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## ICANN Transcription

### Transfer Policy Review PDP WG

**Tuesday, 10 January 2023 at 16:00 UTC**

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JULIE BISLAND:

Good morning, good afternoon and good evening, everyone. Welcome to the Transfer Policy Review PDP working group call taking place on Tuesday the 10th of January 2023.

For today's call, we have apologies from Catherine Merdinger (RrSG), Crystal Ondo (RrSG), and Osvaldo Novoa (GNSO Council Liaison). They have formally assigned Jothan Frakes (RrSG) and Essie Musailov (RrSG) as their alternates for this call and for remaining days of absence. As a reminder, an alternative assignment must be formalized by way of a Google assignment forum. The link is available in all meeting invite emails.

All members and alternates are promoted to panelists. 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

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already done so, please change your chat selection from hosts and panelists to everyone in order for all participants to see your chat and so it's captured in the recording.

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

Please remember to state your name before speaking for the transcription. Recordings will be posted on the public wiki space shortly after the end of the call. And as a reminder, those who take part in the ICANN multi stakeholder process are to comply with the expected standards of behavior. Thank you. And over to our chair Roger Carney. Please begin, Roger.

ROGER CARNEY:

Thanks, Julie. Well, welcome, everyone. Welcome to the new year, I guess. It's been a few weeks since we've met. So we'll have to kind of build back up some speed and momentum here. But hopefully we can get going here. And I think we just have a few things to finish up before we can get into some new topics.

But getting into the new topics, I think, is part of this agenda here, is looking at where we're going to be moving towards. So I think that we'll just jump in here right away and jump into our third item here on the work plan and talk about how we're going to try to mix some things up to be a little more efficient and move forward. So I will turn this over to Emily so she can walk us through this. Please go ahead.

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EMILY BARABAS:

Hi, Roger. Hi, everyone. Happy New Year. So it's a new year, we haven't met in a little while. And probably we're all getting back up to speed about where we are and where we're going on this project as well as everywhere else. So this is a good moment to run through what the leadership team is thinking in terms of the plan for this PDP going forward.

We've been doing some thinking about the subjects in the charter, the timeline and kind of what was proposed at the outset of the PDP as well as what we know now about the tasks ahead, and the best way to go forward, as Roger said. So here's what we're thinking.

And I'm just going to note that there is an upcoming slot on the GNSO council agenda that some of you may have seen, where we're going to go into some additional details here. So we're bringing it into the group first to answer questions and to talk through and get a sanity check on it. And the hope is to start broadening the messaging around this in the near future.

So just to take a step back, looking at what the PDP is now, hopefully, this is old information for all of you, but just as a review, the current structure of the PDP is to have a two-phased approach. So we've completed that initial report on Phase 1A that was focused on specific subject areas in the transfer policy itself.

We started some deliberations on phase 1B, which was exclusively focused on change of registrant with some different subtopics within that, and then paused to go back to our phase 1A review of public comments and refining some of those recommendations.

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And then as you'll recall, the idea here was that there was going to be a separate phase, a phase two, that focused on a few other topics, including the TEAC, the TDRP, that transfer dispute resolution process, this idea of reversing transfers also this this concept of the fast undo or the reversal. What is the other term we used? It's escaping me now, fast undo is one of the terms we've used for it, as well as ICANN-approved transfers, which was a much—clawback. Thank you, Sarah, appreciate that. New Year's break, and I'll blame it on that. And then ICANN-approved transfers is sort of a little bit of a separate topic. And it's a relatively small one. Rollback, Jothan. Thank you.

So why did we originally think about this two-phased approach? The idea here was to break the work into smaller, more manageable chunks consistent with the PDP 3.0 guidelines. Those were guidelines to sort of improve the PDP, make it more efficient and accountable and so forth. So this seemed to be a consistent way of implementing that. And then also, the idea was that we could roll out the Phase One recommendations, potentially push those into implementation if they were approved by the Council and Board, and then continue with the phase two policy work, potentially in parallel. So at the time, that seemed like a great idea.

So looking just a little bit at the milestones—and these slides will be shared after the call as well with a note so you can all take a closer look. But the target was to produce a phase 1A initial report in June of this year, which we did. The original goal was to have a phase 1B initial report in March of 2023, a combined final report in August of 2023.

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And then the exact timing of phase two was still to be built out. So we didn't have a detailed work plan for phase two. But the intent was that the full PDP would be complete around January 2026. And this would potentially have sort of a space in-between, with potentially a review of the charter, refresh of the membership and so forth. So that was kind of a natural pause.

And just looking a little bit at why we may need to revisit this and make a change. So in the course, as you all will recall, in the course of the deliberations on our phase 1A and B topics, we found that there are some dependencies between the phase two and phase one topic. So specifically, some of the answers to charter questions on the TDRP and TEAC or the concept of this fast undo, rollback or clawback might impact the recommendations for phase 1A and phase 1B. And that it was more logical to look at these as a package rather than two fully independent segments.

