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ICANN Transcription

Transfer Policy Review PDP WG

Tuesday, 30 April 2024 at 16:00 UTC

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JULIE BISLAND: Good morning, good afternoon, good evening, everyone. Welcome to the Transfer Policy Review PDP Working Group Call taking place on Tuesday, April 30, 2024. For today's call, we have apologies from Catherine Paletta (RrSG), Ken Herman (NCSG), Jim Galvin (RySG). They formally assigned Essie Musailov (RrSG), Wisdom Donkor (NCSG)as their alternates for today's call. As a reminder, the alternate assignment form link can be found in all meeting invite emails. Statements of interest must be kept up to date. Does anyone have any updates to share? If so, please raise your hand or speak up now. Seeing none, all members and alternates will be promoted to panelists. Observers will remain as an attendee and will have access to view chat only. Please remember to state your name before speaking for the transcription. As a reminder, those who take part in the ICANN multistakeholder process are to comply with the expected

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standards of behavior. And over to our chair now, Roger Carney. Please begin, Roger.

ROGER CARNEY: Thanks, Julie. Welcome, everyone. Our last meeting until we take a break next week. The contracted parties have a summit next week and we'll be not holding a meeting, but we'll be back after that. And then we have four weeks until ICANN 80 after that. So we'll have four meetings prior to ICANN meeting after today. And hopefully we make great progress on our initial report. And we go into 80 with a good amount of work on the initial report done.

So I don't think I have anything really to cover in updates. So I just open it up to the stakeholder groups that want to bring anything forward, any conversations, comments or questions they have for the working group. So I will open the floor up to any stakeholder groups. Okay, great. I think we can go ahead and jump into our agenda. And thanks to Christian for dropping that in chat there. And I think I will turn it over to Christian maybe to go through agenda item two, if he wants to start that.

CHRISTIAN WHEELER: Thank you, Roger. Yes, and I'll also drop the document that we're going to be sharing in the chat right now. So this looks familiar. We looked over this last week. It is the rec 17 ideas document. So this was a proposed kind of middle ground for rec 17, which you recall is the post transfer restriction from group 1A. So this is the recommended. This is the new text. Thank you to those who have went in and propose some updates and asked some questions

and threw in some examples. So we're going to go through that now. And then hopefully we can bring rec 17 to a reasonable close for the initial report.

So the first item that we can kind of see here is the removal of exception exceptional situations proposed by Rick just to get rid of exceptional situations. So if anyone has any issues with these, please raise your hand. Or if you proposed it and you want to explain a little bit more, please feel free to do so. But if anyone has any issues with removing exceptional, please go ahead and raise your hand. Otherwise, we'll just assume to go ahead and remove it. And not seeing any. So it sounds like that's fine with everybody.

Moving down to C. So you might recall. So these are some of the guardrails, just as a reminder, these are some of the guardrails that have been put up. Previously, it was that there was like an established relationship procedure and there was some proposals for what that could look like. You know, it's like things on a case by case basis. There were some concerns that that language was a little too ambiguous. So these are some attempts to kind of help flesh out some of the kind of security items that could be associated with that. Some of the guardrails that's up there for removing that transfer restriction. So the first one being that they have to demonstrate that the request to remove the restriction came from the registered name holder. The second being that they have to ensure that the request was requested by them. So they had to demonstrate that it was a specific request from them. They have to ensure that the request was requested from them.

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And then C, the original was that the request from them to remove the restriction must be provided or sent via a secure mechanism. I believe it was Rich suggested to get rid of sent via secure mechanism. Rick also suggested it must be provided via a secure mechanism. So happy to hear what the group thinks about if it was just removed up to this point. We also have put forward an alternate to keeping that secure mechanism. I think the intention of the original revised text was not so much about how the registered name holder requests it, like that they have to request it by a secure mechanism, more so that it's that they authorize it via a secure mechanism.

So it doesn't have to be the same interaction for how they requested it, or that they get to choose a secure mechanism. It would be something that the registrar would choose and that they have to ensure that it's authorized. So this was a revised version of that to see if the group still wants to keep that secure mechanism guardrail for here. Otherwise, we can talk about keeping up to here or provided via a secure mechanism, whatever the group thinks is best in this case. I would pose that if it was just up to here, the request must be to remove the restriction must be provided. I'm not sure how different that is from B that has to be from them. So I think the secure mechanism piece of this was the one thing that's kind of different about A and B. But if the group doesn't want to keep that piece, then again, happy to remove it. But welcome to open it up to the floor to see what the group thinks about C or what direction we should go with it.

ROGER CARNEY: Great. Thanks, Christian. Yeah. And thanks for pointing that out. I thought the same thing when I read C as the updates, as the suggestions here. It's like C is with the suggested edits, I think C is just a duplicate of what A and B are saying. So and again, I think that the secure mechanism part was the key to C as a differentiator between A, B, and C. So the proposed language, the alternate C seems to make sense, but I'll leave that open to others to discuss. So Rich, please go ahead.

