

**Inter-Registrar Transfer Policy Part B PDP  
Transcription  
Tuesday 13 July 2010 at 14:00 UTC**

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**Participants on the Call:**

Michele Neylon – Registrar SG – Working group chair  
James Bladel - Registrar SG  
Paul Diaz - Registrar SG  
Barbara Steele – Registries SG  
Mikey O'Connor - CBUC  
Berry Cobb - CBUC  
Michael Collins – Individual  
Kevin Erdman – IPC  
George Kirikos - Individual  
Anil George

**Staff:**

Marika Konings  
Glen de Saint Géry  
Gisella Gruber-White

**Apologies:**

Matt Serlin- Registrar SG  
Chris Chaplow - CBUC  
Robert Mountain - Registrar SG  
Eric Brown – RY (all Tuesday calls)  
Oliver Hope (replacing Matt Mansell)

Gisella Gruber White: Good morning, good afternoon to everyone on today's IRTPB call on Tuesday the 13th of July. We have Michele Neylon, George Kirikos, Mikey O'Connor, James Bladel, Michael Collins, Paul Diaz, from staff we have Marika Konings, myself Gisella Gruber-White.

We have apologies from Bob Mountain, Matt Serlin, Chris Chaplow, Boudouin Schombe and Kevin Erdman will be joining us 30 minutes late.

Please remind everyone to state their names when speaking for transcript purposes. Thank you, over to you Michele.

Michele Neylon: Thank you. Good afternoon everybody, hope you're all better than I am. Right then. As you know the comment period was opened and several people including myself, George and Bob contacted a few people to help get the word out that the comment period was opened.

And thanks to George and Bob for helping with that. For the record Barbara Steele is on the call but George is concerned that she wasn't on the roll call and George has also joined.

With respect to the public comment anyways, anybody got anything else to say on this? Do we need to extend the deadline is a question that we also need to look at. Does anybody feel that extent of the deadline would be a good idea, bad idea or no opinion whatsoever? Marika?

Marika Konings: Yeah, this is Marika, just a note because in principle the deadline as prescribed in the bylaws is 20 days but I've talked to legal counsel and they said if there's a strong demand from the working group to extend it you know taking into account that it's holiday periods.

Or if they are requests for example from constituencies that are working on statements and feel they would need more time, I think it's definitely something we could consider.

So it's a question for the group.

Michele Neylon: Okay, George and then Mikey.

George Kirikos: George here. Again in May when I first joined I suggested that it be extended until after Labor Day and maybe a week after Labor Day so I would support that.

Michele Neylon: George what's Labor Day?

George Kirikos: September - first Monday in September.

Michele Neylon: In Europe (unintelligible). Okay. Mikey?

Mikey O'Connor: This is Mikey, I was just curious to how many we've gotten. Actually I'm wondering...

Michele Neylon: Comments, is that what you're saying?

George Kirikos: One from (Jeff Williams), it's George speaking.

Mikey O'Connor: Thanks George. I should probably - I look like I'm the only PC guy, I should probably ping the BC and see if they want to do a constituency statement on this. I hadn't thought about it until just now.

So a little extension would be kind of nice.

Michele Neylon: So we have two in favor of an extension? Is there anybody who is opposed to the idea of an extension? I'll take that silence to mean no. On the basis that we have two people - James go ahead.

James Bladel: Yeah, not really opposed to an extension but just wary of the overall calendar of this group and knowing that there are three or four more like it, you know lined up behind it, so.

Michele Neylon: Okay but what does that mean in real terms? Are you saying that we should extend it or not extend it?

James Bladel: I think that any extensions need to be mindful that this group needs to conclude so that other groups can begin. So we would probably want to extend it, that's fine but we should be very wary of extending it months at a time as opposed to let's extend it a couple of weeks and see what we get back in terms of feedback.

Michele Neylon: Okay, Marika?

Marika Konings: Yeah this is Marika, just to add because I think from experience that staff has had with public comment periods is that I think most people just note in their calendar when the deadline is and then basically submit the comments either the day before or the day of the deadline.

So I don't know if indeed if we would extend it by two months if it means that people will be working for two months on the comments before submitting it or they just you know wait until the deadline approaches and then you know gather their comments and submit them the day of the deadline.

So I would I would have us all concerned and pushing it out for too far unless we really have a good indication that it means that people need that time to actually work on their comments.

