
ICANN Transcription

Transfer Policy Review PDP WG

Tuesday, 30 January 2024 at 16:00 UTC

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JULIA BISLAND:

Good morning, good afternoon, good evening, everyone. Welcome to the Transfer Policy Review PDP Working Group call, taking place on Tuesday the 30th of January 2024. For today's call, we have apologies from Rick Wilhelm, our RySG, and we have a couple folks joining late today, Jim Galvin and Juan Manuel Rojas. As a reminder, an alternate assignment must be formalized by way of a Google assignment form. The link is available 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.

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 for the

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transcription. As a reminder, those who take part in the ICANN multi-stakeholder process are to comply with the Expected Standards of Behavior. Thank you, and over to our chair, Roger Carney. Please begin, Roger.

ROGER CARNEY:

Great, thanks. I don't have anything major to announce today. Just that staff did, they'll put in chat here, did create a working document for us to start putting in our rationale if we do decide to get rid of the change of registrant policy completely. Staff already created a document so that we can add in any rationale and logic used for that. They'll drop that in later today. Other than that, just four more sessions between now and ICANN79. Hopefully we can tie up all these loose ends before we get there and have a productive Puerto Rico ICANN79. Other than that, I think I'll open up the floor to -- Berry, please go ahead.

BENNY SAMUELSEN:

Thank you, Roger. Just building on what you had mentioned, with respect to the ICANN meeting, we are planning on having two sessions, so we'll have more to inform the working group as we get closer about what the agenda will look like. Second topic, tomorrow at some time, the working group will see an announcement about the working group self-assessment survey. Most of the GNSO working groups had closure surveys of a working group, but after PDP 3.0, it was determined to also conduct an interim or kind of a middle-of-the-road type of assessment of the working group's leadership, staff support, and preparation and logistics that go on with the working group.

So you'll see in your inbox tomorrow a link to a survey that we encourage all working group members to fill out. It'll be open for about three weeks, after which staff will compile the results and put together a report to share with council leadership, and that report will also be posted on the working group's wiki when it's made available and ready. Thank you.

ROGER CARNEY:

Great, thanks, Berry. Now I'll turn the floor over to any stakeholder groups to have anything they want to bring forward, any discussions they've been having or any questions they want the working group to look at. I'll open the floor up to any stakeholder groups.

Great. Just an FYI, I'm not feeling well, so I probably tried to speak as little as I can. That'll be something new for everyone, but I'll try to speak as little as I can. My speaking voice isn't as crystal clear as it normally is, but I think we can go ahead and jump into our agenda, and Christian, Holida, I think is up first.

CHRISTIAN WHEELER:

That's right, I'm going to hand it over to her now. Over to you, Holida.

HOLIDA YANIK:

Hello everyone. Thank you. I'm sorry, I'm also struggling with influence and I have voice issues as well, so sorry for that. I'm trying to share my screen.

JULIA BISLAND: I just made you co-host, Holida, go ahead.

HOLIDA YANIK: Yes, thank you. Can you see my screen and is it legible?

ROGER CARNEY: Yes.

HOLIDA YANIK: Thank you for confirming. So data on this report was generated by compliance in response to the working group's request to see the volumes of complaints pertaining to unauthorized inter-register transfer and unauthorized change of registrant complaints and the numbers of complaints determined by compliance to be valid and subsequently addressed with registrars and also to provide the working group with an overview of the outcomes of cases closed with and without addressing to conflicted parties.

So a usual disclaimer, on 29 August 2020 compliance migrated to a new case processing platform called Naming Services Portal. So I will be referring further as NSP and it includes smart forms that are customized for individual complaint types. And provides for us to capture additional criteria for each complaint type, including category. Categories are like unauthorized transfer or unauthorized CoRs, et cetera.

As a usual reminder, categories of complaints in NSP are selected by the complainants while they are filing the complaint with us.

And then this means that the given numbers are taking into account what the reporters selected while they were filing, sending a complaint to compliance. So during the period covering September 2020 since the transition to NSP to October 2023, ICANN compliance in total received 13,630 complaints and the number of complaints closed during this period is 13,850 out of which 90% were closed without addressing with a contracted party and only 10% were sent to registrars.

So page two shows the total number of complaints that were reported to us as being unauthorized inter-registrar transfer and unauthorized CoR, change of registrant complaints. So there were in total to 988 complaints received with these categories selected from unauthorized inter-registrar transfer complaints, 89% were closed as invalid, i.e. without addressing to the registrar while only 11% were addressed and were validated and sent to registrars.

And likewise unauthorized transfer complaints we received altogether -- sorry, we closed altogether 211 complaints out of which on 80% was closed without addressing with the contracted party and only 42 that is making about 20% were validated and worked addressed with the registrars.

So we also included some metrics about the complaints, the closed complaints that were related to improperly allowed transfers, so about the transfers that were performed by the registrar despite of 60-day log, CoR log or URS or pending UDRP or TDRP decision or court order. And out of 81 complaints only one complaint was validated and addressed, with the contracted party.

So this is the page, the table that shows the closed transfer complaints that are related to the change of registrar, denied change of registrant for different reasons including CoR not authorized, domain expired, court order, UDRP or URS or TDRP proceedings. And out of 2435 complaints, 95% were closed as invalid just without addressing with the contracted party and 5% were worked with the registrars. In the same manner, the next table shows the inter-registrar transfer complaints about the transfer denied due to various reasons including 60-day CoR log, log after creation or log after transfer, evidence of fraud, registrant identity disputes and others. So as you can see, most of the complaints are coming under denied other.

And then as I mentioned in our email, the complaints that are falling into 2020 and the first half of the 2021 period was highly impacted with large volume of complaints about the failing registrar's performance which has been since terminated. And as you can see, 90% of the complaints were closed without addressing with the registrar and 10% were found valid and then sent to the contracted party. So this is the number of complaints that were related to non-response to TAC request. Here we mostly see that reporters were kind of misfiled their complaints by choosing this category. Only six complaints were found valid by compliance and addressed with the registrar under this category.

