and Mike. Mary and Mike are using the same registrar, so it's a Change of Registrar. And in this case, the 60-day lock is applied. So there's no opt-out on the lock.

Case 3 is, again, a Change of Registrant. The domain is changing hands, but there's an opt-out to the lock.

Case 4 is a situation where there's a Change of Registrant. And, indeed, there is actually a change of hands for the domain. And there's also an inter-registrar transfer happening simultaneously, and the lock is applied.

Case 5 is the same as the previous one, except there's been an opt-out on the lock.

Case 6 is the case that we were just discussing where it's not actually .. It's defined as a Change of Registrant, but it's really just a single registrant updating certain fields of information.

And in Case 6, it's with the lock applied. And Case 7, it is with an opt-out on the lock.

So the three variables that are shown here in Cases 2-7 are first whether it's a Change of Registrant where the domain is actually changing hands versus just a simple update, whether there's an inter-registrar transfer happening at the same time or in close proximity, and whether the lock is applied or whether opt-out has taken place.

So I think one thing we can do as a group here is to think about is it helpful to think of each of these use cases? Are they all

applicable? And do we need to think about them in terms of potential requirements? You know, some proposals have already been put forward in terms of, for example, notifications versus authorizations; using a lock versus not using a lock.

Obviously, if there's no lock at all then any lock requirements or opt-outs will not be applicable and there will be fewer use cases. But that's sort of what we're thinking in terms of potential next steps in framing some of these discussions.

Roger, I will hand it back to you to do queue management. Thanks.

ROGER CARNEY: Great. Thanks, Emily. Theo, go ahead.

THEO GEURTS: Not a large queue for now. So, going through the case scenarios, there's obviously a couple ones that can be discarded right away because they don't fall into the scenario anymore due to not having access to WHOIS data anymore.

But while you were going through this, Emily, what sort of popped up for me was that we keep going back to the lock being a preventive measure against hijacking. And, you know, we don't have any information on that subject. If there are Registrars here on the call that actually have plenty of examples that [you are actually preventing] hijacking, please speak up. I don't know any of those registrars.

Most of this is based on very old anecdotal data going back more than a decade ago. And I think in the current time frame, most of it is not applicable. But I'll leave it to the group where we go. Thanks.

ROGER CARNEY:

Thanks, Theo. Yeah, and I think we could eliminate a few of these pretty quickly, as you mentioned. So, Use Case 1 we already dealt with early on. And a few of the use cases there in the middle where there's both a registrant and registrar, that gets ... Again, as you mentioned, not being able to even be able to validate that from a Gaining Registrar standpoint anyway.

I think we talked about last time and I know Rick has mentioned it here once already, and I think he mentioned it last week as well. The change of Case 2 here versus, I think, Cases 6 and 7 [may have been] a different, I guess, process or different intention overall. A Change of Registrant information but maintaining the same registrant in practicality is different than actually moving as in [inaudible].

Case 2 is talking about actually changing the owner of the domain. And "owner" I think we'll say in air quotes because, you know, who actually owns it? But I think that's how a lot of people describe it. A change of ownership is different than a change or update of registrant information.

I think the hard part is how do you identify those and what are the different I guess, policies or different safeguards around those that should be used if a registrant is just updating their name. And

again, it all gets tied back to, you know, I think that material definition and material change and what that is. Now it could be that the registrant is changing quite a bit—an address and updating a phone number or e-mail address all at once.

But it's still the same registrant, so it seems like that's a normal management/data processing kind of thing everybody should be allowed to do without any ramifications. But you know, when you actually change ownership and change the registrant, and now a different registrant is agreeing to the registration agreement, should there be different policies around those? To me they're not very subtle, even. I mean, those are two dramatically different things. And how do you get that ...