Also, as we've gone through the revisions to the Phase 1a recommendations, there's been some fairly substantial updates primarily around the reintroduction of the losing FOA. But we're expecting some more revisions to the report in the next version of the redline in terms of adding rationales and kind of making it more coherent in terms of a package of recommendations and the reasoning around that. And those Phase 1A recommendations may be revised further as additional recommendations are developed for future work. So the thought here is that it may really be appropriate to have additional community input as a result of those revisions as well.

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And then finally, as we're all aware, phase 1A is behind schedule, which means phase 1B is also behind schedule. And so even if we didn't have these other considerations, we'd need to change the work plan to account for the work being behind schedule. And this little graphic is just a reminder that in the package of materials that is sent to Council each month, the current status of this project is that it's behind schedule, and the project health indicator is that it's at risk. So that's another reason for the PCR that plays into this discussion.

So what's being proposed here, what we'd like to do is take phase one and phase two and essentially just make it a single combined TDP, including all of the topics and have an initial report. So another initial report, but this would include recommendations for phase 1A as revised phase 1A and also phase two, and then have a single final report for all of the topics. And we would then reorder the sequence that we look at these topics so that we can address some of the questions from phase two and then return to the phase 1A and phase 1B topics to see what the impact is, and then complete those deliberations on those topics as well.

So the goal then, in a sort of tentative updated work plan, would be to have that single combined initial report in August of 2024, and then I combined final report in February 2025 with a longer public comment period, because it would be a pretty extensive package of recommendations. I will pause. I see a question from Owen.

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OWEN SMIGELSKI: So I had a question. Earlier, it said in the phase two that one of the things that we were going to consider was ICANN-approved transfers. But I thought that one of the things we were discussing was registrar-initiated transfers. I don't recall specifically that ICANN-approved transfers was a discussion item. So I just want some clarification on that, just to make sure that the registrar-initiated transfers is still something that we'd like to discuss. Thanks.

EMILY BARABAS: Let me see. What I'm going to do is maybe—Berry already has the answer in his response. So ICANN-approved bulk transfers. So maybe that's something we need to specify more specifically. If you take a look at the charter, there's just a few questions there specifically. Do you want me to see if I can pull those up?

OWEN SMIGELSKI: I see the clarification. That's fine. But I just want to make sure also that in that phase two, that registrar-initiated transfers, which could be considered another type of bulk transfer that's outside of ICANN approval, is something that we do consider and discuss as an item. Thanks.

EMILY BARABAS: Yep. So there's no proposal here to change the charter questions or to change the scope of the charter questions at this stage. It's really just about ordering. So hopefully, that answers the question.

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OWEN SMIGELSKI: I just want to check. I thought that was part of the charter.

EMILY BARABAS: Okay, I am going to pull up the charter in a moment a while Theo asks his question, and then we can take a look at those charter questions.

THEO GEURTS: Well, it's not much of a question, is just how we went about this. I mean, the current transfer process with the TAC that we are currently discussing is fine with me. But it's a step backwards for registrars with the reseller business model. And I've always said throughout this PDP countless times that I'm all fine with the TAC, but we need to address the issues with the reseller model, because the bulk transfers that are currently laid out in the registry agreement, they do not help us. And basically, the current PDP work on the TAC makes our work more difficult. So we do need to address that. And so I was, just as Owen, and a little bit surprised about the ICANN-approved transfers, because I specifically pointed out that we have an issue with this on the front of resellers moving large portfolios, because if you want to move 100,000 domain names, or 500,000 domain names with the current proposal on the table, that is going to be even more difficult than it is today. So it should be on the table. Thanks.

EMILY BARABAS: Thanks, Theo. So I'm just pulling up the charter. So these are the two questions that were envisioned. We have I1 and I2 that were envisioned to be under the phase two topics. So I think some of



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the specific questions about the scope of charter topics within—as they apply to these charter questions might be sort of a separate question about the overall structure of the PDP and as it's included in this PCR. But Roger, do you want to weigh in at all on this in terms of the sort of big picture question?

ROGER CARNEY:

Thanks, Emily. Actually, in phase 1A, I think there's a couple questions about bulk transfer and it was more related to registrant-initiated, not necessarily reseller or anything like that. But I think it kind of hit on that when we talked about it then—we had talked about that and left 1A as the single-use item. And I think Theo and Owen are recalling correctly that we talked about pushing that idea of a bigger push to a later discussion.

And as Emily showed here, ICANN transfers has always been on the phase two discussion. And I think that when we were talking about it, and phase 1A, we had said, let's push that off until we talk about bulk as a whole and we can try to resolve those together. So at least that was my recollection, is, again, there was I think two or three questions in phase 1A charter that dealt with registrant kind of bulk transfers, but that would apply to resellers as well. So hopefully that helps. Thanks.

EMILY BARABAS:

Thanks, Roger. I think that there was definitely a question in the Phase 1A scope that was about the bulk request of—thanks, Berry, the bulk request of auth info codes. I believe that that was the element that you are referring to, Roger. Is that correct?

