
ICANN Transcription

Transfer Policy Review PDP WG

Tuesday, 23 November 2021 at 16:00 UTC

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JULIE BISLAND:

All right. Good morning, good afternoon, and good evening, everyone. Welcome to the Transfer Policy Review PDP Working Group call taking place on Tuesday, the 23rd of November 2021 at 16:00 UTC.

In the interest of time, there will be no roll call. Attendance will be taken by the Zoom Room. For today's call, we have apologies from Barbara Knight (RySG), Owen Smigelski (RrSG). They have formally assigned Beth Bacon (RySG) and Essie Musailov (RrSG) as their alternates for this call and for remaining days of absence.

As a reminder, an alternate assignment must be formalized by way of a Google Assignment form. The link is available in all meeting invite e-mails. All members and alternates will be promoted to panelists. Observers will remain as an attendee and

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will have access to view chat only. As a reminder, when using the chat feature, please select everyone in order for all participants to see your chat and so it's captured in the recording. Alternates not replacing a member should not engage in the chat or use any of the other Zoom Room functionalities. If you're an alternate not replacing a member, please rename your line by adding three Z's before your name and add alternate in parentheses after your name, which will move you to the bottom of the participant list.

Statements of Interest must be kept up to date. If anyone has any updates to share, please raise your hand or speak up now. Seeing no one, if you do need assistance updating your Statements of Interest, please e-mail the GNSO secretariat.

Please remember to state your name before speaking for the transcription. Recordings will be posted on the public wiki space shortly after the end of the call. And as a reminder, those who take part in the ICANN multistakeholder process are to comply with the Expected Standards of Behavior. Thank you. And over to our chair, Roger Carney. Please begin.

ROGER CARNEY:

Thank you, Julie. Welcome, everyone. I just have a couple things to kick us off. Just to note that we are processing our PCR, our project change request to Council to move section H which is to do with NACKing of a transfer, denials for transfer. We're going to move that section up and talk about it prior to the bulk discussion that we'll have. So just to give everybody notice, we'll move that discussion again, H. I think there's two charter questions there and

it deals a lot with this whole first part of transfer, so we thought it would make sense to get it in here and settled before.

We know that there's going to be some overlap with some of the dispute mechanisms as the NACKing comes up in those, which we may touch on, but we won't get into those in detail until phase two. the NACKing, we hope to solve here in phase 1A so we can move on.

Moving into that, this is a tentative outline and schedule for our next meetings just so everybody can have a general feeling of what we're going to look at hopefully. If we keep on schedule here, we'll look at doing these things for the next month or so. And again, we'll adjust this as we make progress. And if we have to push things, we will, but this group has done well in pulling everything forward.

And again, here, you can see that we'll talk about the NACKs and then start the bulk early next year, is the goal. So we'll start the NACK discussion in December. Okay, I think that was all of my early things, but I did want to give a few people some time here. I know Steinar had sent a good e-mail to the list early this morning, and I just wanted to give him some time if he wanted to talk about that. It was as good e-mail. Please, everyone, read it. Good input from the group. So I think, please take a look at it. I'll give Steinar the floor if he wants to talk about it.

STEINAR GRØTTERØD: Hi. I just want to emphasize that this was kind of a poll to feel the temperature in the room, is, I guess the good English expression,

from the CPWG members about the 60-day lock. So one way or another, it's not something that is written in stone.

But we had a very fruitful discussion and ended up with some tendencies that the group sees more benefit of not having a policy with requiring a 60-day lock after the initial registration of a domain name. There are slightly less of a majority that are in favor of keeping the 60-day lock after a successful transfer of a domain name, and we kind of didn't quite succeed or agree upon whether the 60 days was the preferred number of days to have these kinds of locks, etc.

Regarding the question about opt-in for registrars to implement these proposed policies, we agree that there should be some sort of consensus and a policy that requires all the registrars to be treating these kinds of questions as the same.

I also noticed there are some typos in the e-mail I sent out this morning my time, but I guess you get the feeling what is coming on or what we're trying to explain. And again, I'd like to emphasize, this is kind of a temperature of the room at the CPWG and is, again, not written in stone. Thank you very much.

ROGER CARNEY:

Great. Thanks, Steinar. And again, it's just great that the group's actually talking about it this early. So it's good even if it's not their final input on it, because we've got many iterations to go here yet. But it's good to hear and see what people are thinking early on. So I open it up to the floor if anyone has specific questions on Steinar's e-mail. And again, I know he just sent it out so some

people haven't read it. But I'll give a chance next week for people as well to talk about it. Zak, please go ahead.

ZAK MUSCOVITCH:

Thank you, Roger. I had the pleasure of listening in to that CPWG meeting where Steinar led the discussion. And of course, Steinar did admirably well. But he had his hands full, in my opinion, because a lot of people were expressing their opinions having not heard the full deliberations of this working group or have not been particularly familiar with the issues that need to be considered on these locks.

So I think that when it comes to other constituencies and stakeholder groups considering the decisions of this working group, it would go a long way for this working group to have a presentation that can be shared with other constituencies to help explain the rationale and considerations if and when consensus is reached by these members. Thank you.

ROGER CARNEY:

Great. Thanks, Zak. Yeah, and I was thinking along the same line. As Steinar pointed out, this is early discussions. And I'm grateful that he brought it up and it was talked about. But to your point, yeah, you lose a little when you're not in the discussion. And when we get to what we propose is our final—I think as we include those discussions and decision points, hopefully that helps others understand what was talked about and the reasons behind them. So I agree that that extra context always is helpful. And I'm just grateful Steinar was brave enough to bring it up and talk about it in

the open without actually having all that detail to give his group there.

Okay, any other questions, comments? I'd also like to invite Owen—Owen is not on. Okay, so we'll get Owen's input next week. I know that he ran a similar poll for the Registrar Stakeholder Group and he had that close off yesterday, I think. So we'll prompt him next Tuesday in our meeting to share any results that they found there and any discussion they had.