And again, I think the hard part is how do you identify that because no one's doing this ... Or not very many people do this manually. So, again, I think that's the big difference. Yeah, there are three scenarios. Or four, maybe. You can count them. A Change of Registrar, which we've dealt with in Phase 1A. A Change of Registrant and Registrar, I think—as Theo kind of alluded to—kind of disappears with GDPR because that's not necessarily known.

Now obviously, if they change the registrant and then go to change the registrar, then you can follow that. But if they just do a simple Change of Registrar, you don't know that. And I think how do you delineate each one of those scenarios is the important part.

Zak, please go ahead.

ZAK MUSCOVITCH: Thanks, Roger. I have a legitimate question.

ROGER CARNEY: Zak, you're coming in a little soft.

ZAK MUSCOVITCH: Can you hear me now, Roger?

ROGER CARNEY: Much better. Thank you.

ZAK MUSCOVITCH: Okay, thank you. So, a legitimate question. If a registrant makes a Change of Registrant from John to Mary, Mary to Jane, Jane to David, all at the same registrar, that would seem to still confer upon that registrar the ability to roll back any unauthorized transfers. But if the Change of Registrant from Mary to Bob and then Bob to David involved a Change of Registrar, wouldn't that kick in the 30-day lock for a Change of Registrar anyhow?

So the point I'm wondering, if it can be made, is that there seems to be less of a security issue when there's a Change of Registrant, even if it's several Change of Registrants if they all occur within the same registrar. And in contrast, if there is a Change of Registrar, more than one hop, then there's another lock that comes into play anyhow.

So I'm wondering if we can draw the conclusion that the threats of Change of Registrant aren't there when it's within the same registrar. And if it's outside of the same registrar, then we have a lock protection anyhow. Thanks.

ROGER CARNEY:

Great. Thanks for bringing that up, Zak. And I think you have hit on a point [of ...] I think that, obviously, there's a bigger risk between registrars, as you mentioned—intra-registrar. That risk obviously is ... Could it happen? Yes, but the remedies are a lot easier and should be a lot quicker. And it's a good thing that you point out, I think, for everyone that there is a difference. That threshold is much higher moving from a registrar to a registrar than it is just changing registrant information.

Theo, please go ahead.

THEO GEURTS:

That is actually a good point from Zak. And he's right when you talk about changing registrars. There's already another lock kicking in once [there's been done a] transfer. So a lot of the perceived issues are actually not there. And when you look at the policy itself, what it actually does, one of the long-term effects, is that it places a burden on people to make sure that they have accurate data because they have to go through certain jumps they have to make. So for accuracy, it's actually a burden. It makes data less accurate because you have all of these hoops to go through. And a lot of people are put off by it and go, "Okay, I'll

update it next year” or whatever. And whenever becomes never in most cases. So that's a real shame what this policy did. Thanks.

ROGER CARNEY:

Great. Thanks, Theo. And may just thinking out loud here, again, I think Zak pointed out a nice, clear threshold setting is, obviously, to a registrar ... From one to another registrar is a bigger step. But even if it's internally to the registrar, does it make sense to have policy around so that the prior registrant has some way to have their grievance heard or something like that. Should that be an ICANN policy that ...

As you mentioned, maybe it went from Mary to Bob at the same registrar. And I think Zak's thinking there wouldn't be a lock, but should the policy dictate that Mary has some right, somehow, to at least ... And again, I'm just thinking out loud. I'm not trying to point one way or another.

Zak, please go ahead.

ROGER CARNEY:

Great. Thanks, Zak. And I and remember if it was Berry or someone else. Someone had mentioned that one of the ... And I can't remember ... Someone could tell me. It was part of [IRTP's], I think D or whatever it was, suggested some of this reporting abilities or tracking, and it didn't come to fruition, obviously. Oh, thanks, Berry.

And that is that something, if we went a certain direction, that we would require, you know. Is that something that we should make

registrars track? And again, how they do it may get a little tricky, but is that something that's useful for, again, the next review of the policy which obviously will happen when it happens. I don't know.