ROGER CARNEY: Yeah. Thanks. That's exactly the ones I was referring to, was we had touched on this and we, at the time, at least how I recollect it is we said, "Okay, let's keep the TAC." And I think Theo kind of just touched on it, let's keep the TAC, to a one-time use kind of thing, one domain kind of idea per TAC, and that we would talk about bulk later. And again, I'm pretty sure that that's what we said back then. And again, I think that we were thinking that we would do that at the same time as ICANN bulk transfer discussion. Thanks. Owen, go ahead.

OWEN SMIGELSKI: Thanks, Roger. I guess I'm glad to see that there's that I2 in there as part of the charter. And I think that came from—I don't have the issue scoping report in front of me, but I do recall us discussing when we were working on registrar-initiated bulk type transfers. And so while it may be okay to discuss in that area, I just want to flag that I2 is not necessarily ICANN-approved transfer. It's just I guess, right now, in the transfer policy, there's registrant-initiated and ICANN-approved transfers. And so this might have to carve out a third type of transfer out of there. We can come to that later. And I may have to go back and look at the issues report just to make sure that what I recall from a couple years ago is correct. Thanks.

ROGER CARNEY: Great. Thanks. Okay, anything else on that? Otherwise, we'll continue on. Okay, Emily, please go ahead.

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EMILY BARABAS:

Thanks. So just to reiterate here, to the extent that there is or isn't agreements about what is or isn't in scope with respect to the charter questions and so forth, the goal here is not to change any of that under the PCR. It's really about making sure that the work is sequenced in a logical way.

So I think this is where we left off, talking about having a single initial report and single final report. The goal here is to be able to deliberate on all the topics iteratively and make sure that the pieces fit together so that there's a cohesion between the recommendations, and also gives the community an opportunity to review all the recommendations as a single package. It provides a single extended public comment period to make sure that anyone who wants to comment on the package of recommendations can do so and share information about that and so forth. I know we've previously had concerns that the last public comment period should be longer. And this will provide for a longer public comment period.

The overall timeline of completing the PDP will be shorter, because there's fewer reports and fewer comment periods in total. So we'll shave off some time to the overall timeline. And it'll also reduce the need for any sort of parallel work, which would be potentially a pretty heavy lift for the community to be working on an IRT at the same time as a PDP on this topic.

So some more considerations with respect to this potential change. So the current draft revision of the work plan would have us wrapping up in first quarter of 2025. Obviously, that's some

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time from now. And so obviously, some working group members may not be able to commit for the full length of the PDP. And there's not, at this point, a very logical pause where there might be a membership refresh. So it's potentially a an item for discussion to determine if there's a logical point in which to do sort of a membership refresh, or if that should happen on a rolling basis to minimize disruption to the progress of the PDP.

And also, what we're seeing in terms of the attendance is that there is, at this stage, somewhat—this is a tiny chart, but you can see the blue line is going downwards, which means over time, the participation—this is just about attendance, but attendance is going down. And we're also seeing real-time participation, at least from some groups, is uneven, and in some cases is declining.

So a good question to ask at this stage is how to best ensure that there's sustained engagement from all the groups and all of the inputs are coming in at the appropriate time so that we don't have a situation at the end of the PDP where there's surprises in terms of positions on the drafted outputs. So that's another potential area for discussion both at the PDP level and also potentially within groups and at the Council level.

In terms of our proposed next steps here, Roger is going to be doing an update to Council at the Council meeting on the 19th of January, basically covering at a high level what's coming in the PCR. Our goal for the PDP is to wrap up the current discussions of phase 1A topics by the end of January, then go back and briefly revisit where we landed so far on phase 1B discussions, including how that might intersect with these two topics, and then dive into phase two deliberations on TDRP, TEAC and roll back potentially

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in the beginning of February. So that means we're kind of going to skip over phase 1B for the most part for the moment, and then come back to that later and dig into some of those phase two questions that seem to have an impact on our Phase One recommendations.

Then for this February 16 Council meeting, the project change request will officially be submitted. So as a reminder, that's something that a PDP can submit to council to notify Council of a change in the work plan or the charter and make sure that council is aware of what's coming and can answer any—ask any questions and so forth. So that will be submitted in advance of the February Council meeting and considered at the February Council meeting. Any questions on what's been put forward here?

Okay. If there are questions that you think of later, please share them on the mailing list. We're happy to answer them. This is your PDP, you own this, and you are driving this as community members here. So we want to make sure that this does make sense to you, that everyone's on board. And if you have concerns about what this means for your group's participation in the PDP and so forth, please do flag those and raise those. And it's great if we can try to think about that together before this high-level idea goes to council later this month. Jothan, please.

JOTHAN FRAKES:

Hey, thank you. I really liked that there's a look at how do we compress and accelerate and make this work better. What really excites me about this change is that the rollback seems to have played a gating role in some of the Phase 1A work—actually a lot

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of the Phase 1A work because there are places where that's a very significant gear within the gear system that we're adjusting. The rollback specifically being a solution, for example, to some of the timelines we were contemplating.

So I really like to see that we are contemplating accelerating the phase two, because my suspicion or fear or thought was that we would get to phase two and untie the tennis shoes and then retie them after a lot of work. So I think that it'll help to minimize disposable effort or lost cycles by doing this. So I really liked to see that. Thank you. Berry, I don't know if you actually changed it for me. Hopefully, it was just for practical purposes. But thank you if you did, but that's more for everyone, not just for me. Thanks.

