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## ICANN Transcription

### Transfer Policy Review PDP WG

**Tuesday, 28 February 2023 at 16:00 UTC**

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JULIE BISLAND:

All right. Good morning, good afternoon, and good evening. Welcome to the Transfer Policy Review PDP Working Group Call taking place on Tuesday, the 28th of February, 2023.

We don't have apologies for today's call. As a reminder, in all alternate assignment must be formalized by way of a Google assignment form. The link is available in all meeting invite emails. All members and all 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, 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.

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Statements of interest must be kept up to date. Does anyone have any updates to share? If so, please raise your hand or speak up now. All right. Please remember to state your name before speaking for the transcription. Recording will be posted on the public Wiki space shortly after the end of the call. And as a reminder, those who take part in the ICANN multistakeholder process are to comply with the expected standards of behavior. Thank you and over to our chair, Roger Carney. Please begin, Roger.

ROGER CARNEY:

Thanks, Julie. Welcome, everyone. As Julie mentioned, we have one more meeting planned before ICANN, and that's next week. We are planning to hold a meeting. So if there's going to be a lot of people not able to make that meeting, we'll look to maybe cancel it. But right now, we're planning to have it. So please let Julie know or GNSO secretariat know so that we can make sure we have that plan correctly.

Again, two meetings at ICANN76 on, I think, Saturday and Sunday. So we get to hit this quickly when we're all fresh, I hope. So look forward to that not this weekend. The following weekend, though. Also, we did not receive any input on the questions posed for early input. So we'll get that sent out to the SOs/ACs shortly, today or tomorrow so we can get some early input on the phase 2 topics. I think that's about it.

One other thing as staff's been doing and keeping track of this our work plan. And I think it's out on the Wiki as well, but I thought I would have Caitlin pull it up real quick, and we can take a 30

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second look at it just so that everybody's got the same level set of where we're at and where we're heading over the next few weeks. So, Caitlin, can you pull that up for us?

CAITLIN TUBERGEN: I am sorry, Roger. I am having technical difficulties in moving this document. Let me try one more thing.

ROGER CARNEY: Okay. No worries if we can't get it up. Again, it's just the work plan. And we we've kept it up to date as we've gone along. But as everybody knows, when we switch to phase 2 topics here early, we did update it. Okay. There you go. Thanks, Caitlin. And again, it this should be out on the wiki so you guys should be able to see this and it just lays out what we're planning to do through the next few calls and full going forward. And nothing specific to call out here for anyone, just that is out there. And if you're interested in seeing where the topics are hitting early, so we can go take a look. But yep. Staff keep this updated as we progress. So I think that's all for me for updates.

CAITLIN TUBERGEN: Roger, I just wanted to quickly note one small thing about the work plan, which I think most of you are aware of, but just to remind everybody. I think we're going to try to get into the habit of quickly touching on where we are in the work plan at the beginning of each meeting. And the items highlighted in green at the top, I know it's difficult to read from this angle, but those are the outstanding action items. So I just wanted to quickly remind folks.

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Roger already touched on the one action item that you can notify us as soon as possible if you can't attend the next meeting. If we have a big lapse in attendance, we will cancel that meeting. But so far, we have not received any notification, so we'll assume that we will be able to hold that meeting.

And the other action item was for all of the working group members to think about the proposal that was floated last week about possibly changing the four hour response window for the transfer emergency action contact to 24 hours. So that was an outstanding action item. And then the other thing to note is that we will be talking about TAC or that's the schedule plan for approximately the next six meetings, which will put us into the end of April, or mid-April to continue talking about the TAC. So that's the plan for now. I just wanted to quickly note that before we moved on to our next agenda item. So thanks for letting me butt in, Roger.

ROGER CARNEY:

Great. Thanks, Caitlyn. That's great. And again we can hope for that our discussions on TAC will wrap up sooner, but again, as Caitlin pointed out, that's what we have planned. And hopefully, we get through it as quickly as we can, but we have the time needed to go through it cleanly.

Okay. I think we can jump in. Oh, sorry, let me open up the floor to any of the stakeholder groups that have any questions or comments that they've been discussing offline of this meeting that they want to bring forward, anything that they've been talking about amongst themselves that they want us to know about or

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want us to take a look at. So I'll open up the floor any of the stakeholder groups that have anything they want to bring up. Okay. All right. I think we can jump into our agenda now then. And jump on to item 3 here, compliance metrics on the TAC and TDRP. I think Holida is on, so I will turn this over to her.

HOLIDA YANIK: Thank you, Roger. This is Holida Yanik for the transcript. Just a question. Emily, do we have the metrics in excel that I provided?

JULIE BISLAND: One moment, Holida, while I pull that up, apologies for the delay.

HOLIDA YANIK: Thank you. If not, actually, this information already contains the data already. So I can start if you like.

ROGER CARNEY: Go ahead, Holida. You can get started.

HOLIDA YANIK: Okay. So to address the request for metrics from contractual compliance that was needed during the review of Phase 2 topics relating to TAC, TDRP and ICANN approved bulk transfers, compliance has prepared the metrics for transfer complaints that we received. So I want to make a small disclaimer. So contractual compliance migrated its operations to naming services portal at the end of August 2020. And the smart forms used after

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this migration started capturing additional reporting criteria, like reporter type, for example, if it's law enforcement agency or registrant, and subject matter categories for the complaints received and processed.

So for example, these are whether the complaint specifically refers to nonresponse to transfer emergency action contact TAC request. And no complaint type had cases with this complaint category provided. In red in here means that no other complaints like whether it's renewal, abuse, or anything else, were reported with this TAC category selected.

So the subject matter category is initially selected by the complainant when the complaint is filed with compliance. And where necessary compliance amends it when the selected category does not properly reflect the issue that the complainant is reporting about. So additionally, invalid complaints like complaints that refer to ccTLD domain names or to parties over whom ICANN does not have any contractual authority, are closed without initiating a case with the registrar. So from 1 September 2020 to 31 December 2022, compliance received altogether 162 complaints for which complainant selected the TAC category. However, only five cases were validated and confirmed to refer to TAC obligations that are described in the transfer policy and finally addressed with the relevant registrars.