RICH BROWN: Hi, Rich Brown for the record. I know I'm an alt this week, but I wanted to chime in since I was here last week talking about this. I want to say that B and C are actually separate in that B, the registrar must ensure the request to remove the restriction was requested by the RNH. So it's on the registrar to ensure that the request, regardless of secure mechanism or not, is valid. Part C is the follow up to that, where that registrar must be able to provide the reasoning and the documentation that shows that B is valid. So they kind of work together, but I just don't believe the secure mechanism with all the conversation we had, conversations can be had via phone and whatnot. This is about the interaction between a registrar and their customer, and there are many different non-secure methods of communication, if you will, that happen there. And that's why B is important in this transaction and not so much the secure mechanism in C. Thank you.

ROGER CARNEY: Great. Thanks, Rich. And thanks, since you're the one that suggested the edit as well. I appreciate you coming off of alternate

mute there. So I appreciate that. Any other comments on this? Sarah, please go ahead.

SARAH WYLD: Thank you. This is Sarah. I was away last week. Thanks to Rich for alting. And so I unfortunately didn't spend a lot of time thinking about this one yet. But if part A says the registrar has to be able to show that it got this request. So that's the requirement to maintain some kind of documentation that it was requested. And then B says that we have to be able to show that the request was submitted by the RNH, which makes sense. Got to make sure it comes from the right person. So C doesn't seem to be doing anything here. Like if the first C just said we have to show the request is provided, that's already in A. And then the alternate C, ensure that it's authorized by a secure mechanism, then why isn't that B? Like, yeah, thank you.

ROGER CARNEY: Thanks, Sarah.

CHRISTIAN WHEELER: Thanks, Sarah. And I would also add that below here, F is actually the require that they have to maintain a record demonstrating the request was received. So that documentation aspect is covered in F.

ROGER CARNEY: Okay. Any other comments on C there?

CHRISTIAN WHEELER: So I'm not hearing any. It sounds like we don't need secure mechanism. What I'm not quite clear on is do we need what's highlighted here at all? Do we need C?

ROGER CARNEY: Thanks, Sarah, for that in chat. Theo, please go ahead.

THEO GEURTS: Yeah, I think we outlined a couple of times now that we don't need C. I mean, I agree with Sarah. I mean, it is already covered with A and B, so C doesn't add anything. So we can get rid of it, in my opinion. Thanks.

ROGER CARNEY: Great. Thanks, Theo. Thanks. Thanks, Sarah. Thanks, Jody, for chat.

CHRISTIAN WHEELER: Okay, moving on to D, which will be the new C. So originally it said that the registrar must manually confirm that their specific request includes a legitimate rationale as to why the removal of the restriction is necessary. And there have been some updates to here, you can see today right now. The first thing I wanted to highlight, though, is a comment from Sarah, which is a suggestion to remove manually, as it's confusing and doesn't assist the requirement. And there was an agreement from Steinar here. So I'm just curious if the group agrees with this. I would note that

Steph included manually on here initially as part of the guardrail, because it seemed that it would be -- that the group might want to avoid automated confirmation, that if it was a manual confirmation, then it might be something that would be less -- there would be more -- that this might be an exception, used less frequently if it was more manually entered. But, again, happy to hear what the group thinks of that. If they think that's okay to remove it, or if it's better to remove it to avoid confusion. So happy to just focus on that point of D right now, is the manual aspect of it. And Sarah, if you want to speak to that a little bit more, please feel free.

SARAH WYLD: Thanks. This is Sarah. I really have nothing else to add other than what you already said. Yeah.

ROGER CARNEY: Yeah. Thanks, Steinar, for that. The key being confirm here. Okay. Okay. Sounds like there's support for removal.

CHRISTIAN WHEELER: Okay. And so there's also been some -- oh, I see Jothan has his hand raised. Go ahead, Jothan.

JOTHAN FRAKES: Yeah. I just added a little bit of text. You know, we had gone through -- so I added such as, but not limited to one or more of the following to create a tether between bullets Roman I through V here. Otherwise, it was worded weird. Thank you.

ROGER CARNEY: Thanks, Jothan.

CHRISTIAN WHEELER: Thanks, Jothan. And I think that's something that we could also consider is these examples, rather than being as part of the text of the recommendation, being something that's more so included within the rationale. So it doesn't necessarily need to include that tether if the group doesn't feel like it's needed as part of that recommendation language specifically. But again, happy to do whatever the group wants.

ROGER CARNEY: Thanks, Christian. Yeah. That's a good suggestion as well. Jothan, please go ahead.

JOTHAN FRAKES: Yeah. However that goes, it was important that we didn't indicate that that was an exhaustive list. That rather it's an inexhaustive list. Because we're leaving room -- these are some very common examples that we have where this would come into play. And we'd need to make an exception, a very well-informed, clearly documented, intentional exception. But there may be others. And so we don't want this to necessarily be prescriptive. For when we need it, we're going to need it to be a really good sort of break glass and be applicable to the situation and adaptive. Thank you.