ROGER CARNEY:

Great. Thanks, Jothan. Yeah, and Jothan kind of touched on—again, Emily mentioned that we we're not trying to change the scope here. We're just trying to align it so that we're more efficient. And as Jothan just mentioned, we tripped over a lot of phase two things in 1A, and even when we talked about 1B for the month that we got to talk about it, we were hitting that phase two discussion. So it just seemed logical that this group had found that problem. So this was the solution to that problem, was to move it.

And again, overall, the process kind of shrank. We didn't change the scope at all. But the process did shrink down some. So worked to our advantage in two different ways, which was great. Okay, again, as Emily mentioned, we're going to take this to Council in a couple of weeks, just a discussion in a couple of

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weeks. And then we'll actually look to make a change request official in February.

We'll kind of see what the feeling is from Council and a couple of weeks. But our work plan really is to get started on Phase two stuff even before Council approves it, just don't tell them that. But the goal is to get moving on Phase two in February once we get everything wrapped up here on phase 1A and any extra stuff we need to get done before we get to that spot.

Okay. Thanks, Emily. And I think we can move on to our next topic, which I think was the mandatory locking, 16 and 17. The small group has been meeting for a while now, and has posted a few things to list about this. And I think we're getting down to a possible solution from the small group to bring forward. So I'll open this up actually to any of the small group members that want to talk about the discussions they've had and where they've landed on this. And again, they've posted several things to list. So hopefully, everybody's been watching that. But I want to open this up to Keiron, Zak or Owen to come forward and make a pitch here to the full working group. So small team. Keiron, please go ahead.

KEIRON TOBIN:

Thank you. Yeah. So we decided to look at REC 16 and 17, we've kind of changed the definition of what we had for established customer to established relationship. We just think it flows better. We've also kind of had a look at some rationales and added a bit more kind of detail in there as well. We're just on the final edits. And we're hoping to get that out to everyone today or tomorrow at the latest.

ROGER CARNEY: Perfect, thanks, Keiron. Owen or Zak, anything from either of you on this?

OWEN SMIGELSKI: No, it sounds good. We should probably hopefully be able to get something out today.

ROGER CARNEY: Great. Thanks. Zak.

ZAK MUSCOVITCH: Agreed. Thank you.

ROGER CARNEY: Okay, so, let's look for that. And again, I think that if everybody has been following along, they've posted several things to the list and making progress toward a possible solution for the whole working group to look at. So if they can get that posted today or tomorrow, then we'll have a good discussion next week on it as well. So Steinar, please go ahead.

STEINAR GRØTTERØD: Yeah. Hi. We had this discussion in the At-Large Consolidated Policy Working Group as well and particularly on the last meeting last Wednesday, we discussed the recommendation 16 and 17. There was kind of a bunch of argument in having or not having the



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transfer locks. And one of the things that was kind of often referred to is that if you have the opt out feature for the transfer locks, the likelihood for registered jumping, [inaudible] the domain name from registrar to registrar, and making the trade for sorting out illegitimate transfers kind of difficult.

So there was no consensus about it. I promised to take this discussion back to the meeting that we have tomorrow. I also encourage everyone that the way we have done this is that I have created a Google Doc for making all the members—anyone actually—to make the comments, I can put that into the chat. And you're very welcome to make your own comments into this because what I see everybody is also At-Large member, even though—so what I'd really like to have is some good argument, pros and cons for whether the registrars should enable an opt-out feature, both for the initial registry transfer lock after initial registration and transfer lock after successful transfer. So I welcome you all to put your comments into the document and also be vocal in this meeting. Thank you very much.

ROGER CARNEY: Great, thanks, Steinar. Keiron, please go ahead.

KEIRON TOBIN: Thank you, Steinar. Some of the highlights that you've just mentioned, we've actually added to our paper, which I hope we can get out today. So hopefully, you can copy and paste some of that information over, which may be useful for the At-Large. Thank you.

ROGER CARNEY: Great. Thanks, Keiron. I like it when it's working together. Okay. All right, well look for that update from the small team on that. So we can jump into our next agenda item, which is on rationale for registry enforcement of TTL. And I think I'll turn this over to Emily, I think we've come up with some good wording here that we can [inaudible] quick and see if we can get sign off on it. So Emily, do you want to run us through that?

EMILY BARABAS: Hi, Roger. Sure, happy to do so. So you'll recall our last call before the new year that the small group on TTL enforcement—let me just share this link with you all. This is the working document for recommendation 13. So the small group on TTL enforcement had presented some language revising the recommendation 13, 1 and 2. And I think the group had generally been responsive to that. And that's been included in the latest redline.