So as a further insight, in this valid TAC complaints, the reported issue was nonresponse to requests and to TAC contact within for our time period. And in all these addressed cases, we saw that reported registrants were located in different time zones. And all cases have been closed after the reported registrars took

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corrective actions like allocating special staff that would monitor TAC contact emails for 24 hours and 7 days a week and be able to investigate and address urgent transfer matters.

And another interesting point to mention is that in the past, compliance also received feedback from reported gaining registrars concerning the language in which the complaining registrars sent their requests to TAC. So the policy states that the goal of the TAC is to quickly establish a real time conversation between registrars in a language that both parties can understand in an emergency. But for receiving registrar, it may take more than four hours to translate, understand the matter and respond if the request was not provided in a language that they understand.

So I will move to TDRP related complaints. But do we have any questions regarding TAC metrics? Nope. So similar to TAC complaints, compliance received 141 cases where complainants selected categories indicating transfer dispute resolution policy matters. For example, inter registrar transfers or change of registrant requests denied due to ongoing TDRP. However, no valid case was initiated with the registrar referring to TDRP related obligations. And finally, with regard to the request for metrics, for compliance metrics relating to ICANN approved bulk transfers, I would like to clarify that ICANN contractual compliance does not track complaints that relate to ICANN approved bulk transfers.

Bulk transfers may occur as a result of complaints received by ICANN contractual compliance when such complaints result in termination of the registrar's accreditation. And after a bulk transfer has taken place, compliance sometimes receive complaints alleging unauthorized transfer because the registrant

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was not aware of the bulk transfer and was either confused by the change or did not agree to the new registrars' renewal fees or any other terms. And in these cases, compliance provides the relevant education to the reporter and closes the case because the gaining registrar did not violate any obligations. Yeah, this is all the clarification and metrics that we wanted to provide. So I will be happy to respond if there were any questions. Thank you.

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

THEO GEURTS: Yeah, thanks. And this is Theo for the record. So a question though about TDRP. I always understood it was a mechanism to dispute transfers if there was a transfer out that wasn't authorized or something. So I'm a little bit confused, I guess, about the UDRP, the URS and the TDRP proceedings into this. I mean, how does that compute in the sense like you have a transfer dispute resolution process, which used to be RTPD, I think? But I can't recall if we ever came up with the idea to have a UDRP into the TDRP. So I'm kind of curious how that sort of happened. I hope I make sense. I know the question is vague, but I'm really trying to comprehend why UDRPs and URSs are tied into the TDRP process. Thanks.

ROGER CARNEY: Thanks, Theo. Holidia, do you want to answer that?



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HOLIDA YANIK: Oh, sorry, I was double muted. Yeah, that's a good question. So within the transfer complaint category, we received complaints from the registrants that complain about the transfer requests that were denied by their registrar due to pending UDRP, URS or TDRP proceedings. However, we have separate UDRP complaint type category in which the UDRP complainants complain to compliance regarding non implementation of the UDRP decision or the domain name was not locked upon the provision of verification and lock request by the provider.

Those are different complaint type categories. And the main difference is who is complaining. Is it the current registrant, or the UDRP, or URS, or TDRP complainant? So this is why in the transfer category, we have bundled all these UDRP, URS and TDRP proceedings for the complaining registrants to complain about the registrar of record that is denying COR or transfer due to these pending proceedings. I hope this clarifies a bit.

ROGER CARNEY: Thanks, Holida. Yeah, Theo said that was perfect. Eric, please go ahead.

ERIC ROKOBAUER: Thanks, Roger. Can you hear me okay?

ROGER CARNEY: We can hear you. Thanks.

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ERIC ROKOBAUER: Awesome. This is Eric for the record. And thanks Holida for going through this data. My question was in relation to the non-response, the TAC requests. And obviously, I understand maybe the strip quest can't be given immediately, and it is to be a follow-up. But curious if we could dig into that further understanding is this from, like, how many registrars we're nonresponsive to the TAC requests out of those numbers? Seeing the 43 in April 2021, how many registrars? Was that 43 different registrars being non responsive? Or was that a matter of two or three?

And then from that understanding there's been discussions through these meetings about maybe the four hours is not enough time. Not asking for what the reason is, but can understand if the registrar may be uses that as their answers to why they didn't respond. I'm just curious if we know from the non-responses, if the registrar then remediated the issue with ICANN compliance. Again, just trying to assess whether the TAC is being useful or if it's just being outright ignore based on these numbers. Thanks.

HOLIDA YANIK: Thank you, Eric. So about the number of the registrar. So these five validated complaints that we received and addressed since September 2020 does not mean that they were five different registrars. I'm not quite sure whether ICANN provide that information to you, but they were multiple complaints and validated and addressed with the same registrar. And it could be three, it could be two registrars only. And at the same time, we had some cases that the reporting registrar had issue with the same gaining registrar not responding about multiple domain

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names and the TAC request was sent at the same time, but separately.

And so the number of complaints does not mean that they were this number of non-compliant registrars. And as for the reason the receiving registrars brought us as a reason for nonresponse were quite different. Most of them were small registrars. Maybe they were a couple of persons working as a registrar, and they were not able to monitor the emails or monitor any TAC contact for 24 hours. And after the case was addressed to them, they said that we took corrective action and we assigned an additional personnel or hired additional staff specifically for these purposes that would be monitoring the TAC emails for 24 hours.

However, we closed all those cases with the relevant resolve code that the registrar took corrective action. However, after these cases were addressed with them, we didn't have any reoccurring instances or any repeated complaints about those registrars. I hope it clarifies.

ROGER CARNEY: Thanks, Holida. And Eric did drop a question in chat there.

HOLIDA YANIK: Yes, Eric. All cases of nonresponse to TAC were addressed. We got evidences that they responded to the reporting registrar and took corrective actions. And at this stage where we see the evidences of the responses and the copies of communication, there is nothing to do for compliance other than closing. And we just monitor those registrars. And in case of reoccurrence, I'm not

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quite sure whether you are aware of our contractual compliance process.