ROGER CARNEY: Yeah. Great. That's a good point, Jothan. I think both wording you're suggesting and the prior ones, try to call that out. And I see Sarah saying something about implementation guidance in chat there. And I thought about that as well. And maybe it was my push here that it maybe fell here. And the only reason was -- and Christian also suggested in the rationale, you sometimes find people don't read enough of it. And they're going to read, oh, they're removing the restriction and they have no really reasons to. And that's the only reason I thought the language made sense. But I'm not convinced either way that it matters where it goes. As long as we're documenting and showing that we did think through that process. Again, that's the only reason I could see standing it here was just people will read it more often. But Theo, please go ahead.

THEO GEURTS: Yeah. Thanks. I'm actually going to argue against that. I mean, I would prefer it to be somewhere in the rationale itself and not included within the recommendation. Because you know, if you are not really well versed into this, I mean, you're a developer and this is the first time you got to take care of it or you're the product manager, you're going to sort of take that list as the only reasonable basis, so to speak, to, okay, this is the list, then that is the reasonable basis here. And it's not. Like Jothan said, I mean, these are just fine examples, but there are many more examples. So that's my reason to move it to a rationale or maybe make it more clear. But it's not a big thing for me. So that's it.

ROGER CARNEY: Great. Thanks, Theo. Yeah. And good point. I think you always have to be careful what you write because yes, people start trying to put bounds on it when we didn't intend there to be bound. So Jothan, please go ahead.

JOTHAN FRAKES: Yeah, I think we want to codify it so that it is unambiguous, but also leave room for flexibility. You know, I think that these circumstances where an exception may come and it gets frictional or we're providing our documentation to compliance, the great folks at compliance when they're helping someone pursue an issue that we've got some really clear boundaries, but room with them being clear to be properly interpreted or not cause confusion or extra grief. You know, we want to help our customer. And you know, the less we can create situations where I guess we get a no good deed goes unpunished situation, we want to make sure that that's possible. Thank you.

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

STEINAR GROTTEROD: Yeah. Hi, this is Steinar for the record. I'm just curious. Does these examples given in the room and 1.2.5, does this actually include that the registered name holder just only just changed her mind and want to move before the 30 days? Or do you have to be -- in that scenario, will this be included? Will the registered name holder have the option to change the registrar? Thank you.

ROGER CARNEY: Thanks, Steinar. And as Jothan put in chat, I think that it potentially could. It's not listed here, but it potentially could. Volker, please go ahead.

VOLKER GREIMANN: Yes. So, in most cases, it's more than a registrant changing his mind. It's usually the question of a registrant not being able to read. You can have a warning in large 16 point or 20 point blinking letters in red before they click on the owner change. And that warns them that the domain name will be locked and we will get the requests from them anyway that they -- oh, I didn't know that. I didn't see that. It's trying to protect the registrant from themselves. They want to do something, which usually is initiate a transfer, sell a domain name. And to do that, they need to do an update first. And then they want to transfer. And usually they forget to check the right mark because they don't look correctly or they are rushing through the process, clicking away any warning as you want to do. And then they are stuck with that registrar for the transfer lock period. And even though they had a specific intent for that domain name and now cannot proceed with that, maybe a sale falls through. So we want to protect the registrants from themselves, essentially.

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

STEINAR GROTTEROD: Yeah, this is Steinar again. And just to my understanding, this rec 17 is the post-transfer lock challenge we have. And this is one of the most scenarios that ICANN compliance get notices about because for some reason, the registered name holder want to change before the 30 days or as it is the 60 days now. So I think it's kind of vital that there is in key wording also the opening for the registered name holder to do that without any special scenarios. It's just like I changed my mind. Please make it possible for me to go to another registrar or even the previous registrar. Thank you.

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

VOLKER GREIMANN: Yeah. And even for that circumstance, sometimes we have had cases where a registrant asks us to transfer a domain name back to us and they realize that the registrar they transferred to was not the service provider that they chose because that service provider used a different registrar that they had a particular dislike to. And therefore, we weren't able to help them, of course, but the domain name was locked against a retransfer and they were stuck with that registrar even though they had certain problems with that. And I feel that at least a transfer back to the original registrar should always be possible and the lock should be removable for that. Anything else, a transfer onward somewhere else should also be possible in certain circumstances. However, it's hard to enumerate those circumstances and I can see that there are issues with people having the ability to transfer a domain name countless times. We've just recently had a couple of hijacking

cases where a hop had occurred where a registrar was not enforcing the transfer lock. So I can understand that as well.

ROGER CARNEY: Great. Thanks, Volker. Okay. Any other comments here? I think to move forward here, the updated language in D, which is now C, I think is good except for let's go ahead and move the examples to our rationale and clean it up here. And again, if we get a lot of public comments saying why this doesn't make sense and all that, obviously people aren't reading, then we can make that decision later to either pull this back in or again, just leave it in the rationale. But I think good enough discussion about moving it to rationale.

CHRISTIAN WHEELER: Thank you, Roger. And I'd say just before we move on from here, I would also just want to ask if anyone has any thoughts on reasonable basis versus legitimate rationale here as Zak recommended, which phrasing is better. And then also I just see that Jotham added some language here down to option V. So if anyone has any issues with these, otherwise we will assume to implement it. So does anyone have any preferences versus reasonable basis or legitimate rationale? Keeping in mind that these options are going to be put into the rationale.