So the next task here is to make sure that the working group is sort of on board with rationale for why it should be the registry that would be enforcing the TTL and to sort of move this discussion along. I think there may still be some discussion underway in the small group as well. But just to help move it along, staff has gone ahead and put together sort of a strawman rationale, drawing on the public comments that were supportive of registry enforcement. So what we'd like to do is just run through that. And please feel free to provide initial input on this call. But of course, this is the first time you're seeing it. So no need to do that immediately. But we would like to know if there are pieces that are missing, are not

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supported by the working group and so forth. And obviously, we will be doing this for every draft rationale that we fill in. But because this was a pretty significant point of discussion, we do want to make sure that there's a level of comfort with what we're drafting here.

So we're starting with some of the language that was included in the question for community input on the initial report. So just including what the purpose of it TTL is and then going into the reason that the working group supports the 14-day period. So drawing on the CPH TechOps conclusion that the TTL should be no more than 14 calendar days and then that the 14-day period is appropriate to accommodate different business processes related to transfers that are associated with different registrar models. So that's something that was discussed and revisited in the public comment review, that indeed, this was an appropriate period and then having that 14-day window made sense, at least as a standard.

And then the sort of key points of the distilling the public comments on why the registry should be the enforcer. First, that the registry is the central authority for registrations, and therefore it's the appropriate party to enforce a standardized and consistent TTL. But it's a more secure and streamlined approach, where there's a lesser number of registry operators compared to ICANN accredited registrars. And finally, that because the TAC is set at the registry, it's logical that the registry is then setting the TTL and enforcing that 14-day limit through systems.

So moving on to 13.2, this element of why the registrar of record may set the TAC to null prior to the 14-day period. The working

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group at this stage has not acknowledged specific circumstances or listed specific circumstances but simply says that there may be a range of circumstances in which it may be appropriate for the registrar of record and the registrant to make that agreement. And that's just cited here as the rationale. So that can be beefed up if folks would like it to be, but at this stage, we've kept it pretty general.

So happy to take initial reactions to this. And as I said, please do take time to review it as well and provide any additional comments in the document itself or on the mailing list. And Roger, do you want me to pass it on to you for facilitating any discussion?

ROGER CARNEY:                    Yep, I'll take it over. Thanks. Theo. Please go ahead.

THEO GEURTS:                    Yeah, just a little bit of clarification. So in the rationale, we talk about 13.2, about circumstances and the register of record might want to reset the TAC. There's could be a couple of reasons for that. Maybe they don't have the same reasons to NACK a transfer. I don't know. But the clarification question is so we have some language about why a TAC can be reset. But the factual language at 12.2 is the TAC may set to null, may be reset to null, prior to the end of the 14 calendar day by agreement of the registrar of record and the RNH. That seems to be conflicting somewhat. So I'm wondering which language is currently updated and actual. Thanks.

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ROGER CARNEY:                    Sorry, what parts conflicting?

THEO GEURTS:                    Maybe I'm doing this the wrong way, taking the wrong approach. 13.2, the registrar of record may set a TAC to null prior to the end of the 14th calendar day by agreement of the registrar of record and the RNH. I really hope that is not final language, because that is a very, very bad idea. If you want to have some TTL transfer circus or casino, that is going to be very problematic if a registrar can set their own TTL because they're going to be registrars that are going to set it to five days, 10 days, two days, whatever day, and like I said, that's going to be a TTL casino. You have no idea what the actual TTL is, because the policy says it's at least 14. But in reality, it can be anything. And I think that is going to be very problematic. I think you're really going to break the transfer system. So within the rationale, we are working towards a set of recommendations why you can actually nullify the TAC, because there are good reasons. So I was kind of wondering—that there seems to be some divergence between the rationale and the actual 13.2 recommendation.

ROGER CARNEY:                    Okay, thanks. That helped clarify that a lot. Yeah, and actually, I think 13.2 came up because a 14-day window—for multiple reasons, but one was 14-day window may seem large to some people and not a registrar. And that's why 13.2 says agreement of registrar and registered name holder, so that the registrar can't just say, "Well, it's a five-day window." The registrant has to agree to it, as well. And one of the scenarios that came up was a high-

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value domain, two- or three-letter, one-letter domain that wants to transfer, doesn't want a TAC to be valid for 14 days, they want it to be valid for a shorter period, just to facilitate that. And, as you mentioned, also, Theo, the setting of the TAC if there's a NACK as well. Go ahead.

THEO GEURTS: Okay, that sounds reasonable and logical. And maybe I'm thrown off by the agreement of registrar of record and RNH, because it reads that there can be an actual registration agreement where the registrar just says in their agreement, the TTL is 14 days, but with us. It's five days, click here to accept it or not become our customer.

ROGER CARNEY: So I think that we can be clear on that point. Thanks, Theo. Jothan, please go ahead.

JOTHAN FRAKES: Thank you. So there were two points. I think Theo covered good ground on that. I was a participant in the small team, on behalf of the registrar, so I had the opportunity to serve there. The reason we were using the ability to null—some of the conversation around the TAC's existence or nonexistence and its expiry, I think folks were not taking into account that the existence of client transfer prohibited and/or server transfer prohibited statuses could also affect whether or not a domain is in a transferable state, with or without the existence of a TAC.