But when we are addressing the complaints with the registrars, we follow three step process like we send first notice, second notice, and third notice, and etc. But however, if we see the noncompliance is being repeated after the remediation that was taken before, we sent escalated notice straightforward, which may lead to breach if it's not corrected.

ROGER CARNEY:

Great. Thanks, Holida. Any other questions on this data or anything specific that Holida may be all addressed? Okay. Great. Thanks, Holida, for this. And again, it's always nice to have data to look at, so he can't get a perspective. And I saw some chat going on about the low numbers. Obviously, there's probably several reasons for that, but I think that probably the biggest reason that I can think of is that most of the times the registrants work together to resolve the issues and TDRP doesn't get actually executed or filed. So I think that it's not that there's only this many transfer issues, it's a lot of those get worked outside the process. Steinar, please go ahead.

STEINAR GRØTTERØD:

Yeah. Hi. This is Steinar for the record. The way I understand our discussions and our recommendation in Phase 1a is that when there was a scenario where they were kind of important to solve and to make sure that the parties are coming on the right path, the transfer dispute resolution policy should be some sort of

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a place where we could kind of settle these problems or questions about illegal transfers, etc.

If the fee or putting things into the transfer dispute resolution policy is too high, at least the way I understand is that then there's a lot of the logic that we should use a recommendation to solve this in the transfer dispute policy. It doesn't really make sense if the fees is too high, and preventing parties to use that kind of mechanism. So when we entering up in the discussion here, maybe we should also take a look at the fees connected to this. Thank you.

ROGER CARNEY:

Thanks, Steinar. And the amount of the fee, I'm not sure. I think there's been quite a bit of discussion along the lines of, is the right person paying for it. And that's kind of an open question as well. But something that should be looked at, as you mentioned, Steinar. Okay. Any other questions before we jump into our next item, or continued discussion on the TAC? Okay. Great.

For our continued discussion on the TAC, staff put together a poll for us. After we've had a week or so of discussion about it, we did come up with some ideas last week as we walk through the questions, the charter questions. So I think that the poll is going to pull those ideas out and see what people think and how they see that working. So I think we can probably jump into our poll to start our discussions here.

And, again, just active members are the only ones that need to answer the poll questions online. All right. Julie's ahead of me

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here. Thanks, Julie, for starting the poll. Okay, so for question one, what is the appropriate deadline for initial response to the TAC? Again, we had some good discussion last week on this. And you heard it a couple times today. Is the current four hour-- Oh, sorry. Owen, please go ahead with question.

OWEN SMIGELSKI: Thanks, Roger. I can't vote. It says host and panelists can't vote.

ROGER CARNEY: Good point Owen, and mine says that as well. Julie is fixing that now. Sarah, please go ahead.

SARAH WYLD: Thank you. Hi. This is Sarah. So while we're working on that, I don't feel that I yet have enough information to make a choice here? Like, are we deciding that the TAC is the only point of contact that will exist? Do all transfer problems go through this point of contact? Or is there, like, some kind of tiered system with low level problems and big level problems because maybe only some transfer issues need a broader response period? Like, I don't feel like we're there yet. I don't know. Thank you.

ROGER CARNEY: Thanks, Sarah. Yeah, that's kind of the point of the polls. I think is to try to tease those out, is there any large percent of us that think, hey, okay, I mean, obviously, four is too short. Or as you mentioned, Sarah, maybe four hours is still appropriate for some

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level if there's a tier, or we think about it. I saw Theo's hand go up and go down. Okay. Thanks, Julie. Yeah. I think that it's kind of the interesting part is when we start talking about it. We talk about TAC and TDRP being separate things, but in our discussions, we really hone the fact that, really, it's just a transfer dispute is a transfer dispute. It's just is there a priority or is there an urgency to some of them that may dictate a different set of policy requirements than others. Exactly, Owen. Improved.

Okay. We did get a lot of discussion last week that thought that the four hours was pretty extreme. But again, I think to Sarah's point, when you lay out a whole process in place. And maybe four hours is still is too high of a bar to hit, but I think that it sounds like there should be multiple timeframes there that you're looking at. Like Sarah said in chat, if it's a life emergency or something, maybe that's something that gets hit sooner, or if it's a direct customer impact, that's bigger than maybe a part page somewhere or something like that.

So maybe there's multiple tiers that we can look at, provide response times. And again, something we discussed last week, wasn't just the initial, hey, yes, we received it and we're looking at it. But, also, yes, we received it, and this is our amount of time that we have to get it resolved. Theo, please go ahead.

THEO GEURTS:

Yeah. Thanks, Roger. And while we are waiting for the improvements that I've [00:31:08 -inaudible] in our poll, it just occurred to me. I mean, the TAC is more of a formal procedure, which you can engage in within when it comes to a register before

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all the previous stuff that happens. And we haven't really talked about all the previous stuff that happens. Vendor is an authorized transfer. I mean, a lot of us communicate internally over Slack, over Skype through email to sort out the issue. I mean, there's a whole level of things that are going on before it even gets to the TAC.

ROGER CARNEY:

Yeah. And I think that that's right, Theo. I think that the TAC is one of those specific tools. It's one of those specific, I don't know, medical maybe it's the scalpel that's the precise thing that's doing something. And to your point there's something bigger than that's moving this along. So that works. Yes, that looks like it. Hopefully, everybody could see the poll and can respond now. Great. Thanks, Sarah. Okay. Let's just go ahead and take a couple seconds here and put your answers down. And we'll talk about them here. Steinar, please go ahead.

STEINAR GRØTTERØD:

Yeah. Hi. This is Steinar for the record. With the At-Large hat on, totally, I feel that the TAC is something between the contracted party, the registry operators, and the registrar. From an end user perspective, I don't know exactly how much weight my world should say into this. So for the most of these cases, I'm going to respond not sure, no answer purely due to that fact. Thank you.



