
ICANN Transcription

Transfer Policy Review PDP WG

Tuesday, 06 December 2022 at 16:00 UTC

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DEVAN REED:

Good morning, good afternoon, good evening. Welcome to the Transfer Policy PDP working group call taking place on Tuesday 6 December 2022 at 16:00 UTC.

On today's call, we have apologies Steinar Grøtterød (At-Large) and James Galvin (RySG). They've formally assigned Lutz Donnerhacke (At-Large) and Beth Bacon (RrSG) as their alternates for the call and the 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. Observers will remain as an attendee and will have view only chat access.

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Alternates not replacing a member should not engage in the chat or use any of the other Zoom Room functionalities. If you have not already done so, please change his chat selection from hosts and panelists to everyone, in order for all participants to see your chat and so it's captured in the recording.

Statements of interest must be kept up to date. Does anyone have any updates to share? Please raise your hand or speak up now.

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.

As a reminder, those who take part in the ICANN multi stakeholder process are to comply with the expected standards of behavior. Thank you and back over to our chair, Roger Carney, to begin.

ROGER CARNEY:

Thanks, Devan. Welcome, everyone. We have a few updates before we jump into our agenda. So I'll just start off with—the small team that was looking at the threat vectors is still wrapping up their work. So we should have something from them fairly shortly. But they're going to finish up and provide that to the working group.

Next, Emily sent out a note that just came out recently, within the last hour or so. But I'll turn it over to Emily to just to walk through what she included in on that, of kind of open items and where we stand today. So Emily, if you want to go through that list with us real quick.

CAITLIN TUBERGEN: Hi, Roger, this is Caitlin speaking.

ROGER CARNEY: Oh, Caitlin. Thanks.

CAITLIN TUBERGEN: I'll go through this quickly. So as Roger noted, during the last call, there was a request for a summary of some of the process updates that have been suggested to date, just so that we're all on the same page, as well as some of the open items, since there's a lot of emails going back and forth.

So here's the consolidated list. So thank you to Emily for sending this out. The first process update on the list is a change to recommendation two to include the addition of the losing FOA back into the process. As a reminder, that was discussed on our last call when there was a deadline for providing comments to the strawman and the strawman had the inclusion of the losing FOA back into the process, in part because there wasn't really an agreement one way or the other to eliminate it. So in cases like that, we go back to the status quo, which includes maintaining the losing FOA. And as noted, there were definitely some public comments that had concerns with the removal of the losing FOA.

The second change was also discussed recently. And that's that the registry operator will provide the gaining registrars IANA ID to the losing registrar in the notification of the pending transfer

request. And the losing registrar will include that in the losing FOA and the notice of transfer completion.

And as a reminder, that is in part so that, when that's included in these notifications, the registrant will be on notice regarding which registrar the name is proposed to be transferred to so in the event that it did not request to transfer to that registrar, it will be on notice immediately and can notify its registrar that it did not request that transfer and stop the process.

In terms of the open items, we have a couple of recommendations that are outstanding. Recommendation six is the recommendation with requirements for the transfer authorization code or TAC. Within that recommendation, there is the notion that a registrant could have a designated representative that can receive the TAC on its behalf. The Registrar Stakeholder Group representatives may have some further suggestions regarding how the designated representative is defined.

For recommendation 11, that we're waiting for the registry reps to make further clarifications regarding when the TAC is considered used, and is reset to null and also some considerations with respect to the TTL and interaction with the registry lock. That was as a result of some recent conversations and how those things interplay with one another and to make sure there are no gaps. So we're calling on our registry experts to assist us there.

Recommendation 13 is the small team that was working on a proposal regarding the TTL enforcement. Who would enforce that, would it be the registry or the registrar? During our last meeting, there was some discussion on what that group has proposed. I

believe Jothan sent that proposal to the list, but that item is still outstanding as of right now.

We also have the recommendation 16 and 17 small team. As a reminder, recommendations 16 and 17 deal with the locks following a post creation and post inter registrar transfer. The initial report notes that there is a mandatory lock for 30 days following a creation of a domain name and following an inter registrar transfer. That was for consistency and also for security.

And lastly, there's a small group working on developing a list of threat vectors that the proposed security model is and is not intended to address. And I believe Roger addressed that at the beginning of the call, that that will be forthcoming soon.

I think that's all of the updates. If I misstated anything, I welcome my teammates or Roger to please note in the chat. I'll pass it back to Roger. Thank you.

