
ICANN Transcription

Transfer Policy Review PDP WG

Tuesday, 29 November 2022 at 16:00 UTC

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JULIE BISLAND:

All right. Good morning, good afternoon, and good evening, everyone. Welcome to the Transfer Policy Review PDP Working Group call taking place on Tuesday, the 29th of November 2022.

For today's call, we have apologies from Crystal Ondo and Keiron Tobin (RrSG) and John Woodworth (ISPCP). They have formally assigned Jothan Frakes and Jody Kolker (RrSG) as their alternates for this call and for remaining days of absence.

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

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please change your chat selection from host and panelist 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.

All right, please remember to state your name before speaking for the transcription. Recordings will be posted to the public wiki space shortly after the end of the call. 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.

ROGER CARNEY:

Thanks, Julie. Welcome, everyone. Just a few reminders and comments before we get started. Pending deadlines, I guess, for the week. It sounds like there's two big ones this week, the strawman. Thanks, Sarah, for sending something to the list and for those that commented. The strawman review is due this Wednesday, tomorrow, so that we can talk about moving forward with that Recommendation 2 on Thursday's meeting. Again, any comments on list, please, before the end of day tomorrow so we can discuss it and resolve it on Thursday's call.

The other thing was review of Recommendations 3 through 9. We'll do that also on Wednesday. So any flagging that you wanted to do, please flag that in the Google Doc that was provided, and then we can bring those back up. This is just the proposed edits that we've made for those 3 through 9 recommendations. Again,

that'll close tomorrow. Please get your comments flagged into Google Doc so we can track those and get them worked and make sure we're getting recommendations updated to the group's expectations there.

Also, it sounds like there's a couple of small teams are continuing to meet this week or within the next week, I should say, both for the possible guardrails overriding a 30-day lock and the enforcement or validation of the TTL. Both those groups are going to meet within the next week, I think. So, good that they're continuing their work there. Also, I think Jim promised us he would have his threat vector write-up sometime this week. So we'll look forward to that from Jim and that small team. I think that was all the timing things.

One thing that was brought up on Recommendation 16, we talked about it last week, a week ago now, around initial registration date and comments came in about creation date. I think last week, we left it as it is. It seems like it's the same and there's not too much confusion. So I think we've decided to leave initial registration date in the language. But I think we'll put either a footnote or a implementation note just directing saying, "Hey, we understand that this implies the same thing as the RDDS creation date."

I just wanted to make everyone aware of that. I think that's about it as far as updates. So I think I'll turn it over to any of the stakeholder groups that want to bring anything forward and any discussions they've had, any insights or comments or questions anyone has for the group so that we can get them talked about. Anyone? Zak, please go ahead.

ZAK MUSCOVITCH: Thanks, Roger. Just to let you know, I have raised the strawman with the Business Constituency as well as CIRA's proposed modified strawman. So I'll have some feedback, hopefully, for the Thursday meeting. I just want to confirm with you, Roger, whether I need to share that feedback on the list, or is that something that we can take up on the Thursday call? Thank you.

ROGER CARNEY: Thanks, Zak. I would say I guess it depends on the complexity. It would probably be easiest to drop it in before Thursday so everybody can take a read, and then maybe you can walk them through it. Or if it's not super complex, then yeah, bring it up on a call. But it would just be helpful just to have it on list so that everybody has a few minutes to prepare for it. Thanks, Zak.

Okay. Anyone else? Otherwise, I think we can jump into our agenda for the day. Okay. Let's go ahead and jump into our agenda. Let's backtrack once to Rec 15. It sounded like we may have missed partial comment here. Emily, do you want to let us know what we're doing here?

EMILY BARABAS: Sure. Hi, everyone. This is Emily Barabas from ICANN Org. We mentioned on last week's call, I guess it was Thursday's call. No, last Tuesday's call, I apologize. I think it was mentioned that there weren't comments to go over for Recommendation 15. We actually missed—and apologies for that—one comment that closely tracks with some previous comments on a similar topic but

was put forward as a proposed edit for this recommendation as well. So we did want to touch on it here.

So you'll recall that Recommendation 15 was that the working group recommends removing any reference to an administrative contact or transfer contact in the Transfer Policy and replacing it with registered name holder unless specifically indicated. The comment suggested that communications and notices should be sent to the TAC contact rather than just to the RNH for maximum opportunity of actual notice, noting that only the RNH would get the TAC.

So a similar comment was discussed under Recommendations 3 and 4 about the two notifications. And in the context of those two recommendations, the group had agreed that additional points of contact for notices could be useful in some circumstances but that that should be left to the discretion of the registrar to determine when and where that is appropriate and that no additional requirements should be mandated in the policy itself. So we just wanted to make sure that this was flagged and to give people an opportunity if they think that there's something more to be discussed here in the context of other communications or if something was missed in those deliberations for 3 and 4 that we could capture that in the document here. Thanks.

ROGER CARNEY:

Great. Thanks, Emily. Thanks for tying us back to some discussions we've had recently on that. Again, I think that our discussions we had, as Emily mentioned, led us to say, yeah, it may be useful but it doesn't seem like it should be warranted as

language, the TAC contact being optional. So I think as we've done with the other ones, unless someone has any thoughts about including it, I could see some registrars choosing to send it to TAC contacts and I could see others not having the need to. Berry, please go ahead.

BERRY COBB:

Thank you, Roger. Emily, if you can scroll up to the recommendation text. So what I might suggest for the working group to consider is that maybe we slightly amend the rationale. First and foremost is instead of saying under the Registration Data Policy, the first point is this is technically not a consensus policy yet so maybe either we say draft Registration Data Policy or put a footnote that this is still under consideration and implementation with an expectation that it will become a consensus policy or some kind of language to that effect.

The second point here is I think kind of what you were mentioning, Roger, "no longer collected by the registrar" is probably not technically accurate. The processing of that data is at the discretion of the registrar. As you noted, they may choose to do that. So maybe we state that due to the draft consensus policy, it's no longer going to be a requirement to collect this data. Therefore, it's inconsistent to rely on this as a requirement in the Transfer Policy. Thank you.

ROGER CARNEY:

Berry, just a follow up for you quickly, just because of the process around the Registration Data Policy. The policy language itself

has not been adopted but the recommendations have been approved throughout the whole process, right?

BERRY COBB: Yeah, we're threading a needle here. Technically, they are adopted consensus recommendations. It only becomes a consensus policy once the policy effective date has been hit.

