
ICANN Transcription

Transfer Policy Review PDP Working Group

Tuesday, 31 August 2021 at 16:00 UTC

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JULIE BISLAND:

Good morning. Good afternoon and Good evening. Welcome to the Transfer Policy Review PDP Working Group call taking place on Tuesday, the 31st of August 2021.

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 Keiron Tobin (RrSG), Tom Keller (RrSG), and Steve Crocker. They have formally assigned Jody Kolker (RrSG) and Eric Rokobauer (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 Google assignment form. The link is available in all

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meeting invite e-mails. 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.

Alternates not replacing a member are not permitted to engage in the chat or use any of the other Zoom Room functionalities. If you 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 now or speak up. Steinar, go ahead.

STEINAR GRØTTERØD: Hello. I sent to the mailing list an update to my SOI because my company and me personally has entered a contract with Thomsen Trampedach. This is purely a technical issue, no policy involved. I hardly see this conflict in my role as At-Large representative for this working group. Thank you.

JULIE BISLAND: Thank you very much Steinar. Anyone else? If you 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. Over to our chair, Roger Carney. Please begin.

ROGER CARNEY: Thanks, Julie. All right. Just a couple of items before we jump into our work today. Every week I'm just going to ask if any of the stakeholder groups want to come to the mic and talk about anything that maybe the stakeholder group has talked about over the past week. Maybe they want to bring up any new news or new discussions that they've had that we've talked about previous. So this time, I will open the mic up for anyone that wants to bring any stakeholder group news forward and enlighten us with any good conversations or maybe even not so good conversations, but anything that anybody wants to bring up.

Okay, nothing. Again, I'll keep asking every week just so you guys can think about if you guys have some good conversations that we can bring up even if it's for past items, especially if it's for past items, some of the things that people have thought about a little longer. So I'll bring it up each week so that we can get those things pulled out as soon as we can.

The only other thing is I was going to mention that staff has been working on with the leadership team on drafting some early

candidate, I guess for the technical people, maybe some alpha kind of recommendations out of the TAC discussions that we've closed out or have completed and are just reiterating on. So staff and leadership are working on those. I would say maybe expect to see in the next few weeks on list. We'll try to keep that conversation going on list, and if anything big comes up, we'll pull it forward to the calls. But we'll try to keep schedule-wise on the calls with the topics at hand, and just if big items come up, we'll do that. But again, there'll be a handful of things that seem to be coalesced out of that TAC discussion, just so we can keep that moving forward. I would say within the next few weeks expect to see that on list. Okay. I think that was all I had. Does anyone else have anything they want to bring up now before we jump into our continued discussion on losing FOA? Okay, great.

All right. Staff did put together another set of poll questions for us. Again, this will be for the active members or alternates that are active this week to review and answer and discuss. Hopefully, these poll questions will lead us into the next discussion, the discussion in the losing FOA working document. But we'll jump into these poll questions and go through them as we have passed. Again, active members respond to these and we'll go through them. Okay, Julie, if you want to—there we go. Thank you.

So this is going to go in line with a lot of the discussions we're having and hopefully nothing new here. But should the losing registrar notify the registrant when the TAC is requested? You can see the answers there. We're proposing two questions at a time here because they kind of go together. If the notice is being required or even if it's not and it's being sent, the next question will

be about, should there be anything specific in those notifications? Maybe the domain name or certain dates or something like that. So if you answer one and two, and then we can discuss.

Okay. If we can show the results. Okay. So everybody feels that definitely lean toward it being a good idea to send this out. It looks like more than 90% believe either it should be sent or it's a good idea that the registrar should choose to do this or not. So, only 6%—I assume that's probably one or two—say that's not needed or do not support this type of request or notification. We'll get into discussions when we look at these two results here.

Okay. So, pretty good support on at least some of the information being included in those, being required in those notices. It looks like, again, maybe that one or two people didn't support this notification at all. Theo has his hands up. So let's jump to Theo real quick.

THEO GEURTS:

Thanks, Roger. I am probably the only one who said no. I think in general, we send way too much notifications to registrants in the first place. This is just causing extra support load. But basically, I can live with option two, actually, leave it up to the registrar. But if a reseller wants to transfer 10,000 domain names to a better registrar or whatever, whatever the reasons are, I think it shouldn't trigger 10,000 notifications to registrants who will then stop asking, "Why is the TAC being requested, etc.?" And in general, I'm of the opinion that if you want to improve security of the TAC, this is not the way to do it. Thanks.

ROGER CARNEY: Great. Thanks, Theo. I probably had the same thoughts as I was looking through that was how many notifications, and obviously registrants become a little numb to over communication even if it is through their actions that it's being initiated. So I think that's an important concept to keep in mind. And maybe something that we'll take a look at when we look at the working document as well because I put a question in there related to that as well. Thanks, Theo, for bringing that up.

Okay. For those that answered to question two with some of it should be included, does anybody want to come to the mic and talk specifically which items seem appropriate if you're sending this communication? Again, what items specifically should be required? Obviously, not dictating what can be said but at least include these items. So, anybody that answered the second question with should include some of them? You want to talk about specific ones that you think should be included?

Okay. Again, when we go through the working document, I think we'll hit on some of these because I think I asked those same questions in there are a similar question. Theo, please go ahead.

THEO GEURTS: Looking on the requirements which could include—there's a lot of sensible stuff there and it says includes domain names and new registrar. It may include it IANA ID. I wanted to circle back on the new registrar and the IANA ID. Or are we talking about the above

stuff? Just noticed somebody is highlighting the notification of that request.

ROGER CARNEY: So we were talking about these specific points here, Theo. Thanks.

THEO GEURTS: Okay. Well, that makes a little sense also. To go back to the other requirements, before I lose my thought there, you can't always look up the new registrar at a registry so that is problematic. So you might fall back on only including the IANA ID, what most of us do now. Thanks.