ROGER CARNEY:

Great, thanks, Caitlin. Yeah, thanks for that. And again, Emily just sent this out earlier this morning. So everyone should have it—and not trying to surprise anybody, just wanted to list it out for everybody, but take a look at the email. And if you have any questions or comments, you can respond to that as well.

Really, on the open items, I guess I'll kind of open it up for any of the small teams that want to talk specifically about where they're standing now, or what they're going to be doing. And if any on rec 6 and 11—on 11, discussion about when is a TAC used and one-time use, the one thing—I'll just make a statement of how I

thought the team had thought this was going to be done. And maybe we can punch holes into it or if we need to, we can take it to list.

But to me, the TAC was used when a registry accepts it, meaning that the registry or the gaining registrar presents it, the registry validates it. In my idea, that including the TTL, client locks, valid code, any of those things that the registry goes through their process and makes sure that the TAC is correct. And then create the pending transfer. That's when it's called used.

If the registry at some point says no, there's a lock on it, or for whatever reason, there's a UDRP and they know it, and they deny the transfer request back to the gaining registrar, it's not been used yet in my mind. So the TTL would keep going again, unless the TTL had expired and that was the reason they're doing it. But the TTL would live on after that and the TAC could still be used if whatever it was that was stopping it is fixed. And then the gaining registrar could try it again.

And again, it doesn't mean that the process is complete. It just means that the registry accepted the code and they validated it and they accepted it and started a pending transfer. So the transfer confirmation can still be done. So it's still—the TTL is no longer a factor once the pending transfer is set. So the ACK, NACK of the transfer confirmation still is valid and can go on for the five days. The TTL is not affected because it's already been used.

And potentially, I think Jim has mentioned that if there's a registry lock, they can resolve that after that, and the TTL doesn't matter

because the TAC has been used, so that process can occur and continue on.

So that's how I thought the discussions had gone and been defined. So I'll open up for any questions or comments. And if we get too detailed, we can take it to list and I can post that description to list. So everybody has it, but hopefully everybody thought along the same line. So Rick, please go ahead.

RICK WILHELM:

Thanks, Roger. Just wanted to echo that. I do have a little bit of research to do, I'll admit, about the reasons that a registry may and must deny a transfer. And this is part of my difficulty in navigating all of our documents that I'm just having a hard time going through and check, I just haven't had a cup of coffee to be able to settle in and do all that to check that.

But the one thing that I do think bears clarification is that it is possible for a gaining registrar to optionally verify the auth info—the TAC with an info command at the registry, and that does not constitute using the TAC. And so I think that in your description there, you described it as successfully initiating the transfer and submitting the TAC to the registry in order to validate that it is actually accurate or to check it if you will, does not constitute using it.

And I think that in in this case, Roger, the situation that you described, balances the situation around the possible challenges of getting a TAC and also reasons that the transfer may be denied for various locks or other obstacles, if you will. So I think that at

least going in—I've got to do some research to close this out. But I'm thinking I'm 100% in agreement with that. So thanks.

ROGER CARNEY: Great. Thanks. Okay, any update from the small team on rec 13, the TTL enforcement? I know that they met a couple of times now, I think, just wanted to see if there's any update on that. And Jothan, I know that you're on that team, and I know you're an alt. So if you wanted to talk you can jump on as well.

JOTHAN FRAKES: Oh, yeah. Thank you, Roger. Yeah, we need to probably meet one more time, at least, to arm wrestle this out and figure out exactly how to do this. And we've had a couple of discussions. We thought we were close to the goal. And then when the registries and registrars came away, and I brought back the suggestions we came up with to the registrars, we had some headwinds on it. So we're probably going to have to have another discussion just to see if we can figure out a path forward. So one more meeting is needed, at least. Thank you.

ROGER CARNEY: Great, thanks. Lutz, please go ahead.

LUTZ DONNERHACKE: Just from the discussion beforehand, there was an info command, which is able to verify that the TAC code is correct. Why does

such a command exist? What's the reason? This is for brute forcing for the gaining registrar?

ROGER CARNEY: Thanks for that, Lutz. Rick, please go ahead.

RICK WILHELM: Sure, thanks. Good question, Lutz. That info command is something that's always been there to be able to validate the TAC operationally that comes in a registrar's storefront or shopping cart mechanism when—during the transfer process, what they do is they have the registrant type in the TAC, and then they will go check it to make sure that it's valid. And then if they don't have a valid TAC, they will give that feedback to the registrant sooner rather than later before the actual purchase process goes through. So that's the way it works in practice.

