
ICANN Transcription
Transfer Policy Review PDP WG
Tuesday, 24 August 2021 at 16:00 UTC

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JULIE BISLAND:

Good morning, good afternoon, and good evening, everyone. Welcome to the Transfer Policy Review PDP Working Group call on Tuesday, 24 August 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 Tom Keller (RrSG). We have formally assigned Eric Rokobauer (RrSG) as the alternate 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 emails.

All members and alternates will be promoted to panelists. Members and any alternates who are replacing members, when using the chat feature please select either "Panelists and Attendees" or select "Everyone" in order for all participants to see your chat and for it to be captured in the recording. Observers will remain as an attendee and will have access to view chat only.

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are an alternate not replacing a member, please rename your line by adding three Zs before your name and add in parentheses “Alternate” after your name which will move you to the bottom of the participant list. To rename yourself in Zoom, hover over your name and click “Rename.”

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 hands, if you need assistance updating your statements of interest, please email 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:

Thanks, Julie. Welcome, everyone. I don't really have any updates to share this week. I guess the only thing I will do is give everybody a chance to come to the mic if they had any discussions that they would like to share with their stakeholder groups since last week. If there's anything new or anything anyone wants to share, I'll invite you to come talk. Otherwise, we can just jump into our work this week. So I'll give anybody a chance if they want to speak. Farzaneh, thank you.

FARZANEH BADIEI: Hi. We haven't developed a position yet, but I'm just putting it out there to discuss later on. The NCSG is leaning toward this more security in the authorization code for the transfer. And we believe that it merits more discussion. Perhaps we could make it available, make dual factor authentication available for the registrants even if it's not compulsory. So that's about it. That's for now, but I just thought I would put it out there so that you wouldn't be surprised later on by our position. We are going back to NCSG and we are going to discuss this a little bit further and come up with a text that is consensus based and share it with the list. Thank you.

ROGER CARNEY: Great. Thanks, Farzaneh. Okay, anyone else? Okay, well, we'll go ahead and jump into continuing our discussion from last week, actually. We kind of left off with talking about some possible proposals for changes to the losing FOA requirements that are current. We kind of had two different areas here. Some high-level discussion points that we kind of hit on. And then we had some more specific ones that people were adding throughout the week that we'll hit on next.

But first off, I just wanted to hit on these couple high-level thoughts and proposals for where the discussions were going last week and see if those are still valid points to move forward on and have that discussion. Some of the things coming out of the last week were provide the notice before the transfer happens. The detailed ones

we'll get to kind of talked about this too, before or after kind of thinking.

So one of the things is before the transfer happens, provide either with a way to deny it, possibly a way to accept the transfer, or maybe just no links and just a notification and maybe redirecting them to the registrar counsel or just showing that there is a notice. So those were some of the big things we talked about last week.

I think the advantage here it was talking about the prior notice before a transfer, one of the big advantages would be possibly cutting down on invalid transfers. But again, it's all going to depend on timing and if the communication is sent in a way that the registrant can respond quickly to or not. But I think that one of the advantages of that prenotification is obviously then we're not worrying about trying to claw back an invalid transfer or anything like that.

And again, the other option is provide the notice after the transfer. And maybe it's even a combination or an option to do both. But I think those were some of the big discussions, high-level anyway, that we talked about last week. I don't know if anybody has any comments, questions, thoughts on those. Sarah, please go ahead.

SARAH WYLD:

Thank you. Hi. Roger, sorry, I'm not sure if you want this comment now or later, but I have thoughts about this decision as to whether the notice should be provided before or after the transfer has occurred. Do you want that thought now, or are you still summarizing and then I will tell you?

ROGER CARNEY: No. Yeah, I think that's great. Let's jump into that.

SARAH WYLD: Yeah, okay, thank you. So I think that the majority of transfers that occur are valid, are appropriate transfers. And so the majority of customers would be best served by a process that lets the transfer happen as quickly and easily as possible. And to me, that seems like the transfer should happen right away and then any notification should happen later on afterwards. There must, of course, be some process to reverse a transfer quickly, efficiently if it is invalid. But most of the time, that won't be an issue.

So most people I think will be most happy if their transfers go through right away. And so that's why I don't think we should provide the notice...like we could provide it before the transfer happens but if we're doing that, it means that we're building in a delay because the losing registrar has to pause the transfer to send the notice before the transfer happens. So we shouldn't do that. We should go with Option B. Thank you.

ROGER CARNEY: Great. Thanks, Sarah. That's interesting because I was thinking if you send it before, at least you get that time. But you're right. When you look at the process as a whole, I'm not going to guess, but it has to be a high percentage of valid, non-questioned transfers. And we're really talking about that very small percentage of problematic transfers. Theo, please go ahead.

THEO GEURTS: Thanks, Roger. I agree with Sarah, so that is a very good point there. Where Sarah mentions that there should be a process where you can also reverse an unauthorized transfer, that is a good point also. But I think if you want to look at that process, if we want to continue the process we are on now, I think you need to have the discussion regarding that process to reverse the transfer as soon as possible before you move on with the other moving parts here.

