

**ICANN
Transcription
IRTP Part D Working Group meeting
Monday 07 July at 15:00 UTC**

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On page: <http://gnso.icann.org/calendar/#jul>

Attendees:

Barbara Knight – RySG
James Bladel - RrSG
Kristine Dorrian – National Arbitration Forum
Graeme Bunton – RrSG
Angie Graves – BC
Holly Raiche – ALAC
Volker Greimann – RrSG
Rob Golding - RrSG
Kevin Erdman – IPC
Avri Doria – NCSG
Bob Mountain – RrSG
Arthur Zonnenberg – RrSG
Bartlett Morgan – NCUC

Apologies:

Paul Diaz – RySG

ICANN staff:

Amy Bivins
Marika Konings
Lars Hoffmann
Berry Cobb
Steve Chan
Terri Agnew

Coordinator: At this time your conference is being recorded.

Terri Agnew: Thank you, good morning, good afternoon and good evening, this is the IRTP Part D Working Group on the 7th of July 2014.

On the call today we have James Bladel, Angie Graves, Barbara Knight, Holly Raiche, Avri Doria, Kevin Erdman and Graham Bunton. We have apologies from Paul Diaz. From staff we have Amy Bivins, Lars Hoffman, Berry Cobb, Steve Chan, Marika Konings and myself Terri Agnew. I would like to remind all participants to please state your name before speaking for transcription purposes. Thank you very much and back over to you James.

James Bladel: Thanks Terri and welcome back everyone to another episode of IRTP, Part D. And we were just recapping our discussions and our travels and our experiences in London.

But before we get started first off does anyone have any updates to their FOA, please indicate so by raising your hand. Okay seeing none there I note that Bob Mountain and Volker Greiman have also joined, so welcome gentlemen and hopefully everyone had an uneventful trip home from London and a nice long weekend if you were in the US.

Okay so the draft agenda was circulated yesterday, thank you for that Lars and depending on how much time we need for each of the component parts I don't think that we may actually not use the entire call today, but we'll see. First up I wanted to review the final recommendation that we have on our plate which is Recommendation 14 regarding the requirements for transfer's dean registrars to obtain an FOA.

And we had a fairly healthy discussion on this topic in London and on our list as well and would certainly, you know, I don't mean to oversimplify the issue but would characterize it as, you know, our initial reporting stating that FOA's are just a formality for the vast majority of transfers. But in those instances where a transfer is considered to be invalid or is questionable the FOA is really the only audit trail that is available to registrars and to - opps (got) some music there.

(Arthur): Good day, hello?

Coordinator: Hi (Arthur) you have joined the call.

(Arthur): Hi, thanks.

James Bladel: Hi (Arthur) and can you make sure to go on mute when you're not speaking and also if you can join the Adobe Connect that would be great.

(Arthur): Yes I'm trying to connect to Adobe Connect; however it keeps connecting on my system. It's using Linux or your Blue Tube so I'm not sure I will be able to see the chat room.

James Bladel: Okay well we'll proceed accordingly and if you can join us that will be great. So as I was mentioning the, you know, the initial report notes that FOAs are somewhat extraneous for most transfers.

However in those situations where transfers are determined to be invalid or in doubt they are the only thing that the registrars or the arbitration panelists have to use to just make a determination of whether or not the transfer was legitimate. We've since had a couple of folks raise the point that FOAs not only are perhaps extraneous but in fact can cause harms. And we've had some discussions there from Bob - Rob Golding who unfortunately hasn't joined us here and also from (Arthur) when we were in London.

And then that I think prompted a larger discussion about the role of FOAs and whether or not they continue to serve the purposes that were necessary. And we've been on this topic now I think going on several weeks, so I think we're at a point now where we want to wrap this up and make a determination of whether we want to stick with our initial recommendation that FOAs be retained or whether we want to reopen that.

And if so then we need to start proposing alternate language for that recommendation so that we can bring this particular point in for a landing. So with that I don't know if there's anyone that wants to weigh in with a queue but, you know, I certainly I have some homework myself and I went back and discussed this particular issue with our transfers team. And can certainly shed a little bit of light on that as well but wanted to give priority to the other participants on the call. Berry go ahead.

