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## ICANN Transcription

### Transfer Policy Review PDP WG

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

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JULIE BISLAND:

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

For today's call, we have apologies from Catherine Merdinger (RrSG), Richard Wilhelm (RySG), Prudence Malinki (RrSG), Crystal Ondo (RrSG). They have formally assigned Jothan Frakes (RrSG), Carolyn Mitchell (RySG), Jody Kolker (RrSG), Essie Musailov (RrSG) as their alternates for this call and for remaining days of absence. As a reminder, an alternate assignment must be formalized by way of a Google assignment form. The link is available in all meeting invite 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

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or use any of the other Zoom room functionalities. If you have not already done so, please change your chat selection from host 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? If so, please raise your hand or speak up now. Please remember to state your name before speaking for the transcription. Recordings will be posted on the public wiki space shortly after the end of the call. As a reminder, those who take part in the ICANN 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 back, everyone. It's been a little more than two weeks since we've met as a group. Hopefully everyone had a good ICANN 76 either in Cancun or virtually. Hopefully it worked well for everyone and hopefully everyone got back safe and sound. I think we'll continue what we were discussing in ICANN 76, but for our main topic today an— thanks to Sarah for adding some [inaudible]. So jump into that. I don't have any major updates, but I wanted to ... I've been off for a few weeks. If any of the stakeholder groups want to come forward with anything that they've been talking about, any questions or comments that discussion-wise outside this that they want the group to be aware of or address. So I'll open up the floor to any of the stakeholder groups.

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Okay. I think then we can go ahead and jump into our discussion on the gap analysis. And again, thanks to Sarah for adding a lot of this into this document. Oh, Emily, please go ahead. I'm sorry.

EMILY BARABAS: Thanks, Roger. I don't want to slow down the discussion, but I did want to plug a reminder that the deadline for SO/AC, SG, and C inputs on the group two topics, so on the topics we're working on right now, we're asking for that input by the 4th of April. So that's a week from today. So for folks who are helping coordinate with their ... the groups that they represent to get those comments in, this is just a reminder to please submit those by Tuesday. Thanks.

ROGER CARNEY: Great. Thanks for that reminder, Emily.

EMILY BARABAS: And actually, Roger, can I do one more?

ROGER CARNEY: You bet.

EMILY BARABAS: So we've been trying to make it a habit to briefly touch on the project plan for this group just to remind everyone where we are, as well as any open action items. So if you don't mind, I'll just very briefly flash this up on the screen.

ROGER CARNEY: That'd be great. Thanks, Emily.

EMILY BARABAS: Sure. So not much is new here. There aren't any open action items at this time. And this is just a reminder that we're going to continue to be working on TEAC, TDRP, and the sort of gap analysis work around reversals or any other mechanisms that folks are interested in proposing here. Basically getting up until we convene for ICANN 77. So the project plan currently envisions that about for the next two months, we're going to continue to be working on these charter questions and aim to wrap those up by then. So we'll continue to refine this as it becomes clear the ordering in which we need to tackle some of these things. But that's where we are right now. Thanks.

ROGER CARNEY: Great. Thanks, Emily. If anyone has questions on that, please let us know. Again, we've got the time set aside here, as Emily mentioned, up through ICANN 77 to go through any of the issues on the TEAC and TDRP that we need cleaned up, along with our gap analysis, which we'll dive into today. Thanks for that, Emily.

Okay. I think we can jump into number three now. And again, I ran through these a couple of times, reading Sarah's comments here, and I'll let her talk to this if she wants to. But I think the overall, for me, when I was reading this, the overall theme, I guess, I got out of this is, is there a few steps? And I think Sarah even mentioned, not even an urgency or emergency kind of thing, just a normal set

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of steps that can get us between a questionable transfer, someone has a question about it, and to a resolution of that. So I think, again, we'll go through these things here, but I think Sarah's highlighting, maybe there's a few steps we can add that will help us soften the blow, I should say, maybe in between when a transfer happens and when there's a dispute [inaudible] that dispute's resolved. But again, more high level, we'll jump into these individually. And I don't, Sarah, do you have anything you want to talk to right now? Okay, please go ahead, Sarah.