So this is the outcome of the transfer complaints closed without addressing with the registrar. So these complaints were found invalid and the reasons with which the complaint was closed here is grouped and listed in a descending order. So with most of them being about the terminated registrar and followed by the

requested evidence not provided and then country code level domains and duplicate complaints that have been filed about the complaint that is being already processing. And as you can see, there are also, transfer has been completed.

And the last page shows the outcomes of contracted party complaints, cases addressed with the Contracted Parties registrars and outcomes over the resolution codes give the idea what was the final decision of ICANN contractual compliance regarding the Contracted Parties responses and the way and the outcome of handling of complaints with the contracted party. So this is all with the metrics and I'll be happy to respond if you have any questions.

ROGER CARNEY:

Thanks, Holida. Holida, I'll just have you go ahead and manage the queue if you want so you can interact. If you can see.

HOLIDA YANIK:

Yes. I opened it right now. Just a second. And thanks for clarification, Owen. Many tickets are not opened and closed within the same month or within the same period. And also, the discrepancies may arise because sometimes, one case involves multiple domain names that may be registered with different registrars. And this is also maybe causing the discrepancy. Also, during the transition period, the complaints that were being processed in Kayako, the previous retired system, reporter cases were continued being processed in Kayako while the contracted

party cases were opened in the naming services portal. So this is also maybe a factor that affected the discrepancy in the numbers.

ROGER CARNEY: We want to go to Anne in the queue. Jothan, please go ahead.

JOTHAN FRAKES: Hi. Thank you. And Holida, you may have already answered this. And thank you for explaining the discrepancy. I quite honestly was expressing respect to close more tickets than issues. But the question that I had as we consider this and we think of just how many gTLD registrations there are out in the world, the scope of these numbers and finding some way to correlate it against the number of registrations might help us to understand exactly what the scale of each of these issues is. I think you said that in some cases, when a case is opened, that it may reflect more than one domain. How frequently does that happen versus being able to consider these numbers equaling the number of domains in question?

HOLIDA YANIK: Thanks for the question, Jothan. I don't have statistics for the frequency of the complaints having multiple domain names reported, but I will give you a very generic answer quite often. It is quite often. And these domain names that we are seeing reported, it's a different mixture. They may be reporting ccTLD along with gTLD at the same time. Sometimes complaints may involve gTLDs plus sponsored TLD domain names for which ICANN does not have authority to address under the registrar

accreditation agreement and consensus policies. But sorry for giving you a very vague answer. I don't have the numbers at my hand.

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

THEO GEURTS: Thanks. And this is Theo for the record. So just not a question, more of a couple of observations. First of all, thank you for the information about 2021. I was looking at the baseline of the other years and was going like, that's quite high. What happened there? Now we know failing registrar. That's good to know. I think when I'm trying to sort of interpret this, like what do I get out of this? I think, first of all, that I sort of have the feeling that this is just a small picture of what's going on in a larger world.

When we're talking about complaints, registrants not understanding something or having questions, I suspect that the bulk, the majority, if you will, will be dealt with by the registrars or resellers, either through the support teams, FAQs, chat bots, AI bots, or whatever. So this is only a small fraction, I think, that we are seeing here. And the good thing here is that a lot of it is closed already without being sent to the registrar.

So there's a lot of stuff here that sort of gives me the indication that registrants are sort of struggling with all these policies and how these transfers or change of registrants work. I think there's a lot of misunderstanding here. And I think when we talk about a change of register policy is one of those policies that is sort of

reflects a lot of confusion among the registers. I think that is what we are seeing here.

Also, when I look at some -- and I get that feeling, because when I look at the UDRP cases, and every registrar usually has several people who are well versed when it comes to UDRPs or TDRPs. And the amount of complaints there is low. And that while the amount of UDRPs is high last year was another record breaker for several UDRP providers. But it gives to me an indication like there is a distinction between people on the registrar side who are very well versed when it comes to UDRPs versus the registrants, which the numbers are much, much higher that struggle with these policies that we have.

I think that is sort of the big picture that we are seeing here. So it sort of confirms my belief that the working group sort of goes for a more simple approach with the change of registrant is a good one, especially on the logs. There's still quite a number of people complaining about the logs. I think that is still a bit of an issue there also. Thanks.

ROGER CARNEY:

Great. Thanks, Theo. As Jothan mentioned, and Theo mentioned there, the numbers are small when you compare to how many domains are registered. And actually, when you compare them to how many transfers occur, probably half a million a year, whatever it is. I don't even know how many, quite a few a year get done. Probably more than that. More like five million a year. The numbers are small. So we got to look for those pain points and

see where they are. And as Theo mentioned, and right size policy to fit that. But Theo's hand was up. Sarah, please go ahead.

SARAH WYLD:

Thank you. Hello, this is Sarah. Thanks, everybody. Holid and your team, especially. Thank you for providing that report. I did appreciate it. I'm glad to look it over ahead of the meeting. I do agree overall with Theo's points, as usual. Theo's great. Theo has good ideas. A couple of things. So number one, I just have to say, and I know I'm not alone, I found it very confusing to go through this report. I understand why and I just find it difficult.

So for example, just one example of why it's confusing to me. On page two, we see 42 CoR related complaints that are sent to registrars. But then on page four, there's 119. So what's up with that? The difference is that the ones on page two are for unauthorized CoR, whereas the ones on page four are for CoR denied. So they are different. It's just hard. It's just hard to look through and understand.

But really, for me, the most important information is what was on page eight, because that's the report showing the outcomes, as I understand it, and tell me if I'm wrong, but that's the report showing the outcomes of tickets that did make it as they were valid and were sent to registrars. So if we could just look at page eight for a minute. Thank you.

And I do notice that it's not filtered for only CoR cases. So this is any transfer related complaint that was sent through to a contracted party. So that's great. So what I'm noticing is that

mostly these are invalid for some reason. The registrar demonstrated compliance or it was denied for a reason like there's a court order or it was a duplicate. So as Theo said, it seems like there's a sort of a low rate of complaints overall, as compared to how many registered domains there are, of course any one complaint is important to the person making it, of course.

But if we go back to the reason why we were looking at this in the first place, we're trying to figure out if there's a lot of tickets about invalid CoR. And it sounds like there's a lot of invalid tickets about CoR. But I don't see, like a resolution category like domain was returned to original owner, or anything like that, that would support the idea that there's a lot of problematic ownership transfers. And so to me, this supports a decision to move to a notice process rather than a confirmation process as required under the CoR policy right now. Thank you.