Because it might turn out that that discussion will be highly problematic and all the good suggestions being made now might be somewhat in a limbo state or in jeopardy, so to speak. So I think you need to have that other discussion on reversal first before you move on with all the other counterparts here. Thanks.

ROGER CARNEY: Great. Thanks, Theo. That's a very good point and it's the problem probably with this whole transfer discussion is that there are so many interdependent parts that we have to talk about at least pieces of things before we really want to dig into them. And I think that may be something that we have to maybe not dig into completely before we make some other decisions but, yeah, I think at least discuss it and open it up so that people can see where those dependencies lie. So thanks, Theo. Barbara, please go ahead.

BARBARA KNIGHT: Thank you. I guess my question is, have we determined definitively that we're going to eliminate the five-day pending transfer grace period in essence? Because unless and until we do that, I don't think we're going to have an immediate ability to effectuate a transfer. Whereas if we still have that and we opted to provide a notice before the transfer, then if the notice had an option for the registrant to be able to approve the transfer and have it go through immediately, then it might be kind of happy medium for both.

ROGER CARNEY: Great. Thanks, Barbara. Yeah, that's a good point. There's probably some middle ground there. To your question on if we've decided to eliminate a five-day, I don't think we've decided to get rid of anything. I think that the goal from what I've heard from absolutely say is as quickly as possible, and to your point, Barbara, on maybe hitting a middle ground, is even if the five-day does exist, allowing them to easily click through and make it happen as immediate as possible. Sarah, please go ahead.

SARAH WYLD: Thank you. Hi. I think what Barbara has described is basically the current process where the losing FOA allows the domain owner to approve it right away or cancel it or leave it alone in which case it auto approves. So I think it's definitely important that if we send any kind of a losing FOA, it would include both of those options to approve and cancel unless the transfer has already gone through. And so I still ultimately we can do a little bit better than the current

process, and I think it's better for users if we don't build in that delay process. Okay, thank you.

ROGER CARNEY: Great. Thanks, Sara. Steinar, please go ahead.

STEINAR GROTTROD: The way I understand this is that the notification or losing FOA is to be sent as soon as the losing registrar receives the request for a transfer. And if that includes a process where the transfer can be succeeded immediately and don't wait for the five days, that will be actually the best for the end user, for the registrant in this. I think maybe the present process is somewhat in that area, but I have experienced that even though I acknowledge the transfer it still doesn't trigger an immediate transfer by the losing registrar. And that's what I'm trying to avoid that if I approve it, it will be immediately executed. Thank you.

ROGER CARNEY: Thanks, Steinar. And maybe someone could correct me, but I don't know if the policy requires, first of all, that the losing has an acknowledge button. I think it has to provide a way to NACK or to deny the transfer, but I don't think the policy requires it to have a, yes, I want it done now option. Steinar, is that a new hand?

STEINAR GROTTROD: Yes, that's a new hand. That's my understanding as well.

ROGER CARNEY: Okay.

STEINAR GROTTEROD: And I think that's the improvement we may include in this updated policy is that when the registrant, the receiver of the losing FOA, acknowledges, the transfer should immediately be executed and don't wait for a number of days or whatever. Thank you.

ROGER CARNEY: Great. Thanks, Steinar. All right, any other comments, discussion on that? Again, I think that not even just from today but all of our discussions we've had one of the main goals is to try to speed this up without losing any of the security into it but at least speed it up from the end user's perspective as much as we can. So it sounds like people are heading toward that, okay, maybe it's not a prenotification of a transfer.

And one thing I noticed in the transfer policy is the losing, or whatever we're calling this, the losing FOA is not required to be sent today until the registry notifies the registrar of record that a transfer has been initiated. So it's actually gone most of the way through the transfer cycle before the losing FOA is required to be sent today. So I don't know if that has to change.

What we've discussed previously in the AuthInfo or the TAC is that once that is provided, the transfer happens. And then there was discussion on, okay, if the gaining registrar provides that to the registry, the registry just automatically moves it. And then is there any notification to the registrar needed after that?

So again, we're kind of getting back into the TAC discussions with this as we will, as Theo mentioned about, we have to talk about a way to recover any bad domains too. So I think we're going to cross back and forth here.

But again, that's how I read the policy. So I think that the way we've described it so far is once the registrant has or someone has the AuthInfo or the TAC, then that transfer can immediately go. And when you read the transfer policy, there's kind of two five-day windows. There's a five-day window to provide the AuthInfo or the TAC and unlock it once the registrar requests it. And then there's a five-day window for the losing FOA.

So I think we're saying the losing FOA can probably lose that if we can get an update to the notification that allows them to immediately do it. Is that what we're saying? Theo, please go ahead.

THEO GEURTS:

Yeah, I think that is basically what we are saying. And then you will have a fast transfer process which is valued by many, many registrants given all the questions around why do I need to wait, why is the email coming in, what do I do with the email, etc.? I mean, we all know how that process works, and most of us probably also will agree that most registrants want a faster process. Thanks.

ROGER CARNEY:

Thanks, Theo. Okay, any other comments, questions? Jim, please go ahead.

JIM GALVIN:

Yeah, thanks, Roger. I guess a question that comes to my mind, and this kind of relates even to the discussion that Farzaneh was suggesting she was going to have with her constituency, is where are you planning to put your security? Where are the crown jewels? Where's the one basket where all the eggs live as part of all of this? Whatever choice you make is fine. It's just understanding that choice, and then you get to derive a number of quick decisions out of that.