Berry Cobb: Thank you James, this is Berry for the transcript. You know, I think in all of our discussions up to this point and certainly whether the working group decides to keep (FOA) or not there are two main requirements that seem to be necessary if we were - the working group did choose to go the other direction.

The first being some sort of audit trail, the second which I think is more the features of the FOA is that it's almost a two factor authentication kind of component for a transfer. And in terms of enhancing this discussion I think if anything, you know, we view the (unintelligible) - if in fact the FOA is leading to failed transfers than it's very important that we understand and size how big of an issue that really is and then dive deeper in those failed transfers, did the FOA do what it's supposed - what it was designed to do or was it truly a break in the transfer.

And so I, you know, the latter part of my statement I think is the most important before we can truly make that decision of whether FOAs are kept or not. And then secondarily if we decided not to then, you know, we need to try to - if some other method were to be created retaining those two initial requirements, thank you.

James Bladel: Thanks Berry, yes I think that's a good point, something that we had discussed relative to FOA being the secondary point of authentication.

I think that Volker - not to put Volker on the spot, but Volker also noted that that was key for any sort of intermediary parties like retailers. So I think that you have a good point which is if FOAs were to be removed what takes their place. Bob you're up next.

Bob Mountain: Thanks James this is Bob, I'm (unintelligible) make a change...

James Bladel: I'm sorry Bob I didn't mean to interrupt but I'm having a very difficult time hearing you and I don't know if it's just me, but I left the volume (a little bit).

Woman: (Unintelligible).

James Bladel: Oh okay well I tell you what Bob, Volker's in the queue behind you - we'll go to him next but I'll leave your place and then when Volker's done hopefully you'll be dialed in. Volker you're up.

Volker Greiman: Oh yes thank you James, mainly I wanted to (reassure) the point that with the (off coat) alone we can never be certain who is authorizing the transfer, it can be anyone in the chain - between the registrar and the registrant if there's multiple instances there.

And therefor the FOA is the only way that we really have of gaining the confirmation of the registrants that he actually wants and has requested this transfer. Of course the FOA can be provided for multiple domain names and if the information is the same and the transfer is requested for those domain names, so I'm not sure if it's that much of a hassle. It's only becoming a problem when you are trying to move a large portfolio that belongs to multiple registrants.

But in those cases because the registrant has an agreement with the registrar under the current and previous RAA the registrant should have the opportunity to be - to at least acknowledge that he accepts the new registrars

(RAM) registration agreement and therefore I think that the RAA fulfills this function as well.

James Bladel: Thanks Volker, good points. I note that Rob Golding has joined the call and Rob has had some interesting insights on this as well. So Rob hopefully you can join the queue as well, welcome - but let's see if Mr. Mountain has dialed in and is ready to speak - Bob.

Terri Agnew: And this is Terri from staff, we're actually going to dial out to him right now if you could just give us 30 seconds perhaps.

James Bladel: Okay we'll give you 30 seconds, thanks. And I think Volker, you know, there was an interesting point here about - and I think it dovetails in with Berry's comment about if FOAs are failing in some situations why are they failing?

And I think you hit on one of those scenarios which is if they - if there's a registrar or a reseller that is attempting to move a portfolio sponsored names to - from one registrar to another but the registrant is the one that has the agreement then that could be a problem. And I think that we've also examined that in the course of discussing both transfers and how that's Part B of this transfer policy really doesn't fit the bill for that scenario.

And I think we see this occasionally when a reseller becomes a registrar or when a registrar decides to give up its accreditation and become a reseller of registrar this can actually - the idea of going out and obtaining an FOA from all of those registrants can be, you know, can be a significant burden. So that's I mean one scenario where, you know, where this could be a problem. I was stalling for time there as well but I don't know if Bob is on yet.

Terri Agnew: Yes he is on - Bob are you able to speak at this time?

Bob Mountain: Yes.

Terri Agnew: Your line is open.

Bob Mountain: Okay can you guys hear me now?

James Bladel: Yes there we are.

Bob Mountain: Sorry about that

James Bladel: (Take it away Bob).

Bob Mountain: Yes there's always one on every call, today was my day to be the one. So yes I guess, you know, in support I think - in strong support of Berry's comments I think that if we are to recommend any sort of change it ought to be based on, you know, some quantifiable information.