ROGER CARNEY: Okay, perfect. Thanks, Berry. Okay. Any comments on that? I think that that's good update on the rationale there. Sarah? Yeah. On the rationale, I don't know if we add into the rationale with TAC contact being optional, again, under the proposed or the pending policy language, if we put that rationale in. Thoughts? Sarah, please go ahead.

SARAH WYLD: Thank you. Hi. I would be happy to include the TAC contact as a MAY receive those notices for not the TAC, obviously, but for just notification ones, the ones that don't require any action or confirmation to be taken. I see no reason why not to send it to the TAC contact. But I don't think it should be required either. The TAC contact might not exist. It's often the same as the domain owner or is often a reseller. So I don't think it should be mandatory to notify them. Thank you.

ROGER CARNEY: Thanks, Sarah. I think that's what we said in our earlier recommendations and we didn't put language in, just leaving it open as to registrar discretion to send or not, but we didn't actually add language along that lines. I guess that's the question. Do we put in to the notices? Again, not the actual "here's the TAC" but to the other notices. Do we put language into those notifications or do we just leave it open and it's at the discretion of the registrar? But to Sarah's point, I think we can add some language into the rationale saying we're not making this language. We're leaving it to the discretion based on the fact that it's optional. As Sarah mentioned, it's duplicative sometimes. Theo, please go ahead.

THEO GEURTS: I wouldn't mention it at all. It's not part of the current policy. So I don't see why we need to make it sort of halfway of a policy now. So I'm in favor of not mentioning it at all.

ROGER CARNEY: Great. Thanks, Theo. Emily, please go ahead. Emily, you're quiet if you're talking.

EMILY BARABAS: Sorry about that. I'm having trouble unmuting myself. I just wanted to confirm that if we do adjust the recommendation text. I know this comment was under Recommendation 15, but it sounds like we wouldn't actually modify the language of Recommendation 15 here. If we do put something additional, it would be under Recommendations 3 and 4 specifically talking about the

notifications of TAC provision and transfer completion. Is that correct, or is the intent here that we might add something?

ROGER CARNEY: Yeah. I think the intent here—

EMILY BARABAS: To Recommendation 15 as well.

ROGER CARNEY: Yeah. I think the intent is not to add anything. I think that's what we're saying is not to add any except for rationale for the public comment so that we can show that we addressed it and we discussed it. The rationale showing that, no, we're not going to make a specific language call out for TAC. We're going to leave that to the discretion of the registrars to send if they wish and for the reasons of it's optional and a lot of times it's duplicative. Does that make sense, Emily?

EMILY BARABAS: Thanks, Roger. I think it does. So it sounds like if we do put it in the rationale, it would be for the rationales of Recommendation 3 and 4. And to the extent that there's a losing FOA or an additional notification, replacing the losing FOA would potentially be there as well, just noting that there could be additional points of contact for that notice but that it's not required. Is that correct?

ROGER CARNEY: Yeah, exactly. I don't know if we need to point just to close the circle because the comment was put on 15. Maybe just to close the point at 15 as well, pointing them to those that are being referenced.

EMILY BARABAS: Sure. I think we can put that in the Public Comment Review working document. Thanks.

ROGER CARNEY: Perfect. Thanks, Emily. Okay. So back onto our next agenda item which I think is 17. I think that last week, we actually went through this quickly just because the comments were very similar to Recommendations 16 that we did spend some time on. But we wanted to come back to this and make sure that we didn't just squeeze this and then call it done. We wanted to make sure there was time for everyone to discuss this. Emily, if you want to just quickly run through this because I think we ran through it last week as well.

EMILY BARABAS: Hi, Roger. Thanks. We, I think, as you said, went over a lot of this on our last call but I think we can just quickly go through again and make sure that there's nothing that folks need to touch on further or dig deeper into before we move on. So as you all recall, Recommendation 17 is the transfer restriction after transfer. I'm sorry, just one moment. I need to close the door. Sorry about that. So the first set is paralleling the concerns expressed on number 16, some noting that the period should be shorter, others that

there should be a possible override of the transfer restriction, additional comments that the period should be eliminated, and a series of other comments that are sort of miscellaneous or not in those additional buckets. So from the registrars that there was sort of a split result in terms of the membership. I think this is very much reflective of what we saw in the initial debates as well on this topic. As we've discussed, the 30 days as a mandatory requirement was sort of a compromise because many were holding different positions on this particular requirement. So I don't think that any of this is sort of new information.

Here, I think that this is mostly a repeat of comments from number 16. The restriction should be enforced by the registry and not the registrar. The comment about the initial registration date, we just talked about that one under 16, and that the rationale regarding the UDRP is nonsensical because the UDRP filing causes the name to be locked whenever it's filed regardless of where the registrar is located. I think we, on the previous call, talked about that that rationale around the UDRP was focused on the fact that if a transfer takes place and those filing UDRP need to update the information that it needs to slow down the process. So it's not about that period after it's been locked when it's filed, but it's sort of prior to that. So it's allowing them to file that initial UDRP. Shall I pause there, Roger, or did you want to touch on something?

ROGER CARNEY:

No, I think that's good. Yeah. Thanks, Emily. We can jump to Steinar. Steinar, please go ahead.

STEINAR GRØTTERØD: Hi. We touched this a little bit in the discussion at the last week Consolidated Policy Working Group. Without having any informal poll or whatsoever, we kind of agreed or there was some sort of consensus that it should be the locks, both on the initial transfer and the successful transfer, should be the same for all gTLDs and all registrars with no option to opt out of these locks. My reading so far is that the recommendation we have put in text here do kind of fall into that idea, thinking that At-Large had at that meeting. So I hope we can stick to that one. Thank you.

ROGER CARNEY: Great. Thanks, Steinar. The language does go with what you are stating that there is a small team meeting, I think, next Monday that's trying to talk about the override and if there's reasons for that and maybe enumerate those reasons. I don't know, Steinar, if you are part of that small team or not. But I think they're planning a meeting on Monday. Again, currently, the recommendation is just as you stated. It's standard 30 days on both locks for all registrars. The small team was looking at the possible reasons for override. Jothan, please go ahead.

