

**Inter-Registrar Transfer Policy Part B PDP  
Transcription  
Tuesday 16 February 2010 at 15:00 UTC**

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<http://audio.icann.org/gnso/gnso-irtp-b-20100216.mp3>

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Participants on the Call:

Michele Neylon – RrSG – chair

Berry Cobb – CBUC

Kevin Erdman – IPC

Mikey O'Connor - CBUC

James Bladel – RrSG

Chris Chaplow – CBUC

Michael Collins - Individual

Paul Diaz – RrSG

Matt Serlin – RrSG

Staff:

Marika Konings

Glen de Saint Gery

Gisella Gruber-White

Olof Nordling

Apologies:

Barbara Steele – RySG

Anil George – IPC

David Giza

Eric Brown – RY (all Tuesday calls)

Coordinator: The recording is just started. You can go ahead with your report. Thank you.

Michele Neylon: Could we have a roll call please?

Gisella Gruber-White: Absolutely. Good morning, good afternoon to everyone. On today's call on Tuesday, the 16th of February, IRTP B PDP group, we have Michele Neylon, James Bladel, Mikey O'Connor, Paul Diaz, Michael Collins, Berry

Cobb, Matt Serlin, Chris Chaplow, Kevin Erdman. From staff we have Marika Konings, Glen DeSaintgery, Olof Nordling, myself Gisella Gruber-White. We have apologies from Barbara Steele, David Giza, Anil George.

And if I could also please remind everyone to state their names when speaking, and I hope I haven't left anyone off the list. Over to you Michele.

Michele Neylon: Good afternoon everybody. It seems to be fewer of you than normal or maybe I'm just imaging it. Right. So just move on with what we had down here which was reviewing the constituency stakeholder group statements which on this super duper grid thing that is there in front of us. And where did we left that Marika?

Marika Konings: This is Marika. I think we left the Issue B the second comment.

Michele Neylon: Okay. Where's that got to.

Marika Konings: Although of course I think we, you know, we did already have broader discussions triggered by the first comment.

Michele Neylon: Okay. So issue - we got on to Issue B. All right.

Marika Konings: Yes. And I think we addressed the first comment but not specifically the second one.

Michele Neylon: Right. So we have - have we looked at the second one? Blah, blah, blah, blah, no we had - that does not look familiar to me at all. Okay, recommendation to implement a consistent policy regarding the proof required to undo a domain name transfer in this scenario notarized affidavit signed by the registrant and proof of identity. A template could be provided as a guide. Any suggestions, thoughts on that comment? Feedback? Anybody? Do you all think it's a good idea, bad idea?

Michael Collins: This is Michael.

Michele Neylon: Sorry. (Unintelligible).

Michael Collins: This is Michael Collins. Unfortunately I do have Adobe Connect working. It's acting like I have never used it and it's trying to - reloading the software. So I'm not on - I don't have an option to read that. Could you read it one more time for me Michele?

Michele Neylon: Sure. Recommendation to implement a consistent policy regarding the proof required to undo a domain name transfer in this scenario. Note the under proof being a notarized affidavit signed by the registrant and proof of identity. A template could be provided as a guide.

Michael Collins: Thank you.

Michele Neylon: Okay. Right. Mikey then James.

Mikey O'Connor: This is Mikey. I beat James by at least two microseconds. It's too bad Barbara's not on the call to expand this a little since it came from the registries. But I think what it gets back to is that speedy, you know, the theme that we've been talking about for quite a while, which is speedy end to harm and a rigorous process to resolve the dispute.

This falls at least in my view in the rigorous process to resolve the dispute part of whatever we recommend since it would be a pretty burdensome process to get done quickly I would think. But other than that I'm comfortable with it. That's just me.

Michele Neylon: Okay. James and then Chris.

James Bladel: Hi Michele. This is James speaking. And I'm reading this comment and I'm trying to find the context under which process are they discussing the

threshold for proof of identity. And there's a thing that, you know, this is a dispute resolution. Are they talking about for example it - would this be limited so it could not apply to any form of urgent return or PDRP changes that we were discussing earlier?

Our own - and the reason I'm asking that is because it kind of depends on who would adjudicate that that threshold had been met, whether it was the registry or the registrar in question. So there's some other questions associated with this comment.