So if the TAC—and I think, Roger, you were recapping we had kind of gotten to a certain place in some discussions earlier. But of course, all these things are related so we get to revisit all of that as we go along here. I want to frame all of this together in the following way, just restate your summary, and just reflect that if the TAC is supposed to be the final authority, then the assumption here as is you're going to apply a certain set of security principles onto the TAC and its release and its existence.

And we've had a little bit of discussion about that, but we certainly haven't come to a final conclusion there. But if you do all of that, then it just seems to me it naturally follows along with what Sarah is suggesting that a near real-time transfer is probably okay. Because all of your protections are around making sure that the management of that TAC is appropriate. And if you do that, then it should be okay to just do the transfer.

And then separately, if you do need a way to claw things back, you should always have that anyway, a way to say no. But does that have to be a near real-time claw back, or is that something

that can have the delay? And thinking in those terms. So maybe you still do the FOA in the sense that you're still going to notify...let's see. Not the FOA. You still do a notification that the transfer occurred, but that's kind of a double check on the fact that everything else is working. And it allows you to conveniently provide the registrant with a way to start a claw back if that's what you need.

Because your real focus, as Sarah was saying, is on the user experience of let's make this happen. And the way to make it happen right away and speed that up and ease that process is to put a little more security and controls and management on the TAC so that you make that be the spot where you're going to do all of the work in terms of protections. And then the claw back is just something you do because that's the right way to make things work anyway. You don't want to slow things down, but you do have to have a way to change your mind.

So, I don't know, I'm trying to restate what you said, Roger, in a slightly different way to maybe promote some discussion. I see some other hands, so that's excellent. I'll be quiet now. Thanks.

ROGER CARNEY:

Thanks, Jim. Yeah, and, Jim, I completely agree. I don't think it matters how we change this process. You always have to have a way to reverse a transfer that happened erroneously. Steinar, please go ahead.

STEINAR GROTTOROD: I do agree that the TAC is extremely important for having a successful transfer, and the security lies in how to get the TAC. But we have previously discussed a little bit about there may be a difference between the account holder in the control panel, we often call it the control panel, and the registrant. So what Jim is saying is, does that include both these potential entities to get informed in due time and also to reverse a transfer before it's actually been executed? Thank you.

JESSICA CASTILLO: Thanks, Steinar. Yeah, and it's important to keep that in mind, the possibility of multiple people, actors being in the middle of this. Theo, please go ahead.

THEO GEURTS: Yeah, thanks. Yeah, there will always be people in the middle like resellers who have access to vital domain structures, so to speak. So we will always have that issue. When we talk about security, I think we have currently enough legislation and requirements and regulations which have upped the game when it comes to security of accounts, tech, user registration, etc. That has gone up considerably the last decade due to all kinds of moving things that are happening and still are happening.

And eventually you will have the end user security which we have no role in to play maybe except an advisory one. But everybody needs to protect their own systems, needs to make sure that their passwords are strong enough, that they use multifactor authentication on everything they use be it email or be it social

media or whatever. That is always an ongoing project for most of us anyways, and that is the same for registrants.

And if you look at the reversal process, I think if there has been an error made or there is an unauthorized transfer, I think you need to have a process that you can claw back a domain name as soon as possible, especially when it's an unauthorized transfer. Usually, you're dealing with phishing or other malicious activities, and you want to undo that as soon as possible.

And if it's a company domain name, it's down, it's a [web shop], for example, that can have some disastrous results there. So you want to have a system to claw back as fast as possible in such cases. Thanks.

ROGER CARNEY:

Thanks, Theo. And Steinar mentioned this about possibly an account holder and a registrant. But, yes, thanks for bringing up the fact that resellers will also and even when you get into maybe some more smaller or more personalized registrars. And you talk about two-factor. That two-factor may not just be specifically, should I say, electronic. Some smaller or more personalized registrars may actually make a contact, make a phone call to confirm certain things. Especially in high-value domains or something like that, that they're managing for somebody. So that multifactor I think is maybe not something you can prescribe as exactly what that is, but obviously the multifactor being important. Kristian, please go ahead.

KRISTIAN ØRMEN: Thank you. I was really happy about Jim's comment. I really agree that of all the ideas the TAC is the most important feature in the transfer process. I also agree that the transfer should be as efficient as possible. Personally, I would like to see it go through in real time.

Thinking about Steinar's comment with the account holder and registrant, I think account holder or reseller that's in this context, at least in my mind, all the same. We need to assume that a registrant has an agreement with the account holder or reseller or whoever manages this for the registrant. But if we want to build in something extra, we have to try and [inaudible] when it's complete.

We could consider also to put in a notification when a TAC is created. That way if we decide to have a TTL on it at maximum lifetime of the AuthID that could also be communicated in this notification. This way the actual registrant would get a notification when the TAC is created, including the expire date. And when the transfer is completed, they would get a notification that the transfer is completed, to which registrar it is transferred to, and also information on reverse procedures if needed. Thank you.