ROGER CARNEY:

Thanks, Sarah. And as I would put in chat invalid typically happens before a registrar gets involved. But I know Holida had her hand up. I don't know if she wants to respond to any of those.

HOLIDA YANIK:

Yes, I wanted to thank you all for your comments. And about the comment that these statistics are showing only a small picture. I also wanted to note that not the familiarity of people with ICANN and what ICANN does and in what cases they can come and file the complaint with ICANN contractor compliance is still low. Not all the registrants are aware of ICANN and know about us. So this

is maybe another reason that we are having a low number of complaints as well.

And regarding the difference between if I got it correct, about page two and page four. Page two is the specifically specific data pertaining to unauthorized inter registrar transfer complaints and unauthorized CoRs. So these are the reporters complaining about lost domain names, while page four shows the complaints from current registrants or designated agents about the inability to complete the CoR. So the registrar did not allow them to perform the CoR. So these are basically current registrants or designated agents filing a complaint. So I will try to answer the questions in a chat bot, if you don't mind, to save the time.

ROGER CARNEY: Great. Thanks, Hoida. Any other questions anyone wants to ask now? I see some good chat going on. I think we can go ahead and go on to our next agenda item question, Christian.

CHRISTIAN WHEELER: Thank you, Roger. Let me share my screen and get this over to the slides. One moment. And let me just drop the slides in the chat as well. And thank you again, Hoida, for taking the time and sharing those metrics with the working group. We all really appreciate it. Now moving on to our next item on the agenda, we have prepared three poll questions to try to really nail down what is the direction that we're moving forward with regards to eliminating CoR, the notifications, and the definitions.

So as Roger noted, we have about four meetings left before ICANN79, so we really want to kind of make a decision on these so we can start creating more preliminary recommendations to note down. Now before we go into those polls, I'll share them with you so you can kind of think about them before we get in. But so this first poll question is with regard to eliminating the transfer policy. So you might recall we had a poll last time where we offered a bunch of different options.

A slight majority of people, about a third, wanted to go with option five, which was eliminating the transfer policy. However, we also heard that some of those who were voting for that also could be comfortable with the notifications. So we really kind of just want to figure out what is the direction that we're going with this. So the question is, at this stage in the group's discussions, are you convinced that the change of registrant policy should be eliminated entirely?

So the first option is yes, there should no longer be any CoR policy anywhere. So that means it's removed. The group wants to repeal it entirely. Or no, not convinced, there should remain a reduced CoR policy somewhere. So that somewhere we can talk about later about where that would go, where that might go, whether it's still in the transfer policy, whether it's somewhere else or standalone, but saying that there should be a policy somewhere. That is like a notifications policy. So the first option would be no, it's completely not needed. Everything should be optional. The working group doesn't need to say anything. No, it would be that there should be something, even if it's reduced.

And just to give an idea of what that might look like with regard to what the group has kind of talked about already. So this was a preliminary recommendation that the registrar must send a notification to the prior and new registrant. This is kind of an update about what that language could look like if the group decides to maintain it, but instead make it a may. And you'll see this and you'll see this is according to the next question, whole question. The next whole question is at this stage in the group's discussions, are you convinced there should be mandatory notifications sent to the prior and new registrant when specific contact fields are updated? Yes, notifications should be mandatory or no notifications should be optional.

So again, the first question is more about whether the policy should exist at all. So that's why it's kind of a data prerequisite before this question. But if it should be reduced, if it should exist somewhere, should those notifications be required? If it is a reduced, just to notifications, should those notifications be required or should they be optional? So if they think there should be optional, that could go into the decision of whether the CoR policy is needed at all or whether it should be stipulated. So I'll just end it there. We can start the poll questions. Does anyone have any questions before we pose this to the group? Any points of clarification?

ROGER CARNEY:

Thanks, Christian. I just want to add that the reason for these specific questions is to get to that recommendation. So the last time we polled, we had some maybe middle road, yes, let's get rid of it. And then some people, wow, maybe a little bit. So here

we're trying to make that decision so that we can move on and set this in stone and say, hey, our recommendation is to get rid of it. Hey, our recommendation is that it has notifications. Again, just trying to get that idea on paper so that we can move forward from it.

So again, these two questions are pretty intertwined. So if everyone answers one in the first one, pretty easy. But if people are looking at some notification requirement, again, then that question turns into is that a must or may? And then that question kind of turns into if it's a may, then is there any teeth to it? And these are pretty tied together. But if you answer number one to the first question, you've probably answered the second question already for yourself. So again, we're just trying to get to that next stage of actually getting to a recommendation we can write down and the group can live with. So that's my only comment. Thanks, Christian.

CHRISTIAN WHEELER: Thank you, Roger. Well, if there are no questions, I don't see any raised hands. But I think then, Julie, we can start the poll. And you should be seeing it now. It will be about 15 respondents. I'm not seeing any more. Julie, could you share the results? Looks like we're split down the middle pretty much. So half the group thinks that there shouldn't be any CoR policy, should be eliminated entirely, and half the group thinks that there should remain a reduced CoR policy. Same with regards to the notifications. A little more than half the group thinks it should be mandatory, which is interesting, and a little less than half think that it should be optional. And I see Jothan has his hand raised.

JOTHAN FRAKES: Thank you, Jothan Frakes, for the record. I think that you ended up with this 50-50 or close split because you made two choices. As an example of this, on the second question, if you were to identify, yes, they should be mandatory, but could be opted out versus just having it be optional or just that there shouldn't be any, I think you would get a different split of answers. But on the first question, that's an interesting split. And I think if you broke it down in the number of days, if it should be 60 days or if it were 30 days or even tighter, 10, 15 days or one day, you would see a split out a bit more. And you'd see the no probably spread out in different ways. Thank you.

ROGER CARNEY: Thanks, Jothan. one was trying to be as clear as possible. No policy or notifications, basically, because that's where everybody's landed. There hasn't been any demand or support swelling up for limiting the number of days or anything. It's more the policy exists or doesn't exist. And if it does exist, it's just notifications. I think that's why number one was trying to be as black and white as possible and saying yes, there still needs to be a policy. We still need definitions and all that. Or we're just going to strip this down to notifications as probably a month or more ago now that we've had, we talked about doing.