I won't speak for all registries, but I will say that many to most registries have mechanisms in place that detect if there is some sort of a brute force mechanism going on. And then lastly, the ability to brute force an AuthInfo code is greatly reduced underneath the new requirements that we've put into the transfer process, which are based on RFC 9154, which of course have requirements regarding the randomness of the TAC. And also, as we've been discussing, the TAC itself has a limited lifetime, we'll keep open what that lifetime is. And so therefore, this is taking an existing situation and improving upon it. Hope that helps. Thank you.

ROGER CARNEY: Great, thanks, Rick. Okay, any other comments or questions on that small team's work? Okay, anyone from the small team working on rec 16 and 17, the possible overrides for the 30 day locks? I think they've met at least once now. Any update from that group? Zak, please go ahead.

ZAK MUSCOVITCH: Thanks, Roger. Owen, Keiron and myself had a very good hourlong meeting the other day along with staff. But we're going to need another meeting to see if we're able to come up with anything worthwhile to present to this group. We've canvassed the issues thoroughly. And now we're continuing to look for solutions. And we'll revert to you as soon as we can. Thank you.

ROGER CARNEY: That sounds great. Thanks, Zak. Any other stakeholder groups? We've had some good discussion already, but any stakeholder group want to bring anything forward that they've been talking about, concerns or comments they want to bring to the team or have the team answer? I'll open the floor up now for that before we jump into our agenda.

Okay, let's go ahead and jump in then our agenda. And I think we're starting with rec 19 where we finished last week. Emily, can you remind us where we ended here?

CAITLIN TUBERGEN: Hi, Roger. And Caitlin again, playing the role of Emily today. So as a reminder, we had an extensive discussion during the last call on

Rec 19. Recommendation 19 provides a list of reasons why the losing registrar may deny a transfer. And the reason that we had an extensive discussion on was currently phrased as evidence of fraud or violation of the registrars anti abuse policies. And there were a lot of comments around that phrasing. If there could be more things added to it, or it could just be evidence of fraud. The comment you see here on the screen talks about evidence of fraud, illegal activity, phishing, distribution of malware or to comply with the law.

I believe where we ended things—and working group members may certainly correct me if I'm mistaken—is there seemed to be no strong agreement on changing that language or amending that language. Sarah did provide a suggestion about an active or continuing threat—excuse me, evidence of fraud or the domain name presents an active or continuing threat.

However, there didn't seem to be a broad agreement on that language. So I believe where we left it is to maintain the current language or the current amended language as in the initial report, unless there's any sort of breakthrough suggestions on today's call, and if anyone has any further suggestions, keeping all the comments that we've received in mind, we're open to hearing them. Otherwise, we can probably move on. Thanks, Roger.

ROGER CARNEY:

Great. Thanks, Caitlin. Yeah, and I think the tough part here is that the language that we put in our initial report, we did walk through and the small team walked through at the time back then what that language could be, and what we ended up with in the initial report,

there was a quite a bit of feedback from the public on it, thinking that it was too broad. So I think that the concern is, is that true? And if it's not, we have to come up with rationale to explain to the commenters why we don't think it's that broad. And then I think the tough part there is even then, when we talked about it, is would there be any guardrails needed so that potentially rogue registrars won't use this language, and if it's the policy language, use the language to abuse the intent? The intent was different than denying a transfer on Tuesdays because that's what it says in their domain use agreements or policies.

So, I think that the comments that we received are very much against that whole broad swipe of domain use. I don't know when you look at it, if the anti-abuse or things like that, if that's narrow enough for people. And I think obviously, Sarah's suggestion of a threat or something along that line kind of narrows it down, but still is somewhat open and hard to define.

Correct, Caitlin, the base agreement was, we couldn't agree. So we're falling back to evidence of fraud. Again, the working group came up with what they put in the initial report. But the commenters were definitely opposed to that broad swipe. So Keiron, please go ahead.

KEIRON TOBIN:

Thank you. Sorry, when was the small group taken from this? When did they meet?

ROGER CARNEY: The small group on this was back when we actually created language, so it was a year ago, or whatever it was, it wasn't anything recent that we worked on, it was coming up with the original language. And honestly, I don't recall the exact timeline that was. But it's been a while now.

KEIRON TOBIN: I'm just wondering whether we should potentially just reevaluate this just before proceeding with what we've got. Because obviously, we've come a long way since then.