But we keep saying it would be great to have the data. And as Zak mentions, some of the big [inaudible] don't have, not necessarily the data, but they just don't see this happening. But if we actually had data that shows, okay, yeah, so it happened once last year out of 46,000 transferred, or whatever it is, then that makes sense.

So I think, you know, is that something we try to include here as okay if that's the case and we're saying it's not a big deal we have. An open question of, should we be asking for this to be tracked? So again 5-10 years from now whenever this policy gets re-reviewed, they will have some data based on that.

Theo, please go ahead.

THEO GEURTS:

Yeah. Well, in hindsight maybe we should have done that in 2015 already. I can't speak for other registrars. We treat every report of a possible hijack, regardless if the COR was triggered or a transfer in or a transfer out that was supposedly ... We track all of that. It's part of a security incident response-based approach, so we track all of that.

But to plow on this a little bit more but from a different direction, and I mentioned this many calls ago that maybe we should ask the ccNSO counterparts—the Registries—to see what their experiences are when it comes to domain name theft of domain name hijacking. And we never did that. However, during the last

ICANN meeting in The Hague, most of them were there and informally we talked about it. And they eventually ...

I made a couple of requests and they dragged up some data. And they don't want to have it out in the open, at least not yet. There was not anybody who said, "Just published this." But looking at these large registries, they gave me the numbers and they gave me the amount of transfers that happen on a yearly basis.

And what I can tell from those numbers, they are exceedingly low. I mean, wow. At least what I can conclude from the information that I've gotten from the ccTLDs, they don't see an issue and they can back that up with data. Thanks.

ROGER CARNEY:

Great. Thanks, Theo. Okay. Again, with these use cases, I think we could probably reuse some of these and maybe update them and pull them in just to document our thought process as we go through this. Again, I think it's helpful that we came to most of these use cases prior to even seeing them, or at least along the lines of most of these use cases. So I think using reusing some of these ...

And again, obviously Case 1 and a couple of others don't seem to fit our Phase 1B stuff, but the few cases that are talking about the Change of Registrant, I think, make sense to pull into our current work so that we can show that we documented, we discussed down this path and everything. So I think the idea of these use cases are great.

But specifically, again, getting to the 60-day lock, maybe we can go back to Emily's introduction of the 60-day lock working draft and maybe start looking specifically at the charter questions surrounding the 60-day lock so that we can get a little more pointed to answering those questions—and maybe we've already answered some of them—and getting our logic behind those.

Emily, if we can move to the 60-day lock working document. Yes. Maybe I'll have Emily just run us through real quick each of the charter questions. And we don't have to discuss them right now, but just get them into everyone's thinking here. And then we can come back and start talking about each one of them.

Emily, would you be willing to do that?

EMILY BARABAS:

Sure. Hey, everyone. Just adding something to chat as well that I think would potentially be helpful for folks to think about as well. So before I do that, I'm just going to pop the charter back into the chat.

So we have some proposed metrics on tracking how the policy is working and how recommendations are effective in practice. You can take a look at page 12 of the charter. So something to kind of roll around in the back of your minds is also ... You know, it may be helpful. This is something that can change. The working group can propose metrics to track the efficacy of policy changes.

So to the extent that that's useful to have more and better and different data thinking about what specific data would be useful to

track, and even putting that in the policy recommendations, could be a good output of this group.

Okay, on to the charter questions. So these all reference specific data points from the Policy Status Report or feedback that was received through the survey.

Survey responses as part of the Policy Status Report and data provided by the Global Support Center indicate that registrants don't understand the 60-day lock and express frustration when they're not able to complete an Inter-Registrar Transfer because the lock is in place.

So the question is, does the 60-day lock meet the objective of reducing the incidence of domain hijacking? What data is available to help answer this question. We've obviously talked about this a bit. Is this lock the best way to reduce hijacking? And if not, what alternatives might be able to meet those goals. And are there technical solutions that should be explored, such as use of the control panel or two-factor authentication?