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

STEINAR GRØTTERØD: Hi. On behalf of At-Large, I think one of the things that we have focused on is useful information to the end user in the transfer process. I find it very, very good idea to have this notification of the TAC request. But it all depends on what sort of wording you put into this, how you formulate your communication with the end user, and those guys who will receive this. So I think it's a very good idea maybe but you can compromise this and still keep the same bullet points that we have in this working document into that. But again, it's the best way to communicate and inform the end user.

I will also say as a comment to previous speaker is that if a reseller wants to change the sponsoring registrar for his clients, I will highly recommend to give some sort of information to his clients before doing this even if it will hurt. So thank you.

ROGER CARNEY:

Great. Thanks, Steinar. I'll also note that Jim Galvin must not feel like talking today because he's put in a lot of chat and talking about some more specifics around maybe this notice is not necessarily in a direct communication. And again, I kind of want to avoid e-mail because maybe we'll get away from specifically stating e-mail. But maybe this information isn't a direct communication but maybe a direct communication that links them back to the registrar, whatever we call it, counsel or registrar management system, maybe that's an option as well. So something to think about. Theo, please go ahead.

THEO GEURTS:

This is to Steinar. I see where he's coming from. I was wondering how he would feel if we would make the option to send the notification up to the discretion of the registrar and a reseller actually has to go back to the registrar and ask, "Can you not send the notification?" Then the registrar can say yes or no. Though that would be from a losing registrar, there could be some—yeah, it's not an ideal situation, [inaudible] entirely. But I can see other registrars who will always say, "No. We will send the notification because we know that there will be X amount of registrants who didn't read the previous communication of the reseller and will somehow block the transfer." And that is always the 80/20 rule.

80% goes smoothly and the rest of the 20% of the transfers are a nightmare to complete because people act on communications, do not follow to communications, or whatever. Then reseller is always sort of discouraged by the fact like, "Oh man, these transfers are just a nightmare to get them out of a registrar. That's basically a big problem, in my opinion. There is too much stickiness in our industry and resellers. You can tell a reseller, you can give them the best prices, you can give them the best platforms, but as soon as they have to transfer, it becomes a chore. And it is for many resellers a reason to stick around with the wrong registrars for many bad reasons just because they can't transfer out. Thanks.

ROGER CARNEY:

Great. Thanks, Theo. Good you put on from a different perspective there. So I know Steinar had his hand up before but maybe he can also jump in on your comments there. So Steinar, please go ahead.

STEINAR GRØTTERØD:

For a long time ago, I had some experience as a registrar but it was not dealing with research so I don't have that kind of experience. But my only point was information and communication is quite essential. I raised a hand again because I don't understand why the TAC itself should be included in the notification. It is sent by e-mail. I don't like to have that security being displayed in an e-mail. So the last bullet point that was added, I don't like that one. Thank you.

ROGER CARNEY:

Thanks, Steinar. One thing I'll add is the timing on these I think we'll get into that in the working document. As I was looking through this and trying to walk through the scenarios was, okay, a registrant request the transfer, and then there's a process that happens. My thought here is this is communication that hopefully confirms that that registrant is that person. And it's one of those things you always get from Google or anybody or from Netflix that says, "Hey, you logged in," or whatever, something like that. Don't do anything. But if it's not you, it's important. It's one of those where, to me, the scenario is, okay, the registrant request a transfer and this would go out fairly immediately. And then the registrar would do some due diligence on their side and then provide the TAC after that. So this communication refers registrant would do due diligence, they would do what they need to do system-wise, create it at the registry, registry hashes it on their side, and then the registrar provides it to the registrant. That would be a different communication than this one.

So, I don't know if those could be combined, to Theo's point of not over communicating or swamping people. But I was thinking in my head anyway, the process being, registrant request it. This is just a notification to the registrant saying, "Okay. We've got your request, basically." And then work is done. And then the TAC is created. So just on that thought process. Kristian, please go ahead.

KRISTIAN ØRMEN:

Thank you. I was just thinking, though, one of the reasons for this idea about the notification of TAC request was that we don't have the losing FOA, which is a mechanism in the transfer process to

both accept or deny the transfer. Then it's good to have this notification in the staff. If the TAC is not there all the time, when you request the TAC, it's probably because you want to do a transfer. So the notification of TAC is basically a notification of there might be a transfer happening, too. So it's notification if we don't have the losing FOA. If we have the losing FOA, then maybe it's not necessary. Personally, I think this notification before, instead of the losing FOA, is more efficient and more registrant friendly. Thank you.

By the way, I also support Steinar's comment of not including the TAC in the e-mail. Because it should be optional, which way the TAC should be delivered from the registrar to the registrant or registrar to reseller to registrant or whatever the model is. And that will be different for registrar to registrar, and will also be different for the registrants how they would prefer to get the code. Thank you.

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

OWEN SMIGELSKI: Thanks, Roger. Apologies if I sound a little off. I'm recovering from a cold here. But I just want to jump in that I agree for the most part what's going on here. I kind of like the idea of like, "Hey, this is a notification." It's similar to like what Google or whatnot would do if you're doing a new device, because requesting a TAC is a very important thing, which could fundamentally shift the domain name there. But I think it's important to highlight that what we're

discussing right now is when the registrant requests, this is when that notification goes out. This is going to be somewhat of a security catch for if say somebody is unauthorized and accessing the account, then the registrant will get a notification, whether it's through an e-mail or a text message or some other type of communication.

I think the scenario that Theo has been discussing where the reseller is doing that is outside of this, and we had considered that elsewhere in the scoping document about reseller or registrar-initiated transfers, which are outside of what the registrant is doing. I think that falls outside of this and that's something we want to consider. I do think that that is something we do want to consider because there are scenarios where transfers go on based upon the registrar or the reseller where the registrant has zero idea what's going on and really doesn't have to give permission for it or be the gating thing for that. They should be notified of it but it should just be part of the regular business there. I think that would avoid the problem that Theo was talking about, if there is some other third option for transfer out there that is not registrant initiated or ICANN initiated. Thanks.