JOTHAN FRAKES: Hi. Thank you. I have a few comments. The first is I agree. I think we've heard a number of people say that the post transfer lock should be harmonized with the post create lock. There probably should be some flexibility for opt-out scenarios where someone can bypass the ability to transfer out after a transfer. I can think of examples where a registrar might receive an inbound transfer, discover the customer may fail, like office for an asset control or

something that would be a violation of its Terms and Services and allow a subsequent transfer out rather than be held to keep a registration that might violate law or some scenario like that. So that's the second point.

The third point is the conversation in and around this transfer lock period is very dependent on our rollback conversations or whatever we're going to have as a post transfer dispute mechanism that could restore a domain back to a registrar. Once a registrant has their name moved out of a registrar that that losing registrar's ability to help their registrant is very, very hobbled by whatever that's going to be. So these conversations should not be made in isolation, or we shouldn't actually select or define this until we've had an opportunity to fully vet that rollback.

Then my fourth point is that the quantity of transfers within the last 12 months should be part of this discussion. Let's say that we set this to zero and it's just a free for all. We can transfer around as much as possible or even reduce it to 7 days or 14 days. The fact that a domain has hopped around three, four times during a span of time is likely a very good data attribute to factor into the decision-making process on why is that happening? Why is that occurring? That should be something that we are considering here is "How many times has this domain transferred in the last 30, 60, 90, or 365 days?" perhaps should be factored into this. So that's feedback that I've received from Registrars as part of this, and I wanted to provide those four inputs to this discussion. Thank you.

ROGER CARNEY:

Thanks, Jothan. Theo, please go ahead.

THEO GEURTS: I don't have the answer to this. But while the discussion was ongoing, I was sort of wondering why don't European ccTLD registries have such a 30-day lock? Again, I don't know the answer, but I do know how the EU thinks consumer law should work. Back in the day, when you wanted to change your Internet service provider, that was a nightmare. Nowadays, you can switch within a day. You don't have to lose Internet for an hour, basically speaking, if you switch providers. That's all done by law. And then we look at renewals, how you buy services like hosting domain names, there's a couple of laws here in the Netherlands that sort of dictate how we should act regarding consumers. So I'm kind of wondering if there is now some Digital Service Act or some kind of legislation in place that sort of prevents us setting a lock. Again, I don't know the answer but I think we should look at it in the future. Thanks.

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

JODY KOLKER: Thanks, Roger. I just wanted to pose probably a possible reason to Theo's question as to ccTLDs don't have a 30-day lock and why is that. I think it's because the registries actually own the TLD, and I understand gTLDs also own the TLD. But the registries for ccTLDs are not afraid to get involved in a dispute between registrants in order to reverse a transfer. It doesn't matter how long it is after the domain has been transferred. The registrant can

go to the ccTLD registry and claim that it was a fraudulent transfer and get the domain name back. The registry is more than willing to do that if they can provide proof. But in the gTLD world, registries—I will quote Jim Galvin on this—do not want to be involved in transfers. That’s why I believe that there is no 30-day lock required for ccTLDs, because the registries are more than willing to get involved in transfer disputes but we do not have that same liability coverage from the registries. Thanks.

ROGER CARNEY:

Thanks, Jody. Okay. Just getting back to this 30 days, I think the clear thing was keeping them consistent across the post create, post transfer, it makes sense. So I think that idea that we started with is still valid and it seems to still resonate well. So in lieu of actual specifics of if we can or can’t do certain things, today’s policy it does have the 60-day and we’re just making it 30 days due to, I guess, better rationale around the 30-day, being the 60-day had certain reasons why it was and optionally for most of the time. So I think that we’ve got the 30 days, we have rationale for the 30 days, and that it makes sense to stay with that. So I don’t see a change here and I don’t see the arguments for a big change here, unless someone else has anything big. Zak, please go ahead.

ZAK MUSCOVITCH:

Thanks, Roger. Just to clarify for myself as well. When you indicated that currently there’s a 60-day lock, but isn’t that current 60-day lock permissive in that registrars may decide to lock the

domain for 60 days? What we're talking about here is a 30-day mandatory. Thank you.

ROGER CARNEY: Yes. Correct, Zak. That's why I mentioned is the 60-day lock being squishy, optional locks, some registrars did 60-day post creation locks, some didn't. There's different ways of post transfer. So I think that that was one of the things we were looking at is trying to be consistent across the board and not depending on the coin flip, getting a different response from the registrar that's processing it. That's why we went to the standard 30-day mandatory window instead of the optional, and one of the reasons for the optional 60 days. Thanks, Zak.

Okay. Any other comments on this? Emily, was there more comments that we needed to review on this one specifically?

EMILY BARABAS: Hi, Roger. I think that the other ones were pretty fully discussed on the previous call. So one was about being more specific about how the restriction would be put into place, and the group discussed that. The last one was about the TDRP, which would be deferred to Phase 2. So I think that's it for Recommendation 17.

ROGER CARNEY: Okay. Unless there's other comments or input on 17. Obviously, we still have some outstanding discussions going on in the small group about a potential override of this and the reasons for those. I think we're good with the way 16 and 17 are setting in lieu of

those comments presented during public comments. So I think we can move on to our next one.

EMILY BARABAS:

Hi, Roger. In the chat, you'll see the link for Recommendation 18. You'll recall that Recommendation 18 is about Transfer Policy section 1.A.3.7. That is stating that the current policy reads upon denying a transfer request for any of the following reasons. The Registrar of record must provide the registered name holder and the potential gaining registrar with the reason for denial. The registrar of record may deny a transfer request only in the following specific instances. So the working group is recommending that this be broken out into two distinct provisions of the policy rather than two sentences as a single provision. The rationale there is that they are kind of two different ideas and should be divided for that reason.

There are just a couple of comments on this recommendation. The first one is suggesting that it should be clear that registrars cannot directly provide the reason for denial to the potential gaining registrar. The suggested language is, upon denying transfer request for any of the following reasons, the registrar of record must provide the reason for denial to the registered name holder and the registry. And the registry will pass that reason for the denial to the potential gaining registrar. I'll pause and see if there's feedback on that.

ROGER CARNEY: Great. Thanks, Emily. I'm not sure about registry in here, but I'll let everybody speak to it. It seems like the reason to the registered name holder and registered name holder could provide it to the gaining registrar, but thoughts on including the registry here. As Jody mentioned, the registry usually prefers to stay out of any resolution or any disputes around this. Jody, please go ahead.

JODY KOLKER: Thanks, Roger. I'm not sure how the registry would be able to pass that reason for denial back to the gaining registrar without doing some EPP edits on the ACK. I mean, the registry would have to parse that out and then send it back on its whole message. I'm not sure if that's something that we want to do. I think it's a nice-to-have but I don't quite agree with that. Thanks.