And then finally I think that we have a process internally, and I'm probably going to get it wrong shooting from the hip here, but I think we do require that proof of identity includes two forms of photo issued, government issued photo IDs.

And I think that, you know, requiring a signed affidavit, a notarized signed affidavit seems a little onerous from where I sit, but, you know, maybe I'm just not viewing it in the proper context.

Michele Neylon: Okay. Just so the terms - just one question. How many photo IDs would most of you normally have? Just curious.

Mikey O'Connor: Two. This is Mikey.

Michele Neylon: Two?

Man: Two yes. Two.

Mikey O'Connor: Driver's license and passport. Those are the two that come right to mind.

Michele Neylon: Okay. Well I was just wondering because we have an issue over here where when they introduced to European legislation about anti-money laundering, and you end up with a situation where a lot of people couldn't open bank

accounts because they didn't have a passport and they didn't have a driver's license. So, right. Chris, Mikey, Paul, Kevin.

((Crosstalk))

Chris Chaplow: Well I guess...

Michele Neylon: I'm just - actually I'm going to skip Mikey by the way. It's going to go Chris, Paul, Kevin, Mikey. Sorry Mikey.

Chris Chaplow: Thank you. Okay Chris speaking. Yes, those were as notarized affidavit. They've bring shivers down my spine because I remember the old days when it was just NetWare Solutions. And simply to transfer a domain ownership required a notarized affidavit. And in those days, it wasn't internationalized at all. So down here it meant a hundred mile drive to the nearest American Consulate to find somebody to actually notarize that.

So, you know, it can also bring problems in different jurisdictions and places where there aren't notaries and what is and what isn't. And because that's so difficult to define, I imagine, you know, that in itself is going to cause problems. Thank you.

Michele Neylon: Okay. Paul?

Paul Diaz: Thanks Michele. I just wanted to follow on both what Chris and especially James said. To follow on especially with James, you know, we already do require the picture identification, a lot of other paperwork, etcetera.

I would just ask the group in the notes here to make it very clear that, you know, if sort of a left scratching our heads understanding, this just seems like an extra process and time consuming process at that because, you know, needing the hard copy of an affidavit and then, you know, getting that transferred to the registry to show them and all.

It just seem like it's going against the intention of trying to assist a registrant who's been harmed by an inappropriate transfer. And I was just kind of left wondering if the registry could just (unintelligible) could provide a little more insight to why they want to add more process when it's basically only going to increase the amount of time that will take, not necessarily guarantee that it's going to do - result in the - what the registrant would hope the end result because again there may be issues with providing the appropriate identification etcetera.

So it's just, you know, a question for the notes please to make it very clear that it's not at all clear how this helps undoing inappropriate transfers. And, you know, if the constituency could provide a little more insight to why they think this above and beyond what already is in place, why this would help as opposed to what appears to me to be more of a hindrance or a time consuming hurt.

Michele Neylon: Okay. Kevin and Mikey then James. And Chris is your hand still up or by accident or is that intentional?

Chris Chaplow: Apologies, accident.

Michele Neylon: Okay. Sorry. I'm just trying to make this reasonably fair within reason. Okay. Your hand is back up again. Okay. Kevin then Mikey.

Kevin Erdman: Okay this is Kevin. I just wanted to reiterate what point that Chris made which is that notaries aren't present in all jurisdictions. It really seems like something that is not particularly relevant to every registrant because, you know, the question would be from ICANN the - from the legal standpoint of a standee who has the standing to complain about the transfer.

And I think that's sort of the threshold issue that we need to deal with because for example if the registrant is an organization, then we have, you

know, the policy would have to make some provision for the - for that organization to be able to manifest its desire to get back the domain quickly.

And I think it would be a good idea if there were some way that the registrars themselves could provide for that identification of some mechanism rather than relying on post a notary or some other process which may or may not be that germane to, you know, the business of the registrars. So that's my comment.

Michele Neylon: Does anybody have anything - okay, does anybody because you all are coming back with very similar comments. I mean, there's different angles to it, but does anybody actually agree with what this suggestion about notarization and ID and everything? Does anybody actually agree with that?