ROGER CARNEY:

Great. Thanks, Owen. That's a great clarification on the two different, I guess, discussions that we're having on on that transfer. Not necessarily two but maybe more than two. Theo, please go ahead.

THEO GEURTS:

I support Owen there. I think that's a good idea if we go along in our deliberations that we have a certain process when we are talking about resellers or registrant with transfers, that we keep that in the back of our mind, because we don't want to disrupt the transfer process too much but we also don't want to burden it in certain ways. So if we keep the distinction between registrant transfers and how resellers and registrant transfers are happening, yeah, I would be very happy if we could keep that in mind while we move along, maybe even put that in the document so much so we don't forget it. Thanks.

ROGER CARNEY:

Yeah, great. Thanks, Theo. I think that's right. I think document those—yeah, it's probably worthwhile revisiting when we talk about those other types of transfers, registrar or whatever, other one that is possibly more volume, even a separate path that wouldn't necessarily ... And I think they all of them have to be looked at but wouldn't necessarily kick off everything that a single registrant transfer would do.

Okay. Any other comments on these first two questions about the pre-notification, I guess I'll say for now? Sarah will come up with a good term for that. Okay. We can go ahead and close out this question and bring up the second question.

Okay. So moving on. In my head, again processing this, trying to be somewhat linear or at least along a path, the TAC is now created. Obviously, that notice is going to go out somehow. We haven't decided the best way. We're going to try to be flexible there and not specifically say it has to go out by fax anymore or

whatever it used to say. But jumping into this, the TAC is now created, should the losing registrar notify the registrant when the transfer is pending? So in my mind, obviously, when the TAC has been created at the registry, the transfer is in pending state to me. So please jump on and disagree if you don't agree with that. But should the registrar notify the registrant when the transfer is pending, and what should be included in that pending notice? So please go ahead and answer and we'll discuss.

Thanks, Julie, for the chat. Yes. Just a reminder, just members and alternates playing members this week, I guess, acting as members this week, answer the questions. Sarah, do you have a question on the questions?

SARAH WYLD: No. I want to talk about the second question. So I'm just excited.

ROGER CARNEY: Okay, good. Good. I like that. Okay. We can show the results. Okay. So a lot of people believe that it should be required and the majority of the people should be required or at least an optional notification.

Okay. So what should be included is a little more mixed bag, which hopefully we get some good discussion on. So let's go ahead. It looks like one person may have said they don't support this or that definitely needs to be discussed further. So let's go ahead and jump into discussion and let Sarah kick us off.

SARAH WYLD: Thank you. Hi. I hope you can hear me okay. So yeah, I do support a notification being sent by the losing registrar. But if we are or will be in a world where instant transfer is a thing so that the transfer is already done by the time this e-mail is sent out—and as I'm saying that, I realized that I am confused about what we are talking about so I'm just going to leave it right there. Thanks.

ROGER CARNEY: Sarah, let me interrupt there and maybe I can help you there. I think that the transfer is not complete to me anyway. Again, maybe anybody else can jump in, but to me this is when the TAC is created. What happens next? The TAC hasn't been given to the gaining registrar yet so the transfer is not complete. The transfer is just being initiated and the registrant still needs to do things for the transfer to be completed.

SARAH WYLD: Roger, sorry. I am definitely confused here so I'm sorry. But if the TAC hasn't been given to the gaining registrar then how has the transfer—how is it pending? It's not pending yet.

ROGER CARNEY: Because the registrant has requested the transfer, the registrar has gone through due diligence and approved that it makes sense that the transfer can go through and it's provided the TAC to the registrant. Or maybe this notification is providing the TAC as well and whatever line of communications necessary. But this communication is that the registrar is good with it, has updated the

registry with the TAC so the transfer can go through now. That's what this is, to me anyway. Does that make sense, Sarah?

SARAH WYLD: Yeah. That's very helpful. I think what I'd like to do then—I'd like to imagine that if I'm confused—probably I'm not the only one—maybe we should have a little explanation at the top of each of these different notifications that just outlines what is the scenario because I definitely lost track. So thank you.

ROGER CARNEY: Okay. No problem. Again, mostly just discussion here anyway. So hopefully it's just bringing that. Good. Kristian, please go ahead.

KRISTIAN ØRMEN: Thank you. I'm also very confused because I thought this notification of pending transfer was basically almost the same as the current losing FOA. That's what I thought since what you just described is almost the TAC notification that we talked about before. Because if you're saying that it's sent when the TAC is not even given to the new registrar yet, then this would basically be sent at the same time as the notification we talked about before.

ROGER CARNEY: That's a great point, Kristian. Actually, when we get in the other section of the working document, we'll see that discussion of it doesn't make sense. Again, maybe I'll back up and do the whole thing. The registrant request a transfer, and the registrar has to—

or maybe doesn't—but a registrar may choose to review that transfer to make sure that it's valid to continue for whatever reasons that they're going to look at. Then they create the TAC. Once that TAC is created, the registrar provides it to the registrant. And then timeline gets a little skewed because the registrant can use it whenever in that TTL. But then the registrant provides that to the gaining registrar, and as soon as the gaining registrar provides that to the registry, it's transferred.

That's the scenario we're talking about. Immediate transfer is when the registrant provides it to the gaining registrar and gaining registrar provides to the registry, it's gone. And then only a notice is sent to those two parties, that losing registrar and the gaining registrar, saying the transfer is complete.

Kristian, when you mentioned is this the current losing FOA? Yes and no. As Sarah mentioned in the last call, you're not going to NACK this necessarily, you're just going to stop it if you don't approve it. Hopefully that makes sense and maybe the questions line up that way. Go ahead, Kristian.