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

THEO GEURTS: I see the same issue as Jody, but also wondering about the language itself that we must provide the registrar of record, to the registered name holder, the reason for the denial. If I'm remembering correctly, there's quite a few of them. So how do you do that on an operational level? We don't have anything baked into the EPP I think that can sort of pass along all these denials.

ROGER CARNEY: Thanks, Theo. Actually, it's part of the current policy where if you deny it for any of the reasons listed, you provide that reason that you denied it for to the registry or name holder. The language suggesting "can the losing registrar provide it to the gaining registrar," to me, I don't know. To me, the simple solution is you provide it to the registered name holder and they could provide it to whoever they want. But the current policy states that it goes both ways to the registered name holder and potentially to the gaining registrar. Rick, please go ahead.

RICK WILHELM: Rick Wilhelm, Registries. Emily said that this came from the Registries?

ROGER CARNEY: I think that's what she said in chat.

EMILY BARABAS: Correct. It was a comment from the Registry Stakeholder Group.

RICK WILHELM: Okay. Hmm.

JIM GALVIN: I know, Rick. I know. Yeah. So the Registry comment was that you can't pass it, and we wanted to make that clear. The proposal here is to suggest passing it around but we were making the technical observation that it can't be done.

ROGER CARNEY: Yeah, the proposal is not by the Registry. Just the fact that you may not be able to send it to the gaining.

RICK WILHELM: Yes. Right now there's not a mechanism to do that. Okay. The proposed changes to add a sentence that recommends to make it clear that the registrars cannot provide the reason for the denial.

ROGER CARNEY: Maybe the Registries can clarify this. I think they're saying there's no systemic way to do this. But it's still not that it can't be done because it can be it can be a phone call, it can be letter, it can be whatever.

RICK WILHELM: Yeah, correct. The proposed change—right below where the mouse is—it says, "Rationale: The proposed changes to add a sentence that recommends updating the policy to make it clear that registrars cannot directly provide the reason." So I don't think that the Registries were proposing an EPP change to accomplish this. It's more that we were pointing out that there's not a mechanism to do that presently. We might be incorrect in how we wrote that down and leading to some confusion.

ROGER CARNEY: Thanks, Rick.

RICK WILHELM: Our apologies for that.

ROGER CARNEY: No problem, Rick. I think what you're saying is there's no systemic way to directly provide from the losing to the gaining through the registries, and I think that's the point. The point is even that the registry is against providing it to the gaining, it's just not going to be able to be done through the registry.

As Sarah mentioned in chat a little bit ago, I think, or maybe I made it up, I don't know, that sending it to both still makes sense. It's just I think the Registries were commenting they're not going to be a part of it because there's no mechanism that's built to communicate that. It has to be basically out of band, outside EPP that that's done, which again today occurs that way.

JIM GALVIN: A critical technical detail to keep in mind here is the registrar of record doesn't know the gaining registrar. You don't have that information at this point.

ROGER CARNEY: That's very true, Jim. The scenario as it gets denied and the registered name holder calls the sponsoring registrar, the losing registrar, and says, "Why is this denied?" and the registrar says, "It's because of fraud," whatever reason it was. To your point, Jim, there is no link to the gaining registrar. It is either that the

registered name holder who gives permission, which I don't know how all that works, or they take that information and provide it to the potential gaining registrar.

JIM GALVIN:

Right. I apologize for the confusion in this comment, as Rick was saying here. But just to be clear, it's simply a technical observation that the act of telling the gaining registrar is simply not possible. Now, the proposal here for doing it, I would regard as a substantive and fundamental suggested change. As a Registry representative, I would want to take this back to my Registry group and ask people, "Gee, is this a place that we want to get into?" We can't speak to what our Registry colleagues would be willing to do here. So this is just a technical observation that in fact that recommendation is not possible to be achieved.

ROGER CARNEY:

It's not possible through EPP.

JIM GALVIN:

Yes. I'll make a comment on your behalf for Registrars, which is you don't know the gaining registrar is the point.

ROGER CARNEY:

Again, I don't want to get into the semantics of that because the registered name holder could provide that information, and then they wouldn't know.

JIM GALVIN: But now you're assuming that they're required to. Anyway, yes. So that becomes a substantive discussion. All of this becomes a substantive change to the policy, in my opinion. So you're right. You could ask the registered name holder other things. But yeah.

ROGER CARNEY: I don't think we're talking about trying to make it systemically viable. I don't think that's a discussion. The current language says what it must do. And that's not that it's systemic and we're not trying to make it systemic. So I don't think that's up for discussion. Or maybe if somebody wants to make it, that's fine. But that's not how I saw that. I think the question is—and I think, both Jim and Sarah, Sarah put it in chat—potentially not knowing the gaining registrar, should that update this language so that it does not exist in there? Or should it change so that—again, the registered name holder can provide it. Jody, please go ahead.

JODY KOLKER: Thanks, Roger. I'm sorry, Roger, you said you didn't want to get into this rabbit hole and you can stop me, but I'm just completely agreeing with Jim on this. The losing registrar has no way to know who the gaining registrar is besides an ID that's passed to it in EPP. That ID does not map to a registrar of record in any place except for the registry's database. So the losing registrar could be 846639, which means nothing to anyone here and it means nothing to the registrar of record. So I'm not sure that we can do this, as you said, Roger, unless the RNH provides who the gaining registrar was supposed to be. Even if we did know who it was, where do we send that? Where would the losing registrar send it?

Does ICANN have a list of here's the e-mail addresses where a denial reason should be sent to for this registrar? And then we would have to have from every registry one ID maps to that registrar and all registrars would have to have that. I think it's a it's a technical issue that needs a process designed around it, which I'm not sure that we want to tackle so I'm not sure that this is the right statement we want to make in there. Thanks.

ROGER CARNEY:

We can go back and find out why this language was in here. But the scenario that I see is it gets denied and the registrant calls its sponsoring registrar and says, "Why is it denied?" And maybe has the gaining registrar online so they can understand it. The registrant may not understand all the specific denial reasons. There's a lock on it, whatever reason, maybe the registrant just doesn't understand it. And the gaining registrar is trying to help so that providing that makes sense, but requiring it to be provided is different. So it's a good discussion. Sarah, please go ahead.