Mikey O'Connor: Well this is Mikey. The point I was going to make is that I would bet that we agree on the intent of this comment which is during the dispute resolution process, rigorous verification of the identity of the parties and that we disagree on the mechanism that they chose as an example.

Man: Yes.

Mikey O'Connor: And that if we were to check with Barbara, I bet that she would agree too that, you know, if two forms of picture ID or whatever the, you know, set some threshold standard or some portfolio of mechanisms to verify the identity of the complainants but leave a little more flexibility than just picking one specific vehicle which, you know, I agree notarizing's a problem. That would be the distinction I'd make.

Michele Neylon: James?

James Bladel: Yes Michele, this James speaking. And I wanted to - I think Mikey expressed the same direction that I was thinking in here where I think that the sentiment is understood, but the implementation of verifying identification or what

constitutes sufficient identification is probably going to vary from situation to situation.

But I want to tie this issue - and I think it goes back to something that Paul was saying, back to the harm. I think that if we're talking about, you know, inappropriate transfer where the registrant and the admin contact disagree, I mean registrant in this case is trying to overrule that.

I mean, could that not be resolved similarly to the urgent return TDRP reform or anti-hijacking discussion that we were having a couple of weeks ago because I think that, you know, identifying the - or establishing the proof of identity of the registrant in that situation would be a component of whatever we propose in that. And I think that that then takes care of the sentiment that the registry constituency's putting forward here.

Michele Neylon: Okay. Berry do you want to add to that comment you had in the chat?

Berry Cobb: This is Berry. Not specifically. I support what Mikey was stating. We shouldn't be nailing down exactly how the ID aspects work but really kind of just carrying on to full disclosure here. I've registered a domain through Blacknight. And being a US citizen, part of that process was that I had to email a copy of my driver's license or some form of ID to complete that registration. It did slow things down a little bit but it certainly helped legitimize the process. Thank you.

Michele Neylon: Berry just to explain, the reason we do that is it's more to do with the credit card fraud than anything else. We're not saying that Americans are fraudulent, we're just saying that because of the nature of our business, we are a very, very large target for fraud, but thanks for the business.

Michael Collins and then Mikey.

Michael Collins: Oh thank you. But without advocating the requirement for notarization because I accept the difficulty, I will point out that it's probably a lot easier to falsify documents that are basically just photocopies or something that is faxed or emailed than to forge a, you know, original document.

And I think that the purpose of having someone notarize the person signing the agreement has presented, you know, original documents to a human being. It may provide some value. And at least I understand I think why it was - why it was suggested. That's all.

Michele Neylon: Okay. Mikey?

Mikey O'Connor: This is sort of piggybacking on what James was saying. I think that this is - this goes hand in hand with that discussion we had earlier about the - a couple of meetings ago about the urgent return. I have a feeling that what's going on is that we're dropping down a level of granularity below where we might want to be in that...

Man: Yes.

Mikey O'Connor: ...at some point we may want to actually go off and design a process.

And in that process of designing one of the - I think the thing to take away at least for me from this particular bullet is when we design the process to resolve the dispute, we should have rigorous ways to authenticate the identity of the participants.

You know, Michael's point is well taken. And again I think that there're probably lots of different ways to accomplish the rigorous identity thing without specifying one. And again, I wouldn't be surprised if Barbara would agree with that.

Michele Neylon: Okay. Question to everybody. Do we think it's suitable for us here to suggest a policy or a process for this or is it enough to simply state that a process or policy is needed if that makes - I hope that question makes some sense.

Mikey your hand is still up so I'll let you...

Mikey O'Connor: No, no, it's a new one. It's a new one.

((Crosstalk))

James Bladel: Michele this is...

Michele Neylon: Go ahead James.

James Bladel: Yes. I just wanted to jump in because that very question came up during the week that you were absent. And...

Mikey O'Connor: Yes, go ahead.

James Bladel: ...and we asked (Tim) to take that back to Council and I think that the answer was in the affirmative that it would like to see some proposals for policy, not just agreement that something is needed.

Michele Neylon: Okay. Well the question I was asking was more along the lines of what do we feel ourselves as opposed to whether the - whether the GNSO allow us to do that, if that makes sense. In other words, are we as a group happy to do it or are we happier just to say look this needs to be addressed but maybe we're not the people to do it?