And the question on the notifications always ends up being if that's optional or not. And if it is optional, then that also flips the coin to if it's optional, then why is it policy? So again, I think that's where the hard part comes in. But that's why one was trying to be as

specific as possible. Some policy, yes, similar to today's, just updated or no, just notifications is what one was really based on. So Steiner, please go ahead.

STEINAR GRØTTERØD: Hi, this is Steiner for the record. I think I have a comment for the first poll question, because it's the somewhere, if you want to have a reduced CoR policy somewhere, and we have actually discussed and my understanding, there was some sort of agreement or some sort, maybe some consensus about the change of registrant requirements is being set in other policies. So somewhere doesn't necessarily, in my mind, my understanding, reflect to the inter-registrant transfer policy, but it's maybe been taken that way. So that may be also some understanding of the 50-50. Thank you.

ROGER CARNEY: Great, thanks, Steiner. And that's a good clarity point to bring up is, and we've talked about this, that there's a lot of change of registrant requirements spread out through contracts in other policies. Specifically, if you change an email or a phone number, registrars are obligated to validate those or verify those. So you're right, it's an interesting little twist on it, is that there are several requirements spread out elsewhere. So, Eric, please go ahead.

ERIC ROKOBAUER: Thanks, Roger. This is Eric for the transcript. Just plus wanting what Steiner was saying, that took the thought out of my head, is that I feel like in the past few weeks, that is something that was

kind of brought up in our discussions, the idea that notification should exist, but the transfer policy, having the CoR there, it doesn't seem to make sense since there are other places. And so I was one that did say, yes, there shouldn't be a policy, but there should be notifications mandatory, and those should be dealt with outside of the transfer policy as it is. So no CoR, but have the notifications elsewhere. Thanks.

ROGER CARNEY:

Great. Thanks, Eric. So, excuse me. Sorry about that. Getting to Sarah's first chat there when it came up 50-50. So people live with, there's just no more CoR, and other policies are going to handle change of registrant information. I suppose that's probably the next step. If not, and if that's not something that's doable, then we have to put something into the transfer policy. Thanks, Eric, kind of just leading off what you said. So thoughts on that? Elimination completely, section two is gone, the transfer policy, but there's recognition that change of registrant functionality needs to be addressed elsewhere. Excuse me. Zak, please go ahead.

ZAK MUSCOVITCH:

Hi, Roger. Zak Muscovitch. So just to clarify, there's a difference between removing the change of registrant portion from the transfer policy and creating a standalone policy than just eliminating it entirely and relying on verifications for change of registrant and who is accuracy. I'm just trying to understand what is the proposal being floated. Thank you.

ROGER CARNEY: Great. Thanks, Zak. And I don't think it's anything specific, and I don't think it's a specific, excuse me, individual policy. I think we've identified that other change of registrant requirements are spread out through other policies and contracts. Now, is it everything? Maybe not. We don't have --

JULIA BISLAND: Roger, we did lose your audio. Are you still with us?

ROGER CARNEY: Sorry, can everyone hear me or not? Something's going weird with my mic. It's like double muting and everything. What I was saying was just a response to Zak was, I think that there's a lot of change of registrant requirements spread out already throughout the contract and through other policies, but I don't think it covers everything everyone's talking about here and specifically a requirement of notifications or not. So, I think that that's one of the interesting things. And again, where this first question was trying to get to was are we removing the policy again because it's supported elsewhere or are we slimming this down and requiring the policy? Excuse me, to say at least notifications need to set or are we going to make a recommendation that that is handled somewhere else? Theo, please go ahead.

THEO GEURTS: Thanks. So, I'm with the notification part only, but sort of coming up with a but sort of coming up with a recommendation and saying we sort of want to keep that recommendation is going to be that another group has to sort of figure it out. I don't think that's very

strong as a recommendation. And also thinking down the road I'm not sure what kind of composition that group will be. what we have here now is a fairly registrar-minded setup here. And I appreciate that because when we are talking about transfer CoR, these are very complex operational discussions.

Now, if you're going to recommend that some other group is going to do that, and that's going to be a very different composition, which could be, I'm not saying it will be, but there is a risk there, you could end up with a group where there's only one of two called technologists who have a very deep understanding of what this entails. You could totally end up the wrong way. And instead of sort of fixing the problem, it could be a lot worse. I'm not saying that's going to happen, but that is a scenario that could play out. I'm not sure if, I personally don't want to take that risk, but it's developed a group here. Thanks.

ROGER CARNEY:

Thanks, Theo. And again, that group that we would be recommending would be back to council, because council would have to make that decision where that goes. And I can see it going into registration data discussion, but I don't know. again, that's up to council. I think it comes down to, is a change of registrant transfer related or not? And if it's not related to transfer, then why is it in the transfer policy? And again, I think even the notification you get down to that question of, is change of registrant a transfer issue? And I think you have to look at it that way. So I don't know. I think that that's how I would look at it and try to evaluate. So Zak, please go ahead.

ZAK MUSCOVITCH: Thanks, Roger. Zak. So to my understanding, sorry, little raspy voice this morning that's going around, but to my understanding by eliminating the change of registrant provisions in the current transfer policy, what we're really saying is that we're eliminating firstly, the 60 day lock following a change of registrant, the inter register transfer locker of 60 days. That's the first thing we're going to have the 30-day lock following a change of registrar, but we are going to permit a one hop by eliminating it. So that's the big thing that we're changing. And the notice stuff's currently in the policy right now.

So for what it's worth, I think that to me and the colloquial understanding of many, I would suspect of what a transfer policy entails, entails a change of registrant. That's a transfer from one registrant profile to another registrant profile potential. And so it, my preference would be for a standalone policy, but only stylistically, just so that a reader, the average registrant doesn't have to navigate through a much more complex technical document to understand what the rules for a change of registrant are, but that it still forms part of the overall concept of a transfer policy.

And I think that if we're going to propose elimination of the change of registrant entirely, we'll really need to emphasize that the rationale for it and that there's not going to be even a 30-day lock on this. But you'll still get an instruction email, hopefully from some registrars, if notifications aren't mandatory after the change has been made, that you could contact the registrar and hope for help in addressing this. To me, it's unsatisfactory.