Because you know the other question would be in the meantime what does the working group do because normally we take those comments and use that as a platform to work on the final report.

I know we still have some issues that we want to cover in further detail but at a certain point in time there is a next step that's required to work towards a final report which includes review of public comments received and addressing those appropriately.

Michele Neylon: George, go ahead.

George Kirikos: Back in May Marika had made the point that August is customary holiday period for Europe so that's why I suggested in September because it also captures the North American holidays to Labor Day when school returns and people are more serious about doing work.

The question was about what to do in the meantime, short of withdrawing the report one thing is that the report was very deficient in my view in terms of data collection and so perhaps a poll or some other way of collecting actual hard data to back up some of the points in the report would be helpful.

And that could be - that could compliment the actual comment period, you know not only can people submit you know long detail comments, they can you know fill out this poll, you know are you concerned about you know being able to transfer quickly?

Are you concerned about you know domain hijacking because the amount of actual hard evidence on domain hijacking isn't something that the registrars appeared to have shared.

Michele Neylon: So in essence what are you asking for George?

George Kirikos: Supporting the extension of the time period that you know extending it into early August wouldn't make much sense given that Marika had said that August is the customary time for European holidays so is extending it into August going to make any difference at all?

I would say very little.

Michele Neylon: Just one second. Marika what days will the public comment period close under the current schedule?

Marika Konings: I think it's 25 of July if I'm not mistaken. And of course I mean extending doesn't mean that people cannot submit comments now. I mean it doesn't mean that if we extend it to you know whatever date it doesn't mean that it closes at this stage or anyone is able to submit their comments already now as well.

Michele Neylon: Okay. So if we were to extend it by let's just say hypothetically two weeks, that will take us through to say what the 7th of - or the end of the first week of August or something like that? Is that correct?

Okay. George we cannot extend it until after September 13. I can't see how we could do this.

George Kirikos: George here, wouldn't extend it at all then. Why is it somehow arbitrary amount?

Michele Neylon: well no certainly - it's just that for us to have had it extended through till the middle of September we would have had to have opened it much later. Because otherwise you're looking at having it open for basically two months.

Marika Konings: And this is Marika, I think it's worth noting as well that there's several public comment periods that are ending around the same time as ours including several related to the new gTLD program.

And I think you know we might want to be realistic there as well that if people have to choose between one and the other, they probably will first you know finish their comments on the new gTLD program.

So that's why extending it for one or two weeks might make sense in that context as well. Those that have spent their time working on those comments, then have some time to actually look at the IRTP, public comment period.

Michele Neylon: Okay, Mikey?

Mikey O'Connor: This is Mikey. I just think the BC list and we'll know pretty soon whether they want to prepare constituency statement, certainly a couple week delay would be fine. I think we could even shoehorn it in to the current period.

But I certainly don't see a need to go much longer than a couple more weeks. So I'd support a smaller extension.

Michele Neylon: Okay so you would suggest an extension of how long? Could you give me an exact...

Mikey O'Connor: Well you know Marika's - you know the idea of extending it a couple weeks...

Michele Neylon: So two weeks.

Mikey O'Connor: Yeah.

Michele Neylon: Okay. All right then. Options on the table, no extension, extend it by two weeks and I'm afraid I can't really see the - sorry George but I think extending it out to two months is not really going to help us.

So extending it by two weeks does anybody object to that idea? Anybody? George?

George Kirikos: I just wanted to go on the record that I do object to the short length of two weeks given that we do have conflicting comment periods and there's other people on holiday, people who have a life that aren't going to literally burst into ICANN comments when they're on vacation.

Michele Neylon: SO you think extending it by two weeks is a good idea or a bad idea sorry.

George Kirikos: Bad in that it's not enough, that it should be longer.

Michele Neylon: Okay but do you have an issue with extending it by two weeks.

George Kirikos: No, just the length.

Michele Neylon: Okay. Does anybody think that we should not extend it at all? Okay then, based on what we've heard today I would suggest that we extend it by two weeks if that were possible.

If anybody has any other thoughts on that let's continue the discussion on the mailing list and see what the options are. Okay, moving on to the next item on the agenda.

The - actually before we move on to the next item on the agenda, are any - many or any of you planning to take holidays between now and the end of August?

Apart from Marika who I know about? Marika I know about you taking holiday. Mikey is, Paul is, nobody else? George is, Michael Collins, you have a hand up, go ahead.