((Crosstalk))

James Bladel: Well I think if...

Michele Neylon: Does that make sense?

James Bladel: It does make sense. Then I think then the quest - the follow up question is if not us, who?

Michele Neylon: Okay.

Mikey O'Connor: Yes. I agree. You know, this, Michele, this came up on that call that you weren't on. And the sense of the group at least on that call was we're probably the closest to this and the best qualified folks to take it on. Now some of us have been on this for a couple three years now. And if - like James said, if not us who?

Michele Neylon: Okay. Fair enough. Kevin?

Kevin Erdman: Yes I just wanted to reiterate I thought that the group is fairly positive about wanting to propose something. I guess the big question would be to what level of detail that we'd want to go. But I, you know, I was as much level of detail as it makes sense to, you know, try to figure out things that actually worked to the benefit of the registrants and the registrars, so that's my (count).

Michele Neylon: Okay. Okay thank you. Okay then. I think we'll have to come back to that then. What I would just personally, I'm against - as some of you know, I'm against all this subgroup rubbish because I just think it's totally pointless and doesn't really lead towards resolution of anything.

I am very much in favor of, you know, one or two people saying hey look I'll through something together and see what other people think. So would anybody be interested in volunteering to just kind of put down some kind of random notes on what we agree and don't agree on in terms of how we could start to approach this.

I'm not - it's like a kind of a rough kind of, you know, this is the kind of concept that we need. Would anybody like to throw themselves on the sword? It's a very nice sword. Mikey? James? Mikey?

Mikey O'Connor: I was just throwing myself on the sword.

Michele Neylon: Thank you Mikey. James?

James Bladel: Volunteering as well.

Michele Neylon: Okay. And I'll throw myself in there as well, but I think Mikey's very good at move - making things move forward so I appreciate and thank you Mikey.

Next one here - additional provisions are needed to have a uniform and consistent policy. Does anybody know what they mean by that? Marika you're very good at mind reading. Do you have any idea what they're talking about?

Marika Konings: This is Marika. I actually don't. We do have - I think Kevin's in the IPC on the call, so maybe he remembers?

Michele Neylon: Anybody? IPC people? Kevin?

Mikey O'Connor: This is Mikey leaping in because I think what they're talking about - this is leftover from previous conversations. I think that this is addressing the second sentence of the issue. The second sentence of the issue is the policy's clear that the registrant can override the administrative contact. But how this is implemented is currently at the discretion of the registrar.

And I think that what this comment is saying is perhaps to limit that discretion on the part of registrars but - and make this a bit more consistent. That's the way I'd interpret it anyway. And by the way, I'd agree with that.

Michael Neylon: I'm not just - I'm not going to want anybody to disagree. It that - would - does everybody think that that's what they're talking about? So this comes back in some respects to the previous comment? In other words, the recommendation to implement a consistent policy, you know, okay in that case sort of identity, but I think just having a consistent policy. Does anybody disagree with that? No. Fine. Okay. Michael Collins agrees a lot. Okay good.

Registrants need a way to address all inappropriate transfers. Registrants need a speedy mechanism to return domains to its previous operational state, coupled with a consistent, robust, transparent and timely dispute resolution process. Dear business constituency, thank you for the unwieldy sentence or (ma) dear Marika).

Mikey O'Connor: Guess who wrote that sentence? It was a little long. Sorry about that.

Michele Neylon: That's okay. I forgive you this time. Just don't do it again. James?

Mikey O'Connor: Okey dokey.

((Crosstalk))

James Bladel: Yes, I think - I think if you throw in the identification requirements that was mentioned earlier by the registry constituency, now that sentence starts to look like a requirements document for a process outline so I think that that's a good comment.

Michele Neylon: Okay. Does anybody wildly disagree with it? Does anybody have any other comments, positive, negative or otherwise to say about it?

James Bladel: Just to combine it...

Michele Neylon: No, fine.

James Bladel: I'm sorry. This is James. Just to combine it with the identification, some identification requirement as mentioned earlier.

Michele Neylon: Well it just - Michele here. Can I just suggest that maybe we need to just combine most of those into kind of into this random document we're working on because I mean there's nothing in there that I see as being really abhorrent. Mikey.