I would have a hard time living with no registrant ability to initiate a dispute combined with no default change of registrant transfer lock combined with no permission or consent required from the registrant prior to a change of registrant combined with no notifications. To me, that really looks like a complete gutting of all the protections that a registrant currently has, which may be currently too heavy-handed, but it looks like people are seriously thinking about a complete gutting of this. Thanks.

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

JODY KOLKER: Thanks, Roger. This is Jody Kolker for the record. From our standpoint, what we would like to see is that eliminating the CoR is fine, but also keeping it as fine as long as it's unmade for the registrar. The registrar can decide whether they would like to put a lock on the domain or not. If the CoR is removed, if we do completely eliminate the process, what we would like to see is that the CoR policy does not stop the registrar from putting a lock on a domain after a CoR if they determine that this may be fraudulent. I'm not sure that I'm saying it correctly right that everybody can understand it, but eliminating it is fine as long as we're not disallowed from putting a lock on that if we determine that there is fraud. Thanks.

ROGER CARNEY: Great. Thanks, Jody. And actually, fraud is handled in the transfer spec, so obviously, if the transfer is involved, you've got

the fraud aspect in that section as well. But Owen, please go ahead.

OWEN SMIGELSKI:

Thanks, Roger. This is Owen Smigelski. First, I just wanted to address what Zak raised. Anything that we're considering here with regards to the change of registrant, we're not gutting or removing it, especially we're not doing anything to remove a registrant protection. By no means is that a goal or intent, at least for me as a registrar, and I imagine other registrars voicing this as well too. I think the main point is that we don't believe that the change of registrant process is accomplishing what it was intended to do. It's causing a lot of registrant frustration in that it's slowing or delaying transfers.

So imagine a lot of times when people do transfers, it's quite often tied with when a domain name is renewing, and so if they're trying to renew a domain name and they find out or transfer prior to expiration, then they find out the domain gets locked because they changed something, then they're locked in with that registrar again for another year or whatever. So it really does frustrate it.

And then also a lot of registrars, instead of going through the whole process of requiring the prior, the previous registrant, the new registrant to approve, they just use a designated agent, which is for all intents and purposes a rubber stamp. So a lot of what was intended to happen to prevent and protect registrants is not really happening. We're trying to figure out a way to move away from the frustrations, but keep something that's going to still provide a level of security to registrants.

And also, I don't think this is really something that should be in the transfer policy because I don't believe it's a transfer. I just think it's a change of ownership, which in my mind is not a transfer. That said, if we were to eliminate, the change of registrant requirements from the transfer policy, where does it go? How soon does that process take? What are the complications involved? So it might just be simpler to just leave whatever remnants of it here to create a rump policy that addresses the parts that we want to do, like the notifications, and leave that in there, as opposed to having to create a whole new thing just for telling people that, hey, you've changed your name, so we're going to send you an email to let about it. Thanks.

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

BERRY COBB: Thank you, Roger. Berry Cobb from ICANN staff. Just kind of reacting quickly to Jody's intervention and complementing somewhat of what Owen said that, and not trying to presuppose outcomes of this working group, nor do I have the ability to predict the future about what implementation might look like. But generally speaking, presupposing that the section two of the transfer policy were removed, and the remnant would be a notification of may, not musts, nothing prevents the working group from getting to consensus on such a recommendation and sending that to the GNSO council.

But thinking about it from an implementation perspective, because it's not a must, there's nothing that ICANN can enforce. And so it's conceivable that the likely outcome of such a recommendation would probably fall more in the space of an advisory that would go along about how to educate registrars about how to handle such notifications, whether they chose to do an opt-in mechanism. Essentially where the working group would be providing the rationale that it's up to the business itself or the business model to determine how these notifications would be handled absent of any kind of formal enforcement from ICANN. Thank you.

ROGER CARNEY:

Great. Thanks, Berry. And I purposely stirred this pot a bit, taking the side of elimination versus taking the side of adding or just resting on notifications, because I think that that spurred the discussion to get to that spot where it sounds like everyone is more comfortable with changing section two to be a notification section. And as Owen put it, maybe it's just a gap section, whatever you want to call it. And as Berry said, maybe that actually changes to just an advisory that does it. But if we make it mandatory, then maybe it does still fit in there. And maybe it gets overridden later on by something else, but at least it's there for now. But Theo, please go ahead.

THEO GEURTS:

Thanks. So we saw the poll results and we are split there. So removing the policy within this group, I don't think that's going to happen. And plus, even if we would do that, that's going to be a major problematic thing for the community. And we have to revise

it and come back to it a couple of more times. And I don't think that's going to be a viable recommendation there. I'm much more comfortable with a notification setting there. We have the mandate from the council, so we can make that modification to the policy that we do notifications. We can hassle a little bit if that should be mandatory or optional. Either way, I'm not married to one of them, so I don't have a really strong opinion there. But the main goal, of course, when we started out this work, and when it was identified in the charter, and the charter was approved on by the GNSO Council, it was basically up to this working group to work on it. And we have done that.

We have also recognized even today when we were going through the numbers, there is still a problematic issue with the CoR. And we now have that possibility to do something about it as registrars and the other members of this working group. And again, I'm going back to the recommendation that floated on a couple of moments ago to make a recommendation to the GNSO Council that this work should exist somewhere else. I would be totally against that for the very reason being on a council, knowing how that works, and most of us know how that works, there is no telling when that work would be starting up. Absolutely not. Prudence just got on the council, I'm sure she saw the project radar from Berry. that thing is mind blowing.

So, if we are going to make a recommendation saying this work should be done somewhere else, that could be over 10 years from now. And till that moment, the policy as it is now will maintain in effect. So, we will be hassling registrars for another decade with it. So, that is, I think, your reality that we are as a working group

are facing now. And yes, again, notifications sound good to me. Thanks.

ROGER CARNEY:

Thanks, Theo. And definitely again, purposely stirring the pot and everybody's getting to that same spot where notification seems like it still fits here. And as Owen said, and as you just pointed out, Theo, there's no harm in it for being here and maybe it gets overwritten by consensus policy 10 years from now and some other registration data policy takes care of it. But at least it's there today and it will be there for the gap time. So, Zak, please go ahead.