I think that was it, so we can jump into our agenda here and go back to looking at the losing FOA candidate recommendations. We had a great discussion last week and it allowed us to update a few of the recommendations to more align with what everyone was thinking and got clarity out of several of them. I think what we'll do is jump back in and go over this again with a few additional questions. I don't think Recommendation 12, there was a whole lot of discussion on that. If anybody has any concerns, please bring it up. Otherwise, Emily, please go ahead.

EMILY BARABAS:

Thanks, Roger. Hi everyone. I just wanted to note in Recommendation 12 before we move on that we did propose some language in a footnote as discussed on the last call that essentially, should this recommendation be considered without the accompanying response to the charter question rationale, it simply refers to the other recommendations so that it's clear that the losing FOA is not just being eliminated but that other elements are being introduced in its place. So if the language is okay, we'll keep

it. And if anyone has suggestions for adjustment, please feel free to drop those into the document. Thanks.

ROGER CARNEY:

Great. Thanks, Emily, for pulling that up. Yes, and looks like several people have supported in chat, so looks like, let's go with that until someone else wants to comment on it or provide comments in the doc. We'll go with that language for now and move forward on that.

Great. Okay, let's jump into Recommendation 13 which I think we spent quite a bit of time on last week. And a little bit of it was just some confusion on the wording that we tried to correct here. And I think it's important that we go back over it and make sure that it does say what we ended up getting to last week. So let's go ahead and look at Recommendation 13.

“The working group recommends the registrar of record must send a notification to the RNH as listed in the registration data at the time of the TAC request without undue delay but no later than ... some period of time after the registrar of record provides the TAC. If the registrar of record provides the TAC by e-mail and the registrar of record also notifies the RNH of the TAC request using e-mail, the two messages may be combined in a single e-mail. This notification may be written in English and/or a language of the registration agreement. The working group recommends the registrar of record be required to include the following elements in the notification of the TAC provision.”

And that is, the domain names being referenced, the date and time the TAC was provided, and instructions detailing how the RNH can take action if this request was invalid or is no longer valid, I suppose. So yes, how to invalidate the TAC for either reason.

So I'll open it up to the floor and see if this rewording here—as you can see in the middle, a sentence added and one removed here—to try to clarify what would be [inaudible]. So I'll open it up to anybody with comments. If this works, if there's a better way of saying it. I don't know if we got any comments on that update [inaudible] specifically. Sarah, please go ahead.

SARAH WYLD:

Thank you. I have a comment and a question. Comment, Owen did send an email to the list suggesting that we can allow for some flexibility in how that notification is sent. So where it says, in brackets, specify method of sending, he references the stuff in the expired registration renewal policy where it says send it approximately a month prior and approximately a week prior, and there's a notes section that kind of explains what that means.

So he's suggesting that we can include a note. So I'm just looking at his very bottom paragraph there, notification format. I'm definitely into that. I think it's a good idea.

I do have a concern—or I guess that leads to my question, which is, have we detailed requirements around keeping records of what is done here? Because I imagine that a registrar might at some point need to demonstrate that they have sent the notification, and

so we should probably require registrars to keep records of that. But I can't remember if we've done so. So I would be more comfortable allowing SMS or other secure messaging systems, provided that we are requiring records. Log files, yeah. Thank you.

ROGER CARNEY:

Great. Thanks, Sara. And thanks for bringing this up. I was going to leave it for Owen to talk to next week, but since you brought it up, his e-mail message on this, about trying to be general in these few spots and providing some examples later on. But thanks for bringing that forward.

And to your point on the logging/whatever you want to call that, yeah, we briefly talked about it. I think as much as every few calls, we said yeah, we need logging to make sure that yeah, those things are occurring and can be proven that they occurred. But we haven't gotten any specifics on that, especially Sarah's favorite time to capture those, how long should the logs live, etc. And I think not just what's in it, but obviously, you have to be cognizant of retention policies around that. Jim, please go ahead.

JIM GALVIN:

Thanks, Roger. I put this comment in the document there and I'm just going to read it out here too. It's a question, really, to the group. I notice in the middle of recommendation 13, I think this is kind of a consistent point here about generalizing things. Do we really need to call out e-mail here? Can't we just say that these two things can be combined into a single notice and not otherwise

speak to the issue of what form that notice takes in this place? So that's a question. Thanks.

ROGER CARNEY:

Great. Thanks, Jim. And maybe we can come up with some wording on that. I think the one thing that everybody kept falling back to in their example was if the TAC is provided in a portal— and making sure that the registrant had some notice. And to your point, that could be in any mechanism, but everyone just got to that e-mail spot by natural, I think, because that's the way it's been. But to your point, yeah, I think that maybe we can look at changing that. We just had to come up with a way to specify that. So Kristian, please go ahead.

KRISTIAN ØRMEN:

Thank you. Sorry I was not at the meeting last week. Maybe this has already been discussed. I'm really happy that mention of language of registration agreement is in there, but if I read the text correct, it's not mandatory. And I think as this serves as some kind of security mechanism, the language of the registration agreement is a must and not an option.

So I would be happy if we could change that. It's fine to add English as well, but the registration agreement language should be the priority. Thank you.

ROGER CARNEY:

Good eye there. Others' thoughts on that? A majority of these will probably be in English, but I think the point there is I think in all

other policies, it's dictated the registration agreement is the language of choice. So I think any complaints or comments on changing this to a must if it's not English, you have to provide it in the registration agreement language as well.

And I don't know, we can probably pull it out of other policies, that wording, because I think it's in several other policies that talk about that. And I can't remember if it's a must in the registration agreement language and English if it's not. I can't remember exactly the wording on that but I think we can [inaudible]. Theo thinks it may be in the UDRP policy. Okay. We'll find it for sure.

Okay, so besides the change we made—Sarah, please go ahead.

SARAH WYLD:

Sorry to interrupt you, Roger. I want to go back from the languages to the previous sentence that Jim brought up about the e-mail and the messaging. I think our goal was that if the registrar provides the TAC by one method and the notice to the same person by the same method, it can be combined. So I would be okay with that. Thank you.