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ROGER CARNEY:

Okay. Great. Thanks, Steinar. Okay. Julie, do you want to show us the results? Again, I think this is what we heard last week. It's still an unknown thing, but there is a thought that the four hours is too restrictive especially on the outcome of not responding within four hours that the transfer automatically can revert back. It doesn't have but can revert back. I think this is where we're heading. And I think that that's a good thing. Everybody can start thinking about.

And we've got a pretty big granularity here for the 24 hours. Is there something in between that makes sense? I think a lot of discussion last week was, smaller or different time zones when that occurs, the four hours it can be a little hard to hit, but maybe a 12 hour is something to hit, or maybe because you can be that far apart, maybe 24 hours does make sense. But I think this goes along with what we heard last week, so that's great. And to Sarah's point and to others point that mentioned is, I think once we get a more overarching thought about this, maybe this time try fits in a little better and a little easier for taking answer.

Okay. Let's go ahead and go to the next question, Julie. All right. Our second question, should there be a cutoff timeframe for the initial contact to the TAC following the alleged unauthorized loss of domain. So this question came up last week as well and that we're talking about is there a point in time a transfer happen three months ago, and now someone's coming in and trying to contact the TAC to get it resolved. Is there that window that really makes sense? And obviously, last week, we talked, well, maybe there's exceptions, but there a general rule on that. Sarah, please go ahead.

SARAH WYLD: Thank you. This is Sarah. So are we expecting that the TAC is the only point of contact to raise a dispute with the transfer or is the TAC for emergency disputes and other transfer disputes go elsewhere? Because I feel like that's going to change the answer. Right? If the TAC is the only place to say that the transfer is bad, then there should not be a cutoff time. Thank you.

ROGER CARNEY: Great. Great, Sarah. Yeah. And I think that I would agree with you on that. My thought, and anybody can speak up, my thought is the TAC was only emergency time. So it was that, hey, we need this to be resolved quickly, and we need to get someone notified quickly about it. And I think there's another process or again, the overarching bigger process that dictates nonemergency kind of things. Hey, yes, this happened. I don't use the domain, but I want it back because it wasn't supposed to be transferred, something like that. So to answer, Sarah, I would take the TAC is for emergency contacts only. So let's take a few seconds. Okay. Great.

And here's the results here. And I think that this is what we heard. A cutoff seems logical, and I think even last week, there was some discussion around, is that cutoff the same as the lock window or the transfer prohibited window of the 30 days that we currently. Does it fall in line with that? But if it's post that 30 days, maybe the TAC shouldn't be used. And again last week, we did discuss obviously, there could be examples of this and maybe there's a way into that. But I think that that goes along with that. And I like

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the guidance idea here. At least even if there is no specific timeline providing a generalized timeline. Theo, please go ahead.

THEO GEURTS: Yeah. Just for clarification, and this Theo for the record. So if there would be a cutoff point, what does that mean policy wise and operational wise? What's going to happen?

ROGER CARNEY: Great. Thanks, Theo. And to me, when I think about it, in a cutoff, that means with the TAC, that responsibility level disappears. So if there was a timeline, a 30 day window and on day 35, someone says this, and it's like, okay, then that doesn't fit this process. So you wouldn't be required to respond within that time period of 24 hours, whatever it is. You would follow the other process that is there in place. Sarah, please go ahead.

SARAH WYLD: Thank you. This is Sarah. I know I'm spending a lot of time mentally comparing these timeframes to the response SLAs from, I guess, phase 2 of the EPDP for registration data, I think. So what I like or what I think we might want to consider is having a standard of type of problem. Sorry. There's a regular problem and then there's an emergency problem. We can define what is an emergency. We can define who is allowed to say that a certain situation is an emergency.

And then we could say that the registrar upon receipt of this request can downgrade it from emergency to nonemergency

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perhaps under specific circumstances. So maybe here with this cutoff timeframe, the domain owner is allowed to say, this is an emergency, even though it's been 40 days since the transfer happened. And normally, we should submit within 30. I was in the desert without Internet for a month, and that's why I didn't notice until now. And then the registrar can either say, yes, we're going to let this go as an emergency or it's not really. That might be might be a path to consider. Thank you.

ROGER CARNEY:

Great. Thanks, Sarah. Yeah, and you wonder, and it kind of draws me back to Eric's question on the TAC questions about was that 24 registrars that didn't respond or was it three registrars that didn't respond to eight domains each or something like that? And I wonder if that solution, Sarah, causes that same effect where a registrar would say, oh, yeah. It's always a TAC to me. So if my customer says it's important, I'm going to push that forward as important. But it's definitely something worth pursuing. Okay, any other comments on cutoff here?

Again we hit on it last week. And obviously, it's not something that's in the policy today. But do something to keep thinking about is, does that make sense that a transfer as a year old or whatever it is go to your extreme. And is there a number that makes sense that shouldn't be able. And again, the way I think about it is just as Sarah was trying to describe it, was a multiple path, the transfer dispute is an over encompassing concept, where there's a requirement of immediacy except for some, but probably the majority of things go down a standard path that probably has a different set of timelines associated to that. Again, not that we've

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talked about any of that yet, but is it our standard that they can file at and if they should get a response back and things like that on a standard path as well as the immediate path.

Okay. I think that that's the problem, Steinar, in chat. I think that the hard part is when that cutoff is. Is that 60 days? Is that 15 days? Is it 6 months? And I think that's the important thing, is to think about is. And really, to me, it seems like it's logical to say, hey, if it's so old, it can't go down this path. But I think Theo threw up a good example last week as well. So I think that that balance is probably out there.

And as Eric just mentioned, it's like most customers are probably going to think, most registrants are probably going to think yeah, this is really important, we need to get this resolved now. And when multiple people are looking at, maybe they can come to that conclusion. Well, it's not, we can resolve it, and we can have it back in a few weeks versus a few hours.

I think we can go to our next question then. Should there be a required timeframe for resolution of an issue raised through a TAC? And again, I think the important thing here is, something to think about anyway is, should there be a timeframe for a TAC? And also think about should there be a timeframe for any dispute? Should there be one or the other? But this question specifically is about the TAC. Should there be a timeline for resolution on a TAC or at least a deadline that says okay, this needs to be resolved in two days or you can request an extension, or this needs to be resolved in seven days, and maybe there's a way to extend it in extremely circumstances. But the question is, should

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there be a timeline for resolution, not just response? So take a few seconds. Talk about it.