ROGER CARNEY: Thanks, Kristian. So what I've heard is maybe as many as three not necessarily FOAs but communications or notifications. One being this prenotification. And then one obviously being whatever the communication is on how a TAC is given to somebody which may include time to live and things like that. And then also maybe a post-notification saying the transfer is complete and here are

procedures if it was invalid or not. Something like those lines. Is that what people are thinking? And again, maybe not all of them. Maybe some of them are streamlined. But those sound like three different points people were making. Kristian, please go ahead.

KRISTIAN ØRMEN: Just to quickly reply. If we take the old transfer model like before GDPR, we had the gaining FOA and the losing FOA. So my suggestion is that we skip both of them and just do two notifications. One when the AuthID is created and one when the transfer is complete.

ROGER CARNEY: Great. Thanks, Kristian. Other comments?

KRISTIAN ØRMEN: Also, those notifications go directly to the registrant and not the admin contact or reseller or anything but directly to the email of the registrant name holder.

ROGER CARNEY: Great. Thanks, Kristian. Yeah, that's probably one thing that we have to look at with the registration data policy being worked on the administrative contact is going away. So a lot of this policy will have to be updated with that. Or the requirement for it is going away, I should say. Yes, Sarah. Yes, we should be writing all this down, and we'll be capturing all of this in notes. Steinar, please go ahead.

STEINAR GROTTROD: I have a question, but we may address this later on because it's one of the things that are added to the Google Doc. I actually believe it is possible to put information about what entity granted the TAC at the certain time and put that into the notification or for whatever you call it. So the registrant will have that information together with all the other information that we're trying to provide in this documentation. Thank you.

ROGER CARNEY: Thank you, Steinar. And again, we'll head up to that section here in a little bit to talk in more detail on the specific item. Okay, any other comments? It seems like we're starting to at least get a grasp on several proposals here, so that's great. Okay, and then just before we head up to the details, just some of the last few things here of high level. As we're talking about these notifications or communications should there be some mandatory language in those? Should there be...and maybe be thinking about how do you propose mandatory language and multiple communication mechanisms? Maybe it's more than just email. Theo, please go ahead.

THEO GEURTS: Yeah, when it comes to mandatory language I would stay away from that because that would result in very specific language. Usually, the marketing departments have a hell [inaudible] requirements into a language which a registrant can understand. It's usually not very spelled out really well.

So I would...I think there should be some requirements, but it shouldn't be very specific. It should be like at least it should include this and this and this and how you do that and what other language you go around with it is completely up to the registrar. There are many different business models, so you want to make sure that registrars can [inaudible] target their audience very well and make sure that their registrants capture the message, the intent very well. Thanks.

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

SARAH WYLD: Thank you. Well, I could have put my hand down. Theo said it really, really well. But I'm going to say it anyway. I think it's reasonable to require specific points to include without the exact wording. So more like I think it's the expiry registration recovery policy, something like that. It says approximately when to send the messages not exactly on what day. And it doesn't have the exact template to include, but it has to say basically certain things. So individual contracted parties know best how to support and communicate with their customers, and we should just make sure that they include the required points but not the actual text itself.

What might be worthwhile would be checking back with the Compliance team over at ICANN to see, do they feel that they are able to enforce that type of requirement? Is it possible to enforce to include certain ideas in the message without the exact templates? Thank you.

ROGER CARNEY: Great. Thanks, Sarah. And great question on going back to Compliance on that. I think once we get maybe a more solid scenario of how we would see that, I think that makes perfect sense to reach out and say, how feasible is this? So that's great. Kristian, please go ahead.

KRISTIAN ØRMEN: Thank you. I just wanted to note what I also wrote in the chat that it is important that it's in the contract language. So when ICANN policies have very exact language that we need to put in, it will always be in English. And for us, we send out mails in Danish, German, English, and many other languages. And when we send these mails, especially important mails like this, it is very, very important it is in the language of the customer and not English. Thank you.

ROGER CARNEY: Great. Thanks, Kristian. Okay, and again, just the last high-level thing here, again, the communication or delivery mechanism. I think we all have been saying but just to confirm, we don't want to be too specific on this. Just because the preferred communications change fairly frequently and definitely more frequently than a transfer policy changes. So I think that from this group's standpoint what I've heard so far is, yes, we want to allow for multiple communication mechanisms. So not just forcing people to do, I think Jonathan actually highlighted it up above, FAX or specifically email or anything like that.

Okay, I'm going to go ahead and jump up to the more specific points that I know several people contributed to I think up on Page 2 or 3 of the document. Okay, perfect. So I think we've got several contributors here. But I don't know if, Sarah, do you want to talk about anything. I mean, we probably covered a lot of this on what you wrote down.

SARAH WYLD: Yeah, for sure. Thanks, Roger.

ROGER CARNEY: You bet.

SARAH WYLD: What I wrote down there in the "Requirements (MUSTs)" section that's kind of reddish brown at the top were notes that I made during the last call. So these are not my independent ideas, although I think they're good ideas. But these were my summary of the points that I heard that we thought should be included in this notification. And so this would be sent when...like once the transfer is done we need to determine some kind of timeframe for when—oh, Farzaneh, Lego itself is a plural word. It's not Legos with an S on the end. I can't let that pass. Okay, sorry.