ROGER CARNEY:

Yes. Correct. And I think I was going back there, so thank you. I think that we were just tripping on the issue of if it's provided in one mechanism to the requestor, there still has to be a mechanism to the registered name holder if they're different. I think that's what our biggest point was. Maybe not. Others can correct me, but I think that was the key. Thank you, Sarah.

Okay, any other questions? I think we'll have to look at trying to change the e-mail. And maybe we can even do that with Owen's wording of the examples, may help us if we put those in. Okay, any other comments or questions? Let me see here.

The one thing that we haven't settled on—and I think this one might be fairly easy—is the timeline here. And Owen also brought this in, but we mentioned without undue delay, but no later than ... Is there an appropriate specific timeline here, or as Owen mentioned, is there a buffered timeline that we give here? Kristian, please go ahead.

KRISTIAN ØRMEN: Thank you. I was thinking if we could turn it around and say that you either send the notification and the TAC at the same time or you send the notification first and the TAC afterwards.

ROGER CARNEY: Send the notification to the registrant?

KRISTIAN ØRMEN: First, and then give out the TAC. Or do both at the same time, because if you give out the TAC like today and you send the notification tomorrow, the domain is maybe already transferred. So it makes much more sense to turn it around.

ROGER CARNEY: Yeah, and I was kind of thinking along the same lines as you, Kristian. If there is a timeline there, it would have to be a fairly

short timeline to make it practical. So maybe you flipping that around helps that a little.

KRISTIAN ØRMEN: Yeah, if you turn it around it doesn't matter if it takes a day. If you send a notification today and the TAC tomorrow, you're still good. That's fine. But if you send a TAC today and notification tomorrow, that's a no go.

ROGER CARNEY: Good. Other thoughts on that? Theo, please go ahead.

THEO GEURTS: Thanks. I was just wondering, undue delay, is that perhaps some legal definition? In some sectors, undue delay means something has to be provided, like records, within four weeks. I think in this example, undue delay would be way too long when it comes to four weeks. So maybe some lawyer wants to look into it. I'm not one and I don't pretend to be one. Thanks.

ROGER CARNEY: Thanks, Theo. That's interesting. I don't know either. And I'm not going to pretend to be a lawyer. But I think that if we came up with a period that is no longer than a certain period, we can kind of handle that undue delay as well that way so that we can, to your point, not make a four-week or add an X amount of time, when if we set that period correctly, then it has to be within that period.

Okay, any comments on maybe reversing this a bit and tackling it with the sending of it? Either separately or sending them together. I think it makes sense to mention this in one recommendation so it doesn't get lost, I just think that getting to the right wording is the important thing.

Okay. We'll take a look at that. Sarah, please go ahead.

SARAH WYLD:

Thank you. Maybe the wording needs to be the other way around, like if our goal is to make sure that the registrant gets a notification, maybe that's what we need to say in here. Instead of saying if you're providing the TAC and also the notice by e-mail, you can send just one, we should say in the event that the notice—I don't know how to word it, but do you know what I mean about saying the goal is to make sure that the registrant does get notified if you're not sure that that has happened?

ROGER CARNEY:

So just start with that, and you don't care, say, the registered name holder must be notified, and if the TAC is presented to the same individual, that can be done at the same time.

SARAH WYLD:

Yeah, something like that. The registered name holder must be aware or informed that the TAC has been provided, which could occur by providing it, it could be a separate notice. That also doesn't quite flow, but yeah, thank you.

ROGER CARNEY: Thanks, Sarah. I think that was what Kristian was trying to get at as well. Okay, there's been some good chat going on about the language option in the second to last sentence there. So it looks like we have a couple that we can pick from and what makes sense.

Okay, any other comments on 13? Doesn't sound like anybody wants to commit to a period here. And I don't know—yeah, it may be that period changes if we restructure that. Theo, please go ahead.

THEO GEURTS: Yeah. Correct me if I'm wrong—and my brain got kind of scrambled after six hours of NIS2 meetings, but isn't there some language in the RA that an authorization code must be provided within five days? And isn't that our golden number? Just throwing it out there. Thanks.

ROGER CARNEY: Thanks, Theo. I think that's one—and again, I think if we word this, that's one of the numbers we're concerned with but not the only number. Kristian, please go ahead.

KRISTIAN ØRMEN: Thank you. The five days is the like time to give out the TAC from the requests. We're still talking about the notification here, right? And that has to be really quick if it's after giving out the TAC. So

five days would be way too much. I'm thinking like ten minutes if it's after ... So that's why I would prefer to turn it around and do it before instead of after, because if we wait too long, the domain is already transferred and like before, people get the notification.

ROGER CARNEY:

Thanks, Kristian. That's what I was thinking, there's multiple numbers there. And we have to time that appropriately. Yes, there's a five-day to present the TAC from request, which I think everybody is comfortable with right now, so I think that's what we're going with now until someone comes up with some reasoning for a different time period there.

But yes, I think if we reword this so that there has to be a notification to the RNH first or together, somehow come up with that. I'm sure we're going to challenge staff here on coming up with something that makes sense since none of us can really come up with it right now.

Okay, so I think we have some more edits to this. And again, maybe just restructuring it so that it's in a more chronological order and ... Emily, please go ahead.

EMILY BARABAS:

Thanks, Roger. So it might be helpful for us to go back at some point to the transfer steps and notification spreadsheet, because we had sort of four different notifications that we were talking about and four different points at which notifications could potentially happen. One was about the notification of TAC requests which would happen essentially following the request of

the TAC, and we have that in the recommendations, but at the moment, it seemed that the group was trending towards making that optional.