SARAH WYLD: Thank you so much, everyone. I hope you can hear me okay.

ROGER CARNEY: I do not hear you, Sarah, if you're speaking.

SARAH WYLD: Okay. So we have these lock periods, these hold periods, acknowledging that there could be a problem. And so we need something functional to do when a problem arises. And so to that end, I have added some suggestions here of what the undo process could look like. And to be super clear, I am not suggesting that we get rid of the TEAC, or that we get rid of the transfer dispute resolution policy. But I'm thinking of something that's not quite a bridge, because the TEAC is a point of contact rather than a process, but a lighter weight, something more easy to access, functional, but also secure and appropriate. That's what I'm thinking here. So I'll just talk through each of the different rows, if that's okay.

ROGER CARNEY: That sounds great. Thank you, Sarah.

SARAH WYLD: Thank you, Roger. So in terms of the purpose and use, the purpose of the TEAC is a communication channel. It's not actually going to resolve anything. And so what we need is, the unmet need, is something that will resolve the transfer dispute, perhaps working with the TEAC, but without escalating to the TDRP level. So that's the purpose. Then thinking about the method of resolution, as you can see from my comment on the next row down, the TEAC is not a direct resolution. It is a point of contact. It lets you submit a complaint. I think there is value in having this defined contact point and in having an obligation to respond to that contact. But we shouldn't lose sight of the fact that it is a contact point and not a method of resolution.

So what I'm proposing would be that the registrars interact together to resolve the issue. This would include the following steps. There is notification. Losing registrar tells gaining registrar, we have a problem. Gaining registrar, upon that official notification, returns the name servers to the pre-transfer settings. And so this is something that I was hearing from other members, maybe at ICANN, maybe at other meetings, that we need to get the DNS back to what it was. So that's the step in this process where that could happen. Then there's a review of, actually, was the transfer valid? And the two registrars, I think, need to come to some sort of agreement that there was a problem. There should probably be some sort of evidence involved. This process should

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include a requirement that the gaining registrar respond within a certain time period, just like TEAC. And upon agreement from both registrars, they would return the domain and reverse the related fees. So the registry would take that action once this process has reached that point.

And if there cannot be resolution between the registrars, that's when it would move to a TDRP if the previous pre-transfer owner still thinks that there's a problem. So that was a whole bunch of stuff right there. Maybe I'll pause for a moment and see if anyone has thoughts before we move on to the next sections.

ROGER CARNEY:

Great, thanks. Yeah, and that's a good stopping point, really, because it is a lot to unpack there. And I think some of the keys you mentioned were the resolution part of it. As you mentioned, the TEAC is purposely a great thing for identifying how to get a hold of somebody. But besides the four-hour response, there is no resolution part of it. And even the suggestion that you're making, I'm not sure, because your last point here, resolution may not exist here. But maybe putting time frame around a possible resolution here makes sense. You know, maybe it's several days or whatever it is. And if that can't be resolved, then the natural order is you move it to a TDRP or something like that.

So I think that really makes sense here. And I'm interested to see other thoughts. Anyone else have thoughts on this? And I think Sarah mentioned time periods here. And I think that almost every one of these steps seem like it's made for a time bound, you know, the TEAC has to respond today in four hours. You know,

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this working group's discussed it several times. And it sounds like that should be lengthened and maybe it's going to be a 24-hour time period.

But if a losing registrar notifies a gaining registrar, hey, we have a problem here. Can we get the DNS flipped back? Is there a time period that's associated with that? So if it doesn't get flipped back in two days or whatever, what happens? And things like that I think are things to think about. So, Emily, please go ahead.

EMILY BARABAS:

Thanks, Roger. I don't see any hands just yet. I think people are still thinking. And, indeed, there's a lot of information already here. So maybe a suggestion to kind of back up first to this very top row of purpose and use and focus there first for discussion. You know, I think there's a lot of pieces to the purpose and use row, right? And so I heard Sarah maybe a little bit talk about or point to the needs that are trying to be met here. And it might be helpful to unpack those a little bit.