So I think the message happens once the transfer is completed. It's sent by the losing registrar to whatever email they had on file as the appropriate domain owner contact. We have to decide how long after the transfer it's sent, but that depends on this to-be-determined process for a transfer reversal.

And so I will just mention also I've seen some chats in a registrar group chat from Jothan, our alternate today, suggesting that we should look at other examples of transfer reversal processes which might exist in the world. So that's something we can consider when we get to that point. And then so the points that the message should include, and that's what we'll talk with the Compliance team about whether it's in that. So what was the domain, where did it go, what happened to it, when did it happen, what happens if there's a problem? So that's sort of the basic gist of that. I hope that's helpful. Thank you.

ROGER CARNEY: Great. Thanks, Sarah. That is very helpful. And it actually leads into [it nicely] because I think Jothan actually put in a few other items here, especially on the possibility of multiple domains at the same time. So, Jothan, do you want to speak to any of this that you added in here?

JOTHAN FRAKES: Since I'm called on, hi. Yes. So I'm an alternate this week. Is it still okay because you're calling me out on my specific inputs?

ROGER CARNEY: Yes, please.

JOTHAN FRAKES: Oh, great. Great. Thank you for the opportunity. Yes, so Sarah had done a really good job of enumerating a lot of the things that

were in the notification of a completed transfer. And there was also...I kind of cloned that and put that into another section, "Notification of a Pending Transfer." So that was one change that I did, and it's essentially the same section although it does include a little bit different because there's the opportunity to take an action such as to NACK it or acknowledge the transfer.

I put in the "MAYs." Currently, it was in the last call that there's no prohibition from a registrar being able to consolidate a number of domains that are being transferred into a single notice. But we didn't want to compel registrars to do this. It may be technically difficult or challenging, but we didn't want to lose the opportunity for that to occur. So that's the "MAYs" there on both of these sections.

ROGER CARNEY:

Yeah, and I think that you're right. I that's important. It gets a little difficult, as you said. If it's one or two domains, it's probably fairly simple. When it's 10 or more, it kind of...especially when you're talking about possible communication mechanisms that are not as susceptible to long communication. Okay, again, I think that it's kind of interesting that from week to week we're ironing out this idea of the pre and post maybe communications that should be heading out. Jothan, please go ahead.

JOTHAN FRAKES:

I just had one more point which is the notice by FAX. I wonder if we could eliminate that. That's if you scroll up a little bit.

ROGER CARNEY: Thanks, Jothan. And I think, yeah, this comes from the current template of the losing FOA. So I think as we go through this, and as people have said, let's try to be as flexible on this language here as possible and only require more conceptual things in here. And maybe it's to have multiple ways to contact the registrar in case something goes wrong, not necessarily specifically here's an email address, here's a FAX or something like that.

Okay, going back to the detailed list I think we've talked through some of these things already when we talked more general. And again, I think that, as Sarah said, a lot of this was just mentioned last time and she just kind of put it down. So if we can scroll back down just a bit on the losing doc. There we go. Thank you. That's perfect.

Okay, and I think that one of the things we've talked about and, again, it's maybe across the multiple different types of registrars or any different model is the importance of getting the notice to the actual registrant, the registered name holder. Again, that may, as people mentioned here, there might be multiple people in the path there, but the domain holder is the one that's responsible and actually makes the...gets the final say as they're the ones technically signing the contract. Theo, please go ahead.

THEO GEURTS: Yeah, ultimately the registrant is in charge, so to speak. But of course, when you look at the reseller model, I mean, that entire model is based on the fact that registrants do not want to be burdened with any of the technical challenges that a domain name may have so they pay an extra fee to have that done for them.

And when resellers are changing to other registrars because that registrar has better prices or better backend, better security, or whatever those are usually bulk transfers. And you're talking about large amounts of transfers going on, and those registrants usually get very confused by all these messages.

And despite the fact that a reseller may have been emailing them for half a year that a transfer of the domain name would be upcoming because for various reasons, but there is still always the 20% who didn't read it, didn't understand it, didn't get it. Thus causing a lot of load at the support level and the reseller and of those registrars who are gaining those domain names. Because they don't necessarily know what a reseller is doing, that they are consolidating their portfolio to the gaining registrar.

I mean, we are not always in the know. I mean, there are way too many domain names and resellers for that. So I think we must operate under the assumption that if we talk about resellers, there is a legal basis in place for contracts and a lot of these registrants want to be unburdened from all these things that can happen with a domain name like a transfer or nameserver changes, etc. That is all done for them, and they don't have to do anything and they pay an extra fee for it normally. Thanks.

ROGER CARNEY:

Great. Thanks, Theo. I think that's really important to remember, especially as we get into that bulk discussion that we'll continue to have. How do the communications apply to those and which ones are valid and which ones still should occur and which ones don't have to occur. Okay, any other comments on that? Okay, let's

jump into the timing on it, ideas around when the notifications should be going. How soon should a notification be going, the prenotification we'll call it, and the post-notification going? Sarah, please go ahead.