ROGER CARNEY: Yeah, I think that's probably a good idea. We can spin up a small team. I mean, it's got to be done fairly quickly. Thanks, Owen. Yeah. Summer of 2021, Northern Hemisphere summer of 2021 when the small team worked on it and came to this conclusion.

I think it would be smart to spin up a small team to, again, look at those vulnerabilities. Because as Caitlin mentioned in chat there, I think what we're ending up with, with as much pushback as we got on our language is we're falling back to the status quo, but I don't think that that's what people really want. And I think the difficulty of getting from something very precise, as we all said a year ago, evidence of fraud is very precise and jurisdictionally it's very precise. But something a little broader than that, but not as open as basically allowing anyone to do what they want.

So yeah, very complex, and it's hard to get to that word. And I like the evidence of fraud and I think we see it in a later comment actually, on one of the other ones. But not just because it's in an

abuse policy or whatever, but evidence, maybe we can add something like that, evidence of abuse or whatever. That could be providing something tangible along the lines of that. So maybe a small team over the next week, because we're running out of time this year, could maybe come up with some language.

ROGER CARNEY:

Yes, Keiron, on your comment. Yeah, I think that again, the small team would need to be done before next Thursday. I don't know what date that is. So that we could talk about it the following Tuesday. And because we're running out of time, so we could pick that up, but something like that. Great, Owen. I figured you want to be part of that. And Sarah. Okay. Yeah. Anyone that wants to be part of that, Keiron, great. And anyone else that wants to be part of that?

Sarah will set a timeline and be done before she starts vacation. So that's good. Okay, so let's go ahead and move on from this. And Zak is going to be on as well. Okay. And, yes, jump in, Caitlin, if you want to take us through this.

CAITLIN TUBERGEN:

Thank you, Roger. So the next recommendation on our agenda moving sequentially is recommendation 20. Recommendation 20 as a reminder are the reasons that a registrar must deny a transfer. In this particular instance, there were a couple of reasons in the current policy that used to be a may that the working group recommended should change to a must. And those reasons are expressed objection from the registrant as well as within 30 days

of the creation of a domain name and within 30 days of an inter registrar transfer.

and apologies for sounding like a broken record, but the reason that changed from a may to a must is to have consistency in the policy of when denials would happen, because it used to be may that a registrar could deny after 60 days of a creation or a transfer. So the group had agreed that consistency here would be ideal, so that registrants would, it would be consistent across registrars. So those are the three reasons that are being changed in the policy.

The first concern is in reference to the text about general objection to all transfer requests received by the registrar either temporarily or indefinitely. And this commenter believes that this could be made stronger by the suggestion in the comment about a time lock access to the TAC generator or vacation mode, or lockdown mode.

Additionally, the commenter notes that the expressed objection to the transfer by the registrar will be ineffective if the losing FOA is eliminated. Currently, the proposal is to keep the losing FOA.

And lastly, in terms of the time limits, and as I had mentioned, at the top of this recommendation, the time limits refer to the 30-day lock post transfer, post creation, post inter-registrar transfer. This commenter is noting that it makes sense for registries to enforce the locks rather than registrars.

And in terms of these comments, the next step would be to see if this presents any new information that warrants changes to the recommendations or if we've already discussed these in reference

to previous comments. So I'll hand it back to Roger to go over these comments.

ROGER CARNEY: Great. Thanks, Caitlin. Okay, yeah, and I'll open up to the floor. I think that the first part is something that maybe registrars can choose to do on their own if they have the want to do that, vacation mode or whatever. I don't think that that has to be in the policy, but I open it up to anyone that wants to talk about it. Sarah, please go ahead. Thank you.

SARAH WYLD: Thank you. My hand is raised to agree with Roger. I think that the general objection, if it is to—I mean, first of all, that's what the transfer lock is for. Client transfer prohibited is I am prohibiting any transfers, which is great. And so I think if a registrar wants to offer something additional on top of that, they should do so outside of this policy. And for this part about how the losing FOA is a problem, it indeed will be retained. Thank you.

ROGER CARNEY: Great. Thanks. Yeah, and I agree with that, and I don't know that the expressed objection falls apart because of the losing FOA. I mean, obviously, it's still a reason why no matter when that happens—it can be before the losing FOA and they can express it and it should be stopped then. So I think that that's okay. And to your point, the losing FOA is coming back in or the transfer confirmation is coming back in with that functionality.