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And I think there was some participation within our discussions where it was believed that the TAC's existence overrode those statuses. So there was a lot of care and safety involved in this. What we wanted to make sure in this was that a TAC had been expired at the registry as a central place to make it more standardized. But there would be registrars who might want to shorten that period, and that the nullification of this record would allow for that, so that we would right size it.

What we didn't end up defining, we believe maybe defined elsewhere, is the circumstances where some span of time might occur before the registrar of record would furnish the TAC to the registered name holder. And so some flexibility here on the being able to shorten the span within the 14 days was defined. What we didn't define might be just how much time that registrant is entitled to have to actually make that transfer.

Now, in taking this wording back to the registrars, I did receive feedback that many registrars already use 14 days, and that some actually use seven before they would revise the authorization code. So there's a diversity. But I didn't hear diversity that exceeded the 14 days where some registrar does take action to do something with that.

Finally, I did want to note in the draft rationale, as the small team will try to get some rationale vetted and completed by the next call, but we'll do that by email. But I did want to comment that I don't believe CPH TechOps made the recommendation on the 14 days. I believe it had different origins, but we can discuss that inside that CPH TechOps call which is tomorrow. Thank you.

ROGER CARNEY: Great. Thanks, Jothan. Yeah, and just a reminder—and I don't know if TechOps had written this down or not. But one of the reasons that the TTL was even proposed was not necessarily concerned about the short side of an auth code or TAC existing, it was the long side, the TTL was meant to stop that fact of someone has the TAC sitting in their email for three months and can use it three months later, someone gets into it. I think that the original logic was not necessarily the shorter side, it was the longer side trying to make sure they didn't live forever, like some of them do today. So just some more food for thought on that. Rick, please go ahead.

RICK WILHELM: Yeah, 13.1 and 13.2 were about making sure we didn't have long live TAC because Long live are a security problem from this standpoint. Regarding if we're talking about making sure that there's a minimum duration, that's a different kettle of fish. I would strongly recommend against setting minimum durations, because as Roger had noted earlier, there's a lot of situations regarding high-value domains where there may be TACs that are only allowed lifetimes in order of hours, or maybe even minutes depending on what's going on with a particular situation.

But 13.1 and 13.2 were all about how the how to prevent the long life. When it comes to this—and Jothan, we're going to work this rationale out about why the registries are enforcing it rather than registrars. In essence, the registries just flat out withdrew their objection to this. When we come back, expect the rationale on the



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why the registries are doing it to be shorter, because a lot of what's in here, I would hate for the rationale to start establishing precedent about implying that things aren't secure at the registrars and implying that registrars aren't the central body in transfers, because there's been a lot of things that the registries have worked very hard to stay out of the way of the registrars when it comes to transfers. And some of these bullets here, as they appear on the page, would tend to undermine that might be seen as precedent for further interference by the registries in the transfer process. And I wouldn't want to see that being established as precedent. So probably this rationale is going to come back a lot shorter. Thank you.

ROGER CARNEY: Great, thanks. Yeah, and it's one of the things I've always loved is you know, writing new things is seems like a large step. And editing seems like an easy step. So I think having something on paper is great in that we can update it and make it work for everyone. So I appreciate everybody's work there. Steinar, please go ahead.

STEINAR GRØTTERØD: Yeah, hi. I just need a clarification. I was under the impression that if a domain name is with the status, client transfer prohibited, or even server transfer prohibited, the transfer will not go through even though the tag is issued.

ROGER CARNEY: That's correct.

STEINAR GRØTTERØD: So then the discussion about the high value domain names and the reason for TAC being set to null in a shorter period, that can be completely removed in my mind and actually more controlled by the registrar, agreed with the registered name holder when the client transfer prohibited status should be removed. So I do understand the team's argument here that this can be really hard to detect in the terms of condition for any registrars to set that well, we have only have seven days, five days TTL for the TAC. I think that was a very good argument and I think 13.2 can be removed totally and controlled in a different way for the really high value domain names. Thank you.

ROGER CARNEY: Thanks. Yeah, and I think that the various locks that can be put on are just another set of tools. And again, TAC TTL is just another set of tools to help those decisions along the way. So Jothan, please go ahead.

JOTHAN FRAKES: Thank you. And Steinar, great question, great intervention. So one of the things—because we're contemplating the modification of a very sophisticated system here. And there is a diversity to how people have implemented, how they process transfers that fit their models. So the hope here is that the net result is modest technical changes such that we don't introduce new problems. And so one of the other things that the ability to set the TAC to null would create is essentially similar to the NACK feature that a registrant

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realizes that there's a transfer code set and that the domain is transferable, that if they provide the registrar some form of agreement that says, no, I didn't intend to transfer this, what's going on, that we would be able to make the transfer code null, that could be there in complement to the client transfer prohibited or server transfer prohibited statuses. So be very clear that this registrant has agency to halt that transfer, or even being transferable. Thank you.