ROGER CARNEY: Steinar, please go ahead.

STEINAR GROTTEROD: If someone can help me or put some proposed wording in for the scenario that is just the sole interest for the registered name holder to move the domain name into Roman VI or something like that.

ROGER CARNEY: It looks like Jotham is already trying to work on that.

STEINAR GROTTEROD: Perfect. Thank you. I appreciate it.

ROGER CARNEY: Thanks, Steinar.

CHRISTIAN WHEELER: Would that be covered by I, the intentional agreement of the registrant?

ROGER CARNEY: I think Sarah was going to suggest that and she put her hand down and put it in chat. She feels like it fits into I. Thoughts?

CHRISTIAN WHEELER: I might suggest rewording opt out. But otherwise I personally think that this would cover that situation where it's intentional agreement by the registrants to remove the opt. Steinar, please go ahead.

STEINAR GROTTEROD: Yeah, this is Steinar again. And this is not my area of expertise whatsoever. But doesn't that kind of reflect what is the meaning by reasonable basis? And you have a list of that. And the way I read it, I'm not an English native speaker, so I don't see that I is actually included in the freedom of the registered name holder. I'm not sure. But I was hoping to get some clarity here. Thank you.

ROGER CARNEY: Great. Thanks, Steinar. Yeah. And as Christian pointed out, maybe the opt out is throwing off. But to me, this first one does say it if it's the opt out part, yeah, again, maybe not correct. If that was just missing, that might make a little more sense. But to me, to what you're describing, Steinar, one does or I, whatever this is, does cover that. But Sarah, please go ahead.

SARAH WYLD: Thank you. This is Sarah. I think that the I point here exists to indicate that the domain owner might be the one making the request and have a reason for it. So I think if we just take out the words that I've highlighted on screen, agreement of consent to opt out, it would say that so the registrar must confirm that the specific request includes a reasonable basis for removal of the restrictions, such as but not limited to one or more of the following. Well-informed documented clearly intentional request by registrant. So replacing the highlighted text with the word request I think covers it tidily.

ROGER CARNEY: Thanks, Sarah. The one suggestion that we were talking about, though, is removing this list and putting it in rationale so it wouldn't -- so the limited part of the D wouldn't exist. But yes. Okay. Any other comments there, then? Anything else you need to cover there, Christian?

CHRISTIAN WHEELER: No, unless anyone has anything. I see there's still some updates in here. And what do we think about this 6 here?

ROGER CARNEY: I think that's where we got to.

CHRISTIAN WHEELER: Okay. Sorry. That would be a recommendation. Okay. Then I think we can move on to this last piece.

ROGER CARNEY: Jothan's got his hand up. Go ahead.

JOTHAN FRAKES: I think for the sake of time, I had added 6 out of respect, deep respect for Steinar. And it appears that it is covered by Roman I. I just don't know. I don't know that it is covered by Roman I. I just want to triple confirm with Steinar that he's cool with that.

ROGER CARNEY: And in chat, he was. So thanks. Rick, please go ahead.

RICK WILHELM: Rick Wilhelm, registries, but not really wearing the registry stakeholder hat here. While you were working up north, I was mucking about below the page break. And Sarah just pulled -- I think we should be focusing on the word "registration" and not just "domain name." Because what we're talking here is about registrations and not domain names, of course. And -- okay. There. Yeah, that's fine, Sarah. And then I also used the word "acquisition" rather than "sale" because in III, I put in "acquisition" rather than "sale" because in IV, we had used the word "acquisition." So cleaning that up. And so I just wanted to kind of come to the mic and be clear that I was tweaking about in some of those while you all were working in the northerly ones. Thank you.

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

SARAH WYLD: Thank you. This is Sarah. Just a couple comments also about those items. So I think "consummation" is a word that people might find confusing when reading the policy later. And maybe we can be more clear by just saying "completion" of the acquisition. And then on point V, there is a comment in the sidebar saying that they think that this whole point V is actually now covered under point I. But I don't think that's the case. Like this is specifically relating to a terms violation, whereas I is more that the registrant just doesn't want to be there. So I do think that we need both. Thank you.

ROGER CARNEY: Thanks, Sarah. Sorry, I may have missed that. I didn't know that we were thinking about getting rid of V. We got rid of VI because VI was duplicate of I. Rick, please go ahead.

RICK WILHELM: Just coming back to Jothan's comment in the chat. The reason why we use the term "domain name registration" here and not the domain name in itself is because the only thing that is being transacted or traded, I guess, if you will, is the registration in place. The people transacting are not dealing with the domain name in perpetuity, but only as long as that particular domain name registration is active. If it expires, and again, as everybody here with an earshot knows, the registration expires, then any and all rights that involve whatever transaction is going on now go away, and then a new lifetime starts up once it is re-registered. So when you have a domain, again, as everybody knows, you have rights to that domain registration. You don't have any kind of rights about that name that go on. Correct. Subscription versus property thing. Correct. Thank you, Jothan.