Mikey O'Connor: You know, I think that if James and you and I could bash out a first try at the process diagram or some diagram of this or description that we'd have a pretty good foundation on which we could hang these ornaments on a Christmas tree because it does seem all pretty consistent.

Michele Neylon: Yes. I'd agree and James is agreeing with you. I mean the other thing is well, as admin - I have some bits and bobs that are kind of random to do with establishing registrant identity in the case of there being no scrolled data which ICANN staff didn't seem to be too upset with so it's obviously not that bad.

Okay. Moving onto the last one here, or is that the same one. Oh it's a different one. Okay.

Such a dispute resolution process would depend for the most part on registrars which should allow for escalation when registrars are unable or unwilling to participate.

And before I open this up to the floor, that business constituency comment, escalation to whom is the obvious question I would have. Escalation to ICANN or escalation to the registry?

Mikey O'Connor: This is Mikey. I wrote that sentence so let me jump in again. I carefully avoided a couple of landmines in that sentence because one of the

landmines is the landmine of giving registrants the ability to trigger a process like this. We've talked about that before.

And I also very carefully left that to the group to decide. So, it's on purpose that it's not specific.

Michele Neylon: James?

James Bladel: Yes. Just throwing this out here, but it's - if we were to modify the consensus policy and it were adopted by the Council and Board, then this issue theoretically should be a task for ICANN compliance and not necessarily one where we would have to design it into the policy itself. If the policy is narrowly drawn, then compliance should be able to enforce consistent participation.

Michele Neylon: Okay. Anybody else? I'll just - my own thought as well, I'm not 100% sure about what to do with that. But I do like the idea of a neutral third party taking some of the responsibility for this, like overseeing it in some respect because I just think that ends - lends a certain degree more validity and also it means that I'm less likely to get sued. Just my own thoughts.

Okay then, moving on, Issue C, whether special provisions are needed for a change of 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.

Okay, issues as best addressed apart from this policy as IRTP only concerns transfers between registrars, not registrants. That's a comment from the RYC. That's registry isn't it or yes. Any thoughts on that? Kevin.

Kevin Erdman: Yes. That I think actually follows in a little bit with part of the last point talking about restoring the situation to before the transfer. And, you know, that would be my query is, is there ever a, you know, it seems like the typical hijacking case would be, you know, you know, the rightful domain owner all of a

sudden loses control of his domain, is no longer the registrant and the domain gets switched to another registrar.

That's the prototype case that we're looking for this, you know, quick dispute resolution and getting things back to the status quo prior to the hijacking. So it would seem to me that that part of our deliberation would be that that is the predominant case of hijacking.

That - and if that's the case, then that makes, you know...

Michele Neylon: Okay, so you would disagree is basically is your comment.

Kevin Erdman: Yes.

Michele Neylon: Okay. Michael Collins?

Michael Collins: Well I think that Kevin may be on to something because I also see that if we can't address registrant transfers at all, most of these opportunities to dispute the transfer are probably mute because if a registrant change occurs before the registrar change, then the original registrant before the hijacking can't really object to the registrar transfer, you know, registrar transfer, if they hijack, the hijacker registrant is the registrant at the time of the transfer.

So it seems like if we can't deal with this issue, a lot of this stuff, opportunity to discuss...

((Crosstalk))

Michele Neylon: Okay I...

Michael Collins: ...yes anyway. I think I'm finished.

Michele Neylon: I'll make this simple. Does anybody actually agree with that comment? Does anybody agree with that comment? Does anybody feel that this issue is best addressed elsewhere? Okay. I'll take that resounding silence to mean no.

Okay. Support for a modification for a list of reasons for denying a transfer to include this as a valid reason, provided that registrars include a provision within their registration agreement with registrant detailing this restriction and employing a mechanism by which a registrant may provide specific proofs of - proof of rights to the domain in order to bypass the 60 day restriction requirement.

Mikey O'Connor: Doesn't that put me down one on the list of long unwieldy sentences?

Michele Neylon: It definitely does.

Mikey O'Connor: Okay.

Michele Neylon: But that does not forgive you for producing unwieldy sentences. Two wrongs do not make a right.

Mikey O'Connor: All right, all right.