KRISTIAN ØRMEN:

I don't think it makes sense at all. I'm sorry. The registrant or the reseller or whoever does it will go to the registrar and ask for the TAC. Then if we implement the TAC notification, a notification will be sent. And if we don't implement it, nothing will happen. Then the registrant will go to the new registrar with the TAC. The new registrar will send the TAC to the registry. If the transfer will go through directly or not depends if we decide to keep losing FOA mechanisms or not. Personally, I think not. I know all the people in

the group think we should keep it. In my mind, this notification on pending transfers is the new word for the losing FOA and this will be sent when the gaining registrar sent the authID to the registry and not before that. That's when you will have a link. It was one of the questions to ACK it or NACK it. But I think this will only be implemented if we decide to basically keep the current losing FOA.

That's how I see it. I was really trying to listen what you're explaining, but I don't think it will make sense to be able to ACK or NACK even before the gaining registrar has sent it to the registry, because no one at that point, besides the registrant and the gaining registrar will know where this domain is going. One of the good things about the info in the losing FOA today is that you can see where it's going. Thank you.

ROGER CARNEY:

Thanks, Kristian. Yes. That is correct. That's the one piece of information that probably—and the losing registrar will get to see that. But we're assuming here that immediate transfer is something that everybody wants. We've had those discussions and it sounded like that makes sense to most people so the assumption going into these notifications is a transfer is immediate. When the gaining registrar supplies the TAC and it's valid and all that, of course, to the registry, that transfer happens. There is no window after that. It happens and there's only notice sent. Well, again, that's still up for discussion. Maybe there's a notice sent to the losing registrar and the gaining registrar that the transfer is complete.

That's why this pending idea, there is no pending once it happens—and I think Sarah kind of hit that. If it's TAC, there's no pending if it's immediate transfer. So the pending is when the registrar creates the TAC between that point and when it gets used is when it's pending. Before that, there is no transfer. There's no transfer before TAC is created. And after it's used, it's gone immediately. That's the scenarios. Hopefully that makes sense. Theo, please go ahead.

THEO GEURTS: In this scenario where you have a requirement that it should include the domain name and new registrar, that will never happen. I mean, you don't know who the new registrar will be within this notification because you only created the TAC without them, correct?

ROGER CARNEY: Yes.

THEO GEURTS: So that's a no go there. Then I'm going to hit on your due diligence. I do not see how that works. We have 200,000 transfers a month total. I'm not sure what the numbers were but it was a very large amount. I'm not sure how you're going to do that, how you're going to do your due diligence. Is GoDaddy going to hire a boatload of people and go looking at all these TACs? And how do you do your due diligence if you have a person looking at it? The only way you can do your due diligence is you see that a TAC has been created. You're going to look if the registrant has locked into

the control panel, if he has provided his credentials in the correct way. That is basically about what you can do, I think.

Lastly, I think if Kristian and Sarah are confused, we are wading in very dangerous waters here because I was confused also. I thought maybe it's just me, but if others are very confused also and we are supposed to be the experts on this, I don't know when we are doing. But we need to tease this out a little bit more next time. Thanks.

ROGER CARNEY:

Absolutely. Thanks, Theo. Again, on the due diligence side of things, I think you're right for the majority of transfers that due diligence is—it gets "Here's your TAC." But for certain ones or for different models of registrars, someone that's doing corporate management of domains, maybe they take more time after the request of a transfer is done. And if someone comes into their portal and says, "Yes, transfer this," but they make a phone call out.

So the TAC isn't created right then, they're going to take some time to make sure that this transfer is valid. Or maybe even for a retail registrar, maybe they have rules around—if it's a three-letter domain, the transfer request is going to get vetted more than just, "Yes, it can be transferred." I think, again, there's that window up front of when a request comes in by a registrant, so when the TAC actually gets to the registrant. Hopefully that makes sense. Steinar, please go ahead.

STEINAR GRØTTERØD: I often chat here. I was in the opinion that actually the losing registrar do know who will be the gaining registrar because they know from whom the TAC request is coming from. No, not the TAC but the transfer request is coming from. Isn't that correct? Because if it's not, then a lot of these points will fall out, in my opinion.

ROGER CARNEY: Again, when a registrant request a transfer, the registrar of record does not know where they're going to go.

STEINAR GRØTTERØD: I'm talking when the registrant has received the TAC, have gone to the new registrar, initiated the transfer, the new registrar sent a transfer request by EPP to the losing registrar requesting a transfer to the new registrar. But doesn't the losing registrar at that point, when they received the transfer request by EPP, know the name of the new registrar to come?

ROGER CARNEY: Yes. In today's model, that would be no. But what we're talking about is an instant transfer. So you wouldn't know that until the transfer is complete. Does that make sense?

STEINAR GRØTTERØD: Maybe. Okay. Let me think about it.

ROGER CARNEY: Okay. Great. Thanks, Steinar. Kristian, please go ahead.

KRISTIAN ØRMEN: Thank you. I'll just go quickly back to the notifications. I think if we stay in this pending transfer notification talk, which I think should be combined with the TAC request notification because it's when the TAC is created. Actually, we could skip this whole thing and we could just take some of this information that should be in the mail, we could put that in the TAC request mail, because we're not sending two mails to the registrant directly at the same time.

If we think there should be more info in the pre-transfer notification or whatever we call it, TAC request, pending transfer, it's all the same. It's a notification we send when the TAC is created in this document. Then if we go down—we're going to talk about that later—that's a completion of transfer. But even though I know it's later in the document, I just want to mention it because if we go in the assumption that we decide to do immediate transfers, then the information about the new registrar that Steinar just asked about, this is going to be in the notification of completed transfer. Then we'll be like, "This domain had been moved from GoDaddy to Tucows." Then it would be GoDaddy as the losing registrar that will send that notification to the registrant because they are the only one knowing it. The gaining registrar don't know the registrant data. That's it.