And then the second one was the notification of TAC presentation, which was sort of timed to be in the spreadsheet after the TAC had been presented. And if I'm understanding correctly, it sounds like Kristian is leaning towards it being more useful for that notification to come earlier, which may mean that perhaps it should really be the notification of TAC requests that should be mandatory and that notification of TAC provision should either be optional or could go away potentially if it's not necessary to have both. And we can talk more about some of this other stuff too, but I think there's a few places here where we've talked about potential notifications and also combining or eliminating some of them. So it might be helpful to put that back in the mix, that all four of those are presented currently in the recommendations. But that doesn't mean that's where we need to be headed. It's just where the conversations previously left off. So please set me straight, Kristian, if I got wrong what you were saying. Thanks.

ROGER CARNEY: Thanks, Emily. Kristian, please go ahead.

KRISTIAN ØRMEN: Thank you. I think you got it right, I just wanted to be precise, to be sure. I think only one notification is needed. I think most registrars are going to do the presentation of the TAC and the notification directly at the same moment. But I think the policy should allow

people not to do it at the same moment. And if they don't do it at the same moment, the notification has to be before the TAC. But I really think that 99% of all registrars would do it directly at the same second.

ROGER CARNEY:

Thanks, Kristian. And I agree. I think that most registrars are going to send one notice here. But I think that to me—and maybe I'm not thinking about it right—there's a difference between the notification of transfer request and the presentation of the TAC. And I think that the thing that we're trying to do is the notification of the request may come a minute after someone made the transfer request and it's sent to the registered name holder.

I think the thing we were trying to do with the TAC presentation was if that's only being presented in a certain way, then the registrant may not know about it. And that's why we wanted to provide a mechanism to notify the registered name holder at some point. And again, I think the request is separate than the TAC presentation. If the TAC presentation is done via the registrar portal, then whoever requested it will get it instantly, and the registered name holder is never notified that a TAC was created and a transfer may be coming. And I think that was the issue we were trying to get around.

So I think the TAC request is probably something that's going to happen on very few—even less than what Kristian said—the TAC request is probably going to come on high value domains or customers or something like that, and the registrar is going to take some time to evaluate the request itself. I think a lot of transfers

aren't going to go through that process, as Theo mentioned it, and I think it's going to be fairly automated system-wise. Someone makes the request and it's going to do the policy checks, yes, okay, we can send this, and the system is probably going to present the TAC fairly immediately. But again, if that presentation of the TAC is not to the registrant, we wanted to make sure the registrant was made aware of it when the TAC actually went out. Theo, please go ahead.

THEO GEURTS:

I'm slightly confused, because it says provide TAC to domain name owner. So if you provide it to the domain name owner, it's automatically the registrant. So how can there be a difference—it always goes to the domain name owner, that's always where it circles back to. So I don't see the distinction.

ROGER CARNEY:

Thanks, Theo. I think probably, the easiest one I can draw an example for is someone logs into the registrar portal and makes the TAC request, and the TAC presentation is via the portal, not via e-mail or anything. So if they make the TAC request and it's approved and presented to them, that may not be the domain holder.

So to your point, I think that's the line we're trying to draw, is that that notice has to go to the domain owner as well, not just to whoever may have made that request, whoever has control of that upper level of talent or whatever that is. Sarah, please go ahead.

SARAH WYLD:

Thank you. Hi. I think that in cell B4 where it says provide TAC to domain owner, I think that was me making a mistake or just not being super precise when I put this chart together, because as you can see in column E, we have had conversations around if we need to determine exactly to whom it can be provided. And that's where we've come to this whole conversation about, if it's obtained in the account, what do we do about that? Which is why we have the next row down sending that notification.

So to Theo's question about where it said provide TAC to the domain owner, I really think what I should have put there is provide TAC. And to whom it's provided is kind of separate. Thank you.

ROGER CARNEY:

Great. Thanks, Sarah. Okay, so are we making this any clearer? And I think on this draft recommendation 13 we're talking about specifically here—unless Emily can jump in and say we're not talking about this row here, but I think the 13 ties to this row four and five here. And that's what we're trying to verbalize or put into language, how you do that, and making sure that the registrant is notified no matter who else is notified.

Okay, no other comments, questions? Again, I think that 13 will need to strengthen up somehow and maybe put it in a different order so that it flows—we're making sure that the registrant gets notified no matter if they were the ones requesting or how that request is going to be provided back. So I think that we just had to come up with a wording that'll allow that.

And it's interesting because I think we've kept saying there's two mandatory and two optional notifications here, but I think we're coming up with another mandatory one if certain conditions exist, meaning that the requestor may not be the registrant. So I think we're coming up with a third mandatory one.

SARAH WYLD: Sorry, Roger, a third mandatory notice? You lost me somewhere.

ROGER CARNEY: So right now, the ones we've talked about, the mandatory notices are the TAC presentation and the transfer is complete. But the TAC presentation may drive two different notices. It may be one to the registrant and then the actual TAC presentation. Dtns?

SARAH WYLD: Yeah. Thank you. So for TAC presentation, that's the cell that I've highlighted here, D4? Because if that's the case, we thought that we don't need to define the template for that. If it's sent by e-mail, it might say something. If it's sent by text message, it might be a shorter kind of message. Is it necessary to create a template for that? I'm not sure. Is that the one you were talking about though?

ROGER CARNEY: Yes. And I think that the interesting thing is not just four here, but as you said, in five, saying—that there are two communications that have to happen here, or just one if it's the same person. So if the registrant is the one requesting this—which probably will

happen quite often—then there's only one notice that's sent here and that's the TAC because the registrant is notified that the TAC has been sent.

But the problem is when the TAC and the requestor or the registered name holder and the requestor aren't the same people, when the TAC is presented, there has to be at least two notifications there, right? One to the registered name holder saying the TAC was provided, and to your point, what that says specifically, I don't know that we have to get to that yet.

But then there's the TAC presentation itself as well, which may be, to your point, an SMS that says hey, go here and there's the TAC. But I think there may be that extra communication or notification here. Sarah, please go ahead.

SARAH WYLD:

Thank you, Roger. I do agree that there could be two separate messages presented in some methods. One of them is showing or providing the TAC to whoever requested it and the other one is telling the registered name holder that the TAC has been provided. That second one, we have a template, we are saying that it's required, but the first one, just displaying on the screen here is your TAC or sending it by some methods, I don't know that we need to have a specific copy that we require for the message. Thank you.