Okay, Julie. If you could show us the results. That's interesting. I thought there would be more yeses this, but maybe that's falls into the unsure ideas. So that's something we can continue to work through the idea. And I think this came up in the issues report, is that some people thought that there should be this timeline of resolution, especially when it's an emergency TAC kind of contact. Theo, please go ahead.

THEO GEURTS:

Yeah. Thanks, Roger. And this is Theo for the record. So in my mind, which is a very scary place. At some point, you can't come into a scenario there is no resolution for whatever reason there is. And then it becomes a dispute, so you have another piece of the policy that addresses the dispute part. So that was kind of my thinking in answering the question here. Thanks.

ROGER CARNEY:

Great. Thanks, Theo. Yeah, I think that's a very good point and it is one that when I think about it and when it walks into a dispute yes, we're not transferring it back or it's staying where it is, and that's not been decided. To me, taking it to that next level and saying, okay, this is a speed that needs to follow this process, to me, that is resolved. When I look at it that way, it's like, okay, it's resolved and it's moved on from the TAC process to a process that'll manage it. And to me, that's a TAC resolution. And again, just the way I think about it is that problem has been solved, and

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it's on to something else. But good point, Theo. Okay. Any other comments or questions on that?

Thanks, Sarah, for the chat. And I think that that's the interesting thing. Right? I think that that's how we're trying to describe it. There's two processes. But really, to me, there's one process. It's a dispute process. And one needs immediacy so that that follows down TAC. And maybe there's multiples. I see two of them today. There is dispute issue and one needs urgency. And so that's going to follow. And really, maybe not a lot of different processes, but a stronger timeline to get those processes completed. And again contacts and all that.

But to me, Sarah, there's a transfer dispute and there's a process to follow. And one maybe just escalate it in timeline. And maybe there are certain things that have to be done or not done in an escalated timeline. And maybe there's additional steps in a non-escalated one. I don't know that for sure right now. But to me, it's yes. It's a dispute that needs to be resolved, and one just has more urgency. And until we hit those things, I think that's how I see it. Sarah, please go ahead.

SARAH WYLD:

Thanks, Roger. I think I'm just a bit confused. Because we've talked about that there's a TAC, which is an emergency contact point, and then there is a transfer dispute process, which is sort of a maybe the same process gets followed, and it's either an emergency or not an emergency. But then we're talking about resolution. Right?

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So if somebody contacts the emergency contact and says there's a problem, and the decision is, okay, you're going to work with our transfer dispute team, that's not the resolution. That's passing the problem on to the next team that needs to address it.

But if instead, the emergency contact determines that they cannot resolve the issue and says, you're going to need to contact this third-party arbitration body that will review the transfer ended side, that's a resolution because you're, like, moving to a completely different process outside of the TAC, and outside of the standard dispute process. But did I just make that up, or is that what we are saying will happen? Thank you. Because that's what I thought was being said here, but it doesn't seem to match what I see written down.

ROGER CARNEY:

Thanks, Sarah. And I think that that's what we're looking at. I agree. I don't think those things are written down. And I think that that's what we have to get to is, what are those things that have to be written down so that it makes sense that the flow and there is a flow. And as you just described, to me, the TAC came in without what a registrant would consider an acceptable outcome. To me, it's still an outcome, but it is being done something different at that point. And I think that's something that's important as the TAC has, in its definition, a contact. And it's based on a need for emergency or urgency anyway.

And I think that to me, that is just a part of an overarching dispute. Someone says, hey, this wasn't supposed to happen. Okay, it's a transfer dispute. So then it goes into it. And it's like, okay, how



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does it get resolved? Is there a level of urgency that's needed or not. Obviously, to most people, it's urgent to them. The overall process is in an urgent process. To me, I think that you look at it, as Sarah was describing it, as kind of just a tiered effect of, okay, yes, there's a dispute, the TAC is contacted or not, and that sets off a different set of basically timelines.

I don't know, and maybe we'll find that. I don't know if there's a different process or not or different steps. And there may be. When I'm thinking about it in our talk about rollback or clawback, whatever everybody calls it, is there an intermediate step that could occur from that concept of, yes, that wasn't supposed to be transferred and everybody agrees it wasn't in the TAC which contact and got it resolved and it's going back. So, okay, we're done.

Sarah just described something about okay, maybe someone else has to decide this because the two registrars and the two registrants can't come to agreement. So is there a step of okay, the reversal of a transfer does not happen, but maybe the DNS goes back. And then as Sarah said, maybe that goes to an outside third party to resolve it or whatever this group thinks is correct. And then maybe there's just a longer dispute process that does the exact same thing and could have those same steps in it. But is there one that's, as we're describing, an urgency path and then one that's just a regular standard timeline path.

So I think to me, all of our discussions are saying, okay, there is timelines that this should be followed to make it responsive enough. And maybe there's timelines for the overall dispute, a standard dispute. But it sounds like we're saying, yes, if it's

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urgent, then there is a different timeline, an escalated timeline. So just my thoughts on it. Okay. Great. Any other comments, suggestion, thought on question three?

Okay. Let's jump into question four then. All right. Should the working group make recommendations about the TAC method of contact? So I think that I'll point at Rick here because I think he's the one that brought this up. And that point of contact is great. And we discussed about being a true phone number possibly. But one of the things that Rick brought up was the phone call is great, and it doesn't document itself typically. So the email documentation usually works out.

And this question is trying to go down that path. Do we specifically say a TAC emergency contact, we don't have to call it TAC, whatever, but emergency contact has to be a phone number. Can it be anything as long as that mechanism is responding within, again, whatever timeline we're giving it, 4 hours or 24 hours or whatever? Does it have to be a phone number? And then also thinking about that down the road, should those be documented somewhere and how is that documented. Rick, please go ahead.