SARAH WYLD:

Thank you. So related to the timing of the notifications, maybe we do need to put a pin in this and first consider if there is a transfer reversal process, what would that look like and what kind of time limit would be on that. Because that will define the timing for when the losing FOA has to be sent by, right? Or maybe it wouldn't. Maybe we'll say the reversal process can happen within six months, so then you can send the losing FOA kind of any time. But if it has to be within a week, then some kind of post-transfer notification of completion should be sent soon. So my point is just maybe we need to think about that part first. But maybe not. Thank you.

ROGER CARNEY:

Yeah. No, I think you hit the same points I was thinking as I was thinking through it. Okay, I'm guessing that it seems better to notify sooner than later, but I don't know if, is there a multiple post-transfer notification? So if, let's say, we agree on a dispute that you have six months to do and the transfer just happened, you notify them, and now you say okay and this is the process to get this back within the next six months if you don't think it's valid. Do we encourage, allow registrars to then follow up even three months after that to the registrant and say, okay, there's only three

months left to dispute this. Is it still good? Again, just thinking out loud. Kristian, please go ahead.

KRISTIAN ØRMEN: Thank you. Just thinking out loud. Would there be any reason to give a registrar more than 24 hours to send a notification of transfer completion? Because I don't see it.

ROGER CARNEY: Yeah, and I was thinking the same thing, Kristian. It seems logical that you would send it as quickly as possible. Again, I don't know if you look at all the registrar models if that's feasible or not. But it seems like the sooner the better that a registrant's notified that it's now moved and that then a process has been kicked off. Theo, please go ahead.

THEO GEURTS: Roger, when you mentioned...you put out questions there like should it be three months, should it be six months, that is why I mentioned it at the start of the call. If we want to, we still have all these moving pieces, and if we want to look at such a process—and I agree with Sarah that we should look at the process first, that's why I mentioned it. But that one is a very complex discussion. I mean, there is a whole lot of Lego bricks on the table there. And we already did something similar a couple years back with [IRTPD] and that was already a very complex discussion and the IRT was not much better also. So, yeah, if we want to put a pin on it and move on, but I will guarantee you it will be a very difficult process.

ROGER CARNEY: Thanks, Theo. Yeah, and I agree. I think that window, how that looks and the process is going to be a long talk. But I think that to Kristian's note about why wouldn't you send the completion notice as soon as possible? And whatever that claw back or whatever we're going to call it timeline is, it's separate from that. But it seems logical that you would want to notify the registrant as soon as the transfer happens or as soon as you can. So looking at the two different timelines of the transfer complete notification versus any pending other process. Thoughts on that? Barbara, please go ahead.

BARBARA KNIGHT: Thank you. I know that before when there were disputes that occurred, I believe they have to be filed within six months of the transfer. I'm not 100% certain, but I do know that in some cases a domain name may be transferred a couple of times before a dispute has been filed. So I don't know if there's a way to align the timeframe to file a dispute or a claim that a domain name was fraudulently transferred with the time period that the domain is kind of locked after a transfer. If we still, I guess, contend that a 60-day lock after a transfer is appropriate. Just something to consider.

ROGER CARNEY: Yeah. Thanks, Barbara. Yes, it definitely is. I should point out you see that quite often, especially in transfers that probably are not legitimate. They get transferred several times as quickly as they

can. So something to consider when we're talking about that. Okay, any other...? And again, I think we can leave, as Sarah and Theo have mentioned, leave the dispute process timeline separate. Again, we need to think about those items but separate from the communications timeline. Hopefully, we can separate those enough that we can make a decision and move on from that. Sarah still believes they're tied together, so we can work on that.

Okay, other items in here. The names themselves seems realistic. The time when the transfer occurred. I don't know how specific that has to be. Language of the registration agreement, I think that's what everybody has already said. And that's the interesting point, registration agreement language is not necessarily English. So we have to be a little careful there when we start doing those things.

Okay, anything else there? Again, most of those things seem common. And again, as we were talking about, templates versus specific language versus a concept. A lot of these bullets here are to me more of a concept level and not specific. So I think that works well for what everybody was saying. Yes, domain names, where they're being transferred to if it's known. Because I guess on the post-notification you would know but not necessarily on the prenotification.

And one of the things I was thinking about as we were going through that process was if everybody agrees the TAC is that key, once the TAC has been distributed by the registrar of record the timeline kind of becomes a little more fluid in that unless we agree on a TTL that timeline can be pretty fluid and it actually can be. I

mean, it could be basically immediately after the TAC or it's going to be up to the registrant and gaining registrar to really set that timeline.

Okay, I didn't see anything else in here, specific bullets here that we haven't talked about or seem contentious at all. So, okay, let's go down into the pending transfer stuff. And it's a lot of the same stuff. Kristian, please go ahead.

KRISTIAN ØRMEN: Thank you. I was reading this and was kind of thinking this as I read this is basically the old losing FOA, there's basically no change. So last meeting we were talking about a lot of people think we should make it optional. Personally, I think it should be removed, but I could probably agree on the optional part. So I think we should at least talk to that.

ROGER CARNEY: Oh, on the pending idea here? Yeah, on these ideas?

KRISTIAN ØRMEN: Yeah. Well, the text I read here, the "Notification of Pending Transfer," and it is also noted that it is quite similar to the losing FOA. And in my mind there's only, exactly as the note says, there should be a link and then it's the losing FOA. And then we are back at if we should have the losing FOA or not or consider if it should be optional.