Man: Maybe he's on mute, are you muted Michael?

Michele Neylon: I think he's taken his hand down. Okay, about half of you are saying that you are planning to take holidays. Just trying to work out if it is a good idea to just send out due to the fact that we're going to have - the comment period is going to be open probably until the end of the first week of August if we extend it by two weeks.

Based on the fact that we will have a couple of calls before then, would anybody be opposed to us not having calls for the first couple of weeks of August, as quite a few of you are probably going to be on holidays?



Mikey has a hand up, go ahead Mikey.

Mikey O'Connor: The other one that you might think about though, the Labor Day weekend is a pretty big deal in the US, that's one, that Monday - well we're not on Monday so it might be okay.

Michele Neylon: So what date - can you speak to me about dates please because I'm not familiar with US specific holidays apart from your independence day which I do admit to knowing about.

Mikey O'Connor: Somebody help me, I can't remember.

George Kirikos: George here, it's September 6.

Mikey O'Connor: Yeah so - but you know I keep forgetting that this is a Tuesday call so I'm not sure it would be the day after.

Michele Neylon: Okay as it's a Tuesday call I'll ignore it. But please bear with us, people like myself and some of the other Europeans on this call, I know we're in a minority but I have no idea about American holidays apart from - what's the one I know about, independence day.

Do you have any other holidays I can think of? No, that's about the only one.

Kevin Erdman: What about Thanksgiving?

Michele Neylon: Thanksgiving I have no idea, I don't even know which month that is. Is that October or November?

Kevin Erdman: November.

Michele Neylon: Okay.

Kevin Erdman: How about Columbus Day?

Man: Kevin you're getting bad now.

Michele Neylon: That's okay, it's okay. The thing is the only Irish holiday that is any way serious you all know about so I'm quite comfortable.

Man: That's true.

Man: The green beer holiday.

Michele Neylon: Exactly because everybody in Ireland drinks green beer and you all know that. Okay, I would then humbly suggest that we take a break, take the first two weeks of August off so - because apart from everything else with comment periods and everything else plus people being on holidays I don't think it would be an unreasonable - that some people may want to have their Tuesday mornings or afternoons free.

James go ahead.

James Bladel: Yeah Michele this is James speaking and while I'm not necessarily concerned about the absence of meetings and I could certainly use that time on my calendar, I would hope that we would - that any kind of a hiatus from teleconferences would be accompanied by an increase in use of the mailing list just so that we can preserve whatever momentum we have as far as a working group in getting this effort wound down.

Michele Neylon: Good thought, good point. George?

George Kirikos: I'd echo that concern, I've been trying my hardest to get people to you know participate on the mailing list, asking questions that are open ended so people can discuss but hasn't been fruitful to date.

Michele Neylon: Well you got some replies, don't be too negative now, come on, you've had a few replies.

Okay moving on to the next item on the agenda, charter item issue C, where there are special provisions that are needed for a change in registrant when it occurs near the time of a change of registrar, the policy does not currently deal with change of registrant which often figures in hijacking cases.

And you'll see that yes, I think it was yesterday or the day before James posted to the list on this. James do you want to walk us through what you were talking about on the list?

James Bladel: Sure. I mean very briefly I think that the charter question is - makes reference to change of registrant which is somewhat undefined in that you know there is no policy basis for defining a change of registrant. So perhaps that's one of the tasks this group could take upon itself is to define the change of registrant.

And find out what the most appropriate place is and particularly how it differs from just the updating or modification of WHOIS information which is I think defined within a variety of different agreements.

So at what point does the right field or enough numerous fields change to where you are no longer talking about a WHOIS update and you're now talking about a change of registrant.

And I just put that out for definitional work for this group so that we can proceed from a common framework.

Michele Neylon: Okay. Does anybody have any thoughts on that?

James Bladel: Sorry Michele if I could just jump real quickly, I put some questions down towards the bottom of that email that might help crystallize that issue a little bit better.

Michele Neylon: Yeah, I'll just go through the questions you had put in were what is a change of registrant? How does it differ from a routine update/modification of the record published in WHOIS?

What fields must be modified to indicate that a change of registrant has occurred? Can optional fields be included in this list? Does ICANN need to define change of registrant process or definition in the IRTP or elsewhere?

And this is a note, some ccTLD's define this function as a trade and last one is are gTLD registrars obligated to offer change of registrant operations and how does this impact their respective registration agreements?