ROGER CARNEY: Thanks, Rick. Jothan, please go ahead.

JOTHAN FRAKES: Okay. Thank you for the clarification, Rick. I think that makes a lot more sense. I saw in the chat that the verb registration has a context, which is registration transfer, renewal or activities. So I

like Sarah's suggestion to pivot to registered domain. Does that address the property versus subscription thing in a more comfortable way?

ROGER CARNEY: Thanks, Jothan. I'll let Rick think on that one if he wants to comment. Rick, please go ahead.

RICK WILHELM: Yeah, I mean, a domain name registration is a noun, right? Or as is the registered domain name, right? But I think we all know that. Domain name registration is a noun, but that's neither here nor there, and I'm not going to -- I'll defer to the group.

ROGER CARNEY: Thanks, Rick. Thanks, Jody. Jothan, please go ahead.

JOTHAN FRAKES: Well, I think Jody may have answered it, but I want to really address this with Rick to make sure that it's comfortable. So I made a change in Roman V. Would that work? It builds upon Sarah's fantastic suggestion.

ROGER CARNEY: Thanks, Rick. Sounds good, Jothan. Okay. I think we get some cleanup done there that looks good.

CHRISTIAN WHEELER: Thank you. Last piece is item F, which is an addition by Jothan to note regardless of outcome. Registrar must maintain a record demonstrating the request to remove the restriction regardless of outcome for a period of no fewer than 15 months following the end of the registrar's sponsorship of the registration. If you like this change—go ahead.

ROGER CARNEY: Jothan, please go ahead.

JOTHAN FRAKES: I just want to add this color. We talk about if something happens where the domain transfers and why did it transfer, but we may also want to have -- like somebody may go to compliance and say they rejected it. So it might be that it's necessary to provide information about why that was not approved. Thank you.

ROGER CARNEY: Thanks, Jothan. To be honest, when I read it, I assumed it was regardless of outcome anyway before you put it in. But I don't know if it helps clarify. I think it's better to be in there than not. Theo, please go ahead.

THEO GEURTS: Yeah, I agree there, Roger. I think it should be included so it becomes more clear. I mean, it would be somewhat of a hassle if you deny it and 10 months later you get an ICANN compliance complaint about it for whatever reasons and you don't have the

goods. I mean, that is going to be problematic then, I assume. Thanks.

ROGER CARNEY: Great. Thanks, Theo. Okay. Any other comments there? Okay. Christian.

CHRISTIAN WHEELER: Thank you. Thank you all. If everyone is good with this, then I think we can say that we've moved through rec 17 and the exception procedure for a post transfer lock. Now, the next item would be whether this applies to the post registration lock or restriction rather. Rec 16. So that was kind of the homework for the group last week, was just to think about whether this exception procedure, either one that looks the same as this or something similar or maybe even completely different. Hopefully not. But something that would allow a registrar or registrant to remove that 30-day restriction that the group said in group 1A that this is a must, that the registrars all must lock the domain name for 30 days following that initial registration, whether or not there should be an out from that restriction. So I bring it to the group to say what do you think about that idea of bringing an exception procedure to rec 16 as well?

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

THEO GEURTS: Yeah, thanks. So I've been mulling that over. And I've come to the conclusion that we shouldn't be doing that. I think the reasoning we have behind rec 17, that's okay. It's consumer-friendly. I think that is important. There's also maybe the need like there is maybe an established website running on it. Could be a web shop, could be a company, could be whatever. And it doesn't pan out for whatever reason after the transfer. So the impact could be high. So that's sort of what's going in my mind. You know, and if you just create a domain name and you go like, ah, that's not really great here. I don't see the harm there in waiting a couple -- waiting 30 days and then move your domain name anyways. So I would be against it. Thanks.

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

JOTHAN FRAKES: Yeah. You know, Christian, I think it's a good idea to think about where we can repurpose this. I thought a lot about this also. To me, really, the registration is a really different animal. Just that in many cases, you're dealing with the very first relationship with a customer. And sometimes that's a customer who's going to be just magnificent and do great things and they're going to use the domain to create their vision of the next unicorn. Hopefully. But in a lot of cases, and we're really working hard to protect against fraud and bad actors, I would hate to see this be, I don't know, leveraged somehow by bad actors or -- I don't want to create a situation that would allow credit card fraud to let somebody create a name and move it around. Because a lot of fraud is not detected

until 30 to 60 days. And just there's all kinds of red flags, I think, about using the same exact wording. We'd have to really, I think, wordsmith it a bit to make it fit for purpose for a new registration. And I'll shut up because I see a bunch of hands here. Thank you.