ROGER CARNEY:

Thanks, Sarah, for that clarification. Now I understand what you're pointing me to. Kristian, please go ahead.

KRISTIAN ØRMEN: Thank you. I'm not sure why you would call it a notification when you provide the TAC. The TAC could be provided in the control panel, in e-mail or SMS, or with an API from the reseller to the registrar or API from the registrant to the registrar and so on. There are many ways to provide the TAC, and I would never phrase it as being a notification. It could be provided in the notification to the registrant because it is the registrant and they need to get the notification and the TAC could be in that mail, but I wouldn't call it a notification to provide the TAC.

ROGER CARNEY: Thanks, Kristian. Yeah, that's a good point that we can add for clarity so we can separate that so we're not calling it a notification, and it's just the TAC presentation itself. Or not just the presentation—TAC provision—we'll have to come up with something on that. Jim, please go ahead.

JIM GALVIN: Thanks, Roger. Here's a suggestion for a way to approach this. I think it might be about the timing of the provisioning. So maybe what you want to say here is provide the TAC and what you want to say about the messaging is the distinction to be made here is, am I providing the TAC at the moment of the request, at the same time as the request, versus I'm going to provide you the TAC as an asynchronous operation? That's the word to use. Is it asynchronous provisioning of the TAC or is it asynchronous? Because I think that might be the way to think about this. And that

also then gets you down to the next step about the notification, because if it's a synchronous step, you may actually want to do explicitly a notification about what information is on record, who the registered name holder is or whatever you want to do there. And that's the distinction to make. I hope that's helpful. Thanks.

ROGER CARNEY:

Thanks, Jim. Okay, any other comments on draft Recommendation 13? Okay, so we have some more rewording to do there. We'll come up with that. We'll pull this back and iterate on it again so that we get clarity and we're getting out of this the expected results of notice to the registrant if needed—I should say always notice to the registrant and just depending on other mechanisms, what the other steps are there. But the registrant always has to be notified, is what I think we've come to here. And that may be still one message if it's to the registrant itself.

Okay, let's move on from 13 then and see what we have in candidate Recommendation 14. Okay, and now we are on to the second mandatory notification. The working group recommends that the registrar of record must send a notification to the RNH as listed in the registration data at the time of the transfer request without undue delay but no later than after the transfer is completed. To the extent that the registrar of record transferred multiple domains to the same gaining registrar at the same time, the RNH listed in the registration data at the time of the transfer is the same for all domains, the Registrar of Record may consolidate the "Notifications of Transfer Completion" into a single message. This notification may be written in English and/or the language of the registration agreement. The Working Group recommends that

the Registrar of Record be required to include the following elements in the “Notification of Transfer Completion:”

That being the domain names and the name of the gaining registrar, text stating that the name was transferred, date and time of the transfer, instructions on how the RNH can take action if the transfer was invalid, how to initiate a reversal or review of that.

And I think that again, some of these items, we can get updated, like whatever language we’re going to use above, we’ll use here for language as well. Kristian, please go ahead.

KRISTIAN ØRMEN: Thank you. Just wanted to note, again, that I would like [priority] for the language of the registration agreement.

ROGER CARNEY: Thanks, Kristian. Sarah, please go ahead.

SARAH WYLD: Hi. I have a question. On the section about combining the messages and whether it should be possible to consolidate if there are different gaining registrars. To me, that seems like a good idea, but I’m very interested to hear why that might be a bad plan. Thank you.

ROGER CARNEY: Thanks, Sarah. Yeah, that’s a great question because if you look at this and we’re providing where the domain went, that would

seem like a fairly straightforward addition to that that we could consolidate all multiple domain transfers. Sarah, please go ahead.

SARAH WYLD:

Thank you. This relates actually to my other question which is on number one, the domain name and name of gaining registrar. I thought we had agreed that that's not currently known, like at this time in the world, the losing registrar doesn't know the name of the gaining registrar but it might have the IANA ID which is of course unhelpful to the domain owner. Are we planning to change something so that that will be available, or what are we thinking there? Thank you.

ROGER CARNEY:

Thanks, Sarah. Great question to ask because as far as I know, you're correct that the name of the gaining registrar is not known to the losing registrar, and there would have to be some mechanism put in place to share that information, whatever that is. But that would have to be created as far as I know.

Keiron, please go ahead.

KEIRON TOBIN:

Thank you. Yeah, I'm in favor of kind of in the requesting ID that is sent over, I think that should be mandatory for the actual IANA ID so that we can track in terms of stolen domains and stuff like that. At the moment, I think some registries do provide that, whereas others on the requesting ID actually put the login credentials for the username for the actual registrar. So I think changing that to a

standardized kind of IANA thing would definitely help us identify when we're alerted to a stolen domain, and I think that overall would also help quite a lot of other registrars as well. Thank you.

ROGER CARNEY: Keiron, just to follow up on that, you're suggesting that the completion message back to the losing registrar has the IANA ID, but are you suggesting that that's also provided in the notification to the registrant?

KEIRON TOBIN: Yeah, so in terms of the requesting ID, obviously, that's also sent as well and you can actually also see changes in WHOIS. So once it's kind of updated, it's public anyway so I don't see any privacy issues just in regards to that. So I think just by putting the kind of IANA ID, the registrant will still be able to identify it, but as a registrar who's currently investigating that, it would also make it easier for them to identify as well, as opposed to absurd numbers or our actual login username which at the moment is just no use to anyone. Thank you.

ROGER CARNEY: Thanks, Keiron. Steinar, please go ahead.

STEINAR GRØTTERØD: Hi. I really like the idea that the registrant or registered name holder would get information about the new registrar, because with the element of [inaudible] transfer, that kind of information is

critical. If possible—I don't know whether it's feasible—also to include whether this request has been sent from one of the gaining registrar's resellers, because that is also one element that will be very handy to have.