ZAK MUSCOVITCH:

Thanks. So great points, Theo. I want to take a little different tact with the group about the poll results, the 50-50. We're supposed to be, in theory, building consensus around a solution. So, to me, in theory at least, the 50-50 split is just the starting point. What would it take to get me and anybody else who was against removal of the change of registrant provisions from the transfer policy? What would it get for me and others to be amenable to notifications being optional?

So, if we go back, circle back to Owen's comments about the reason that the current system isn't working with the whole cockamamie opt-out thing that must be done before the change of registrant in a 60-day long lock, I agree. That's one of the reasons why I came to working with it. I don't like that system. I agree it's not working. But there needs, from the registrant's perspective,

the lack of friction and easy transfer, that's a huge priority. But there also has to be balance with some sense of security for the registrant.

So, to me, I don't understand why notifications wouldn't be made when there's a material change. In most e-commerce services, we get those notifications when there's been a change to our contact information. But I don't see why we wouldn't do that just as a matter of course. But that's something that maybe I could live with.

But in order to get me to change my view and perhaps others about removal of the whole 60-day lock and the whole change of registrant provisions, elimination of it, what it would take for me to go along with all that is a two-pronged approach to disputes about changes of registrant. The first tier would be if I resolve it with your registrar or the new registrar like normal, like registrars have been very successful doing, and that's reflected in the low number, to some extent is reflected in the low number of complaints to ICANN. That informal system that we all coalesce around has been largely successful.

But in combination, and I'll say it again, with a registrant-initiable formal transfer dispute resolution procedure, registrars and this working group would be able to say, listen, we removed a lot of the friction from transfers. There's no more 60-day lock. There's even no notification, I don't like, but there's even no notification. But registrants will, and we recommend as a working group, that ICANN develop a registrant transfer dispute resolution policy that covers change of registrant as well.

It's a complete solution. It should be attractive to registrars. It gives everything you want about elimination of the friction points from the current transfer policy. Takes away the burden of you dealing with ongoing complaints. If you're not able to deal with it informally, the onus gets put on the registrant. That's the kind of horse trading quid pro quo consensus building effort would take to get from that 50-50 split to consensus. Thanks.

ROGER CARNEY:

Great. Thanks, Zak. And I would say this is -- and you said it we're trying to get to that negotiable spot where everybody's comfortable, and that's exactly what we're trying to do. I wouldn't say it's the start of it, because I think we've spent the last month plus on the start of this. But yes, that's exactly right. We're trying to get to where everybody's comfortable with everybody's comfortable with what decision we make. And it sounds like elimination completely of section two is not supported by this group. So that's great. We can move from there.

Now, what that notification is and what is left in policy, we'll have to work on. But that's where the group has talked about it. And again, it's not just today, but the past meetings as well is how we're getting there. So, but Volker, please go ahead.

VOLKER GREIMANN:

Yes, I rather liked what I heard just now, because that's something, if you can recall, I've been talking about as well. The current dispute for transfer process is broken because it basically invites the wrong party to the table and doesn't have the right

parties that are actually affected that have skin in the game, so to speak in the transfer process of their domain at the table. Therefore, any change I would welcome any change that would basically work towards introduction of such a dispute policy that would ultimately be aimed at allowing a registrant to reverse a transfer if you can evidence that occurred against his will.

And that would, in my view, also remove the necessity of a lot of the change of registrant processes that we have right now. Any new change of registrant processes could be worked out to flank such a policy basically requiring a registrar to provide evidence that he may have available when such a complaint is raised or make sure that everything involved in the transfer is properly logged, that kind of thing. I think that's something that I would welcome very much.

ROGER CARNEY:

Great, thanks, Volker. And it goes along with a lot of what our Group 1A discussion ended up as well, so I appreciate that from Volker and ZaK on that. As far as here, I think that we have maybe people don't think so, but I think that 50-50 split took us to the end result, and it does sound like we do know where we're going, and that is not the complete elimination, but it is the stripped down version of a notification system, and then we have to work out those details, as people have already started in chat here, of what those details of a notification system are, and obviously there's a lot to that. It's like are they mandatory or not? Jothan put in chat.

Maybe it's an opt-outable point for the registrant themselves. It's always mandatory to notice, but they can click a button and not have to worry about it. And again, things like that, and we have to get those final answers in place as well, so we can do that. So, Volker, are your hands still up? Is that an old hand? Oh, thank you. Steiner, please go ahead.

STEINAR GRØTTERØD: Hi, and this is Steiner for The Record. I just want to touch into this material change one more time, because if we get into sticking with some sort of reduced or limited change of registrant policy, and the registrar may have their own processes, we will not define that in the policy, as far as I understand from the discussion. Do we still need to define what is the change of registrant, also known as material change, or is that also to be decided upon by each and one registrar? There are all range of end users, and SAC represents one part of it.

I maybe have been more advocate for the regular guy in the street having a domain name, but to my understanding, this is confusing, because sometimes if you talk to someone that you did something at one registrar and it didn't reflect anything, and when you did that with your registrar, you suddenly been locked in one way or another as an example. So, once we have a tough time taking these elements into a change of registrant policy, when there is the registrar to define how and what the operational part of it. Thank you.

ROGER CARNEY:

Thanks Steiner, and actually that's what our rest of our questions kind of tease out, is if we're going with notifications, again, what does that mean? Does material change apply? Is there material change sum? We've already had discussions on that line, but we need to iron those out to an agreeable path. So, I think that the agreeable path that we have is that section two is changing to notification, and we just have to detail out what that is. And if it's mandatory with the available opt-out, whatever, if it's just not mandatory and it's an optional thing okay. And Steiner's point there, then that becomes a little wishy-washy and not this different effect at different registrars possibly. So, just something to think about.

But I think that, and again Christian's going to take us through are our definitions needed then? Is there a reason for a material change? Or is a notice just set because contact data was updated and the registrant goes in and has the ability to not get a notice or gets the notice. But anytime anything changes maybe that's simple. Maybe that's just an overkill.