ROGER CARNEY:

Great, thanks, Jothan. Yeah, and again, just to remind people, obviously, the TTL was brought on for the purpose of shorter lived, not necessarily an in-between, but the TTL was meant to stop that the password is in someone's email and can be used two years later, whatever. Again, that was the purpose. We did talk about several times, as we were going through this, should there be a minimum? And our discussions probably back in 2021 now, came to that conclusion, that there wasn't a good way to get to that spot of, is there a minimum. Obviously, a bad registrar could set the null two seconds after, but a bad registrar could just give a bad TAC as well. So, I don't know that really matters a whole lot. They can do a whole lot of things there. Again, the TTL was meant to stop the use of long-term passwords. So Steinar, please go ahead.

STEINAR GRØTTERØD:

Back to Jothan here is that I think that one of the things that—the essence of our updated discussion about losing FOA was that we needed a way for the registered name holder to, quite early in the

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process, actually very early in the process, to stop the transfer. I think you have your method to stop the transfer in that phase, and not using the setting the TAC to null.

Further on that is that my understanding is that having a TTL for a maximum of 14 days is one of the key elements for the security in the proposed new transfer policy. Because we don't want to have everlasting TACs being distributed one way or another. It has a limited lifetime. And that is a key element in the security. So that's my private opinion. And hopefully I understood this correctly.

I'm going back to a little bit of a question I addressed in the chat here is that we had in the recommendation number three, one element saying that with the transfer notification, the TAC notification, notice, we should also put the expiry date to the TTL into the information. With 13.1, it is validated by the registry, but it's the registrar that creates the transfer, the Tac. Is it still possible to have that element that the expiry time and the date for the TAC will be distributed in the notification of the TAC email? Just for my clarification. Thank you.

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

THEO GEURTS: I think Steinar raises a good point. I mean, from a technical perspective, there is no limitation on why not to add the expiry date to the TAC itself. I mean, that is a no brainer from my point of view. So maybe it's a good idea Steinar suggests, that we sort of codify that into the language, because it's not there now. And if it's

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not in the language, well, then the chances that a register or registry is going to be doing that are going to be zero. And if you put it into policy, then it's just adding the expiry date to the TAC itself. And then it's everybody can see and understand what the expiry date is. And that's going to be a lot more clear than just a blind guess. Thanks.

ROGER CARNEY:

Thanks. I think Steinar was actually referring to just the notification and that our recommendation three in the notifications to the registered name holder provides when that TTL or when that TAC actually expires. It's not about the functionality or anything, it's just about the notice that hey, here's the TAC and it's valid until this time.

To Steinar's point on the registry being the enforcement there, that's true. The registrar's the one creating it, so they should have that information to provide in recommendation three. Theo.

THEO GEURTS:

And again, I'm just thinking a little bit broader than just a notification. Because it could be the other way around, that for some reason, a registrant is starting to ask, what is the TTL on it at the different registrar level, and then you can actually read out from the gaining registrar point of view. So maybe there will be support questions there. And if you have that in the language, and everybody's doing the same thing, then we might prevent some overhead. I mean, this is going to be a completely new system. This is a new way of doing things. So we have no idea what kind

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of questions will come out of it, we will have no anticipation what support load it will create or not create. We have no idea. So I'm just pointing out, you can actually move this up another level and have Steinar's wish, sort of makes sure that's going to happen in the notification system, but also have that information available on a larger level, for plenty of reasons we might not anticipate in this working group. And we will only see the results when it's live. Thanks.

ROGER CARNEY: Great. Thanks. Emily, please go ahead.

EMILY BARABAS: Thanks, Roger, and thanks to you for bringing this up. I'm trying to recall off the top of my head and was trying to quickly find it in the public comment review documents. But I'd have to go back and dig a little bit more. I think that this was a suggestion that was raised in the public comments and reviewed by the working group, this idea of including the TTL in TAC. And I believe that it was set aside as something not to pursue because the potential security implications of including the TTL, that that could be used and potentially games as sort of a this is how much time I have left for a potential attacker. So Rick, thank you. And I think that that actually was a comment coming from you. So please feel free to actually fill in as a security expert why that may be problematic. Thanks.

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ROGER CARNEY: Thanks. Yeah. And I think to Rick, I think that this was actually brought up and discussed throughout the TechOps, and maybe that's why Jothan raised his hand and it became that discussion. So I'll let Jothan talk here.

JOTHAN FRAKES: Right. So for this, I keep talking about modest changes. I know we're going to be making a lot of changes. But I don't know that we've contemplated where the registry would store an expiry of the TTL or how the TTL expiry would be communicated. It does seem appropriate to for the registrar of record and the registered name holder to maybe share that information between them. But I'm not entirely clear that it would be—that seems like that should be something that's private if they do have that discussion, for security and a variety of reasons. I think Rick's got probably a list he'll share.

But also, because we're talking about making modest changes here, the EPP spec, I think just kind of changing the labeling and mild behavior, business logic changes with respect to how this transfer authorization code is going to behave, the more changes we make, the more opportunity we have to cause problems to a very mature system that has been developed across a span of decades. So I think another thing we're looking at here is what's the scope of those changes? So I do agree that it'd be helpful to have the information. But I know that a registrar having set the TAC will have awareness of when that was set, and be able to communicate that to their customer. It does stand to logic that you want to have a predictable behavior at the registry with respect to how they're going to expire it. But I think we've defined that here.