And as far as the last bullet, it makes more sense for the registry enforce these. It's one of those where it's been policy for many years. And I don't think it's been a problem for the registrar to enforce these. So I think that staying with the registrar enforcing that makes sense. So. Okay, Caitlin, let's go ahead and move on to B.

CAITLIN TUBERGEN: Thanks, Roger. So the final proposal for this recommendation is in reference to fraud. And I believe it's the NCSG—apologies if I'm incorrect on that—noted that there should be a reason that the registrar must deny a transfer. And that is that the registrar of record has credible evidence of fraud.

I will note that we did discuss this because this comment came out on recommendation 19. And at the time of our discussion, during the last couple of meetings, the working group noted that because of the how fraud can be interpreted in different jurisdictions, the working group was more comfortable with a may here, just in case, it could involve a registrar breaking its national law to enforce this. And the may allowed some flexibility here. But I'll pass it back to Roger. And if anyone had any additional comments on this particular concern, now would be the time to raise that.

ROGER CARNEY: Thank you. Great. Thanks, Caitlin. Yeah, and I think that that's correct on that one part, like there may be two parts to this in here. May must? Yeah, I think the flexibility has to be there for the may. And I think that's what we decided last year as well.

I think the other part of this is them bringing in denying transfers for abusive behavior. And I think this must have been where I read it, evidence of abusive behavior. And maybe some of that topic can get rolled into the small team discussion on 19, if that makes sense or not. But as far as may and must, I think we walked down that line last year, and decided that the may was the appropriate flexibility for multiple reasons. So I think we're good on that one, unless anybody has anything to say on it. Keiron, please, go ahead.

KEIRON TOBIN:

Thank you. Yeah, I agree that one should stay as a may. And I do have a question for Compliance, so for staff just if they have a moment just to answer this. And the reason I believe it must stay as a may is also, if ever an accredited registrar was to fold or something like that, what one registrar may consider abuse, another may not. So if it was taken over or something like that, then they would have right to kind of suspend that domain as per the agreement. So I think that's probably a reason, a very definitive reason as to why it must stay as a may. But yeah, like I said, if you don't agree with that, then please let me know. I think, potentially, ICANN Compliance would back us up on that as well. Thanks.

ROGER CARNEY:

Great. Thanks, Keiron. It's an interesting view of that. And I think obviously, that's the point of—it's very jurisdictional and once that starts to cross the—that it becomes fraud in one and not in another. So it's the may part of that, I think that's important.

Okay, I think we're probably good on 20 then, Caitlin, unless you have anything else you need on there, we can move to 21.

CAITLIN TUBERGEN: Thanks, Roger. So recommendation 21 details the revised reasons that the losing registrar must deny a transfer. And as a reminder, some of the things that the working group agreed to clean up here deal specifically with the pending UDRP and pending URS proceeding.

I wanted to quickly remind everyone where we ended up on that before we discuss the comment received here. So as you might remember, the current policy notes that a pending UDRP or URS proceeding that the registrar has been informed of.

The group changed a couple of things here, noting that sometimes a complainant, or even a registrant might inform the registrar of a UDRP proceeding. But what we meant here, or the only reason when a registrars should deny the transfer is when they've received official notice of the pending proceeding from the UDRP or URS provider according to the specific UDRP or URS rules.

So we changed that just to make it a little bit more clear. Apologies for the background noise. We received one comment and that comment is from the Registrar Stakeholder Group, so of course, I would invite anyone who's comfortable speaking to this comment to provide a little bit more color to the working group. But there's a concern here about sometimes there's a gap in time of when a UDRP complaint or URS complaint is filed, versus when the registrar's ultimately notified of that proceeding. And of course,

sometimes a complainant will file a UDRP complaint or a URS complaint and the provider has a series of administrative checks that it goes through before it actually notifies the complaint to the registrar.

And during that time, the registrar would not have been notified yet. And of course, there might be an instance where the domain name is transferred during that time lapse. And that wouldn't be a violation of the transfer policy. However, that does kind of create complications since the complainant would have to amend its complaint to account for potentially a different registrar and different registrant, if an inter-registrar transfer does occur during that time period.

If I am not capturing that complaint correctly, I invite any of the registrars on the call to provide some additional color here. And I will pass the mic back over to Roger. Thank you.