SARAH WYLD:

Hi. Thank you. This has just been absolutely fascinating. It's remarkable to me that I can be in this group for such a long time and then look at this language and feel like I've never read it before. Regardless of what the current policy is and what the proposed changes are, maybe what we should just talk through as a team is what would be the problems if we remove the requirement to notify the potential gaining registrar? Does that affect anybody adversely? I consider, as Roger said, I think if a transfer fails, the domain owner is more likely to contact the

person who notifies them that it has failed. So here, the registrar of record will notify them, "Your transfer failed for the following reason," I think they're more likely to contact them than the gaining registrar. So I think it's sufficient that the gaining registrar will know that the transfer did not complete. They don't need to know why. That information is available to the domain owner. Thank you.

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

JOTHAN FRAKES: Thank you. I agree with Sarah that this is something that there'd be awareness that the transfer failed. There may not be awareness of why. I believe at some point, we had wordsmith in the term upon request so that the registrant could receive some better context for this wording. Because I don't know that we're necessarily going to want to publish it all the time. That way, the registry can ask the registrar, "Why did this happen?" It's something that we're not providing, we're probably storing or we're going to have our logs to look at to see why it was the case. Maybe there'll be records that we have as a registrar on our interaction with the registrant as the potential future former registrar in the transfer scenario that we would see why this was not occurring. And we could then review the case and provide them a rationale as to why the transfer was denied. Thank you.

ROGER CARNEY: Thanks, Jothan. It's interesting, we're getting into this discussion now because the only thing that we did with this was actually split because of the current policy has all this in one sentence and it was a bit long, shall we say. Now we're trying to get into the next layer of this—and I'm just trying to pull that up. Steinar, please go ahead.

STEINAR GRØTTERØD: Hi. From my practical day job, I see that the registered name holder will contact the sponsoring registrar, soon to become the losing registrar, to get the TAC, then give that TAC to the gaining registrar. If the soon to become the losing registrar has, in the meantime, found the reason to deny a transfer, it feels a little strange. Maybe it's a practical issue that the present registrar has not released the transfer lock status, etc., but then it will immediately fail when the gaining registrar try to transfer it in. I kind of agree that we shouldn't make this too complex. I do understand where there is no EPP status is that it can be given that information from the registry to whatever registrar. Thank you.

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

THEO GEURTS: I agree with Steinar. We are making this way too complex. I mean, the current policy already has a language around this and it's working perfectly because for several reasons. First, the reasons where it does apply, those are extremely limited. So you can't NACK a domain name for a ton of reasons, they are very limited.

In a usual working flow as a registrar, I guess many of us encounter this on a day-to-day basis. You see some kind of phishing going on, you lock the domain name, you make sure there's a transfer lock on it, and you mail the registrant or reseller, "This domain name has been locked for phishing." Boom, there you have a notification to the registrant. He knows exactly why the domain name is going to be NACKed for a transfer because there was some kind of reason going on. So that is working now and that will be working with the current language that we have.

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

JODY KOLKER: Thanks, Roger. I think the way that we're trying to solve this is to say it's an automated process to send out this automatic denial reason to the gaining registrar. I know that this is in the current policy. I know that Compliance has come to GoDaddy to say, "Hey, why didn't you send this reason out as to why it was denied?" It's basically because we don't know where to send it. We don't know who the gaining registrar is so we don't know where to send it, and that's pretty much been the end of it. So I don't think that this has been enforced. But if the gaining registrar of record comes to us to ask, "Why was it denied?" we're more than happy to tell them why. But we need them to ask.

So I think that either we remove this from the policy or we just admit that this is not an automatic reply to the gaining registrar. This is something that gaining registrar has to actually call up the

registrar of record to find out what the denial reason was. I'm just throwing that out there. Thanks.

ROGER CARNEY:

Great. Thanks, Jody. Again, this recommendation outside the comment that we're looking at, the only thing that we recommended for this, it was to split the two sentences into two different logical sections, the first sentence being its own section and the second sentence being a new section. Again, that's all we recommended in this idea here.

Now, the comment has turned us back into looking at the first sentence a little closer. As Jody pointed out, I don't know that there's a need to look at it any closer. There's no requirement that it's automated today. There's no requirement that it always has to happen today. It's just upon contact, it's usually given, as Jody mentioned. I don't know that we need to do anything here. Again, this recommendation was splitting the two sentences into their own sections just because they were two different concepts. The Registry's comment was just basically stating there's no way to automate sending it to the gaining registrar, and that's okay because there is no way today either. And it still occurs, as Jody mentions, if the gaining registrars ask for that information.

To me, I don't know if there's anything we need to do. I hear people saying maybe it makes more sense to say that upon request or whatever in the first sentence, and maybe that does make the sense and the group can talk about that, but again, this recommendation was just splitting these and the Registry's comment was there's no automated way to make the first part

happen. Again, that's fine because there is no automated way. No one's looking for an automated way, at least as far as I know. It's just a lot of problems because, as everybody mentions, a gaining registrar denial is not necessarily known to all parties.

So I think that I don't know that we need to make this any more complicated than how it's stated in today's policy. But again, I'm open to if people are suggesting, which I don't know, because it changes what we put to public comments upon request, to me, it's just clarifying what the sentence actually says. I don't think the sentence says that it has to go out every time it's denied. But I assume people are reading it that way. Thoughts? Again, this recommendation is just splitting two but we got into the discussion of the gaining registrar here. Again, it's in today's policy, it's being handled today. Can it be handled better, I guess, is the question.

Support for adding upon request or something like that, or just leave it as it is because it's working today? Okay, Sarah. It sounds like there's support for definitely splitting, as we suggested, so that's good, and adding in language about upon request. Okay. I don't know if we need to, and maybe the Registries can talk about it, but I don't think there was any expectation that maybe upon request that actually solves the problem. Any expectation that it's automated and happens systemically. Okay. Rick, please go ahead.

RICK WILHELM:

Yeah, that works for the Registries because there's no language in there that says that needs to be automated or something like that, so that would be fine the way it's worded.

ROGER CARNEY: Great. Okay. All right. Emily, I think unless you want some clarity, I think we can move on to the next comments on this, if there are more comments.

EMILY BARABAS: Thanks, Roger. I just wanted to confirm because it sounds like Sarah and Jothan has two slightly different interpretations. One specified upon request for both the RNH, I believe, and also the gaining registrar. And Sarah's version only specified upon request for the gaining registrar. Whereas it would always be the case for the RNH, if that makes sense. So what's captured here is Sarah's version, which I think people were supporting in the chat but I just wanted to confirm.