I totally support and like the idea of immediate transfers. But if I go back, I don't know how many, a couple of meetings, when we are talking about the losing FOA, I don't remember there being a consensus on doing immediate transfers. I think there was both

support for optional and there was a lot of support for immediately and there was also support. I think, especially Steiner said that they wanted to keep the losing FOA, are we done talking about that? Because if we implement losing FOA or if we implement the optional losing FOA, then we also need to talk about the information that needs to be in that FOA. And when we had this vote before, I actually thought that was what we were talking about, because in my mind, that is a pending transfer. The transfers not pending before the TAC goes to the registry, then the transfer is pending, all it is immediately transferred. But then it has never been pending. It just went right through. Thank you.

ROGER CARNEY:

Great. Thanks, Kristian. To your point, we have not agreed that immediate transfer is the conclusion. That was a good general support on that item when we discussed it. So that's what we're using to make these further decisions. We're assuming immediate transfer is what we're using here. So what has to happen with these other items to make immediate transfer available or optional? Maybe it completely discards the availability of immediate transfer as we go through this. But in our early discussions, that is where we lead to as, yes, immediate transfer is the outcome we were looking for. And again, that's why I want to reference that as, look at it from that perspective when we ask this losing FOA question.

KRISTIAN ØRMEN:

Just a quick follow up. If we go after that assumption that it's immediate transfer, then we should take out this pending transfer

thing out the working document because then pending transfer does not exist.

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

THEO GEURTS: I agree with Kristian here. I think a lot of the confusion is due to the pending transfer, which in our minds has a very technical meaning on how the current process currently works, where a transfer is already requested but we are still talking about TAC here. Regarding your due diligence, you make some valid points there. If they are important domain names, yeah, it may be a good idea that the registrar takes a look at it. On the other hand, I think the due diligence is on the registrant itself. If your domain name is so important, why didn't you put it on a registry lock so you would prevent such stuff? So you don't get into trouble anyway because it's all neatly locked up and nothing much can really happen as long as that status is there.

Talking about the idea on how we now flesh this one out, I'm starting to wonder—I mean, I think so far, this great idea has been floating around. And having an immediate transfer, I think that's really great to think about it. I know we're not in a decision mode here yet, which is good. But I do wonder, actually, if we have floated this scenario to the Registry Stakeholder Group, I wonder what our support would be to go further work on this scenario, sort of question the support there. I know it's way too early to ask them now but I think we should work this out some more. But I do

suggest that if we come into some kind of scenario where everything is working in everybody's hats here and it's technical already and it is feasible on that level, that we reach out to certain parties who have to implement this, these stakeholder groups, to see, "Okay, this is our thinking right now." So we don't get in a situation that at the end of the process and it's up for public comment, our stakeholder group says, "No, we're not going to do this. That would be a waste of time."

ROGER CARNEY:

I agree, Theo. Again, I'm going to try to open every meeting with those discussions that representatives are having with their stakeholder groups. The whole thing is we expect the members here to be talking with their stakeholder groups as these items come up, anything that they feel necessary to talk with their stakeholder groups and getting their input and their perspective as well. Again, I am going to try to remember to do that every meeting so that we can bring those forward. But the expectation is whatever we're discussing is going back to the stakeholder groups and the representatives are pulling those concerns, inputs forward from them as well. Steinar, please go ahead,

STEINAR GRØTTERØD:

If we combine this into one notification, that includes both the TAC request's information and about the possibility to stop a NACK, any potential transfer, how do we make sure that we saw the scenario where the registrant is different than the account holder? It's one of the things that we have given some thought in previous meetings.

ROGER CARNEY: Great question, Steinar. That's the thought process I was trying to go through. Maybe these notifications are just labeled wrong. Don't think the pending or the pre- whatever, those were just names thrown in there. We don't have to call them those things. It's just there's a logical flow. Are there logical points in this flow that a notification is useful or should happen? The registrant asked for it. The registrar does what it needs to do, creates the TAC, provides it to the registrant, and then the registrant at some point takes it to a gaining registrar. And that gaining registrar gives it to registry, and then the transfer happens. Where in that logical flow does notifications make sense or not just make sense, but have to happen or maybe could occur? Just think about it that way. Jody, please go ahead.

JODY KOLKER: Thanks, Roger. I think I want to stir the pot a little bit with this and probably confuse everyone. But a thought has been going through my head that I just want to throw out here. I'm just curious on what people think. I'm not sure if it's a good idea or bad idea. But one of the things we're talking about is being able to review the request from a person—I'm not going to say the registrant or the account holder but it's whoever logged in, which I think we would say the account holder at this point—that request to get a TAC to receive it from the registrar and that would be the losing registrar or the current registrar of record. How does that sound?

ROGER CARNEY: Yes.

JODY KOLKER: Now, if we consider that to be when the pending transfer starts, even though it hasn't been the pending transfer from a technical standpoint that we're used to, what would happen or what can happen at that point, if a registrar is allowed five days to produce that TAC and display it or send it to the registrant, then if the request actually signals an e-mail or a notification to the registrant, the registrant could act or deny the actual TAC being created and presented to the account holder.

Now, before people start with torches and pitchforks towards me, I'm just curious. That could be part of a losing FOA as far as, "Hey, we're doing the ACK or NACK when the TAC is being requested, but not when the actual transfer request is coming from the gaining registrar to the registry." I don't know. I'm just throwing that out there. If we're trying to get nomenclature and vocabulary cleared up here, that would be one way to look at it. Thanks. I'm really open to discussion on this or if somebody's basically deep-six in this. Thanks.

ROGER CARNEY: Thanks, Jody. That's the purpose is to go through the scenarios and talk them through. I think the one big thing I got out of that, Jody, is this pending thing that people grab and hold up maybe—maybe it's the wrong word here—but this pending is not the current today pending where the registry has the notification that it's going to transfer it and there's a five-day window. This pending

has to occur before that because we're under the assumption of media transfer. So that definition—again, maybe it's the wrong word to use—is different today than it is tomorrow. So just thoughts on that. Kristian, please go ahead.