ROGER CARNEY:

Great, thanks, Caitlin. Yeah, and I'd say obviously, it was called out here in comment about some of that's being discussed in our phase two discussions, which we'll definitely do. But also, we did walk through this in our discussions on UDRP, and one of the reasons we were staying with a 30-day lock is one of these reasons is to stop these multiple transfers, so that—and not specifically for UDRP, but it also helps UDRP, so that it wouldn't have to go through that and be amended multiple times. But so I think that we're good here. And that yes, we will pick this up in phase two as well on the rollback stuff. Anyone else have any comments on it?

Okay, I think we're good. Was that the only one, Caitlin?

CAITLIN TUBERGEN: Yes, it is.

ROGER CARNEY: Okay, we can move on. Thank you.

CAITLIN TUBERGEN: You're welcome. Okay, so moving on, rounding out the list of may, must and must not is recommendation 22. And there were a couple of revisions to the reasons that a losing registrar, registrar of record must not deny a transfer.

So going into some of the comments received. The first is in relation to the fee to transfer a domain name. So we have a couple of concerns from the Noncommercial Stakeholder Group as well as an individual contributor that they were informed that there are cases of very high transfer fees for some registrars and this is restrictive for noncommercial users.

So because the policy mentions the nonpayment as a reason to must not deny a transfer, they would prefer or expect to see some sort of rationale or addressing of the issue of very high fees and that unreasonable fees for transferring domain names should be explicitly discouraged.

And along that line, another comment from an individual noted the same concern that there shouldn't be exorbitant exit fees, that folks should be free to move to another registrar of their choosing

that might offer better terms for them and that the transfer policy is ultimately to allow for enhanced domain portability, excessive fees should be discouraged or explicitly discouraged in the policy.

Also in relation to fees, there was a concern about sanctions. I believe this is also from the Noncommercial Stakeholder Group raised this concern, noting that sanctions was not a topic that was explicitly referenced in the initial report and that the NCSG is inviting the working group to highlight the issue, even if it believes it's out of scope, to please denote this in its final report. So with that in mind, I'll turn the mic back over to Roger.

ROGER CARNEY:

Great, thanks, Caitlin. Yeah, and on the fees, we did walk through this, and hopefully, we added the language, because it does get a little confusing about pending and future fees. And I think we've got that figured out and worked out well enough in our language.

And the fees that—my personal opinion, yes, someone shouldn't be charged a fee to transfer anything. But definitely, the transfer can still occur if a registrar chooses to charge a fee. So the transfer is still going to happen, even if they do charge it and technically, the registrar doesn't have to pay that to make the transfer happen.

So I think we're okay with that side of it. And as Caitlin read into the sanctions part, it was something that we did bring up as part of that, and I think that it makes sense that we can write into our report, or next potential step here, we can write into our report that

we talked about it and we found that it was out of scope for what we were working on. Owen, please go ahead.

OWEN SMIGELSKI: Thanks, Roger. I agree that I think the current wording that we have in there is okay, with regards to transfer fees. The language says that they can charge one but the domain—they can't use the nonpayment of the transfer fee to block a transfer. And while I agree that I don't think a registrar should do that, I can understand why some might see that as a cost recovery basis or for some whatever reason in there. But the transfer can still proceed. So I think the guardrails are there.

With regards to exorbitant fees, I think that's one thing that ICANN policy has always stayed away from is setting some type of fee or trying to control a fee. And I get really worried when it's not something that would apply to my registrar that the ICANN community is trying to dictate prices and setting and stuff like that beyond the cursory ICANN fee that's charged for each domain name overall. Thanks. Great.

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

THEO GEURTS: Yeah, thanks. So regarding those sanctions, they are definitely out of scope for the reason that those sanctions are not just only for transfers, I mean, it's a topic of a broader discussion, because the sanction also hits renewals, it hits on the domain and creates. So

if we would take transfers onboard into the sanction discussion, then you have a split among the other topics that I just mentioned. So that is going to be problematic.

I understand the frustration from the noncommercial Stakeholder Group, Because we are dragging our feet as a community here. I mean, we already addressed many of these, if not all of these, during Work Stream 2. I have no idea what the status is of Work Stream 2, I think it's still not concluded. But until that is concluded, Work Stream 2, then we have our solution. So it would be also a duplication of the work if we would start to work on this. So that's why that is out of scope. Thanks.

ROGER CARNEY:

Great. Thanks, Theo. And good context for the weekend. And I think it's very appropriate for us to write just basically that and the rationale the sanctions were brought up and pointed to Work Stream 2 as well. So any other comments on those first couple there? Okay, I think we can move on to the next ones.