RICHARD WILHELM:

Thanks, Roger. Rick Wilhelm, registries. Thanks for the shout out. So when we were talking about this, I don't think we had discussed the option or in any substance of the notion of a centralized system for the thing about a TAC. But when I look at it sitting there on the screen, it's an interesting thing because it actually would take, it could subsume a lot of these other options.

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Because if there was a centralized system, if you were responsible for being notified, you could theoretically select that, oh, send me a text, send me an email depending on what kind of integrations there were. You could even have the thing phone you. Not that I wouldn't necessarily want to get an automated call in the middle of the night for my system, but I know that for a lot of us carry operations responsibilities. And I know that I've gotten phone calls calling me to a bridge and things like that.

So we didn't really go into that, but seeing it here on the screen, and I don't know, the real question though is, is it worth the investment into that kind of a centralized system? But operationally, and being effective, a centralized system would carry a ton of benefits, including the benefit of the documentation. But yeah. So Sarah and I thinking kind of the same thing about, is that all of that juice worth the substantial squeeze that it would generate per require? Thank you.

ROGER CARNEY:

Great. Thanks, Rick. Yeah, obviously, we saw that with the EPDP discussions as well. The benefits of that centralized funnel, I don't really want to call it, it seems like it's a great set of benefits there, but at what cost, I think, is what it comes down to. And is it worth that additional cost to streamline that, let's say? But Owen, please go ahead.

OWEN SMIGELSKI:

Thanks, Roger. This is Owen Smigelski for the transcript. Rick, I know that perhaps there's not a centralized system now, but in the

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ancient days before the naming services portal or NSP, there was this mystical mythological thing called radar that ICANN used. And radar actually did have a centralized system for TAC communications. It was not required to use it. It still provided the email and telephone number for people to use. So it wasn't requiring it to go through there. But there was back in the day a centralized system for that. And I kind of lean towards something like that just because email is imperfect.

If we're talking about something that'd be 100% used to reverse transfer or can be used as the basis of a breach for not responding properly, emails sometimes go missing. They don't get delivered. It's possible to fake a header or something like that and claim something there. Telephone calls, honestly, I get so many junk phone calls on my phone number that if I don't recognize a number, I'm not answering it. And if I get a random call in the middle of the night from some weird number, there's a good chance that that's going to go unanswered.

So that's why I'm leaning towards going back with some sort of centralized system. I don't think it needs to be all the bells and whistles that it'll send you an email, or phone you, or send out smoke signals, or whatever. I think in there, I just think of central system with a little push notification says, hey, you need to check this communication can go together pretty easy just like the old radar system. Thanks.

ROGER CARNEY:

Great. Thanks Owen. And I think that again, when I referenced the registration data policy stuff, and the EPDP work that was

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done on that, I think that's kind of how they drew up the SSAD and it was everybody's, let me not say everybody, but some people's dream and maybe some people's nightmare, but it did everything as Owen just said. And it's like that has fallen back. And it's like, does it need to be there? And it's like, okay, maybe not.

And as Owen described, radar maybe it is a simple thing. So the tracking and the metrics are automatically collected via the central system. And obviously Sarah put in chat as well, central systems, downfall it's singular, I won't say individual or whatever, but it's a singular point of failure, the possibility. And then you start making that more and more complicated by making sure that it's not.

But I think maybe there's a balance there. Maybe as Owen mentioned radar was fairly simple, and there doesn't need to be something complicated to do it. It's something to think about for everyone if it is something that makes sense. So just something to think about. And again, this all came back to just the TAC being called out. And I think Caitlin put it in chat. It's a phone number or I think a real time communication is what it says in in the current policy. I think answering this question is, does that work?

And again, today doesn't state specifically that it has to be a phone, but it does need to be something fairly real time about it. And again, I think that either with a central system or not, that point of contact still has to be identified somehow so that even if someone logs a transfer dispute into a central portal, there still has to be that mechanism to route it. Sarah, please go ahead.

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SARAH WYLD: Thanks. Hi. This is Sarah. I'm sorry. I've lost track of whether we've looked at the results already, but I want to talk about what I voted for

ROGER CARNEY: Okay, go ahead.

SARAH WYLD: I voted for email because I like that it then creates a record that the issue has been raised. But on the other hand, especially with the four hour response time, some people are going to prefer to receive that by telephone. And so I want to change my vote. But we do, of course, then have the issue. If it is sent by phone, how can it be proven that it happened? So I don't have a good answer for that, but I don't want to prevent our colleagues who prefer to use phone for that from being able to do so. Thank you.

ROGER CARNEY: Great. Thanks, Sarah. Julie, if you want to bring up the results and then, hopefully, everybody had a chance to do that. Okay. Great. Thank you. Yeah, we're seeing in the discussion we've had is it leans toward the bottom of this discussion about not sure. And I think that there's a several parts to that not sure. And Rick dropped in to chat.

When a TAC is updated in ASP, it's important that that gets shared. Not that it's just there because obviously people have access to it and go look at it. But when an update is done, it's important that that update is known. So I think that the interesting

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thing is if you're talking about a central system that does this, that update becomes less of an issue. The update when TAC is updated, sharing that out is less as an important thing, if it's a centralized system that's already handling everything, or not everything, the mechanisms of communicating out. Theo, please go ahead.

THEO GEURTS:

Yeah. Thanks. So about a decentralized system, it maybe makes sense for registrars who actually get these notices when it comes to TAC. I never gotten one. So I see it only as waste of money. So I think when we're going to be discussing such a system, there will be some hurdles here in convincing certain registrars in moving that direction and spend all that money. Because I suspect it might sound like a simple system. And usually when something is very simple, it is usually very costly to develop it. It's sort of unwritten rule and development. So I'm not convinced that a decentralized system is the answer to the problem. The experience is that certain amount of registers are not even getting these things. Thanks.

ROGER CARNEY:

Great. Thanks, Theo. Yeah. And I think that's important to recognize. And again when you look at the benefits of a centralized system and the cost and not just the monetary cost, but the cost of working with that system, you got to weigh all those things and see if it actually makes sense or not. Obviously, decentralized has benefits as well and drawbacks as well.