ROGER CARNEY: That's a good point. Sarah did say this in chat that the denial goes to the registered name holder. But upon request from a potentially gaining registrar, that information could be provided.

EMILY BARABAS: Perfect. I see that Jothan is confirming as well. Okay. Just one more here, which is a suggestion to take the sections of the Transfer Policy which talk about restrictions on transfers, if any, and reproduce them in a separate companion document that is easy to understand for average registrants along with any guidance provided by ICANN.

ROGER CARNEY: Thanks, Emily. The potential next steps is interesting. I think that that's a great idea, great education. As far as policy language, I don't know that we need to add anything. But the suggestion here is provide the IRT with the suggestion of creating such a document. I assume—and again, that's the IRT's discussion so I guess I won't assume, I'll just leave it there. Zak, please go ahead.

ZAK MUSCOVITCH: Thanks, Roger. I think that's the right approach exactly, Rogers, that there'll be a recommendation to the IRT to consider preparing something like that. So that not only that this working group rework and improve the Transfer Policy, but also ultimately provides registrants with something that's easier to navigate and comprehend compared to how it was previously. Thank you.

ROGER CARNEY: Great. Thanks, Zak. Okay. That sounds good. Owen, please go ahead.

OWEN SMIGELSKI: Thanks, Roger. I appreciate this additional consideration for kind of doing an explainer. I don't think that's appropriate for implementation note. My experience with implementation notes in the past are providing with more clarity to something that's not clear within the policy. One example is an ERRP, I think it is, where it says a renewal reminder or must be sent around approximately 30 days. The implementation note was providing an

explanation of what approximately 30 days means or approximately one week. So I think that's good to provide some clarity. I think we've done that also as we've discussed about the denial for fraud kind of an explanation there about some of the guardrails with regards to the Registration Agreement. I think while this is laudable and something we want, I don't think it's an appropriate place for the policy and I would hope that ICANN Org would undertake a large educational/explainer process out there because I know there are some very good explainers and guides and graphics that ICANN has produced in the past to explain policies. I think that's a better place to put that as opposed to [inaudible] policy. Thanks.

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

ZAK MUSCOVITCH: Yeah, Owen's point makes sense to me. If that sounds like it's the better approach, I think it should still be something that the working group recommends that ICANN undertake. Because, to me, it would be pretty unfortunate if all this work went into a Transfer Policy, and at the end of it, registrants still have no clue why whether when and how and what they can transfer. And particularly the parts that directly affect registrants really need to be carved out of the overall Transfer Policy and put it into some kind of understandable format for the average registrant to at least somewhat follow. Thank you.

ROGER CARNEY: Great. Thanks, Zak. Any other comments on that? Rick, please go ahead.

RICK WILHELM: Just real briefly, if this is done, it's got to be done really carefully so as not to confuse what is normative and what is not. In other situations—and those within earshot can probably cite examples—there have been things where guidance notes and helper text and other things which are supposed to induce clarity actually induce ambiguity and raised a bunch of questions. While I'm certainly sympathetic to the idea about this, we just need to make sure that it sticks to the language of what is there and doesn't introduce anything new. So maybe it would be that we do that it just be written in such a way that it can be put as a pointer so that doesn't have to be additional text written and stuff like that because we're just going to be really careful about that. Thank you.

ROGER CARNEY: Great. Thanks, Rick. Yeah, I agree. You always have to be careful about trying to simplify things as not to lose any meaning behind the more complex concepts. I think ICANN actually goes through this process anyway. ICANN Compliance has to look at this and make sense out of the complex policy anyway. So I think ICANN is already doing the process and they can provide that documentation. As you mentioned, Rick, that is difficult but they're doing it. So it's something that I think that can continue to be done. Eric, please go ahead.

ERIC ROKOBAUER: Thanks, Roger. I was just going to add this. I'm glad we're thinking about this because it jogged my memory. So this is something that ICANN does have, and now looking at it just briefly, I'll put it in the chat, there is a resource page that ICANN has about transferring a domain name for registrants. So this may be something that maybe it can be altered in that we recommend this. Obviously, it will need to be updated depending on what recommendations come out of our work. But this could be something that ICANN could reinforce in supplement of the work we're doing. Thanks.

ROGER CARNEY: Great. Thanks, Eric. That may be something we actually do. Do we provide language that says, obviously, this text needs to be updated, something simple as that to correspond to the new policy. Emily, please go ahead.

EMILY BARABAS: Thanks, Roger. I welcome Org colleagues more on the implementation side to hop in as well. But my general feeling is that it would be a standard practice to the extent that resource pages would need to be updated to be consistent with updates in the policy that that would be part of the implementation work and not necessarily something that the group would need to put in a recommendation. But of course, there's going to be an opportunity as well for the IRT to be working with Org in the implementation process. So I think that that can probably be an ongoing discussion about the best ways to make sure that the

implementation runs smoothly. So just listening to this conversation, my sense is that a policy recommendation might not be necessary to this effect and that it may just be sort of part of the implementation work that happens once the policy is being written. Thanks.

ROGER CARNEY: Great. Thanks, Emily. It looks like Eric supports your thought there. So good. Okay. Emily, are we good here? Okay. Let's move to Rec 19.

EMILY BARABAS: Thanks. You will recall that Recommendation 19 is the revised reasons that a registrar of record may deny a transfer. I'll just grab the link here for you all. This is actually something that we've previously discussed. This is something we spent some time with at the very beginning of our process of reviewing the public comments. So what we've done in this document is actually to summarize what's already been discussed here. You'll recall that there's specifically a number of comments on 1.A.3.7.1, that item on evidence of fraud.

I'm just going to go over very briefly this concern in A first. The group talks about this quite a bit. It was a comment from NCSG that the group did not believe that the working group should be recommending reasons that registrars may deny a transfer and said that this was not within scope for the group. This is something that the group discussed previously and reached, I think, some preliminary agreement on, which is that this is already a category

that exists in the policy, and therefore it is in scope for the group to consider. And that absent a compelling reason, it should remain in place. There might be some important reasons that a registrar should be given flexibility to be able to deny a transfer in some cases but not others. There's some examples in the summary here.