So, I think those are the next things that we have to work out now that we agree that the change of registrant is just going to be a notification section in the policy, and it's going to reside in this policy, as others indicated, that gets too wishy-washy about when or how or where that gets resolved. So, we can do it here for the gap time or interim period until something better comes along. But Christian, please go ahead.

CHRISTIAN WHEELER: Thank you, Roger. I would just like to highlight Jothan's suggestion as far as a potential middle path between the mandatory and optional notifications. I'd kind of like to hear if people would like to go forward with that suggestion. Those who thought that they should be optional or they should or they must be mandatory, is anyone against the idea of an opt-out option available to the registrant to opt out of these notifications? Would that be a path forward to make the notifications mandatory but provide an opt-out? Who would be against that idea?

ROGER CARNEY: Thanks, Christian. And again, I think the key there is that's a registrant opt-out ability. It's not a registrar or a designated agent, blah, blah, blah. It's the registrant that has the ability to do that. So, Zak, please go ahead.

ZAK MUSCOVITCH: Thanks. So, I'm not sure what the apprehensiveness about registrars providing the notices from a business or technical perspective. I don't understand what the hesitancy is there. But assuming that that hesitancy exists and an opt-out by the registrant is being proposed as a middle ground, I still see a big issue with it because the reason for the notifications would be for the registrant who has had his email or registrant information changed to be notified of that, like we all get those notifications. If the registrant was able to opt out of that, in theory, it would be the guy who somehow managed to get into the control panel and opt out of it at the same time he changed the registering information,

so defeating the whole purpose of the notification as a belt and suspenders thing.

ROGER CARNEY:

Thanks, Zak. And I'll just throw out one thought on your first question that you had of why a registrar maybe would like to we've talked in the past and people have brought up email fatigue, notice fatigue, and every time someone goes in and changes something, they get an email and then they start to ignore it. And again, just a thought on that, but a good point that you make on if someone's already got it, they can easily opt out. So, Owen, please go ahead.

OWEN SMIGELSKI:

Thanks, Roger. This is Owen Smigielski. So, I think I am against, if we're going to require it or put it in there, I think it should be mandatory because it's self-defeating to have a notification security type requirement and then make it optional for the registrant, especially when the person who would likely be opting out would be the person who is doing the transgression with the account if it's some sort of hijack or similar thing like that. So, the thing that it was trying to prevent or at least provide notification of would then be able to be turned off by the person, the bad actor there.

So, I think if we're going to have some type of notification, we should make it mandatory. It's already in there, so there's not going to be as much coding in that, at least I say as somebody who's ignorant of coding. And then another thing is that I just

totally lost my point. I apologize. I got all excited here. If I remember it, I'll put my hand back up and cue.

ROGER CARNEY:

Great. Thanks, Owen. And again, I think if we get to that mandatory, which it doesn't seem like there's an against the mandatory. So, please, as Christian mentioned, let's assume we're saying the CoR is changing to be a notification and it's mandatory. If you have issues with that, please come online and let us know what they are.

Now, one thought I'll throw out there on the notification is what is the notification? Is it an email? Is it confirmation? Some smaller registrars are very one-on-one with their customers and do they need to they may be on the phone with them. Do they need to send an email if they're already on the phone making a change for them? Whatever it is. Think about that notification and what that entails and what that should be. So, Volker, please go ahead.

VOLKER GREIMANN:

I acknowledge the problems with the opt-out. However, those are fixable. I think, for example, the opt-out would have to be explicit. It shouldn't be something that registrar can hide in the terms and conditions just to get around the notification issue. It should also be something that needs to be confirmed by the address that would get the notification. So, if somebody gained access to the registrar account, that wouldn't allow him to remove the notification option simply because that option would have to be confirmed by the email address that is being removed.

Otherwise, the opt-out wouldn't be valid. So, I think you can design it in a way that is more secure for the registrant. Of course, if his email address is compromised, then that would still be a way around that. But on the other hand, what good is an email notification to that email address then? Because you would notify the hijacker of his ill intent and he would just remove that notification as soon as possible. So, the notification in that circumstance has no value at all anyway.

ROGER CARNEY: Great. Thanks, Volker. Owen has to remember what he was thinking. Owen, please go ahead.

OWEN SMIGELSKI: I sure did, Roger. Thank you. So, the other thing was talking about the notification fatigue is I was not envisioning that this would be an email. I think this would be something similar to what, if I recall correctly, what we did with the TAC is you can send it via text message or via app or smoke signal or whatever the customer has opted into to receive notifications from the registrar. So, I think we can find a way to minimize that so it's not all going into a spam, into an email box that's going to be filled with spam and whatnot.

ROGER CARNEY: Thanks, Owen. And again, I think that that provides that next level that Volker was kind of touching on as well. If someone prefers SMS or whatever it is, the registrar come up with, whatever they have to communicate with, maybe that next level of so my email

got hacked, but my communication path is not that way. So, it's just something else, another point to think about. So, I'm going to kind of again wrap this up because we want to make direct points and make progress here. We're going to keep a small modified section two that is about notifications.

Now, we still have to go through and Christian has some more slides for us, but we still have to go through what Steiner brought up. Is material change different? Is it the same? Is it anything? Is it just specifically a couple things? We have to still go through those if those change, what happens? And right now, the group is coalescing around it being mandatory. So, we're going to go with that until someone comes up and says it can't be mandatory.

So, we're saying section two, the transfer policy is going to change from its current standing, getting ready to 60-day lock, blah, blah, blah, and getting to A, we're going to send a notification when change of registrant information changes, and this is what we mean by that. Good. We're all on the same page. We're all moving down that path, and I think, unless Christian has other questions, we can move on to detailing those things out. Go ahead, Christian.

CHRISTIAN WHEELER: Thank you, Roger. Yes. So, very quickly, I just kind of wanted to highlight what change of registrant currently is again. So, right now, it's change of registrant is the name, organization, email address. So, these are the triggers. So, if the group is saying that there must be notifications, currently, with the change of registrant, this is what would trigger those notifications. If there's a

change to name, organization, or email address, that admin contact email, that's going away, so that's not really relevant.