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

VOLKER GREIMANN: Yeah, just one recent example that came to mind that also usually requires a transfer quite quickly after the transfer in, which is that a domain name comes in that either violates our terms of service, which is not necessarily saying that this is abusive. It might be something that a registrar does not support porn or something like that for domain names because they're maybe in Singapore and they have certain laws that they have to follow. Or a domain name comes in that is registered to someone who is under sanctions that I as a German registrar would have to follow. I would then have to either suspend that domain name or take some other action. But ultimately, the registrar might not be doing anything wrong. And his problem would be solved by transferring to a registrar that does not have that issue. Sure, you could say that the registrar should have done these due diligence before, but turning off a functioning website with a potentially functioning business for 30 days just because he transferred to the wrong registrar that has to follow certain regulations might be a very harsh punishment. And that's a dispute that I don't really want to have with my registrar. So there are reasons that we should be

lenient on this and should allow this transfer out, even if the domain name has recently transferred in.

ROGER CARNEY: Thanks, Volker. Jody, please go ahead.

JODY KOLKER: Thanks, Roger. This is Jody Colker. I just wanted to agree with Jothan. I don't think we should apply the same rules that we're setting up for rec 16 or 17 to rec 16. I mean, I think when you register the domain name, we really want to make sure we're going to capture fraud and not allow that domain name to be transferred four or five times after it's been registered. I think registrars need that. Thanks.

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

THEO GEURTS: Yeah, what Jothan mentioned that just completely triggered me and like, yeah, you're right, Jothan, and I can do you one better. Because I've seen cases where we are dealing with bad actors who won't hold it against you if you are suspending your domain name by just invoking everything they've got to you to create a complaint. If they can trigger a complaint against you while you are restricting their transfer or whatever. I mean, I've seen cases with rogue pharmacies where the bad actors just filed like thousands of ICANN complaints just out of spite because the

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registrar took them down. And then you get all these complaints coming in. I think that would be a very bad idea because there are cases here where there's bad stuff happening. And some of these bad actors won't hesitate to get back to you. I mean, they're already doing DDoS attacks. [I wouldn't put it past] them that they would file complaints like, okay, registrar didn't lift the lock. Now I'm going to complain with ICANN compliance. And then you've got to go through all the motions there. And that's going to be very, very costly. So I don't think we should be doing this. Thanks.

ROGER CARNEY: Great. Thanks, Theo. Any other comments on this? I think the group provides some good logic around why there's a difference between the two recommendations. I think that's good because I think that that would be something someone from the outside that's not in it every day would wonder why it's allowed one place and not the other. And I think the descriptions everyone gave here provide that logic as to why the two recommendations are pretty different from each other. So, Steinar, please go ahead.

STEINAR GROTTEROD: This is Steinar again. I think if I recall correctly, we discussed in phase 1A reason for denying a transfer request. And one of the reasons was when the domain name was connected to DNS abuse. If I understand the scenario we kind of discussed here now is that a domain name is being registered and it looked like it's been connected to suspicious behavior or DNS abuse. And you, by that reason, put it on client hold or make it not resolving on the net. But then you, the registrar, want to have a reason to lift the

post creation lock to get it actually to another registrar where the bad activity can continue. Is that really what we're discussing now? I find it frustrating, honestly. If we want to combat suspicious behavior, there shouldn't be any reason to lift that lock in this post-create phase, at least. Thank you.

ROGER CARNEY: Great. Thanks, Steinar. And my only comment on that is I think that this policy is dealing with transfer itself. And there may be other reasons, UDRP or whatever, URS, that the lock may have to be removed, legal reasons or whatever. The transfer policy just isn't going to deal with those. And as you mentioned, DNS abuse is a new contract thing for both registries and registrars. And they have some functionality and some requirements there that may impact that as well. But Theo had his hand up. Maybe I said the same thing Theo was thinking. So, okay. All right. So I think, Christian, I think that we've got our marching orders that these two recommendations are different and shouldn't be applied the same here. So I will turn it back to you.

CHRISTIAN WHEELER: Thank you, Roger. Then in that case, I think we can leave rec 16 as it is. So we can leave rec 16 as it is rather than trying to find ways to get out of it. Thank you for clarifying that. I think we can move over to the next item of discussion, which is the removal -- or rather the keeping and reducing that 60-day post-CORD transfer restriction. So you may recall from this—CORD recommendations from initial CORD document where everyone went in and added some notes from their constituency groups. I

think we are still waiting to hear from NCSG, but the ones that we wanted to focus on here is really a note from the BC and IPC supporting the reduction of the lock, not getting rid of it. So the current 2.4 is purporting to remove the transfer restrictions. Sorry, I have so many tabs here. So rec 2.4 is currently the removal of the transfer restriction, and we've heard a number of rationale from those that -- for why they think that is. Some of it is including just the metrics shared by contractual compliance and the frustrations that it's heard from registrants with encountering the 60-day lock that comes after updating their contact information. And we would like to hear from those representatives from the BC and IPC as to why the lock should be kept rather than being removed. So there are a number of charter questions that go into the details as far as why this lock is, what data is available to answer, why it's necessary. We've heard from the working group why they think it's necessary to remove it, why it should be removed, but if there are groups that want to maintain it, we'd really like to hear your rationale as to why, because that will directly impact the recommendations that go into the initial report. So I would open it up to our BC and IPC reps if they'd like to speak to these charter questions and see if the working group agrees with that rationale.