The groups noted that specifically on the NCSG concern that the working group should address the issue of sanctions. One working group member had previously also noted that registries and registrars need to comply with law. When sanctions are applicable, contracted parties need to comply with those. Therefore, it's outside the scope of ICANN policy development. So I don't know if we need to revisit any of this because it was discussed pretty extensively, but I did want to summarize what we had previously discussed. Thanks.

ROGER CARNEY:

Thanks, Emily. I agree. I don't I think that we have to cover this too much, at least this one concern here, as we've documented here that we've gone through this process thoroughly. So I think we can move on to the next ones.

EMILY BARABAS:

Okay. So the next item was a series of comments 1.A.3.7.1. The current language is that a transfer may be denied due to evidence of fraud. What I'm going to do here rather than going through each of these comments, because it's something we previously did, is to just remind everyone what some of the alternatives that had

been put forward in the comments were. So there was some support for keeping the original language. The concern was that the proposal—I apologize for all the scrolling, but going back to the recommendation itself—hold on. Let me pull up the report because that gives you the full language.

In the initial report, the specific item here was that the current language is evidence of fraud and the group recommended evidence of fraud or violation of the registrar's domain use or anti-abuse policies. There were some comments received that that language was too broad and could potentially be abused for content regulation. That's at a very high level, one of the concerns. So from that perspective, the next step should be to remove that new proposed additional language and just stay with the original.

Another proposal was to keep the proposal but just specify, just essentially correct some grammatical error to make it clear that these are two distinct items, so violation of the registrar's domain use or anti-abuse policies or evidence of fraud, or alternately, adding a comma. So that's just a minor edit.

The third possible option was to enumerate a list of specific activities that could be included in this list. So fraud, illegal activity, phishing, distribution of malware, or to comply with law, so that narrows down the proposal in the initial report. But in discussions of that proposal, some working group members felt that it was difficult to enumerate specific circumstances and maybe not necessary so there wasn't full support for that one either.

There was a suggestion to move this to create a MUST category that the registrar has knowledge of credible evidence of the domain currently being used for malware, phishing, pharming, or Command and Control botnets. Concerns about that one is that it's not always clear, this idea of having knowledge of credible evidence is a bit difficult and moving it to the MUST category might put a registrar in a difficult position, whereas the MAY provides a bit more flexibility. Again, I'm just very briefly summarizing. So there's time to discuss further. Everyone should have reviewed the summary of deliberations as well as the full comments.

Then there was a proposal for moving evidence of fraud to the MUST category and including the violation of a registrar's domain use or anti-abuse policy to the MAY category. So none of these seem to have full support from the group and there was one additional proposal that was put forward towards the end that wasn't discussed that much. So that may be an opportunity for the group to look out a little bit more, which was to use the term violation of registrar's anti-abuse policies or evidence of fraud as a compromise set of language. So I think I'll pause there. Roger, let me know if you need any more context on these. Thanks.

ROGER CARNEY:

Great. Thanks, Emily. Yeah. Again, there's a lot of comments and a lot of words here. I think the summary is actually pretty good once you go through them all. Again, I think it's very similar to the process that we went through as a working group and that we broke off as a small team. Even the small team I thought had some ideas around being broad or not. I think that the working

group expected comments on this, which I think is a good thing. But how we get from what it is today, evidence of fraud, to something more usable for others. Again, I can't say the language is right or not, it's going to be up to the group but I think that that's where our work is here. Sarah, please go ahead.

SARAH WYLD:

Hi, thanks. Just thinking about a lot of different factors that all come into this. I think this should remain in the MAY section rather than the MUST category. But I like the suggestion that the domain is currently being used for this bad purpose. What if we say something like, "Evidence of fraud or the domain presents an active or continuing threat," maybe something along those lines?

One other thing I'm thinking about is expected upcoming updates to the RAA that would address DNS abuse more specifically. In line with that, we have this purpose here of not allowing transfers of domains participating in that kind of abuse in an active or continuing manner. But the benefit here is that it is a little bit more narrowly focused so it helps us to not repeat past failures of monopolies that existed at the dawn of the Internet when a registrar couldn't hold on to a domain name for all kinds of reasons. Right now, we've got this really vibrant, competitive space, and I think we do need to learn from those lessons while also protecting the ability to deny the transfer for current threats. Thank you.

ROGER CARNEY:

Great. Thanks, Sarah. I don't know if it's possibly in some of these notes here, the comments, your thought on tying this to the contract updates that I think at least partially works. I don't know if they actually started meeting yet or not, but it's an interesting concept. I've heard it before. Again, maybe it's in these comments and that's where I heard it. I've heard that idea before of tying it to, I guess, upcoming updates to those. The hard part is how long is that going to take? It's supposed to be a fairly short process but we know that those things can drag out a little way. How do we tie that together specifically to the contract? And if the contract already states it, do you need to restate it? I don't know. Theo, please go ahead.

THEO GEURTS:

Thanks. I agree with Sarah here. We need to be a little bit careful with the language when it comes to the MUST category. I was reading it and I was going like, "What is credible evidence?" In a lot of cases, at least, to me, I take down domain names and I make sure they are a lot usually based on circumstantial evidence. So it becomes pretty vague what credible evidence is. I'm afraid that if we set this in stone, this language, I'm wondering if it will be used against us by phishers and scammers and God knows what, because you can have a very difficult discussion around credible evidence. I think it's definitely something to put in MAY category because I don't want to be hampered in my actions to take down phishing domain names. Thanks.

ROGER CARNEY: Great. Thank, Theo. On the MAY or MUST categories, we did spend some time and talk about those back when we originally put this recommendation together. I think that logic, as Sarah and Theo just mentioned, it still make sense to maintain that as a MAY. We had these discussions, it's like, "If it's truly fraud, is that a MUST?" and say, "Okay, there's obviously some ways that it's not." I think the MAY to the MUST, keeping it as a MAY makes sense. I think that the big discussion should be around the current evidence of fraud or expanding that. Sarah threw in more suggested language in chat. So if you want to take a look at that, it's basically about threat. Again, I think it gets back to the issue that the working group had issues on with saying registrar policy, that can be awfully broad, just threat or—I can't remember, Sarah, what else it was. It was a while ago now. But does that help? Does that language make it better? Specifically seeing DNS abuse, does that help or hurt? Thinking about specifically calling out mail or phishing or any of the others, does an enumerated list help? Then what happens when the next threat vector comes up and it's not one of those and now you can't do it? Just thoughts around that. Steinar, please go ahead.