And I think we have enough people on this working group or within easy grasp of this working group where we could find out if there's, you know, if the FOA is in fact causing the kind of volume or kind of failure in terms of transfers with, you know, with the registrars involved. And that would I think be pretty easy for us to decide whether or not we have to open that one up or not. So that would be my recommendation.

James Bladel: Thanks Bob, I went ahead and put myself in the queue because after our discussions in London I went back to our team internally and just kind of brainstormed a little bit about this issue.

And whether or not we can envision the FOAs changing, being replaced, being altered, being modified, being proved and, you know, what the impacts would be. And the first thing I asked was - and I think this suggestion was made in London by (Arthur) was the idea that an FOA would be required but would not necessarily hold up the transfer process pending the acquisition of the FOA - that the registrar would go forward without it.

I think that the response that I got was kind of interesting is that there are actually some registrars that are currently doing that. They are at least one is known to us, now I believe they are operating out of China and we thought that registrar had simply determined that if, you know, if any of those transfers are challenged that they will just essentially give the name back, you know, and not attempt to make any effort to substantiate the transfer was legitimate.

You know, I'm not really sure what ICANN staff's position on that would be, you know, if there were repeated incidents like that I suppose the registrar could find (it worth the) trouble, you know, with compliance. But that I mean is one sort of one way of looking at this is that there's a risk to proceeding with the transfer without the FOA but no one is really watching in some regards. So, you know, but I did think a little bit more about this and whether or not that it's, you know, and I think that this particular recommendation even, you know, if we continue to maintain that the FOA is a required element of the transfer.

I believe we could make some recommendations for the FOA to be improved and updated. For example to be delivered through alternate delivery methods, not just email for example for SMS. And to cover those situations where large portfolios are being addressed so that a single FOA could cover a, you know, a batch or a volt of domain names. And other sorts of features like that that we - that perhaps the FOAs were not initially designed to cover.

So that's my piece on that and my follow-up homework from talking with our team internally. And I see that Rob is now in the queue - Rob go ahead.

Rob Golding: Yes, I'm thinking about what you were just saying, how are they trained to do the transfers? Where are they getting the EPPs from that would attempt to begin a transfer?

They must be getting those from the registrant or the admin contact, you can't just invent them. I mean they have, you know, 15 character random string of junk. So I mean they must have EPPs to start the transfer even if they're abandoning transfers that don't work and say, oh well but that one might not be (unintelligible). They must be getting that information from somewhere to begin this process.

James Bladel: Thanks Rob, yes so that was my understanding is that they were asking only for the EPP and they were initiating the registrar to registry transfer correctly but they were not obtaining an FOA from the registrant.

Nor were they keeping that FOA for - as an audit trail, they weren't accumulating those and archiving them in case any of those transfers went up. And so if any transfer was ever challenged they just kind of threw up their hands and said well, you know, we don't have an FOA, just take an (EMAC).

Rob Golding: So they're simply relying on the fact that compliance is the (annual) and they only pick 25 name names at random and pick people only once they copy the FOA if there's a (tally).

James Bladel: Right and again I don't recommend that this is, you know, a best practice. In fact I think this would be the opposite of that, right.

It would probably be some thing to be avoided, but it is just an acknowledgement that for example a registrar expected to do one transfer a year perhaps it might be worth the risk for them to take this approach. Or if they were a - their relationship with their customers was such that they had a personal one-on-one in-person relationship with their customers then the FOA might seem like just an extra bit of paperwork that would be unnecessary. So yes not endorsing this practice by any means.

Rob Golding: I can understand them seeing FOAs as an additional piece of paper that has no overall value.

I mean my own opinion - and it's just opinion is that if the customer's gotten to the point of ordering a transfer, giving you the EPP code, paying you for the transfer then they're pretty much given you explicit details and authorization to transfer it and sending yet another email that they're thought to acknowledge is, you know, blind sighting them yet again with something that they can come back to you and say but I already did this by ordering it and by accepting your terms and conditions and so on and so forth, so I could click this as well.

I'll give you a simple example, one of our smaller acquisitions recently had (to mingle) all over the place. Basically he picked up whichever registrar was cheaper that week for whatever domains the end customer wanted we obviously would like those all under our own accreditation and on our own system. And so far I think we've managed to get 11 out of 45 registrants to go through the process.