There may be also some kind of wording how to identify the data that is not publicly available in the WHOIS, RDDS, etc. That'll be nice to have but not necessarily mandatory in this kind of request. Thank you.

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

THEO GEURTS: Yeah, so the suggestion about reseller data, it is in theory not a bad idea to have that information. Problem is we don't have that information on a central level. It's completely on a decentral level and is going to be quite problematic since we don't have access to registrar databases which is we cannot just pull up that info.

And we could get some thinking around that, because there is a reseller WHOIS field and it's also in RDAP if I'm correct. But that goes only so far. You have to understand the resellers can also have resellers. And that becomes quite complicated, because we usually know our reseller directly, but if that reseller also has like eight sub-resellers, then it becomes very problematic because we don't know who all is involved in the chain. So that's going to be quite an operational challenge to get that going. Plus the fact that some of the resellers are natural persons. So how do you go about that? With us, for [inaudible] registry, it's not much of a

problem because all of our resellers are companies. But there are other registrars who have small web design companies, natural persons, domainers ... That's all personal information, so you're going down a very deep rabbit hole when you go there. Thanks.

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

KEIRON TOBIN: Thank you. Even resellers are accountable to the IANA in terms of who they're accredited by. So that's why I suggested that the IANA is placed in there. Obviously, if there was an issue with a stolen domain, it would be sent through to the actual—we could identify the IANA and then from there, kind of go into whether it's a reseller or not. That would be down to the actual registrar at that point to identify that. Thank you.

ROGER CARNEY: Thanks, Keiron. Okay, so it sounds like this would be nice information. So what I think maybe what we can do is maybe create a small team to take a look at—again, I think everybody agrees that it's a nice idea to have, but let's create a small team that delves deeper into the feasibility of this actually being possible. And again, obviously, we all know that it's possible, but it's how much work that's involved there to make it realistic.

So I think—and I would suggest—let's spin off a team that looks at, is there something realistic to get at, or is the IANA ID okay, or

is there a different level there that we can look at? Steinar, please go ahead.

STEINAR GRØTTERØD: My idea—and Theo, I agree with you, this can be technically a challenge—was to take the responsibility that is referred to here as number four, because the key thing here is that if there is a transfer that shouldn't have taken place, the guy that gets this kind of notification should have some clear understanding how to reverse that.

So I assume information about who's the new registrar of record and contact information, etc. to kind of put that process into place. That was my initial idea. And maybe it's not technically feasible, but a good thought, I hope. Thank you.

ROGER CARNEY: Thanks, Steinar. Keiron, please go ahead.

KEIRON TOBIN: Just with regards to the IANA stuff as well, as you said in terms of ... I think potentially something like this—so some registries obviously operate differently to others, but leaving it open to—not many people would know this unless you were actually looking into it, but the fact that a login username is actually valid and the requesting ID means that I could use it for any other registrar and then kind of use some bot or something and try many different codes to get into the registry portal.

So I think changing it to the requestor ID of just the IANA would kind of remove that whole factor. And I think anyone here who I just gave you a couple of numbers for wouldn't even be able to identify that. But standardizing it across and making sure that ICANN have a kind of barrier around this, I think, would protect registrars as well in its entirety. So thank you.

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

THEO GEURTS: Yeah, I needed some time to process Steinar's clarification. I think that is a good idea, not 100% sure. To put it very blunt and simple and flatten the complexity, if we are still the registrar of record and our reseller [is involved,] we do have that information. So any notification, e-mail or whatever which we have about our reseller, we can do that. The complexity starts when the domain name is with another registrar.

And if you are talking—and I haven't quite processed the recommendation yet on an operational level, but I think it boils down to the question of, as Steinar mentioned, where does the registrant go when the domain name has been transferred without authorization or is being stolen, to where goes the registrant, where can he complain?

From a technical point of view, if it's still within our reach of technical capabilities, so we know who the reseller is, then we can do it. But again, if it's with another registrar, then that registrar would have to give out the information to the gaining reseller so to

speaking. So I think that's a little bit of the complexity there. And I think you can put some wording around it. I don't know what it is at the moment, but I think we can come up with something. Thanks.

ROGER CARNEY:

Thanks, Theo. And again, I think there's some pretty good technical difficulties here to overcome to make some of this happen. So I think saying that we include the IANA ID, maybe that's the default we take today and if there's a small team that wants to dig into technical issues around pulling specific names or anything forward or any other ideas on this, we can create a small team to dig into that and say, okay, maybe this is a better solution and maybe they tell us that there is no good solution here, it's going to be an expensive—not just money-wise but talking about everything—we'll have to get that information. So those volunteers that want to take a dig at this, dig deeper into it and take a look, if you want to let us know that you're interested and trying to make something happen here ... Otherwise, I think if we just stick with the IANA ID—I don't even know, maybe some people more into the EPP, if we're getting IANA ID on transfer or not. And maybe with the registry or some of the registrars that are more in detail on the returns, you can let us know if the IANA ID is coming back or if that's going to have to be a change in itself.

Okay. Any other comments on this? So for now, I'll flip that back to IANA ID, and then others will need to clarify if that's going to be problematic or not. Otherwise, we'll assume that. And those that have details on that can tell us if that's going to create additional work or an amount of work would be helpful. Okay, anything else? Kristian, please go ahead.

KRISTIAN ØRMEN: Thank you. I just wanted to say that we have to get that IANA ID from the registry and today, some registries don't provide it. So there could be some technical difficulties that especially registries would have to work out to provide that IANA ID to the registrar. And I also just want to say that if we have the IANA ID, it should be fairly easy to include the name of the registrar in the e-mail as well, and that would be the most registrant-friendly solution, to include both. Thank you.

ROGER CARNEY: Thanks, Kristian. Yeah, the hard part about that—and even providing the IANA ID, I'm sure Theo is going to jump on this if I don't say it—that doesn't show you who the reseller is and that's really the only person that the customer, the registrant, knows. If we put in there a top-level registrar, they're not even going to know who that registrar is because they work with the reseller, or to Theo's point, reseller of a reseller, and that's who the registrant knows, not the actual registrar. Kristian, please go ahead.