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But specifically the question for the method of contact. It looks like some discussions needed. Obviously, the status quo. I actually received the smallest or I suppose you can say other did, but the status quo received the smallest here. So I think that we need to look at some kind of change to this language or functionality. And what that is just what we need to work towards. But it's good. I think that what we're saying is the status quo isn't quite working yet. So let's improve upon it. Okay. Any other comments on question Four. And, again, that's the method of contact. So I think that we're leaning toward making a change here. What that is, we'll be able to define as we go along.

Okay. Let's go ahead and go on to the next question, Julie. All right. Question five. Are there any changes needed to enable registries to validate transfer undue request when a TAC allegedly fails to respond in four hours. I think we brought this up. And I don't think we just talked about it a lot last week, but it was brought up. An important thing, when you get to that process of flipping that transfer back just based on default, I think it's important that there's got to be some way to verify it. So I think that that's where this question comes up, is if that four hours is gone and registrars claiming, okay, they didn't respond, how does the registry consume that information and make sure that it's correct? That's where this question comes from.

Pretty straightforward. Yes, no, other. Our discussions on centralized system maybe helps here, maybe it doesn't. Maybe the question about if it's documented via email, then maybe that helps out some. But should there be any changes needed so that the registry has an easier decision here. Anyway, take the

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decision away from the registry and make it follow the process. Theo, please go ahead?

THEO GEURTS: Yeah. Please remind me if I'm completely off track here. But the way I understood it, the issue is maybe not so much the four hour itself that could be still a valid timeframe, but I thought the issue was more that there are apparently entities gaining the system with unintended consequences, which I never imagined. And to me, that was a problem. Like, there's some kind of people gaining it, making advantage of the four hour limit. And basically maybe the four hour limit is still a very good time limit because we're still talking about emergency requirements. So I'm going to frame this a little bit differently. Thanks.

ROGER CARNEY: Great. Thanks, Theo. To me, the four hours is not necessarily the issue. I don't think. And I'll let Rick talk to it. But I don't think the four hours is the issue. It's the fact of where's the proof that the process was followed so that the process can continue to be followed. So I think that's the important part. The four hour, I think, is just an example that was used. And I don't think it changes. If you changed it, it took 24 hours. The problem still is a proof that it should default somewhere. Sarah, please go ahead.

SARAH WYLD: Thanks. Hi. This is Sarah. I think there's a couple of possible ways to go here. So if the registry is required to validate that the dispute is correct or that the transfer should be reversed, they

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need to know not only that the dispute was raised, but also that there was no response within the four hour timeframe. And proving that something has not happened is, I think, difficult unless that whole process of raising and responding to the issue happens through a centralized system. So I think that the only way we can properly expect a registry to validate that it is a dispute that's been raised and not responded to would be if it's going through a central system that I don't think we should build.

And then on the other hand, the other option would be that the registry doesn't have a way to validate it. And so then, it's not fair to expect them to do so. So maybe a path to consider would be that if a dispute is sent to the registry as this was TAC, it was not responded within the timeframe, you got to reverse it, maybe the registry is just required to reverse the transfer and they don't get to make a decision, but then also they're not liable for it. They don't get in trouble if it turns out to have been the wrong decision. Right? So maybe we have to think about who is responsible, and who is liable, and who has access to the information before we can come up with this. And then, ultimately, also, I would like to hear if the registries have a preference. Thank you.

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

OWEN SMIGELSKI: Thanks, Roger. This is Owen Smigelski from the transcript. So, yeah, that four-hour thing has always kind of graded at me, because if a registrar responds within 3 hours and 59 minutes,

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then they're totally fine. But if the registrar responds in 5 hours, 1 minute, then that is 100% a reason for the registry to reverse the transfer. And I think that's a really bizarre, strange, bright line there that I do think needs to be reconsidered. You know, they're going along that path.

Theo mentioned about the gaining which he had not necessarily seen, but I have seen several times. And what'll happen is wait until there's a shutdown or something along those lines with the US around the end of the year for China and Asian countries for the Chinese New Year. They wait around that. This comes out this very interesting scenario where a registrar in theory could wait two, three, five weeks before raising a TAC communication with a registrar.

And then darn it if they don't respond within those four hours, then the transfer can be 100% reversed. There's no discretion to a registry there to kind of make that determination to a way. It's black or white. There's no ability for other facts or scenarios to be interpreted in there whether it's reasonable to do a reversal in that. So I think there needs to be a little bit more flexibility for a registry and others to determine whether or not it's warranted in every scenario. Thanks.

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

RICHARD WILHELM: Thanks, Roger. Rick Wilhelm, registries. I think that I agreed with pretty much everything that Sarah said. I was bang on with Owen

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until right at the end when he said the registries needs more flexibility. I would actually say that the registries want a little less flexibility. I'm grinning as I say that, even though my camera is not on.

Because we the registries typically we don't really cherish or relish when these kind of cases come across our individual desks, because they represent a situation where whether it's legitimate or not, they're difficult things. And we're operating on very sketchy information, and we don't always know the motivations of the parties that are coming to us. Metaphorically, it's like when there's two parents, but one parent gets isolated by a child with, like, hey, can I borrow the car? And you're like, oh, wait. What's going on here? That kind of a thing.

And also, when this the whole thing about the time stamps, we sent them something and they didn't respond within four hours. Not having centralized system makes that very difficult for us. So we actually, I think, if something that makes the registries in a position where there's less decisions is preferable. Because right now, the registry is in a spot where it's having to make a decision and making that decision typically on very sketchy or suspect information. And so we would rather that it'd be more cut and dried.

And then if someone is gaining the system, then it puts the party on the other end that's trying to steal the domain more clearly on the hook because then they're more blatantly committing some sort of a violation. Because the registry is just following orders that if a gaining registrar is pulling this lever, that means they know they're going to get the name. And then that puts their

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accreditation at greater risk. That sort of thing. So that's a general position. Obviously, lots to be worked out in the details. But when these things come across generally, we're dinged if we do, dinged if we don't. As the saying sort of goes. Thank you.