CAITLIN TUBERGEN:

Thanks, Roger. So the proposed edit for comment see is in reference to the implementation guidance. The proposal is to remove the phrase during the auto renew grace period and what follows. So the implementation guidance currently reads registrars are prohibited from denying domain name transfer requests based on nonpayment of fees for pending or future registration periods.

And so there is a potential next step which you can see in the green. So to kind of take that comment into consideration we have

a potential revision implementation guidance regarding the auto renew grace period, registrars are prohibited from denying domain name transfer requests based on nonpayment of fees for pending or future registration periods during the auto renew grace period, provided that any auto renewal costs borne by the registrar are reversible for future periods.

ROGER CARNEY: Okay, great. Thanks, Caitlin. Sarah in chat, we're not adding the text back in, right? It's just the implementation note, is that right?

CAITLIN TUBERGEN: That's correct, Roger, Sorry. What you see on the screen is the text from the initial report. So the current text is here, and it's nonpayment for a pending or future registration period. And the implementation guidance is what we have here, and it deals with the auto renewal costs. And that was a suggestion from the working group. And there's the rationale to the right, if anyone has any needs to have their memory jogged here.

ROGER CARNEY: Caitlin, can you zoom in a little bit on that? Thank you. Emily, please go ahead.

EMILY BARABAS: Thanks, Roger. Hi, everyone. I just wanted to clarify the suggestion from the staff side. Excuse me. So it sounded like the comment was suggesting that we actually take out the substantive

part of the implementation guidance and basically make it parallel to the text of the policy provision itself. Whereas I think the original goal of the implementation guidance was to provide specific guidance on a particular scenario related to the auto renew grace period. So if we take that out, the implementation guidance doesn't really add anything extra. So the suggestion from the staff side, as a strawman, was to specify that this implementation guidance is really just about the auto renew grace period and is not intended to encompass anything other than that. So it provides clarity on that specific scenario. Thanks.

ROGER CARNEY:

Great. Thanks, Emily. I think that makes sense to—I mean, obviously, the commenter had some confusion on it. So if we specifically call that out, that should clear that up. Any other comments before we move on? Correct, Sarah. You're right. It's good to go for that [inaudible]. Okay, we can move on. Caitlin.

CAITLIN TUBERGEN:

Thank you, Roger. The next two edits are in reference to the same topic, noting that for security reasons, the default behavior should be in terms of denying a transfer, unless there's affirmative consent to approve that transfer. So in other words, in proposal E, you'll see that [silence] should always be interpreted conservatively.

And as a reminder, under the current policy, the losing registrar sends the losing FOA and when the registrant receives that losing FOA, they have five days to notify the registrar that they did not

mean to transfer the name or that it wasn't coming from them, etc. And to stop that transfer. If the registrant doesn't affirmatively act, the transfer goes through after five days.

So this suggestion is to retain the losing FOA, which is currently foreseen under the strawman that was added to the final report. And to have it be an affirmative acknowledgement that the registrant affirmatively acknowledged, they do want to transfer the name.

And the second paragraph of the proposed edit deals with the term reseller. Here, the commenter is suggesting that the term reseller is confusing. And they make a couple of suggestions, the first being value added integrator, and the second being registration service provider. I'll pass it back to Roger to see if anyone has any comments on those.

ROGER CARNEY:

And again, it's changing the auto ACK to an auto NACK by default is what it's suggesting. And I would say that the logic here in silence being conservative is probably a good thing to say. But the assumption here and not just the assumption, but the knowledge is it was initiated by someone else—if it was initiated by the registrar, I could see the auto NACK being the default, but since it's been initiated through an account log in and notice is sent, I don't see that that security model fits as it's already a check of a check of a check that a registrant has to go through and it just doesn't make sense. So just my thoughts on that part. The reseller, interesting topic, I don't even know where reseller came

from to begin with, but I'll open it up to the floor to discuss. Owen, please go ahead.

OWEN SMIGELSKI:

Thanks, Roger. Yeah, I agree that I don't think there's any need to have a required NACK on a losing FOA. The registrant has logged into an account, requested a TAC. I think that's consent enough right there. I think this is just adding yet another layer of complications. It's just going to frustrate people. I don't see any large amount of evidence that suggests that because registrants are not having to acknowledge via the losing FOA right now that that's causing a lot of fraudulent transfers or illicit transfers that we need to clamp down on.