ROGER CARNEY: Great. Thanks, Christian. Yeah, and again, I think that as Christian displayed, the original working group outcome was, yeah, let's remove it, which meant let's remove the opt-out ability and everything along with it. And as Christian mentioned, this is where -- and we kind of conflate this issue, but this is actually where

compliance does get their current biggest complaint about the transfer policy is when someone goes in to change their data, if they update their e-mail address or whatever it is, today a 60-day lock is applied unless they opt out, of course, but again, that gets part of the confusion part. This is where compliance gets most of its complaints, is I just went in and changed it because I wanted to transfer it, but now they can't transfer it for 60 days because of this lock.

So the working group made the conclusion, let's remove the lock, let's remove the opt-out ability, make it more straightforward, and the discussion that led to was the group 1A and really specifically the recommendation we just talked about was if there is a transfer that follows this, the group 1A recommendations are there for that reason and for that security. And again, as we just talked about recommendation 17, that's what it is. 17 stops, puts a lock on that 30-day lock on a transfer. So, yes, there's not one after a change of registrant data or what's in the policy today, a change of registrant. The recommendation is to remove that, but again, the logic was, number one complaint, is the most confusing part of a transfer, and it's usually the biggest item people have issues with. And we've covered the post-transfer issues in our recommendations from group 1A. So as Christian mentioned, this is where the group had landed, and then when we asked for input from the stakeholder groups, the BC and IP said maybe that should maintain a lock there of some duration. Maybe it's not 60, maybe it's shorter. But we haven't heard a real good reason for keeping it, and that's why we're proposing this back to everyone, and specifically BC and IP, to see if they have issues with just removing the lock completely. So I think that's where we're at. And

thanks, Christian, for dropping that in there for the document. And as Christian pointed out, there's several charter questions specifically on this issue because, again, it was one of the biggest issues identified in the scoping and the issues report.

So, okay, so any comments from BC or IPC on wanting to keep the 30 -- or a lock post-change of data? Again, the working group today -- or working group thought that it was going to go away. So I'll turn it to Zak. Zak, please go ahead.

ZAK MUSCOVITCH: Thank you. So nothing to add. The BC's already expressed itself through its feedback previously, and I'm hopeful that in light of some of these other meaningful and helpful changes, that this will not be the issue that it was previously. Thank you.

ROGER CARNEY: Okay, great. Thanks for that, Zak. And if anyone else has any issues, again, it's one of the things we wanted to make sure got covered. And we're solving the issues by other things, so that's good if that is what happens. So I think going to public comment -- and as Zak said, obviously, it's not the last thing everybody will have a chance to talk about. But going to public comment, I think we'll stick with what was originally written, and I think -- again, thanks, Christian. That was 2.4, in that the lock will be removed for a change of registrant data. Okay. Again, if there's any comments from anyone, I'm not just trying to pick on the BC or IPC, but if anyone sees any issues with that. We're going to go to public comment with it. So I think this is your last chance to say anything

to stop that from going out. Obviously, you can still make a public comment if you disagree with the final package as seen. Okay, Christian, I think we can call this one done and say that we'll go with the original language there. And as Zak pointed out, maybe our discussions around everything else is helping alleviate that. So I'll turn it back to you, Christian.

CHRISTIAN WHEELER: Thank you, Roger. The last item on our agenda before AOB is just kind of a presentation of the homework. Now, we don't have a meeting next week. So this document should be familiar. We will be sure to update it with any other rec language that we've discussed, including we'll throw in rec 17 on here at the bottom. But otherwise this is what's going to be used to feed into the initial report. So while staff is helping kind of draft that behind the scenes, it would be really helpful if a working group could kind of go through these recommendations. This language, we think, is pretty solid. So we would suggest maybe instead of doing like textual edits to the recommendation language, focus on the rationale for why these recommendations are being proposed for public consumption that will go into that initial report. So there are some entries in here already. But please do go through these, and if you see that there's some piece of rationale that's not included, something that would help the groups, particularly any groups that might have any questions or concerns to address that, then that would be very helpful when drafting the initial report. So I will drop this link in the chat. And so we would just ask, please, everyone go through it. Add rationale. And please do so before our meeting on May 14th. So end of day May 13th.

ROGER CARNEY: Great. Thanks, Christian. Yeah. And again, yeah, thank you for everyone that's already commented here. And again, as Christian said, we want everyone to put in what their thoughts and rationales are in here. And also hopefully if you agree or disagree with something that's already in there, please comment on that as well so we can take some clean rationale into public comment. But as Christian highlights, we're going to be not meeting for two weeks. We're off for a week. So our next meeting will be in two weeks. So please take the time to go through this and make sure that we're able to provide the sideline people, the people that aren't in this every day, enough reasons and rationale why decisions were made that make sense to them as well so that hopefully we don't have to make everyone live three years of working on this and everyone else's operational multiple years of experience. So as much rationale as we can get in here is appreciated. So, Jothan, please go ahead.

JOTHAN FRAKES: Oh, I put it in the chat. It's an AOB hand.