And technically I suppose you could fake it, I do have to lock in details for the various reseller accounts and I can probably get an EPP coach. But what I can't do is get the FOA and I can't get the registrants to click that final step anyway. So we're having to deal with quite a long drawn out process which is now been going on two and a half months of trying to get these people to understand that they're not going to loose their domains.

And that the people they bought them from originally were just a reseller of a reseller of a reseller of a reseller and we're not. We're actually registrar and they'd be much better off by dealing directly with a registrar because their domains are safer and the rates (unintelligible) overnight.

James Bladel: Okay so I think that that's good input, that's one of those scenarios that we were discussing where the FOA is actually holding up the process.

It's not what we would consider a routine transfer but it is creating friction where there shouldn't be any. So here's what I'm proposing, so I think we've heard, you know, in general I think we hear that like this for the large number of transfers FOAs are, you know, I'm thinking like, you know, the standard deviation here on either side of the curve - the most transfers, the bulk of them it is just an extra step - neither benefit nor harm. However we've got the long tail on either side of that curve.

And on one side and then it transfers that are plan to be illegitimate or that are called into question the FOA is the only, you know, mechanism by which control or validity or approval of the transfer can be established, you know, to the satisfaction of the registrar and any outside authority like an arbitration panelist or ICANN. But on the other side of the panel we have these unusual situations where we're talking about bulk transfers, where we're talking about portfolio transfers or moving between resellers where the FOAs are causing problems and not allowing within the transfers to occur.

So my recommendation is that we alter the language of our initial recommendation to read something like this, and Lars I guess, you know, I don't know if you can grab this as we go. But the - but it would be something along the lines of, you know, the working group determined that for most transfers or most routine or most typical transfers the FOA is an extraneous step.

However in those situations where the transfer is considered to be - or is challenged or is disputed the FOA is an essential element to establishing the validity of the transfer and the authorization of the registrant. And then starting again and say the working group also notes that the FOA can be a harm in some situations and then we can list out for example a, you know, transfers of large portfolios, mergers of resellers or resellers to registrars.

And that the FOA, you know, can hold up these transfers and that the working group recommends that the FOA be what do we want to say here?

Enhanced, improved, updated to allow for alternate delivery methods besides email. I think that the policy allows for faster emails, so that will give you an idea of how dated it is. And we could say for example, you know, for example SMS, for example, you know, through an interactive Web page with, you know, auditing capabilities.

And also that the FOA could be combined with the inclusion of - well no hold off on that - I was going to say the, could be - wound up with the (stencil) code but I think that goes to Berry's point about (two background) authentication. So I think we're trying to make it more flexible, more useful, more, you know, retain the value that the FOA has when it's being used to dispute or to resolve a dispute but to minimize the harms that the FOA can cause in those other scenarios that we've outlined. So that's kind of where I think we're coming in for a landing on this one here.

I see a lot of chat here; I notice that (Christine) has joined as well, so welcome (Christine). So what I'm just going to propose that we take a swing of that on the list and see if we can come up with some language that leads us sort of in that direction. We got a couple of folks in the queue - Volker you're up.

Volker Greiman: Thanks James, I've just in the background opened up the policy on transfer of registration between registrars and there's actually a new version coming out - coming into the sector on 31 of January.

And I think a lot of what you're talking about about the alternative means of delivery this is already taken care of in the - in this transfer policy because it's making possible both delivery by paper copies as well as electronic copies. And this can even include electronic signatures conformance with national legislation and email addresses and other methods. So I think we have - before we craft the language stating that we have to open that up we should just make sure that this isn't already opened.

James Bladel: Thanks Volker, good catch before we go out and rewrite a whole bunch of new policies let's take a look and see if that language fits the bill and then maybe we can reference that as, you know, this is what we were thinking one of the ways that it can be improved by making the FOA a little bit more user friendly. Holly you're up next.

Holly Raiche: Just a question, picking up Rob's point can we use language that is perhaps less per- sorry prescriptive but some kind of authority that does allow flexibility if the language - current language doesn't do that?

I also though have a question about are we talking about the word harm or is a better word something like barrier? This just implies and FOA might be harmful and I'm not sure that's what we mean - thank you.

James Bladel: Yes I agree with you, harm may be a strong term. I think what we're saying is if it's blocking legitimate transfers than it's harming because it's going against the wishes of the registrars.