I won't go through the specific input from the BC. Hopefully everyone's already had a chance to look at that. And of course, Zak, at any time, please feel free to speak up if you want to elaborate on any of those questions. Or if folks have questions about that input, please feel free to raise it.

The next question, d5, says that the Global Support Center and Contractual Compliance inputs indicate that there's frustration with the inability to remove the lock once it's in place. Should there be

a process or options to remove that lock? We've talked about that a little bit.

“Due to requirements under privacy law, certain previously public fields, such as registrant name and e-mail may be redacted by the registrar. Is there data to support the idea that the lack of public access to this information has reduced the risk of hijacking and has therefore obviated the need for the 60-day lock when underlying registrant information is changed?” I think we've already touched on that as well.

In its response to the survey and the Policy Status Report, the Registrar Stakeholder Group stated that the 60-day lock hinders corporate acquisitions, consolidations, and divestitures of large lists of domains to new legal entities. “To what extent should this concern be taken into consideration when reviewing the lock?”

And then the final question, d8, “If the core policy is retained, are there areas of the policy that need clarification?” ICANN's Contractual Compliance department gave a few examples of areas that might benefit from some additional clarification.

For example, Footnote 4 of the Transfer Policy which was about restrictions on the removal of the lock. There have been different interpretations of that text. So the question is whether it needs to be more clear as to where whether registrars are permitted to remove the lock once imposed. Compliance's interpretation is that it's not possible currently under the policy. But that could be clarified.

Section II.C.1.3 looks at how the lock must be provided in a clear and conspicuous manner. And there's a question about whether that needs to be perhaps more clear. "Does the policy contemplate enough warning for registrants concerning the 60-day lock where they are requesting a Change of Registrant?"

And then looking at these specific cases, we can go back to the Contractual Compliance input and look at some of the specifics of the complaints that they received to get better clarification on that.

"Should clarification be provided in Section II.C.2 that the option to opt out is provided only to the Prior Registrant?" And a specific revision is suggested there.

And that this all of the charter questions on 60-day lock. So some of these have already come up. Actually, a number of them have. But if it's helpful to go through any of the other details, Roger, please let us know.

ROGER CARNEY:

Great. Thanks, Emily. Yeah, and as you mentioned ... First, I'd like to start out with the first thing you talked about with the reporting requirements that are in our charter, just to look at are there any things—the metrics or anything—that we want/need to have.

And again, obviously, this creates more work, more overhead for the contracted parties to track these things. And some do it and maybe they're just not available easily now, but I think that something to consider is that every time we get into a PDP discussion, we always say, "Well, where's the data that shows this?" And then we never add any data after the fact.

So I think that this group really needs to look seriously at is there anything that should be tracked on an ongoing basis to help with seeing if the changes that we do make are efficient and, I guess, effective. So again, we know that there's an overhead piece to this. And that's why there's always some hesitancy to and that. But does the benefit of having the data outweigh that? So just something to keep in mind and keep thinking about because we will talk about what reporting requirements are necessary coming through this.

But, yes, so just getting back to ... Thank you. Yeah.

And I think it's one of the things, and I don't know maybe it's just ... Berry and I had the conversation on the side. It's one of those where to me it seems logical that we at least ask that question. Every time you're making changes, if you don't measure it how do you know if it works? The old philosophy of engineering.

So again, we'll get to it and we'll talk about it, but just keep that in mind as to what are we looking for that we're not getting? And would that be useful moving forward.

But back to the 60-day lock. As Emily mentioned, most of those charter questions, I think, if you look at them, we've already kind of talked about and started working down some of those solutions. You know, okay, what data is there? Okay, I think we're all saying that there's no specific data at this time. It's anecdotal data saying, yes, we don't see that there's a problem. Nothing's raising up and customer complaints aren't there. Things like that.

So I think what data we use is ... And we can answer that question fairly easily and just say it's anecdotal data because we don't have data elsewhere.