ROGER CARNEY: Oh, okay. I'll get back to you as soon as I get clear on that. Thanks, Jothan.

CHRISTIAN WHEELER: Hey, Roger, I would also just add that because we've heard some of the rationales are referenced back to group 1A security

recommendations around registrar transfers, that that security has been beefed up from group 1A. So at the very beginning of our COR discussions, we put together a primer of all those recommendations from group 1A and 2 that speak to that. So if you need a refresher of what those might be, if that would help in the rationale, we have it linked right here at the top.

ROGER CARNEY: Oh, perfect. Thanks, Christian. Okay. So good homework assignment for everyone. Again, we'll be meeting back in a couple weeks, and hopefully we get this filled in so everybody's comfortable with it. Christian, was there anything else we need to cover today?

CHRISTIAN WHEELER: I don't believe so, other than that I believe staff is eager to speak to the working group about some other items regarding bulk transfers, which will be a later meeting. So just wanted to note that.

ROGER CARNEY: Great. Okay. So, Jothan, please go ahead.

JOTHAN FRAKES: Okay. So, Roger, you do such a great job of chairing this, and I wanted to just throw on my co-chair of contracted party house Tech Ops to say that the reason we're having no meeting of this group is that there will be a summit going on next week. And on

Tuesday of next week, during a working lunch, Roger has a sort of a working lunch workshop where the registries and registrars can kind of gnash through some of these issues. So, Christian, it might actually be good, if the bulk concept needs some discussion, at least for the registrars and registries to throw around. It might be helpful to give us a preview so that we can kind of work through or discuss or socialize some of those concepts.

Anyway, for those of you registrars or registries who are here in the group, we'd welcome you to join us for that working lunch. And I think that the plan would be or the hope would be that we get product owners, product managers, people who control roadmaps, and then system administrators, developers, et cetera, people who are going to touch this from a technical sense as we go to implement this. Just so we can talk through and identify things that we might be missing somehow or discuss through this. So, thank you for that quick opportunity to make a public service announcement about that important CPH Tech Ops session. Thank you.

ROGER CARNEY: Great. Thanks, Jothan. And I'll just throw that on that Steinar now is not closed, but it is considered -- well, I don't know, actually. Maybe it is closed, Jothan, and I don't remember. So, let me back up just a little bit. Right now, the working group has put in 47 different draft recommendations to update the transfer policy. And roughly 14 of those have system or partner issues between contracted parties, so registries and registrars.

At the summit, the discussion is going to focus on those 14 items that the registries and registrars have to work on to move forward with. So, the other 33 recommendations, most of those fall on registrars' responsibility to update. Some of them are just policy language that doesn't need much work. And a handful -- I think there's less than six or so -- that registries have to deal with by themselves as well.

So, the focus for the summit next week is to work on those 14 items that have impacts between the registry and registrar. And those discussions are going to be focused there on what has to happen to make those things work. Thanks, Jothan. Yeah, I don't think there's going to be Zoom because it is a lunchtime thing, and there won't be any support for it. But Steinar, please go ahead.

STEINAR GROTTEROD: This is Steinar for the record. I'm not an angry guy whatsoever. I do understand that the contracted parties do need to have this event and discuss things. But as a working group member, I would really like to get the understanding how the registries and the registrars challenge these different questions. I will not be present in Paris. I would love, if possible, to have -- I'm rephrasing -- I would like to have a recording, not live, but afterwards, that I can listen into and get a better understanding as an At-Large member. Because I have the job also to teach, educate my stakeholder group about these issues. And very often, I find when I was discussing this with the Consolidated Policy Working Group, I find arguments that are technical but also important that I really would like to have some sort of answering to in the discussion. So let's hope for the future that we do have some option to get some

recording. I know maybe it's not practical this time, but I really hope that. Thank you.

ROGER CARNEY: Great. Thanks, Steinar. And just to add on that, again, there's going to be no policy discussions. And as Jothan mentioned, we want technical people there to work on these issues. So there won't be any policy or language changes or recommendations or anything coming out of that group. It's more how they see the operational aspect of each one of those affecting their own parties. But to your point, Steinar, there will be note-taking. So there will be notes from the meeting that can be distributed. But, yeah, it will be focused on the technical operation so that Jody and Theo and everyone else can talk their EPP language and make sure that things are possible and anything new has to be done. But to your point, it doesn't hurt to review those items just in case you can't glean something from it. Jothan, please go ahead.

JOTHAN FRAKES: And, Steinar, I'm assuming you might be at the NordicDomainDays.com event the following week. If that's the case, then I will be there, and I'd be glad to sit down with you and update you in person. Thank you.

ROGER CARNEY: Great. Any other comments on anything? Okay. Anything else from staff before we close?

CHRISTIAN WHEELER: Nothing else on our end, Roger.

ROGER CARNEY: Okay, great. Again, so everyone please take a look at the homework and add in rationale and look at the rationale that's there and provide any comments that are necessary. But add in rationale into that document over the next couple weeks so we're ready to move forward with that. Okay. Well, thanks, everyone. And we will talk to everybody in two weeks.

[END OF TRANSCRIPTION]