KRISTIAN ØRMEN:

Thank you. Just to reply to Jody. Personally, I don't like it to be part of the policy because I would like the transfer process, at least in the policy, to be as efficient as possible. I think it should be possible for the account holder to request a TAC and get it also via APIs and so on. It could be different from registrar to registrar. If we keep up to five days to supply the TAC as we have in the process today, what you just described is something that every registrar could do as an extra security measure on their own discretion. Since we have the five-day in the policy, there wouldn't be anything to block it. But I certainly hope that at least my costumers will have a better experience when they transfer away from me because I think that the experience when transferring away should be so good that the customer would like to come back to me at a later time. Thank you.

ROGER CARNEY:

Thanks, Kristian. To your point there, I think that registrars generally want a good experience just because even if it's one domain name, they may have five or six. And if they have a good experience, they know at least there's goodwill there, and the other four may stay with that registrar to begin with. And maybe they have a different reason for transferring it.

Again, it's funny that we're having these discussions because I wasn't sure if we should do the polling first or if we should look at the working document first. Now that we're going through this, I'm still not sure which one would have made more sense. But it's produced some good discussion, I'll say that. Kristian, please go ahead.

KRISTIAN ØRMEN: Can we do the last poll again now that we are hopefully less confused?

ROGER CARNEY: Absolutely. Julie, can we rerun that? Thank you. Okay. Not necessarily what's in the working document in this section. Again, all these questions—what's suggested is just should this be included or not. Again, depending—depending may be not the right word. Maybe we should distract or change that so we're not confused with today's pending. But here's the scenario, again, the loose logical flow the registrant or whoever logs in and request a domain to be transferred, the registrar does what it needs to do and creates the TAC and supplies that TAC to the registrant. And then the registrant takes that to the gaining registrar. And the gaining registrar supplies that to the registry and the registry immediately transfers it.

So at this stage here, we're talking about this being where the registrant is presented or the TAC is provided to the registrant/whoever the registrar's counsel is, if that's how they choose to disseminate that information. Hopefully that makes

sense. If not, please raise your hand because I don't want you to answer these 10 times the same question. Okay. Let's go ahead and show the results.

Okay. A bigger mix there on the no support of this type of notification. I think that what we've talked about is maybe there's—and again, Theo brought up—the number of notifications is important but also the type of notification here. Maybe it's not a pending or pre-, it's a transfer notification or something to that line. Again, that's not necessarily having a pre-notification and a pending, but maybe it's a combined or a simple notification of transfer. Heavily favored on including links to deny the transfer and approve it in the same communication. Again, communication here, so thinking beyond just e-mail. So we'll have to think about those options at a later time.

Okay. Again, anyone wants to discuss further? Okay. Again, we'll discuss this more anyway as we get into the working document. But let's go ahead and close out on this set of questions and pull up the last set of questions.

Okay. Again, thinking about the immediate transfer, this would be notification after the transfer has occurred. So, the gaining registrar provided it to the registry and the registry transferred it. Again, not that we've agreed, but supposedly the registry has notified both the losing and gaining registrar that the transfer is complete. So these questions would be: should the losing registrar notify the registrant when it's complete? And if so or if it's optional, what data should be included in that communication? Please go ahead and answer. Again, just for the active members at this time.

Okay. Let's go ahead and show the results. All right. So heavily favored to yes or at least optional. And a few people said no, they don't support a notification from the losing registrar once it's complete. Good support on some of the items being included, listed. Again, we can get into those specifics. So I think the key here is, okay, for those that don't feel this notification is necessary or at least should be required, can you come to the mic and explain your thoughts on why you don't feel it's necessary? Jim, please go ahead.

JAMES GALVIN:

Thanks, Roger. Speaking as a registrant in this case, what was going through my mind did not sending this particular notice is in the spirit of, how many notices can you send somebody? And when you stop sending them, it occurred to me that, oh gee, I would think the gaining registrar ultimately wants to say, "Hey, welcome, you're here. We like you." And I think that the losing registrar should be off the hook at this point.

So I think some kind of notification is relevant. But this is this is presented as a losing registrar notification. And I think it ought to be a gaining registrar notification. And that's just me personally speaking from a registrant position. I'm curious to know what other registrars think about all that. Thanks.

ROGER CARNEY:

Great. Thanks, Jim. Thanks for putting on a different hat there and thinking about it slightly different. It's a good point. Kristian, please go ahead.

KRISTIAN ØRMEN: Thank you. I agree that the gaining registrar [inaudible] that the problem is that the gaining registrar does not know who the registrant name holder is at the time of transfer.

ROGER CARNEY: Yeah, great. Thanks, Kristian. That is a good point that it possibly is different just because the TAC is the key there. Theo, please go ahead.

THEO GEURTS: Following along what Kristian just said. It is a notification. I do understand Jim's comment. It's always nice to greet new customers. For me as a wholesale registrar, I don't want to be in a position that I'm going to send messages to registrants which are actually not my customer. Sure, I have a contractual agreement with them but they are not the ones who are paying me and setting up all kinds of communications, which I think is up to the resellers. I think I shouldn't be doing that. I mean, it's already very bad that we have some very strict communications which I need to send as a registrar, where I actually think this should be up to the reseller to do it. So I don't think this obligation is just a notification.

And yes, it may be a great way to communicate to your new customers, that may be a great thing. You also are not aware if it is a new customer in the first place. It could be a current customer who is just transferring a couple of more domain names. So he or she is already a customer. So you've gone down a slope where you can come up with more and more scenarios, that you should

be very loose, make your communication towards the registrant regardless if that is a reseller who should be doing stuff or a registrar who should be doing stuff. Thanks.

ROGER CARNEY: Thanks, Theo. Just to be clear, for me anyway, you're supporting maybe an optional? Not necessarily not allowing it but making it optional?

THEO GEURTS: I think it's a good practice that the losing registrar sends a notification that the domain name is actually transferred out. That is just factual information which can be very handy at certain situations. Definitely, if a registrant is completely unaware, so that is good information on the gaining sides. Yeah, make it optional. So I've got on to a good compromise. Thanks.