The group had also talked about, instead of maybe in change of registrant, maybe in change of control, if there's an update to the email address or something else, like an anchor contact method, that sort of thing. That hasn't been decided on whether the group wants to move forward with that change of definition, but it's something to keep in mind if these triggers are not correct, if it's not something that should be done with change of registrant.

So, there's the question of is there a need for change of control? Because if there is a change of control, is it replacing change of registrant, or is it an addition to it? And if it's an addition to it, then what's different about it? Is there an extra security measure that goes on with change of control? Is there a trigger for change of control that would trigger a notification that's different than a change of registrant? We also kind of wanted to throw out these a couple ideas, too.

If, for instance, if the group wanted to maintain the current CoR definition, for example, or there are certain fields that are mandatory, the group could put in a footnote to the policy that says something like that the registrar is not prevented from sending additional notifications from non-CoR changes, like if there's a change to the phone number, account holder information, for instance, the mailing address.

So if there are certain fields that the group isn't comfortable making mandatory, you could still leave it up to the registrars if they want to send notifications to those as well, that they're not

prevented from doing so. And another idea just to kind of throw out there was if the group wanted to send notifications for making them optional, that could be maybe considered a change of registrant data. Rather than trying to put in a box, what does a change of registrant really entail? What does the change of control really entail? If there is a change of registrant data, that would require a notification. And that could also be if there's a change of all those triggers, all those fields. But if the group wants to go that far, it's just an idea to throw out there.

And so the third poll question, we just kind of get an idea from the group. For the purposes of a reduced CoR notification policy, what does the working group need to define? Does the group need to or even redefine? Does it need to define change of registrant? Does it need to define change of control, both of them or neither of them?

I just want to get an idea of the group of what would trigger these notifications. If they are, in fact, mandatory, it would stand to reason that the registrars would need to have an idea of when do they need to send these notifications? What needs to trigger them? So that goes back to this information is what will trigger these notifications. So we can ask the poll question, but before I think we should answer those raised hands. Maybe if we don't have time, we can rush it.

ROGER CARNEY:

No problem. Thanks, Christian. And I'll just summarize what Zak put in chat. But I think he's for leaving it the way it is. And he's going to vote for neither on this because he's going to leave it as

is and leave it as name or an email. But I think that this is a good question and we need to get it resolved. And again, this is going to refine what we're saying is we're going to keep section two is just going to be notification and it's going to be mandatory. So how is it going to be worked on? And I think Volker, that's an old hand. So I'm going to go to Theo first. Theo, go ahead.

THEO GEURTS:

Thanks. So I'm not comfortable with the definitions here with change of registrant, change of control in the current setting. Back in the day, a decade ago, we talked about change of registrant with a very specific goal or mission in mind. If these updates would occur, then a certain process should be triggered. But from a technical point of view, a change of registrant, we are talking about an update of the registrant information. That is what we are talking about.

If you talk about change of registrant, then you're dealing with the ownership of it. When you talk about change of control, then you talk about control of the domain name. And I don't think we are talking about that within this group. We are talking about where registrants can update their information. And we shouldn't be asking ourselves, is that a change of registrant? Is that a change of control? I think for this working group, that is not so relevant. The only question we should ask, which fields should trigger a notification and not ask ourselves, is it a change of registrant? Is it a change of control? That is, in my opinion, completely irrelevant. So, maybe I'm too on the details here, but I think these details matter. Thanks.

ROGER CARNEY: Thanks, Theo. And I think you're right. I think they do matter. So, it sounds like you are in support of maybe moving to Accord, the change of registrant data, and get out of the topic of if it's a registrant change or an ownership change, but just if the data is changing, then this notification applies. But let us know if that's not. Sarah, please go ahead.

SARAH WYLD: Thank you. This is Sarah. I agree with Theo. Change of registrant data is a great way to go with this.

ROGER CARNEY: Thank you, Sarah. I think that it sounds like we have support for that change of registrant data. So, I think we can move forward and assume that. And again, people that don't like it, please speak up. Say what you need to say. Change minds. That's why we're here. But I think that that's a good point. And to your guys' point, I'm guessing you would answer four as well. Neither. Nothing needs to change on those. We're not going to use them. I think you're suggesting that we go with the change of registrant data, which is, again, the contact information. But if I'm misinterpreting, please let me know.

So, I think we can, Christian, I don't know if this poll question fits this or not, since that's the way we're leaning on that. So, I think, again, we only have four minutes. So, I don't think we'll need to do this poll question here. I think we've got an answer and if you can go back one slide, I think. There we go. And we'll use this

definition that staff threw on this here is change of registrant data and get rid of change of registrant. As Theo said that was meant for a purpose.

I think we can move forward with that. Again, I think we've made great progress here in just a few more minutes, but section two is changing to a notification section. It's mandatory. And we're talking about change of registrant data, not change of registrant, not anything else. Now, I think we still have to talk about, excuse me, does that apply to any data? So, if they change their street address, does that apply to that? So, I think that we still need to get down to that one refined level of, is it any data that changes or not?

CHRISTIAN WHEELER: Thank you, Roger. So that is the remaining question is if the group wants to do change of registrant data, that might not need an explicit definition, but it would still need some clarification to outline to registrars that if there is a mandatory notification, what is that data that they're updating? So, change of registrant data by itself sounds like it would be name, organization, email, phone, and mailing address, which may make sense. If someone changes your phone number and that is a point of verification that they notified that, hey, your phone number was updated.

I do also want to note as an action item for the group, we do have this Google doc that staff would really like the working group to try and fill out. It was originally this was elimination rationale. However, it sounds like we're reducing this to the, reducing to quarter notifications. So, we can just kind of update that. But we'll

send you this link. I'll put it in the chat right now. If before the next year or just when the group has time, probably before the next meeting, if the working group could enter into this document and try to fill in the rationale of why the group thinks it should be reduced to notifications.

Why the group's comfortable with removing the course current requirements, it would be great to get the group's rationale rather than staff just deciphering it from that. But it would be great to hear from your guys' own words in anticipation of public comments if just to get the group's thoughts there and document that as well. So, I will put this in the chat. This is also found in the share drive as well. But we'll send an email with the link to this document as well. So, thank you all again for your participation in a great conversation today.

ROGER CARNEY: Great. Thanks, everyone. We'll talk to you next week.

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