ROGER CARNEY: Yeah, thanks, Kristian. And I think that comes down to people's mindset. Is that a business model flexibility that we want to leave, to have no losing FOA? So this part, the pending transfer thing, make it optional or make it a requirement? And again, is that more of a business functionality decision, or is that a policy that should be enforced across registrars to avoid possible bad acting registrars or bad acting registrants? So think about that on those lines. Kristian, please go ahead.

KRISTIAN ØRMEN: Thank you. Just thinking a bit and comparing to the current registrant owner change where it is optional for the registrant. If the registrar allows it, then the registrant can opt out of the 60-day lock on owner changes. So personally, I think if we want to keep the losing FOA as optional, I think it should then be up to the registrant to opt into it. So they can opt into this if they feel they need the extra security that they may think it provides. But then the default should be that it's not there.

ROGER CARNEY: Okay, great. Thanks, Kristian. Other thoughts on that? Steinar, please go ahead.

STEINAR GROTTROD: Just a question to Kristian. At what phase/stage should the registrant actually consider to opt in/opt out for the losing FOA or whatever you call it?

KRISTIAN ØRMEN: You could do that when you request the TAC. Because when you request the TAC if we are in the mindset that the TAC is only there for some limited period when the transfer is basically active, then you can request the TAC. At that point, you could opt in to the losing FOA if you like. And then the losing registrar would know since they are the one doing the TAC.

STEINAR GROTTEROD: I get your point, Kristian. Just for the record, At-Large discussed this and we made a statement on this. So per today, the statement is still there. Whether it's being called a losing FOA or a notification of pending transfer, that's another thing. But I think the essence here is that At-Large, do you want to have that kind of information being distributed? Thank you.

ROGER CARNEY: Thanks, Steinar. Two points I'll make. Sarah mentioned in chat, have we decided that the TAC is only created at transfer? I think that's what we're going on that assumption. I can't say we've decided that. I think that's what the proposals came in as. That we wouldn't use the TAC for any other reason except for when that transfer is active. And it's the assumption we're going with. Again, we don't have consensus on that, but I think that's the way the group was heading.

And I would say to Kristian since you're hand's up for that, I would just ask the question, if the pending transfer or the losing FOA today is not provided, do you support the post-notification? Kristian, go ahead.

KRISTIAN ØRMEN: Thank you. Yeah, I think it was even me that introduced the notification of transfer complete. So, yeah, I do support that. I think that should be in all transfers. So when a transfer is complete, the losing registrar sends a mail.

I would also...the suggestion I came with earlier with notification when you create a TAC, that could basically also be a notification of pending transfer since you create a TAC to do a transfer. So a transfer would be pending if you create a TAC.

And then there is the third one which is basically the losing FOA which if we keep, I think it should be only if the registrant opts into it.

So you would have a notification of transfer completion when it's all done. You would have a notification of a pending transfer when you create the TAC. And if you opt into it, you would have a losing FOA or whatever we decide to call it where you have the possibility to act on that for five days.

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

THEO GEURTS: Yeah, thanks. A clarifying question perhaps. And perhaps I'm going down a wrong rabbit hole here. But are we currently moving into the direction that only the registrant has access to the TAC and nobody else? Is that correct?

ROGER CARNEY: Yeah, Theo, and I don't think you're going down a rabbit hole there. I would say that's not what we're saying, but I'll open it up for anybody else to talk to. So Kristian, please go ahead.

KRISTIAN ØRMEN: I also don't think that's what we're saying. I think when we're discussing auth code, I don't think we would change in any way what we did today, that the auth code is provided as today and many registrars would provide the auth code to the account holder, since that is in most options also the most secure way of doing it. But I do think that these different notifications are going at the route that the send the notification to the registrant.

THEO GEURTS: Sounds good. Thanks.

ROGER CARNEY: Thanks, Kristian. That's what I was thinking. It seems like that's what Sarah was thinking as well in chat. Okay. Any other comments, questions on that? So it sounds like we are coming kind of to, again, a three possible notification system. Seems like everybody agrees that the post transfer notifications should happen. And what that time is, I think I saw someone write in chat maybe X business days post, or I think Sarah uses the familiar language of as soon as you can. Without undue delay. Thank you, Sarah.

So I think that that one—it seems like everybody agrees with the post one, and it seems like obviously there is a communication that has to happen to get the tech to whoever's requesting that teach and to the registrant, obviously.

At least that communication has to occur. And what that communication is, I don't know that we've decided on. But then the possible third one is a pre-notification. And I don't know—and maybe Kristian could speak to this. I know he mentioned that the TAC or NACK could be in that. But could that also be in the TAC response notification?

KRISTIAN ØRMEN:

Thank you. I don't think you could ACK or NACK a transfer before you know who the gaining registrar is. So I think if you send out a notification when you create a TAC, you can't put the ACK or NACK in that because you lack some information on who the new registrar is. So that's also why I ended up [inaudible] for notifications. But I really think the ACK or NACK should only be if you opt into it, because that delays the transfer, and I don't think we need to delay the transfer. All the data we see from the ccTLDs also gives us the information that there isn't many issues with transfers going through in real time. Thank you.