ROGER CARNEY: Thanks, Theo. Okay. Any other comments on this one? Questions? Can I try to confuse people more than I did on the last set of questions? Okay. All right. Well, again, it's great discussion and it's good. I think the big thing here is what we've talked about is getting down the flow of actions that are going to take place. We know they're going to take place. Certain things are going to happen. And then picking the right places to have notifications, and again mostly be required but also some places where it's allowed. So I think that's important as well so that if a registrar decides to do something or makes that decision on their side that they have the ability to or, again, to our point here is where it

doesn't make sense. On communication, that's a little harder to draw that line but I think it's important that we look at the logical flow and where communication makes sense and from who and what that includes.

Okay. We can go ahead and close out the poll questions. Now, if we can move up to—yes, thank you. Again, this is the losing FOA working document. Then I noticed Sarah put in quite a few items in here. We can go through each of these, actually. Again, I think that the terminology here may be a little odd. So let's not stick on if it's pending or pre- or whatever, it's just looking at the flow and the actions throughout the flow. And does a notification help or not help throughout the flow?

I think, again, this notification, the TAC request, and I think that's exactly in my mind how I perceived it was the registrant—or maybe it's not the registrant, maybe it's whoever's logged in—makes the request for a transfer. At that point, there's some work that has to be done or can be done before the TAC is actually created. So is there a spot there from when it's requested to when a TAC is either approved or denied? Does it make sense to have some notification in there?

As several people have talked about, there's up to a five-day window there that someone can request a transfer and the registrar has five days to provide that TAC. Obviously, some of them are going to be fairly immediate. Again, depending on the communications mechanism used, it could be fairly immediate. But also there could be a delay there as well, depending on, again, the scenarios that the registrar is going to use to approve the request. So, to me, that was this pre-notification was between

that time of request and to the point of the TAC being provided. Again, sometimes that may be immediate and this notification doesn't make sense. Sometimes that could be five days, so does it make sense to get that out? Again, I think all these questions lead on to that.

I guess the items below the fourth bullet go through that thought process of that in between time. So the requests happen and these things happen in there. So I'll open up for discussion on all these bullets of this first, number one. We've talked through this but maybe we've got a better understanding now of the overall process and where this fits in. Steinar, please.

STEINAR GRØTTERØD: I'm not sure whether this is to be discussed at this point. But at some point, we have to discuss the policy for when the losing registrar can actually prevent TAC being created. Hence, a transfer cannot be completed or come through. Because, as an example, lacking of payment, etc. So I don't know whether this is the point to take this up or put it into this section or we will have a later discussion.

ROGER CARNEY: Yeah. I don't want to lose those thoughts but I don't want to slow down the progress either. I agree that those things have to be talked about. I just don't want to do that until we've got more streamlined process here. Let's call it the happy path works. Okay. Then add in where those problematic spots. Like you said, there's obviously logical reasons that registrars can deny, but even later

on, what happens if a registry denies the gaining registrar because the TAC's not valid or whatever, something like that. I think we can have those discussions after this. But let's outline that flow before that.

STEINAR GRØTTERØD: Okay.

ROGER CARNEY: Thanks, Steinar. Okay. Again, I'm not going to go back into the poll questions, but I guess I'm curious as to how people feel after describing this and maybe going back several times and trying to get this flow to work. How do people feel of a notification when the transfer is requested? Again, some people brought up some scenarios where the registrant may not be the person requesting it and maybe that can even feed into the registrar due diligence, I don't know. But that possible five-day window—again, Sarah has the up to language or whatever it is. But, Sarah, please go ahead.

SARAH WYLD: Thank you. Roger, I think I'm finding some confusion in the way that you're using a phrase when you said that the transfer has been requested. And I think I'm hearing that phrase used in two different ways or to mean two different things. Because what I think you just described is what I would describe as the registrant or whoever preparing the domain for transfer. So that's when they make sure it's unlocked. They make sure that it's got the right contact info, although I guess that's no longer such a big deal, and they get the TAC. That's preparing it for transfer but they haven't

yet actually initiated the transfer in the gaining registrar system. So in my mind, I always say the transfer hasn't been requested yet. Because requesting it is when you take the TAC to the new registrar and move it over.

ROGER CARNEY: Okay, good.

SARAH WYLD: So with that in mind, I would say we should get to a point where there are two notices sent by the losing registrar to the domain owner. The first one I think should combine what we see on screen here is numbers one and two. So it's saying, "Hey, somebody requested the TAC and it's been provided. And here's a bunch of information about preparing your domain for transfer, including all of these points." And maybe we'll have a link to invalidate that TAC or to cancel the TTL, however we want to do it.

And then the second one is after TAC has been provided to the new registrar, they give it to the registry, the domain gets moved over. And then the losing registrar is aware that the domain has left their system. So then they send another message to whatever was the pre-transfer domain contact saying goodbye. Thank you.

ROGER CARNEY: Great, Sarah. Thank you. That's great that you bring that up because I can see that being confusing. Yes. I was thinking the request of a transfer was, like you said, preparing and the

execution of the transfer being basically providing it to the gaining registrar, because within a few relatively short moments, that transfer will be executed. But yes, that's a good point and maybe we need to come up with some terminology of how we describe those things better so there's no confusion.

Sarah, maybe you hit on something I hit on. It seems like possibly one and two can be combined. I don't know. That's probably what I'm reaching out for is does it make sense? If a registrar feels that they need the five days or is working on it, is it useful to have the option of one? And then after they've done their due diligence, three or four days later, this middle notification comes out? Or should it just wait? That's the one I'm looking for. Does that make sense to have that option? Or no, it doesn't make sense. We can just send one and, like Theo says, let's not bury people in communication. Sarah, please go ahead.

SARAH WYLD:

Thank you. So if they are separate, I think what I'm not really following is what exactly would that due diligence be that happens in between those two things?