((Crosstalk))

Michele Neylon: James? For some odd reason you put up your hand. I wonder why.

James Bladel: Well I just wanted to say...

Man: Great.

James Bladel: ...I'm unpacking this very long - there's a lot contained here in this comment. And looking at its component, I think I'm in agreement with this comment right up until the point where it says employing a mechanism by which a registrant

may provide specific proof of rights. I think that's a separate issue perhaps.  
It...

((Crosstalk))

Michele Neylon: Can I - to...

James Bladel: For example, I mean there are other 60 day - there are other reasons for denial specified in the IRTP. And I don't know that they also include this exception for, you know, get around it bypass policy. So I don't know why this one would necessarily be, you know, singled out as an exception.

You know, I don't know. I'm just pointing out that I'm on board with this comment right up until it gets to that second or third or fourth point there.

Michele Neylon: Okay. Michael Collins and then Matt Serlin and then Mikey O'Connor again. Michael Collins?

Michael Collins: I just would like for us to maybe be specific in defining a registrar transfer. Does that mean just an email address change for the registrant or more I guess? That's all.

Michele Neylon: Okay. Anybody want to answer that question or deal with it?

Matt Serlin: Well I - hey Michele, it's Matt. So I think that's actually the next bullet here in the list. So I don't know if you want to try to address that now. But in my personal opinion, I would view that as a change of the registered name holder, not necessarily just an email address. It would be changing it from Matt Serlin to Michele Neylon for example.

Michele Neylon: Well then you - so basically you would work on the basis of a change to the registrant slash domain holder field in WHOIS?

Matt Serlin: Yes. That's what I - when someone asks me what a change of registrant is, that's how I would view it.

Michele Neylon: That's fine. That's fine. That's fine. Okay so let's - but does anybody view a change of registrant to be anything other than what Matt is saying?

Kevin Erdman: This is Kevin.

Man: Yes Kevin.

Kevin Erdman: And I think it goes to the basic question of standing and how do you know who the registrant really is, you know, because at some level if it's a company and some individual puts their email address as the company representative, that's a whole other level of indirection and that's...

Michele Neylon: (Unintelligible) just do - one sec - with all due respect Kevin, there's two things here which I think we need - we can split out. One is the - I mean the thing we're discussing is a change of registrant in term is, you know, what is appears as the registrant. The contact address is a slightly different animal.

Now I do understand where you're coming from, but I don't...

Kevin Erdman: Here it...

Michele Neylon: I don't want to go too far down that rabbit hole straight away.

Kevin Erdman: True. But what I'm saying is that just exposes, you know, the what I consider the whole weakness of the, you know, going back to that proof of identity concept which is if the registrant is a company and that seems to be a pretty high volume of registrants out there, how do you verify that someone is acting in the interest of the company? And that would be, you know, I think a fundamental question to say well has the registrant really changed because of something peripheral to the record which could be just as significant to the

administration of a domain as changing the text of the field that says registrant. So.

Michele Neylon: Okay. Matt I think was next.

Matt Serlin: Yes. So I just wanted to pick up on what James had said in regards to this adding another list of reasons into the transfer denials to account for a change, registrant change regardless of what that truly means. And I respectfully actually disagree with James in that in that I think we're taking - essentially that's a way to take a shotgun approach and just, you know, to address hijacking we're essentially saying that, you know, any registrant change would require a 60 day - would allow a registrar to deny a chance for 60 days. I don't necessarily think that that's the right approach. That means I personally, on behalf of the company, wouldn't necessarily agree with that.

Michele Neylon: James?

James Bladel: Yes. Just responding to my friend Matt on that point. I think that the other reasons for denial are in there for substantial purposes in that they identify a vulnerability. And I think that if we were to identify a new vulnerability and create something that I - I just feel that it should be treated consistently.

And I recognize that this could cause an issue with respect to I want to say exchanges of registrations between registrants for whatever reason, whether it's bought or sold or whatever. But this could be an impediment to that type of transaction so that maybe that's where the request for a bypass is coming from but I just, you know, wanted to hold this up as on par with some of the other reasons for denial that identify the security vulnerabilities.

I had one other thought Michele, and I just wanted to help muddy the waters a little bit. It's - a lot of what we're discussing in Issue C, country codes will sometimes have their own type of transaction that they will call a trade.