ROGER CARNEY:

Great. Thanks, Kristian. Sarah, please go ahead.

SARAH WYLD: Thank you. I think I'm supporting what Kristian said. It doesn't make sense to me to be able to ACK or NAC a transfer that is not yet in progress. And I think the transfer is not truly in progress until the transfer authorization code has been provided to the gaining registrar. So it doesn't make sense to put an ACK process ahead of that. Thank you.

ROGER CARNEY: So let me throw this out for everybody that doesn't like that. If the TAC is provided, the TAC to the registrant, the registrar has already stored that at the registry so the TAC is valid. No matter where that TAC goes, the TAC can be used to transfer the domain away. So, does that change anybody's mind on if the TAC distribution can have a NACK in it or not?

SARAH WYLD: Roger, what would that mean, if it had an ACK in it?

ROGER CARNEY: That means the registrar would blank the TAC from the registry if they NACKed it.

SARAH WYLD: But, so, the transfer authorization code is presented to the domain owner in the same time as they're NACKing a transfer?

ROGER CARNEY: So you receive an e-mail with the TAC in it saying, “You requested a transfer, here's your TAC, you can use this to move it.” And then in that e-mail, have a link that says you don't want to do this.

SARAH WYLD: Okay. So I wouldn't think of that as NACKing a transfer. That would be invalidating the auth code's TTL. Thank you.

ROGER CARNEY: Okay. Thanks, Sarah. Theo, please go ahead.

THEO GEURTS: That sounds like a horrible idea to do. No, yeah, I mean at the face value, it sounds like a logical thing to do, but I expect that most registrants will be confused by this. And you will be basically, I assume, creating support load and it's going to cost money. And I don't see the real value in it because you are requesting—yeah, there could be some edge cases where this is valid, but that would assume there is a lot of illegal unauthorized transfers going on, and that is not the case. Most transfers go happily along all day long.

So I wouldn't put that process in, because you're adding extra steps into the process and for most registrants, it's already a complex process with the FOAs. Thanks.

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

STEINAR GRØTTERØD: I may have heard it wrong. I hope I heard it wrong. But distribution of the TAC by e-mail is something that I hardly recommend. I think that's the most secure element we have so far, and it should be not distributed by e-mail.

But I'm getting into my experience, is that what I do when I transfer a domain name is that first of all, I in some way or another get the TAC from the losing registrar, then I initiate a transfer from the gaining registrar, my new registrar, and at that point, this has been executed by the gaining registrar. In my opinion, that's when the transfer actually starts, because at that point, the gaining registrar communicates with the registry and the TAC has been validated. So in my understanding, that's when the transfer actually starts.

So if we put some time to live, we have to at least consider that or inform the registrant that within a certain time frame, they have to initiate the transfer. Thank you.

ROGER CARNEY: Thanks, Steinar. And to your point, how that TAC is distributed, we haven't made that decision. Everybody so far is pointing to that's more of an open item that we're not going to get specific on how that's delivered. And that's going to be the choice of the registrar, actually how that gets delivered. And possibly even the registrant, how that gets delivered, [inaudible].

Okay. And just looking briefly at the comments. Yes, and your point is right, Sarah. There should be a way to invalidate a TAC.

And that is not necessarily the NAC as I didn't want to confuse people. But those are two different items, is yes, they should be able to have a path to invalidate that. Agree. Let's not discuss those two at the same time. Invalidating the TAC and NACKing are two different items and two different processes that should be followed.

Okay, any other comments or questions? Good. Really great discussion. Seems like we are coming down on some pretty good proposals here that we can take forward. And as everybody's mentioned in chat, we can get them cleaned up and lay them out to show who's participating in each one and who has access and everything so that we can make those decisions, and we can definitely lay that out. So I think that we've talked through many of those points.

Okay. I don't think there's anything else in the proposals here. So I think that what we'll do is I'll take it on with staff to kind of outline those three different ideas, concepts of communication and try to lay those out so that we can have them for everybody to look at before the next meeting to see if they make sense.

Okay, any comments, questions? I think we still have about 15 minutes to go. I think this is all I had to cover today. Staff, is there anything else we needed to cover, any comments in this document, other comments that were put in that we should cover now? Okay, great. Thanks, Emily.

So again, any other ideas, please put these in here. But I think that from the homework perspective, I'll work with staff on adding in some of the high-level three pieces of this. Communications, we

got in here so that we can start laying those out and get all the pieces put in the right spot so that we can have a good discussion next week. And hopefully even by then, maybe wrap most of this losing FOA up by then. So for the homework for the group, I would say let's take a look at this. I'll try to have something put out there before the end of the week so that everybody can take a look at them and make any comments they want in preparation for next week's meeting.

Good question, Kristian, and maybe we'll add that in as to if the TAC notification should be here in the auth code or AuthInfo documentation, and maybe that crosses over as much [as this will.] Thanks, Emily.

Okay. If no one else has any other comments, we will give everyone 15 minutes back. Thanks, everybody.

JULIE BISLAND: Thanks, Roger. Thanks, everyone, for joining. This meeting is adjourned. You can disconnect your lines.

[END OF TRANSCRIPT]