Mikey and then Kevin.

Mikey O'Connor: Thanks Michele, it's Mikey. I thought that the definition of change of registrant was already embedded in the ICANN policy. I'm surprised that it's not.

Is that really true James? That it's not called out? That's really interesting. If it's not I think this is pretty important.

James Bladel: I'm hoping someone else in the queue can point me to some glaring omission where it is defined but I am not able to locate specific language.

Mikey O'Connor: Interesting. Thanks for bringing them up.

George Kirikos: George here, it's not in the transfers policy but I'm sure there's change of registrant somewhere in ICANN policy somewhere.

Michele Neylon: Just before I go back to the queue does anybody specifically know of where a change of registrant is defined within ICANN policy anywhere?

Mikey O'Connor: The person I would immediately - this is Mikey again the person I would ask is Olof.

Michele Neylon: Okay.

Mikey O'Connor: If he were on the call he would be able to not only tell us where but probably quote it. He's really familiar with this.

Marika Konings: And this is Marika I'm happy to check with Olof and also with our legal counsel if they're aware of any other areas where this is defined.

Michele Neylon: Okay, going back to the queue, Mikey, any other thoughts or comments?

Mikey O'Connor: No, that's it for me, thanks.

Michele Neylon: Okay Kevin and then George.

Kevin Erdman: I now have two comments. The first comment is when we're looking at these definitions, maybe one of the things that we should look back on is our purpose which is the case of hijackings and then see if we can through historical evidence see what the pattern of actual transactions are in known hijackings to put together what that definition - what those definitions ought to be since we're obviously trying to focus on a particular type of change of registrant.

And my second point is that I just Goggled ICANN change of registrant definition and what came up was from the registration accreditation agreement, there is a pretty close reference in 4.2.9 that says basically is new and revised specifications and policies may be established for the following topics.

And then in 4.2.9 says the transfer of registration data upon change in registrar sponsoring one or more registered names, although registered names appears to be the only defined term in the definition.

Michele Neylon: But does that refer to - we're talking about change of registrant, not change of registrar.

Kevin Erdman: But it does say the transfer of registration upon a change in registrar sponsoring one or more registered names.

So I think that the term upon and change and registrar is analogous to what we're trying to define.

So my only conclusion from that is that if this is the best that Google can do amongst all the ICANN stuff then I would agree that it probably is undefined in all the various documents.

Michele Neylon: So you agree it is undefined. George?

George Kirikos: Yeah, I just wanted to step back on the one does ICANN need to define changed registrant process. In the manner that it affects the transfers policy I don't think that there's any special need for - to handle change of registrant as a special case, like it should be a normal thing because people normally have a change of websites when they sell a name or transfer a name, you know corporate mergers, etcetera.

So it should not be considered an exception, it should be something that's standard practice that should be you know perhaps considered in the policy but not as a special case.

But stepping back one step further I think that if there is a secure process for the registrant change then that kind of solves the main hijacking issue entirely.

We don't need to worry about having special cases for you know if the name - if there's a registrant change we would you know lock the name for 60 days and things like that.

Michele Neylon: Okay, does anybody else want to jump in? James? Sorry Mikey, then James.

Mikey O'Connor: This is Mikey again. I think that James may have - I'm still sort of getting over the notion that it actually isn't written down and I think that it's really important that we get that answer and see if there isn't that I'm not sure how that relates to the scope of our working group.

It's probably a bit broader scope, we may just want to raise this as kind of a gating issue for the work we're doing but kick it upstairs rather than trying to solve it.

But in terms of the kind of continuous drum beat for me, for consistency and the need and the helpfulness of it, it would certainly make sense to me to raise this as something we ought to get an answer on and get defined.

Everybody kind of knows the rules of the road and the lay of the land.

Michele Neylon: James?

James Bladel: Hi, James again. Just a couple of thoughts here. First is that I do think it kind of falls in the lap of this working group Mikey just because it's been referenced in our charter question.

And one of our charter questions is predicated on us having an answer for this - whether or not this you know is a defined operation. Secondly George

made mention in the chat regarding this routine WHOIS or name server updates are also not defined.

I don't think they're defined in the policy documents like the RAA but they are defined as obligations in the various registry/registrar agreement, RRAs. But I'd have to check on that.

And then so finally it would be that I would offer to take the list of questions back to ICANN policy and that would be you know Olof or Marika can probably help with that internally on who ICANN policy and ICANN legal would be best to respond to this.