So I think it's just adding a layer of complexity to a concern or issues that's not there. I mean, understanding this, the enhanced security there, but I think we already have enough security requiring somebody to come in and log in with a password and request something manual. I think that's sufficient.

With regards to the reseller thing, I don't think this is the right place to be defining new terms and putting them in. We need to be consistent across all of the various contracts and consensus policies that registrars and registries have to rely upon. And a reseller is a very long-established term in the RAA that we're all very familiar with what it is, and I don't think we were going to say that Tucows has registration service providers or value added integrators that they use. I think we all know that they use resellers. And so I think it's a pretty common and easily defined

term we should all be familiar with. Just keep going with that. Thanks.

ROGER CARNEY: Great. Thanks, Owen. Yeah, and you're leading to a good point on it's probably an out of scope thing for us to try to fix that. As you mentioned, it's embedded a lot of places. So I tend to agree with that comment. Thanks. Sarah, please go ahead.

SARAH WYLD: Thank you. I agree with I think everything Owen just said and also Roger's introduction to the section. Thank you all so much. I agree that the risk evaluation in this scenario does not lead me to believe that auto NACK is the way to go. We've had auto ACK for many years. We have already discussed that we don't have a huge problem with fraudulent transfers. And I don't think that is necessary or appropriate. Thank you.

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

THEO GEURTS: Yeah, I'm not gonna repeat Sarah and Owen. But from an operational point of view, if you have an auto NACK, that is going to create a real overhead on your support teams. Just an example, I'm currently dealing with and ICANN complain about a transfer. Our reseller didn't provide the authorization code. So we stepped in and I provided the registrant the authorization code,

and I want to clear up the transfer as fast as possible. And do you think I can get a registrant to acknowledge the transfer? I'm trying for three days now, he doesn't budge. So I'm glad it's on auto ACK within a few days and the transfer will be over, or else I wouldn't be even be able to be compliant with ICANN Compliance again. So it's just an operational nightmare. Thanks.

ROGER CARNEY: Great. Thanks. Okay, so I think we have our answers for both of these. Is that the last one on there? Caitlin?

CAITLIN TUBERGEN: Apologies, Roger, I missed [concern C] So I inadvertently skipped over that one. And the comment was concern C, and the ICA was the commenter reiterating some of the concerns regarding proposed restrictions. And the concerns were really about not allowing registrants to transfer their names under unnecessarily restrictive measures, because it prevents consumer choice and can thwart the purpose of the transfer policy.

However, if Zak would like to add anything new here, now would be a good time to do so in case I butchered the comment, but I just wanted to make sure that we did address this comment before moving on from recommendation 22.

ROGER CARNEY: Great, thanks. Zak, go ahead.

ZAK MUSCOVITCH: Yeah, thanks. I have no further comments at this time. Thank you.

ROGER CARNEY: Okay. Great. Thanks. Yeah. And again, I think that what Caitlin said, and it probably came from the ICA as well, you try to put as few restrictions on this as you can. And that makes sense—you hopefully are only doing it for security reasons, not for any other reasons, in your minds to prevent any transfer. So that's obviously a goal, is to lessen the restrictions, but make them safe as well.

Okay, great. Well, we actually ended our day half an hour early. How about if the small team for rec 19 that was just kind of ad hoc, put together on the call here, if they want to stay on and talk or if they want to not and reschedule.

But I think for our general discussions, we can conclude for the day and give everybody back a half an hour out of their day. But if the small team wants to stay on, it's open for them to discuss or start to discuss. Otherwise, I think we can conclude today's call and whoever wants to drop off can. Small team, do you want to hold on or do you want to reschedule? Sarah, Owen.

SARAH WYLD: I can stay here.

ROGER CARNEY: Keiron. Zak. Okay. Sounds good. So the small team, it can continue discussing. Anyone else that wants the listen, please stay on or if you don't and have other things you can do, please go

ahead and drop off. Otherwise, small team, I don't know. Anyone want to start?

Again, I think the complexity here is the amount of comments and how broad it is. So I think that that's the solution, is either we come up with the rationale to explain that or we try to redefine it to maybe scope it a little tighter, but anyone—Devan, please go ahead.

DEVAN REED: Yeah, so would you like to end the recording of the—

ROGER CARNEY: Yes, please do. Thank you.

DEVAN REED: Thank you. Ending the recording now.

[END OF TRANSCRIPTION]