Michele Neylon: Um-hmm.

James Bladel: But it's not really - it's analog. It's not really defined in the gTLD space. And I wonder if there's any merit to looking into that - to looking into how some of the country codes operate that.

Michele Neylon: Okay.

James Bladel: I'm just putting that out there as a question. I really don't know - I'm not familiar with how they all do. I think there's some registry involvement in just about all cases so maybe that's something we're not or...

((Crosstalk))

Michele Neylon: Oh as (pardon me) that's the - I'm - the only ones I'm aware of all involve registry interaction.

James Bladel: Okay.

Michele Neylon: For example, I bought about ten COUKs in the aftermarket this morning. And I was able to trend to the entire change of registrant directly through Nominet in cooperation with the seller. It took like 30 seconds. The thing coming back to the - who the exact - the registrant is, I mean the case of COUK, you cannot change the bit that appears in the registrant field without it going through Nominet. I can change say the email address without going through Nominet. I mean it gets updated with Nominet but I don't have to go through them. Matt.

Matt Serlin: Yes. I was just going to pick up on what you had said. And I think James brings up actually a good point. You know, the one thing that I would say that those sort of registry models encourages is its standard across the board.

So Michele like you just said, in order to update any ownership record on any dot COUK name, you have to go through the same process. And that's clearly something that's lacking today in the gTLD space.

Now whether or not the gTLD registries are open to something like a trade program or something like that that does require registry involvement is obviously a different question. But I think James brings up a good point.

Michele Neylon: Okay. So this is to end up - Mikey go ahead.

Mikey O'Connor: This is Mikey. I think that I'd like to weigh in in support of Part 1 of this paragraph that we ought to acknowledge this situation in the list of allowable quantitatives for denial.

Michele Neylon: Okay.

Mikey O'Connor: And the second part, I'm thinking that I'd like to attach our comment down at the bottom of the list to this. I agree with James that I don't think it's a good idea to have a unique process for this particular reason. But that if we had a consistent process for all of the holds that maybe this could go in that pile. And in that case I would be more inclined to support something like this, but across the board rather than unique to this particular cause of denial.

Michele Neylon: Anybody else want to weigh in on this? James.

James Bladel: Yes, just that I wanted to support what Mikey was saying and point out that, you know, some registrars have adopted these restrictions and include them in their registration agreement I think because they recognize the shortcomings and the ineffectiveness of our anti-hijacking or rapid return tools that we currently have at our disposal today.

And so, you know, as Mikey was saying, we're able to close that or remedy that situation then maybe this is more of a symptom of the same virus. And if

can just take a more holistic approach to this problem, some of the needs for this might be mitigated somewhat or at least the frequency is how often this scenario comes up.

Michele Neylon: Okay. Anybody else? Okay then. Right. So okay, just to summarize the kind of feedback we've had from this, most of you seem to accept with the dif - with the exception to Matt, most of you seem to support the idea of some form of denial of transfer based on a registrant change, but we're not 100% clear how best to define registrant. And very few of you like the idea of being able to bypass the restriction or did I pick something up wrong.

Okay moving on. Last one quickly and then we better finish up because time's running out. Need to develop a clear and concise definition of what constitutes a change of registrant. Okay. Does anybody have any thoughts on this apart from what we've already heard? Does anybody disagree that the concept of a change of registrant needs to be dealt with? Michael go ahead.

Michael Collins: I would like to go on board with - in agreement with the idea that the email address should not cause - not - should not be - the email address change alone should not necessarily be considered a registrant transfer.

I have recently had a situation myself where - and I imagine this is not all that infrequent - where I realized that I had used an email address in my registration that I was no longer - that was no longer active, that I was no longer using.

And so I wanted to do a transfer, sorry registrar transfer. And it was easy enough for me to change the email address before I proceeded with the transfer because after all I'm going to get confirmation emails or I would have never received confirmation emails if I wouldn't put it.

So either - it was either going to be wait 60 days which could be burdensome if the registrar changes pricing policy or changes pricing or other policy that

you didn't like and your renewal date was coming up. And then I think renewal of a domain name is another reason for - is it or not - I apologize if I'm incorrect. Is that cause for another 60 day hold?