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And I'll shut up and let Rick talk because he's probably got more wise things to say that are probably better caffeinated.

ROGER CARNEY: Thanks, Jothan. Yeah, and just to let everybody pull this to the front of everybody's mind is, recommendation three does require that the expiration date of the TTL or expiration date of the auth code—TAC is sent in the notification. So it is notified to the registered name holder when that will expire. So Rick, please go ahead.

RICK WILHELM: Yeah, thanks, Roger. So are we still talking about this idea that the registry is going to return and expose the tech expiry? Is that what we're still talking about?

ROGER CARNEY: I don't know that that's being talked about.

RICK WILHELM: Okay. So what is even the question then? Because the registry, like you said, and like Jothan said, the registrar of record knows the TAC expiration, because they set it. They can communicate that to the registered name holder. The registry isn't going to return it because we're not going to change EPP to do this stuff and we're not going to do anything where it can be looked up in RDAP or something like that. Because who would be able to look it up? A potential gaining registrar has no status, because that



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would be a security issue. And so that's just a non starter. So I don't even know why we're kind of burning time on this.

ROGER CARNEY: Thanks. And I agree, I think that again, our recommendation is clear that the expiration of the TAC has to be in the notice. And then we point out, we talked and walked away from embedding that time into the TAC itself. So I think we're at the spot that we need to be in that, yes, the registered name holder will know via that notice. And that's where we sat. Jothan, please go ahead.

JOTHAN FRAKES: Yeah, so to close this out—and agree with Rick, we've, I think, litigated this a lot. The parties that should know about this are the registered name holder and the registrar of record, and they will have had that dialogue about it being set, they'll receive a notice that gives them information about that. And the registrar of record will know about that, that TAC being, I guess, accessible.

Now, there is something that we define elsewhere. I don't recall the exact recommendation, but there is some sort of ability for a potential gaining registrar to test that the furnished TAC is valid in order to proceed before it actually does a [inaudible]. So it can do a pass fail on TAC being valid. But that's the only other party between the registrar of record or aka losing registrar and the registered name holder that might have any information about the TAC, its existence or whether it's alive or not, for how long it's going to be alive. So I think we've got this really well defined. We've hashed it out very well. And agree with Rick. I mean, this

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was hard won. We got to this point, finding the best of all worlds and the least of all bads. Thank you.

ROGER CARNEY:

Great. Thanks, Jothan. And it's kind of what the whole group is for, is solve the problems that we know of and try not to create new ones. So hopefully we're on that. Okay. So thanks to Emily for putting this—and it sounds like that small team will provide some updates to this or complete rationale soon, again, hopefully, sooner than later within the next couple of days so that we can cover it next week as well and get final buy off on it.

But if there's no other questions or comments, I think we can we move into our next agenda item. Oh, any other business. Okay. One of the things that we talked about, maybe early December, I can't remember, maybe it was even earlier, was updating the swim lane, the transfer visual to reflect where we sat now as we made some changes, obviously, to the initial recommendations. And I think that that's getting close and that Berry is ready to send that out. But the idea would be to put that out to the list, and then have a good discussion on it next week. Again, we've got a few other items from the small teams that we want to discuss next week as well. But I think in light of that, I think we had a redline deadline set for next Monday, of the current changes in phase 1A. And we're going to extend that to another week. So it'd be the following Monday, which is the 23<sup>rd</sup> is the deadline for any comments on any updates to the Phase 1A recommendations. But so the plan is next week to walk through the swim lane and again to cover these few remaining items. So Emily, please go ahead.

EMILY BARABAS:

Thanks, Roger. I was just going to put a little bit of additional color on this exercise of reviewing the redlines that is now due the 23rd of January. So it's actually not as big of an exercise as it looks like. And so we're really hoping that everyone does have time to go through and look at those redlines, because we're not even asking you to dive into all of the text, all the supporting text of responses to the charter questions and so forth. Your attention would really just be focused on the specific redline edits to the recommendation texts itself as a result of the recent deliberations on the public comments.

We still have some more work to do in updating the responses to the charter questions for overall consistency and to sort of create that package that we've talked about previously. So some of that charter question text is still a bit out of date. So again, we're really just focusing on the adjustments to the recommendation text itself that the working group has preliminarily agreed to. So thanks in advance for taking a look at that. And again, when you do provide any feedback, there's a form that's provided to enter that feedback so we can look at it systematically as a group. Thanks.

ROGER CARNEY:

Great. Thanks, Emily. And thanks for that, because sometimes it's a little daunting when you look at that, the big package. But yes, it's just those specifics. So that's great for the clarification. Yes, Berry, put on your swimming caps. It'll be a good update on that process. So look forward to that. Okay. If there's any other business—did I miss anything? Staff, keep me honest here if I

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didn't bring up something. But does anyone else have anything else they need to bring up?

Okay, I think we'll give 19 minutes back to everyone, because you're going to need it. Next week, we probably won't be so nice with the swim lane discussion and the [inaudible] 16-17 small team and TTL small team. So I think we can call this a meeting today and give everyone 90 minutes back. Thanks, everyone.

**[END OF TRANSCRIPTION]**