ROGER CARNEY:

Thanks, Rick. Yeah. And I think that obviously, that puts the registries in a spot there. And to Sarah's point is that something that we can eliminate. Again, Sarah is thinking of not having a centralized system. Can that still work if the registry is told to do this? That they actually go through with it, and then they're not responsible for doing it. I don't know that that solves the problem. I think that the problem is the gaining that everybody talks about, I mean, realistically, they don't even have to wait more than a minute. If they follow, like, they had to wait the four hours, but it's one of those things. It's like, but where's the proof this transfer happened. Yeah, I called them and no one answered. It's like, where is that proof at? Owen please go ahead.

OWEN SMIGELSKI:

Thanks, Roger. I realized that I missed something in my notes here that I was reading from. There's one other scenario that I want to raise up, not that this is a reason for a registry to reverse in this kind of scenario, but it does bring up an issue of noncompliance, where I think Holidia and her team might kind of be interesting how you would respond. So in theory, a registrar who receives a TAC request and responds at 3 hours, 59 minutes and says, okay, we're on this, and then takes 3 months to resolve the transfer, they're compliant. But a registrar who responds at 4

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hours, 1 minute and says, okay, we're okay, we'll reverse transfer. That's technically noncompliant.

And so I think there's a there's a big discrepancy between those two, because I think one of them is a much more desirable outcome. The response of registrar that's dealing with reversing the transfer. Although they missed an arbitrary deadline, versus the other registrar who's just not collaborative and draws everything out over a period of months. Thanks.

ROGER CARNEY:

Yeah. And I think that's the tough part, Owen. As you're describing, those that are trying to do the work correctly and maybe do the work correctly can still be penalized by that. Some of the questions that we brought up was should there be a resolution timeline as well. And I think you're pushing that idea to me anyway. It makes sense. And I know Sarah doesn't like the central idea, but the solution to the registry's problem seems like that gets resolved fairly easily by doing that. And again, obviously, we have to talk about the overhead and all that. But just looking at the problem and solution ideas, it seems like they're there. It just maybe needs to be worked through a better or a different way, maybe. So just my thoughts.

Okay. I think we can show the results of the last question we did. Thanks, Julie. Okay. Are there any changes needed? Seems like there's strong support for changes, even looking at not sure if there's change or not. I mean, if you add those together, it's most of it. No changes, I'm guessing, one or two people answered that. But the majority see some changes necessary.

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And I think, again, as Sarah mentioned, and as Rick talked about not wanting the flexibility, I think that that makes sense really is to remove the registry as a harbinger of this issue. The issue should be resolved outside that and they should be technically doing something to resolve it. Not trying to resolve the problem, but just do what they're told to do. To me anyway, that seems to make sense. And I think that what we're seeing here is most people think that, yes, it needs to be improved at least. And Sarah is right, maybe it's just, hey, there's no repercussions for doing it. I think that we would have to come up with solutions for trying to abuse that. But I think some changes need to happen for sure.

Okay. I think we have one more question. Hopefully, we can get it done in the next few minutes. Julie, can you pull up our last question? Great. Thank you. Should the registrar be required to track and report on TAC communications to enable future review of mechanism? So this isn't just documented as it goes along for the documentation of that instance. But I think this is a concept of trying to create metrics so that it can be reviewed in an ongoing way.

And again, we're talking about the TAC specifically here, but when I think about it, I think about should there be metrics for the dispute process in total. You know, should we be talking about that? But let's answer it for the TAC here, and then we can talk about it when we get into the transfer and dispute resolution policy.

Everybody take a few seconds here. Should registers be required to track? And, again, this is for ongoing, not for the incident itself, but for ongoing metrics so that in a few years, however long that

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is, someone reviews our changes they have some data for it. Take a couple more seconds. All right, Julie. Can you show us the results? Great. Thank you. So good support on required something to be tracked. And I think that what that is and how that is we can get into.

But if people think that that's useful, and so this is the point for this question. And I think we see that. And I think that, but not sure it knows no answer. We'll get that clarity as we work through that. And then see what's being tracked and if it is useful or not. So I think that helps. Any comments or questions on this? Okay. And a simple question to end with. I think that was the last one, wasn't it Julie.

JULIE BISLAND: Yes. Last one.

ROGER CARNEY: Great. Thanks, Julie. Okay. Great discussion. And I think the poll questions they kind of prompt us here well. And I think some of the things to think about as we camp through all these poll questions is, to me, the big learning thing was centralized versus decentralized, weighing the cost and the benefits of one or the other. And the risk or anything on the other side, the cons of it. I think take a look at it and think about it. And I know Sarah said on this call, she's not looking for a centralized system, and maybe that is where we end up.

But I want everybody to think about it and give some thought to it over the next week, and we can continue the discussions next



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week. And, again thinking about, okay, and then how can we make the registry decision easier, make it a non-decision, hopefully for the registries and they get the information they need and they can flip it or not.

Definitely, Sarah. Good point to that. If there is a centralized system if we agree that, and even if we don't, I think that if we're talking about it, maybe a data assessment is needed. And again, we would have to get to a fairly good spot of, okay, what data is going to go in and out. But to me, doing an assessment is part of that benefit analysis. So I think that that has to be part of it. Okay. Any other comments or questions?

Yeah, I agree, Theo. The cost. And, again, I think that Sarah is bringing up something beyond that, within that cost actually. You know, that assessment, it dictates does it make sense? And are we trying to collect too much or somebody else have too much access to it? Things like that they have to be addressed, and the cost of that whole process would need to be identified. And again, when you look at the numbers, it's all part of that cost benefit analysis that you'd got to run through. You know, is there enough issues or is there issues big enough to dictate that cost. And again, it's not just a onetime cost. It's an ongoing cost that has to be thought about.

Okay. Great. And, again, we're planning to meet next week. If you can't make it, please let Julie and the secretariat know that you can't make it. If we have low numbers, we'll cancel. But we're planning to meet and continue our discussion. Perfect. Thanks, Sarah. And I'll leave there. Okay. And everybody gets less than a minute back of their time. So thanks, everybody.

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**[END OF TRANSCRIPTION]**