Michele Neylon: No.

Michael Collins: Another 60 day.

Michele Neylon: Categorically no.

Michael Collins: Okay. Well it - I guess it provides - it would still provide some hardship possibly if you wanted to transfer your domain name to avoid renewing it at current registrar in the 60 day hold. You know, was - you were caused to do that because of the 60 day hold.

I think that there is some valid concern for hijacking, but I think as long as the other registrant data doesn't change, and we have the other policy things that we're talking about, changes that would allow dispute resolution to be handled quickly, it may be enough that just the registrant field is consistent. Thank you.

Michele Neylon: Just coming back on this. I mean in relation to this thing with the email, if transfers are the problem, under the current policy, a registrar may accept the FOA in other forms other than purely electronically. I mean we had to do it for a client there the other day because they did no long - they no longer had access to that particular email address. We'd have to get a signed FOA with a copy of their passport which is fine as far as the policy's concerned. Is that a big hurdle for people? Chris?

Chris Chaplow: I did ever mention your question, but my thought on the changing of the definition is surely is just the change in the field. I'm not sure what the registries are asking here. Are they saying accept spelling mistakes or little changes like that? It seems a fairly obvious question to me.

Michele Neylon: So when does this spelling mistake become a major change? Where do you draw the line? Chris.

Chris Chaplow: Well from the outside it's difficult to know isn't it from the outside the change of an I to an A in a word in a company name might seem sort of innocuous. But it is conceivable that you're actually changing it from one company to another. So that's where it's a difficult one.

I was just wondering, is that what the registries are meaning by this? We're simply here talking about the name of the registrant field changing or is it something wider to do with addresses and emails?

Michele Neylon: Okay. James?

James Bladel: Yes. I think - I didn't take anything too specific away from this comment, just that definitions were needed. One thought would be that the registrant's name and organization name are locked fields if you will or flagged fields that any change to those fields will put some sort of a transferable on the name.

I think that if we start to go down the path of, you know, if there's an evil person out there and her name is (Jane Bladel) and she decides to compromise my account and take all of my domains, I just would hate to go down the very fuzzy logic problem of determining how many letters constitute a significant enough change to lock the name.

I think changing the name, changing the organization name or going from, you know, an organization only to an individual only or the reverse of that, you know, just getting those out there on the table is clear cut cases of situations where I think a registrar should be able to guard against that name transferring out for a period of time.

Michele Neylon: Just to add, coming back to the ccTLD example with Nominet for example, any change of any type to the registrant field, only to the registrant field, nothing else as far as they're concerned constitutes a change. The only exception that they have ever made for us was the removal of extraneous characters that have ended up in the registrant field.

So for example, you know, when you when you're going to copy and paste a doc - a text from one doc - format of a document to another and you end up with all those weird characters that don't mean anything, those kind of things they would fix because they just didn't make any sense. But everything else they consider to be a registrant change. James.

James Bladel: Yes and just real quickly, I think this definition is also important in defining what doesn't constitute a registrant change. And it's just normal maintenance and management of the registration such as phone numbers, fax numbers, addresses and things of that nature.

But again, there's a vulnerability in publishing that to the wide world because now you've essentially given the blueprint to would be hijackers on which field you're looking at and which field you aren't. So I think that there is some value in at least not - in changing that and keeping that somewhat fluid, so.

Michele Neylon: So maybe we need to just remove WHOIS from the picture. Whoops, did I say that out loud. Okay guys. It's gone past the time so I think we better call this a day. A couple of you threw yourselves on metaphorical swords, so Mikey, James, Paul Diaz and myself and probably best thing to do is liaise about - with each other via email and see if we can push something forward.

And if anybody else has anything else they'd like to follow up with in particular relation to definitions of registrants and anything like that, please feel free to use the list or if you want to just Ping other people in the group, do so. I'll talk to you all next week. Okay?

Man: Thanks. Bye now.

((Crosstalk))

Man: Thanks Michele.

Man: Thanks Michele, goodbye.

Man: Thanks Michele.

Mikey O'Connor: Thanks Michele.

Michele Neylon: Thank you.

Man: Bye.

Man: Bye.

Coordinator: Thank you for...

END