But does the 60-day lock prevent hijacking? Again, I think we're hearing the anecdotal data say, no, it doesn't seem to do that. Is there still a security mechanism in it? I think that to me, that's hard to argue against. It seems they're still ... A lock does provide some kind of security.

And again, I think the important thing is that it's needed and the anecdotal provided so far says it's not needed because it's not solving anything. But again, that's up to this group. And that's just what I've heard so far. Members say that they just don't see that it's solving any problem today. But I think our job here is to go through the charter questions and answer them as best we can and make any recommended changes.

So if we're looking at the 60-day lock, it sounds like everyone agrees that something needs to change, just not necessarily exactly what change that should be. So I think that will be the important part for us to get to as a group. Is it just a "simple"—again, in air quotes there—remove the 60-day lock completely? Or is it something more in between that and it's a shorter time period that matches our Phase 1A time periods and strengthening the language in this policy where, okay, can the lock be removed after it's set? And things like that. I think is somewhere in the middle there of ...

Obviously, it sounds like no one wants a 60-day, so let's not talk about a 60-day. But it's a lock. It's still important. And how

important? If we read through this, a lot of comments came back from different stakeholder groups stating that the lock was a burden not a helpful feature.

So I guess that was a lot of stammering around for just seeing if anybody has any additional comments on the charter questions themselves. Okay.

And I think something important to remember is that we all have a good chance here to talk on the phone and some good points get brought up, but it's important to make sure that we're taking these issues back to the stakeholder groups as well and discussing them offline and seeing if there are any issues or concerns from the stakeholder groups that need to be brought forward and discussed.

Again, I think that the majority of the discussion here has been on the removing of a lock. So I think if that's the way this group heads, I think it's important to hear from those stakeholder groups where they don't want the lock removed and their suggestions on how to improve that.

But again, in today's policy there is a lock, so it defaults to the lock. So we have to have an abundance of change wind to make that change happen. So I think we're hearing loudly from the group that the 60-day lock is more burdensome than it's beneficial. So I think that's the way it's leaning, so I encourage anyone that wants a lock, even if it's a shorter duration or removal or whatever, to come forward and get their stakeholder groups to discuss it and bring that back with some solutions or ideas on if there is a way to keep that lock in place.

Okay, any other comments or questions? It seems like I've been rambling a lot today. Okay, I think we've made a good discussion on the 60-day lock. And again, I think we solidified with a lot of what we said last week as well on this.

So I think that the plan would be for the group to go in on the 60-day lock working document here. I think Emily posted it in chat. And we can send it out as well after. But to go in and make comments into each of these charter questions so we can get comments and discussion moving forward. And I think we'll set up a plan and we'll make sure that we walk through each of these and make sure we have logic and discussion around them so that we can present that as how we got to where we're going.

Thanks, Emily for reposting that.

Okay, we have just 15 minutes left, so I think we'll just leave it here. And again, I think that ... Take a look at this document and make some comments or changes to it or, yeah, any comments to it between now and next week. And we'll plan to get stepping through each of the ... I think there's five charter questions for 60-day, and we'll get moving through it.

I think the first one was an interesting one. It said something—or the last one, maybe—if the Change of Registrant Policy should continue ... And I think that the group is fairly confident that the Change of Registrant Policy should continue to exist. It's just that the effects be a little different

So I think that, again, we've answered some of these and we just need to make sure that we step through each one and get our rationale behind each one.

So if no one has anything else, I think we will conclude the call a little early today and give you a few minutes to look at these. And again, I think that the use cases that we've shown, I think we'll pull those in because I think those make sense to replicate and update in today's world so that we can use that path going forward. And then the next group can use those as a checkpoint as well.

Okay, I just want to thank everyone for their time today, and we'll discuss this next week. Thanks, everyone.

JULIE BISLAND:

Thank you, Roger. Thanks, everyone, for joining. This meeting is adjourned. Have a good rest of your day.

[END OF TRANSCRIPTION]