But that might be, you know, we should say it's failing to serve its purpose or it's, you know, as a procedure it's malfunctioning. But I agree with you the word harm implies, you know, someone's, you know, financials or the body is being injured and I don't think we want to go quite that far. Unnecessary delay or that's a good one Rob - add that in the chat. So I think that's kind of where we're going with this Holly.

I think the only thing that I want to be clear about and maybe we need to shoehorn this in here as well and just as a reminder because I know that this has been a theme throughout all of this working group and the previous working groups is that the, you know, unfortunately the bad guys who do steal domain names as a matter of their, you know, bad actions they pay very close attention to this policy and the practice of registrars. They know exactly what to do and what to say to get around the security.

So, you know, any changes to the FOA should I think be mindful of the legitimate needs of legitimate transfers but also should be sufficiently robust to prevent the bad guys from, you know, finding a giant loophole that they can drive a truck through. And we certainly don't want to create new vulnerabilities in an existing process. But, you know, if it's something that is existing today, you know, I think we could certainly push off from that as a model.

So I see that the queue is clear, you know, I think it falls to Lars and I to maybe take a stab at reworking the language of Recommendation 14 and Lars is giving me a green checkmark. And we will add that to this list of possibly by the end of the day - Tuesday, does that sound doable Lars?

Lars Hoffman: Sorry I had to come off of mute, yes absolutely that is doable James.

James Bladel: Okay and then later in the week we would also be able to post the entire redline of the initial report and the changes that were taken onboard by the public comments and our subsequent discussion of them.

And that brings us then to Item 3 in our agenda which is the remaining timeline for this PDP. And Lars I don't know if you can load that - oh you're way ahead of me, look at that. So here we are towards the bottom of this page here, we're finalizing our recommendations on the 7th of July, that leaves us it looks like two more meetings and then let me scroll down here just a minute. It looks like the schedule now calls for us to finalize our final report through the 25th of August. And I may be optimistic here, I don't know that we need that much time but it's something that we can take a look at.

What I'm recommending is that by next call we kind of get everyone's agreement on the language for Recommendation 14 and then we begin the process of reviewing the changes to our interim report. We'll definitely take two weeks on that, maybe a little longer but hopefully not as long as is indicated in this work plan. And then we should be ready to publish our final

reports, go through it one more time and make sure that we have our consensus level established and then we'll be able to put that out to the community.

So that's the work plan that lies in front of us. I think that we're getting close and perhaps we don't need as many meetings as are budgeted for here. So does anyone have any thoughts or questions or concerns about the work plan? My only concern or question is looking at August do we see any - and I know that that starts to run into vacation season in some parts of the world and I just wanted to make sure that we don't lose our momentum.

So if we can really drive this process through to the end of July then maybe everyone can have August off, even the Americans. So that's the plan that's in front of us, does anyone have any thoughts or comments on the schedule? Okay well let's proceed accordingly then, fantastic. So the next meeting as we indicated will be this time next week on July 14 and we will in the interim we will hash out the language for Recommendation 14 on the list and we will begin the review of our final report on that call.

Does anyone have anything else? Otherwise we can give ourselves about another 30 - 25 minutes back to your day.

(Arthur): We just - if I can say something?

James Bladel: Is that (Arthur)?

(Arthur): Yes it is (Arthur) here.

James Bladel: Go ahead.

(Arthur): I was unable to connect to the meeting so I was wondering if somebody could help me with troubleshooting that. And I do have some replies to all the things that have been said but I will send them via email if that's okay.

James Bladel: That's certainly okay and Lars you have your hand up - is that you're volunteering to help (Arthur) or?

Lars Hoffman: Yes absolutely, I'll be in touch with (Arthur) and with our IT guys and see that we can hook him up for the next call.

(Arthur): Yes please, thanks.

James Bladel: Thank you Lars and then (Arthur) I would say, you know, if you have your responses ready just hang onto those we're posting some language as well that might be a good prompting for some of the points you might want to raise.

(Arthur): Okay thanks.

James Bladel: Okay well with that thanks everyone and we'll see you next week when we start to dive into our final report.

Woman: Thank you.

Woman: Thank you.

Man: Thank you.

Man: Okay thank you.

Terri Agnew: Thank you everyone for joining today's conference, you may disconnect at this time - (Ilesha) please stop the recording.

END