STEINAR GRØTTERØD: Hi. I do understand the rationale for MAY or MUST deny because there are some evidence of fraud, etc. But we do have a scenario where the two different registrars, the gaining and the losing registrar, may not monitor the same reputation block list or do have the same data connected to one domain name for the fraudulent use, etc. Then we end up in a scenario where it might be NACK due to evidence of fraud, but it's not been understood by

the other party because they don't have that sort of information and there is no proven block list or system to verify that that domain name is actually being used for fraud. Even though the likelihood and the data often indicate it, but there can't be a scenario where this will be disputed. My thinking is that we had to try to find some wording that doesn't necessarily pinpoint maybe the categories of DNS abuse or whatsoever, but maybe put that more in the MAY section than the MUST section of this because it can be discussed. Anyway, thank you.

ROGER CARNEY:

Great. Thanks, Steinar. Theo, please go ahead.

THEO GEURTS:

I think you just nailed it there, Roger. I mean, there's a new threat coming up every day so that language would be threat agnostic, so to speak, if you want to come up with a description of all these illegal activities. Today it's phishing, tomorrow it's crypto drainers, and God knows what. So let's go, it will be very problematic. I'm sort of agreeing with Steinar also. That is one source of evidence that we also use to suspend domain names. But from my point of view is the people we take domain names down based on RBL information, we don't get many questions from the criminals asking why we shut them down. They usually already know why they did it. But I agree, those block lists do not have a lot of information for a regular registrant. Agree with the reasons from Steinar. Thanks.

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

RICK WILHELM: Thanks, Roger. I'll be pretty quick. Just plus warning from the Registry side, the notion of keeping this in a MAY even though it's mostly a Registrar issue. This is in regards to the context that Owen brought up regarding the abuse negotiations and that from the Registry standpoint, we wouldn't want something that creeps in here as a must to be possibly interfering with what's going on in that contract work. Thank you.

ROGER CARNEY: Great. Thanks, Rick. Okay. Let's just move from that and say that it's going to stay in the MAY and get to the point of does it stay as it is in today's language as evidence of fraud only or as in something closer to the recommendation of additional reasons that it may be. Again, I think that if you look at our recommendation, it was specifically—I have it here somewhere—or violation of the registrar's domain use or anti-abuse policies. Thanks, Emily. A lot of the comments are focused on that part. Some are on obviously the MAY or MUST. But let's just assume that it's going to stay in the MAY because all the rationale supports that it's in the MAY. But I think the next big part of this discussion is on the addition of "or violation of the registrar's domain use or anti-abuse policies". Is there a path to expanding beyond evidence of fraud to include other items?

Sarah suggested a possible link to the updates in the contract that are being "worked on"—I will put in air quotes—obviously being

discussed at this point. But as Owen put in chat, there's discussions to start that negotiation up but nothing done yet. Sarah suggested in chat as well about the domain as an active threat. I can't remember exactly, Sarah. So maybe drop that in chat again. Thank you. Evidence of fraud or the domain presents an active or continuing threat. Does that help? Does that language—is it consistent with the intent of the update that we were recommending but also provides, I suppose, a possible narrow or focused? As many of these comments, they've mentioned that the registrar use policies that can be pretty broad.

Volker in your chat, referring to something that hasn't even started yet. Well, obviously, discussion just started, but nothing put on paper exactly what's happening. I don't think we should tie that to that. Again, I think that in itself, if the contracts updated provides the link that would need to happen, if the contract says they can do it, then that's fine. Owen, please go ahead.

OWEN SMIGELSKI:

Thanks, Roger. I know I've been kind of vocal and active in this area here. I have been mulling it over. I like this compromise language, violation of registrar's anti-abuse policies or evidence of fraud. I think Emily put in chat as well, too, including a domain use policies. I do like that language there. It was put in there. I was trying to think because I think Sarah's wording a little too restrictive. The concern why we brought this up I think in the first place was the definition of fraud can have a very narrow definition that may not apply to certain scenarios.

One example that I might give here is some may know in Thailand, it's against the law to criticize or denigrate the royal family of Thailand. There's some pretty serious consequences with that. Under the definition we have currently now, if somebody is in Thailand and has a domain name that's criticizing the royal family, in theory, it could not be blocked under this policy because that might not be considered fraud. But I think it would certainly fall under an anti-abuse policy or some sort of use policy that a registrar might have in there. Of course, speaking as my own registrar, Namecheap, we have no problems hosting something like that. But I imagined a registrar that's based in Thailand might want to be able to restrict moving that and could face some serious consequences if they were unable to block that. I do like that. I see Emily just put some word in there. The wording from the initial report is what I like there. So I will stop there. Thanks.

ROGER CARNEY:

Thanks, Owen. Especially if you read through the comments, the issue is on how broad especially the registrar's domain use policy can be. I think that we had the discussion in this working group about they could put in there that you can't transfer on Tuesdays or whatever in their use policy, or it's got to be a full moon on a Tuesday or whatever. I think that when you review the comments, that's the comment is, is that seems too broad and can allow for—I don't remember who said it, maybe Sarah who said it—the monopoly of earlier times of not allowing a transfer to occur. I think that that's the concerns from the comments is that language in our initial report is so broad that it could allow for valid transfers not to be accepted just because the registrar has a use policy on it.

Okay. Any other comments? Again, I think that it in our green little box here, we summarize basically the issues. The MAY/MUST I think is simple enough. I'm sorry. We're at time. Thanks, Emily, for letting me know that. I think that we need to take this to our groups and talk about this. Because by the comments, I don't think our initial report language is being accepted by the public in the public comment. I think that we're going to have to review and come up with guardrails or come up with new language that's better supportive and won't allow for abuse of registrar use policy. I'm sorry. I'm running out of time here. The homework is take this to your groups and talk about this language and if we can come up with something to clean this up to accommodate for all the public comments. Again, this was probably at least the number two, if not number one, commented issue here. So I think we have to take a look at this seriously and say, "How can we reinforce our language for the intent here?"

Okay. Again, I apologize for running over. We'll talk Thursday. Again, Thursday, we'll talk about Recommendation 2 and we'll jump back down on this 19. But I think that we'll probably give some time to 19 for people to talk about in their groups to think about. But we'll start back up again on the strawman for number 2 and see how our progress goes on that but then hit 19 as well.

Okay. Thanks, everyone, for staying two minutes late. I apologize. Thanks for all your comments today.

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