But I would say that I think that we need a definition here and in order to complete this charter question and I do think that it falls within the scope of this working group to come up with that if we find that there's you know a void there currently.

Michele Neylon: Mikey your hand is still up.

Mikey O'Connor: Yeah this is Mikey. I certainly wouldn't struggle mightily against including it in scope. It's just that you know the definition of what constitutes a change of registrant is broader than just inter registrar transfers it seems to me.

But it's fine with me to go ahead and proceed because I agree James it is a gating definition for what we need to do. And I think the only thing I'd do is sort of given the council a heads up that we're doing this.

And if it drives anybody crazy they should let us know or something like that.

Michele Neylon: Okay. Let's - okay one of the things James put in his email was the concept of a trade. Is there a definition of that do you know James?



James Bladel: Yes, actually Michele nice segue, I was going right to that with the next hand here. But there is a concept of a trade defined in some ccTLDs.

But I wanted to qualify that statement by saying those are also ccTLD registries that have direct interaction with registrants. So you know for example they will require the registrant to you know form an account on the registry page and actually keep their data current there as well.

So maybe a trade is not appropriate within the gTLD space but there's something - but there's at least an analog that we can push off of.

Michele Neylon: Okay. George?

George Kirikos: George here, I just wanted to be clear that I don't - I would support that you know if we wanted to define change of registrant that that would be fine with me because it would you know add - make things simpler to add working definitions.

And if we wanted to formally define you know what is a domain trade that would you know I'll be - I would definitely support it because you know at the end of the day we all want to make secure transfers from party A to party B and so if we can make that formal and make it secure and you know reduce hijackings that way I'm all for that.

Michele Neylon: Okay. Marika?

Marika Konings: Yeah this is Marika. So I've already forwarded the question to ICANN legal as well as Olof for some feedback and to George's post in the Adobe Connect I have forwarded that question as well but actually the person in the legal team was on holiday last week.

So I'm still following up on that and hope to get some feedback on that hopefully later this week or at least ahead of the next call.

Michele Neylon: Okay. Right then. I think we are going to be waiting on a few replies from other people before we can move further forward with this. But I think James has added - has asked some good questions.

So I will set you all a little bit of homework. Could you all please take the five minutes to have a read of the email that James posted yesterday with his questions?

And if you have any answers or any thoughts on that please reply to the list so that we can move forward with that. Now another thing that just wanted to follow up on is with respect to George's posts about the registrar lock status.

Which is covered in issue D, and yes there is a certain amount of overlap with issue E. I believe George you're still waiting on the reply from ICANN compliance, would that be correct?

George Kirikos: Yes, because I think to date they have looked at the word opt in but they haven't looked at the word voluntary and other voluntarily enough.

Michele Neylon: Okay.

George Kirikos: That would support my point.

Michele Neylon: Okay. Marika do you know - I think there was - I think David Giza was on holiday last week, do you know?

Marika Konings: Yeah, this is Marika, I said I think David was there but actually Dan Halloran was out of the office last week and I know David was following up with him internally and they would come back to me.

So I'll send a reminder note to see where things stand.

Michele Neylon: Okay so George we will try and get you an answer for those queries, okay?

George Kirikos: Okay. I did - George here, I just wanted to point out that not only was James asking questions, I was asking questions on the mailing list too last week if people want to answer.

Michele Neylon: So which one - could you just refresh our memories quickly please?

George Kirikos: For example do you need a 60 day lock if you're able to securely transform the domain name or do a change of registrant? Like what purpose does the 60 day lock if you're able to do a 60 day - if you're able to do a secure registrant transfer - registrant change.

I'm basically trying to attack the root of the problem by asking the direct questions.

Michele Neylon: Okay. Does anybody have any thoughts on any of those things at the moment or could you have a look at the - at what George has posted? Obviously George if we could define what a change of registrant was this would help as well.

So if we have a definition as to what constitutes a change of registrant that might make answering or not answering those questions a little bit easier.

Does anybody have any other matters they wish to raise at this time?  
Nothing, no? Okay, does anybody - if anybody has any other issues now is the time to speak or else I'll call this meeting to a close.

Okay then, I'll call this meeting to a close and please follow up on the mailing list, thank you everybody.

Marika Konings: Thank you.

Mikey O'Connor: Thanks Michele.

END