ROGER CARNEY:

Looking at it like if it's a corporate registrar and they're dealing with pick any name, amazon.com or whatever, they get in their portal, someone says, "Transfer my domain." And the registrar is like, "Okay. But I'm going to reach out to four people at Amazon first before I do this," so they get on the phone or whatever and call these people to confirm it.

SARAH WYLD: I would want to see that happen before the TAC is provided to anybody.

ROGER CARNEY: I agree. So that's my question. This first notification has no TAC in it.

SARAH WYLD: Right.

ROGER CARNEY: It's just saying someone requested it. And then the second notification would have the TAC because the registrar approved it. So that's, to me, the first one is, "Hey, I went to my current sponsoring registrar and said, 'I want a TAC.'" They don't have it. But I want a TAC. I want to move my domain name. And the registrar says, "Okay." Again, 97% probably will say, "Okay. Here it is. It doesn't matter." But three-letter domain name, they may say, "Okay, wait. I'm going to call," or whatever it is. A corporate domain that says, "No, I'm going to call and write them or whatever. I have to do these things." And then once they get approval from their side after their due diligence, then they provide the TAC. Does that make sense?

SARAH WYLD: Yes. I feel like we need a chart.

ROGER CARNEY: I agree. I think that helps.

SARAH WYLD: Like the different stages of the transfer process, and then what messages are sent at those different times? What you're saying makes sense, but then I definitely lost track partway through. Thank you.

ROGER CARNEY: Yeah, I agree. And I think that chart will help. I'm trying to get to those bullets of—hopefully we don't draw 12 charts but we get to one that makes sense. So, yeah. Definitely, Eric, a visual aid. Kristian, please go ahead.

KRISTIAN ØRMEN: Thank you. I like the idea that a registrar as possible to do [reading] if they feel the need to or the type of customers they have, makes that they need to. Both the scenario you just described and what Jody described earlier is something that if we keep the five days to supply authID is security measures every registrar can build into the systems if they like to or feel the need to with these five days.

So these ideas are fantastic but for some registrars, maybe not for others. I don't see why we would need to put these ideas in the policy. I think it should be available options, and it is available options because of the five days. I don't want to put any wording

in the policy around it because that just makes the policy even more complicated than needed.

So I decided just to call it pre-transfer notification right now. I think the pre-transfer notification is one that is being sent when the TAC is created and includes both the ideas of number one and two here. It's not created when you ask for the authID if the registrar wants to wait the five days for some reasons. It's sent when the authID is actually created, because that's easy to put in a policy, it's easy for all registrars to work with. It's just one notification required in the policies.

We don't want to include 10 different optional things in the policies. We want to include the stuff that we actually think that are needed. I can assure you that many registrars, including some of my colleagues, they like to send e-mails to customers. They are going to send more notification that we put in the policy. No matter how many we put in, they will send more. I won't be able to stop that anyway. But I really don't think we should put more in the policy that we actually think it's needed. Thank you.

ROGER CARNEY:

Great. Thanks, Kristian. I think you and Sarah both have hit on possibly wanting to be in the same. If I could ask maybe the two of you to propose what that looks like and maybe present that next week. And again, we're not talking about anything. If Sarah wants to do a visual diagram, that's fine. She doesn't need to. Just how that looks and where that fits in the flow would be great.

To your point, you're right. We don't want to put too much in this policy and we just want to put what's needed in there. Theo, please go ahead.

THEO GEURTS:

Good ideas. I agree with Kristian. When it comes to due diligence, you made the example of a free letter domain name. Most of us know these things have value. If my support staff would have that same insight, I don't know. Basically, how do you determine that? Now you're using the value of a domain name, but how do you measure something like as1942667.net? You have no ID. I happen to know if that domain name gets transferred out, and if it goes down, half of the Netherlands would be without Internet. That is a critical domain name. But by looking at it, I have no idea what that thing does until somebody on the other side tells me how important it is and that it should have a registry log because it is imperative to the Internet in the Netherlands. So it is very hard to do due diligence. So I understand it but I think in practice, I wouldn't do it. I'll leave that up to the registrant because I cannot go through all these requests so it has no meaning to me. I can't value them. Thanks.

ROGER CARNEY:

Great. Thanks, Theo. I think, again, whatever that's called or happens, I don't know that. As Kristian mentioned, there's no need to make that into a policy or mention it in policy, even. We can allow for that due diligence just by saying there's five days. Whatever that is, if the group says five days makes sense to provide the TAC, then whatever happens, again, it could be

immediate or it could be five days, so up to five days. I think that that's important is not to overburden the policy but make it so that it's available and that's it. The five days provides that. Sarah, please go ahead.

SARAH WYLD:

Thank you. I just looked through. I went back to the [inaudible] section for the drafting templates bits. And if we're going to combine one and two, really, it's just the same as e-mail one. The difference is just sort of timing and the ACK and NACK thing, which I think we can't do if we're combining them. So I look forward to other people's input on that. Hopefully, that's helpful.

I did notice this one. This one was missing the domain name, which I feel like maybe we should include. So I added that. Then I am very happy to try to take a shot at drafting a little chart that says what the messages are and when in the process they would be sent because I feel like we don't have that yet. My question is do you want me to do that and then share my Google file? Or do you want to give me a blank sheet and I'll put it in there? Thank you.

ROGER CARNEY:

Thanks, Sarah. And I appreciate that. Please go ahead. I'll leave it at the staff, I guess, to say if they prefer that they create one and you can edit it or if you create one. Anyone from staff for sure? Okay, great. Thanks, Emily. Staff will go ahead and create one and send it to you. Thank you, Sarah, for jumping in on that and doing that.

I think we have reached our time, actually. Are there any other questions, comments? Okay. Staff, anything?

Sarah, I don't think that we have this. Staff has provided this a couple of different ways on the current flow. I don't know if that helps or not or if that breaks that. Okay. Thanks. Okay. All right. Thank you, Sarah, again for doing that.

Okay. Again, we're at time. If there's no other questions or concerns, we will finish up the call and let everybody get on with their day.

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

[END OF TRANSCRIPT]