KRISTIAN ØRMEN: Thank you. Well, of course, you can't see the reseller, but if you have contact information for the registrar, you at least have a place to go. And I'm sure that all registrars would of course help people contacting them about a transfer. I would personally think that we would have to, but I don't know. But i would think that everyone would do. But it is important we have traceable contact information for the registrant in cases of abuse or trouble. They

need to easily find out where to go. So IANA ID is a good start, link to the list of registrars would then help, but if we already have the IANA ID to provide both the name of that registrar and the link to the list, should be fairly easy. The problem here is to get the actual IANA ID. T y.

ROGER CARNEY:

Thanks, Kristian. Other comments? Okay, going back to I think Sarah's first comment on if multiple domain transfers can be grouped into single notifications, what are people's thoughts on even across multiple gaining—today, it's supposed to be one notification per one gaining registrar, I believe. Thoughts on changing that to one notification for "the transfer transaction?" Which may be multiple. I think that depending on the notification window, that may be somewhat difficult to sum that up as the transfers will probably be going at separate times if you're doing it to multiple gaining registrars, but obviously, if you send out notices every 12 hours or so, then maybe that works out. I don't know. But should policy allow for it, is a question. Theo, please go ahead.

THEO GEURTS:

Even with the timing issues being there, I don't think it's going to be a real issue. If there are timing issues, then you may be required to send a second notification which is more updated. I don't think that is going to be an issue. I do wonder in which scenario a registrant would transfer a domain name to multiple different registrars.

If we look at the domainers, they usually move entire portfolios away from one registrar to another. But I don't really see the scenario. It could be me.

ROGER CARNEY:

Thanks, Theo. And actually, the line you were going down was the only one I could think of, really, was that the domainer was going to keep five of these at his preferred registrar but transfer four of them to his auction registrar or whatever it is. And again, I think to your point, is it a big deal? Should the policy allow for that aggregation, or is there a reason not to, to block that aggregation? Keiron, please go ahead.

KEIRON TOBIN:

Thank you. Yeah. I agree with Theo. I'm with you as well, Roger. Coming from a registrar that essentially has large domainers and stuff like that, you see that when they move out, it tends to be in large bulks to a single registrar, probably because they got special pricing there or because they're not happy with certain pricing tiers that the current registrar is providing. But I don't see any reason as to why they would be sending it to different ones.

Going back to the actual policy, I also don't really see—if that was to change in terms of where were to have multiple domains to different registrars, I don't really see a problem but I'm not sure how everyone else feels just in regards to that. But I think with the way it would be, I'll be honest with you, I think the limit of where people would send to maybe more than one registrar at a time would be very low. I wouldn't even probably be able to put a single

percentage on it, because I think most people who transfer out would just transfer in large bulks. Thank you.

ROGER CARNEY: Thanks, Keiron. Kristian, please go ahead.

KRISTIAN ØRMEN: Thank you. I don't see a reason not to allow it. I'm just thinking if I was a developer at a registrar, I would never account for this scenario and rather just send two different notifications with the two different registrars, because this would happen so rarely that spending developer time on it just wouldn't make sense.

ROGER CARNEY: Thanks, Kristian. And you're looking at it from a truly technical solution. I think you're right, to Sarah's point in chat, it doesn't seem to ... What is the reason not to allow it, is kind of the thing. If the losing registrar knows hey, this person requested transfer of ten domains, they probably have a mechanism to batch that and are watching for the completion of those and can batch those together at an interval—not immediate like when they get the one transfer poll back, this one's done. They're probably not going to send a message right away just because we all know that the fewer communications, the better, the more they're paid attention to. Okay, so I think we can update that and try to word that so that multiple transfers can go out regardless of the gaining registrar.

And again, for number one below, I think we'll undo our edit there and go with the IANA ID. And if people want to talk about that,

please let me know. and if that's going to cause a problem, specifically if that data is not coming back already, that'll have to be a change. So we should talk about what that change means and how much of an effect that has if that's what we need. Sarah, please go ahead.

SARAH WYLD:

Thank you. Just a very quick thing. For number one there, it's got two different items that are not connected. Can that be two different things? The domain name is number one, and then some kind of info about the gaining registrar. Whether that is their name or their IANA ID, that would be a separate requirement line. Thank you.

ROGER CARNEY:

Thanks, Sarah. Okay, but what happens if it is multiple gaining registrars then? So one domain's going to one and another is going to a different one. You wouldn't want them separate as in to say that. you would want to know that this one domain went specifically here and this one domain went specifically there.

SARAH WYLD:

That is a good point, Roger. All right.

ROGER CARNEY:

Okay. So we have a few updates to do on 14. And again, we'll iterate on that, bring it back and make sure it looks right to everyone. So we've got about 15 minutes. let's jump into

Recommendation 15. I think our conversation last week sped up, because these are written so well, I'm guessing, everyone wasn't just tired of talking.

Candidate recommendation 15, The Working Group recommends that the Registrar of Record MAY also, at its own discretion, send a notification to the RNH, as listed in the Registration Data at the time of the TAC request, without undue delay but no later than after the TAC is requested. This notification may be written in English and/or the language of the registration agreement. Suggested elements of the "Notification of TAC Request" are the domain names, date and time that the TAC was requested, and instructions to the RNH to take action if this is invalid.

Going back to our chart, I think this was our first notification. And again, I don't know that this notification—I do know that this won't be sent all the time. I know that many transfers will happen without this notification. So I think it being optional and at its own discretion is important here. But is the wording correct here and does this provide a service to the registrants in this cycle?

Yeah, Sarah, so this is just notifying the RNH that the tac has been requested to transfer these specific domains. And no TAC is provided. Again, this may come minutes after the TAC request and as many as five days before the TAC presentation or provisioning of the TAC, or even the denial of the TAC, I guess, could be the next one as well.

And again, I think we've all talked this through and it makes sense that this is optional just because the timing here is going to be somewhat flexible in that many transfers are going to go from the

request to the TAC presentation fairly quickly so that this won't serve that much of a purpose. So I think that that's why we settled on this being optional. Thank you, Sarah. Yes, so we'll need to make the same changes to the language here and any of the periods as well that we can work in.

Any other questions on this one? Again, as an optional one, yeah, it's not nearly as controversial, but just to make sure that if this gets used, it gets used correctly. Okay, so let's jump into candidate Recommendation 16.

The Working Group recommends that the Registrar of Record MAY also, at its own discretion, send a notification to the RNH, as listed in the Registration Data at the time of the transfer request, without undue delay but no later than sometime after the transfer is requested. To the extent that the Registrar of Record is being asked to transfer multiple domains to the same Gaining Registrar at the same time, and the RNH listed in the Registration Data at the time of the transfer request is the same for all domains, the Registrar of Record may consolidate the "Notifications of Pending Transfer" into a single message. This notification may be written in English and/or the language of the registration agreement. Suggested elements of the "Notification of Pending Transfer" are domain name, text stating that the registrar of record received the request to transfer the domains, date and time of the transfer request, instructions detailing how the RNH can take action if the transfer was invalid, and include as much information about the requesting party as permitted and available.

So this was the second optional, which I think a lot of people—I know our discussions have led to this really being blended into

other notifications, specifically the TAC notification itself. So I guess the big discussion is, should there be a separate recommendation for this pending notification? Should this be just a piece of any of the other notifications? Does this serve a purpose on its own, I guess, is the big question.

Sarah, please go ahead.

SARAH WYLD: Thank you. I'm sorry I'm talking so much today. So this one, we said, I think, that it really seems to be very overlapping with the notification of TAC provision which is row five on the chart, and so it seems to me that we don't need both. We do need to make sure that the domain owner is told that the transfer is requested or happening or something, but I don't think we need to tell them twice. Thank you.

ROGER CARNEY: Thanks, Sarah. Keiron, please go ahead.

KEIRON TOBIN: Thank you. With regards to this section here, this isn't mandatory, this is kind of down to the individual registrar to choose. Am I right in thinking that?

ROGER CARNEY: Correct, yes.

KEIRON TOBIN: Okay. So in instances like these—and I don't mean to be pedantic with wording and stuff like that, but where it says like send a notification, again, going down to kind of individual, can we maybe change that to something like send an alert? So for example, if registrars wanted to kind of alert people within the dashboard or something like that, that it's kind of done through that way? And then that way by changing it to alert is something that is essentially not within mandatory, and notification is something where it is kind of we have to do it as kind of ICANN policy.

ROGER CARNEY: Okay. Thanks, Keiron. I think the big question here is, does this serve a purpose that should be separate from the purposes of our recommendations above? And specifically, I think it was Recommendation 14, right? Yes. No. Recommendation 13. Theo, please go ahead.

THEO GEURTS: To answer the question, if there is a purpose, maybe, but it's a may, so it doesn't hurt to have it in here. So I don't see an issue.

ROGER CARNEY: Okay. Thanks, Theo. And I saw in Sarah's chat—obviously, we'll edit the text here to match the other section as well about the language that was noticed earlier in the multiple notification levels.

Kristian, I think it was maybe an idea—reading Kristian's chat—of before we had solidified everything else—and I don't know if it just

remained or if there was a good reason to keep it or not. Sarah, please go ahead.

SARAH WYLD:

Thank you. So specifically on that question, Roger, you said something really interesting a few minutes ago, which is that it's optional instead of mandatory but we want to make sure that if they do do it, they do it right. So I think that would apply here also. Like if we do want to have a message, then maybe there is value in identifying exactly what should be included in it. And then if we decide that that's not really necessary, then indeed, maybe we don't need to have the optional message included in the policy at all. Thank you.

ROGER CARNEY:

Thanks, Sarah. I think that again, we can talk about this, and I think maybe this is a good one maybe to think about if we need to keep it or if any of it is needed, can it be rolled in? Again, not trying to make an overcomplicated policy with 50 recommendations just because we can. I want to make sure it's got a purpose to it. And if we don't feel that way, fine, let's get rid of it, or merge it if need be. Kristian, please go ahead.

KRISTIAN ØRMEN:

Thank you. Just thinking out loud, and do correct me if I'm wrong, but I agree that a notification should be good if someone wants to send it and include the right information and so on, but if we included this recommendation in the policy and the registrar chose to send notification that's kind of like this but doesn't follow the

policy, Compliance would then ask the registrar why the notification does not follow the policy correct. That registrar could then say, but this is not this notification, this is just a mail that we have decided to send our customer, and therefore Compliance wouldn't be able to do anything about it. And I personally don't want anything in the policy that basically has no effect whatsoever. So because of that, I think we should completely remove this. I don't think it should be a mandatory thing. And since I don't think it should be mandatory, I don't think it makes sense to have it in there. Thank you.

ROGER CARNEY: Thanks, Kristian. Keiron, please go ahead.

KEIRON TOBIN: Thank you. Just with regards to Kristian and Sarah's point, I wouldn't be opposed to removing this as well. I think maybe a vote would essentially be the best way to kind of see the best method, but yeah, if it was to go, I wouldn't be too fussed either. Thank you.

ROGER CARNEY: Okay. So unless somebody jumps on and really wants to keep this, I think we'll look to get rid of this. And if there's any pieces here that we see aren't covered somewhere else, we'll just have to figure that part out. But with everybody supporting removal, we'll go ahead and remove this and just make sure we're not missing anything.

Yes, just 16. Thank you, Eric and Sarah. Okay, we are down to two minutes. Anything else from anyone? Or else, we'll conclude here and clean things up for next meeting to reiterate on again. And again, we're continuing along our path that we'll send out the general overline of the next four to eight meetings.

Okay, thanks, everybody. Great discussion today, and we will talk to everyone next Tuesday.

[END OF TRANSCRIPTION]