So I heard her saying and what we've heard in previous conversations is this concern about TDRP being slow and expensive and that that's a potential barrier. So this sounds like potentially it could be something that's faster and less costly. We heard that the TEAC is primarily a communication channel and that there aren't deadlines currently past the initial deadline for communication. So I think implicit in Sarah's proposal is potentially that there's and she mentioned that there's specific timelines around it. So it's creating more structure around the resolution. So I wonder if it's helpful to just sort of think a little bit more about

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some of these spaces and gaps that have been previously mentioned and how this might fit in, including potentially any scenarios where this would specifically be used, right? Where we're talking about, it says dispute specifically. So would it always be used in the case of a dispute or could it potentially be also a resolution channel for things that are not rising to the level of dispute? So those are just a few questions that came into my head as I was hearing the discussion on the first piece of this. Thanks.

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

ZAK MUSCOVITCH: Thanks, Roger. Thank you, Emily. And thank you, Sarah, for this. Looking at the six points listed in that middle column there. Sarah, would you agree that aside from number four, which imposes a timeframe for responding, that this is somewhat of a formalization of the process that registrars already go through?

SARAH WYLD: I'm not 100% certain about that. I understand that there is a variety of different interactions that registrars might have when trying to deal with a problematic transfer. And one of the difficulties, I think, is that because there's no formal process, it often ends up kind of deadlocked with, like, who's going to assure each registrar that they're doing the right thing? How are they going to make sure they don't get in trouble if somebody else disputes the evidence?

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I think that because we don't have a formal process, we end up with not reversing transfers that maybe should be. But registrars do, indeed, contact each other to avoid having to go through the TDRP process because that is so cumbersome. I hope that helps.

ZAK MUSCOVITCH: Thank you, Sarah. So just to further understand, Sarah, if there's a requirement for the gaining registrar to respond or the domain name is returned under number four, would the registrant need to be reliant entirely upon the gaining registrar responding to this? Or is there another opportunity for a registrant to intervene and say, hey, my registrar is not responding and not providing the evidence that I have available of a bona fide transfer, and therefore, I'd like to be able to participate in this process? Thank you.

SARAH WYLD: I thought I was following you, and then I think I got confused. But so there's a current requirement for the TEAC that if the gaining registrar does not respond to a TEAC contact within the current four-hour time frame, then the losing registrar can contact the registry and say, gaining registrar didn't answer, so give me back the domain. And then I think the registry does.

So I'm suggesting that in this middle column method, we could have a really similar process. That's what I'm looking at in number four there, even using the TEAC contact point. And so I think you were also saying that if the domain owner wants to invoke this process, then what happens? And so I do think there might be, like, we should talk about what happens if the domain owner says

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there's a problem, but the gaining registrar says it's fine, or the losing, sorry, I guess the losing registrar says it's fine because they would initiate it. Like, that would be an interesting problem.

And the answer there might be that the registrant has to go to a TDRP just because the gaining or losing registrar thinks the transfer was okay. Is that what you were asking about? Thank you.

ZAK MUSCOVITCH:

Not exactly. What I'm thinking is that the TEAC is expressly for the purpose of addressing an emergency situation. And that's why I think we understand that it's rarely used. This proposal would have a comparable timeframe requirement for the gaining registrar to respond, or the domain would be returned to the losing registrar.

And so my concern is that if this procedure were to be used for situations that are not emergencies beyond the TEAC, we could probably assume that it would be used with some frequency. And therefore, if it's going to be used more often than the TEAC is, what happens when a registrant, in other words, the new registrant, would dispute the losing registrar's attempt to pull back the domain name? And the new registrant has no ability to participate in the process. It's entirely reliant upon the gaining registrar.

And so that's what concerns me here, is that a new process is being proposed that could potentially require or would potentially avoid any participation from the new registrant who may have

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some important evidence or arguments in its favor that it relies upon the gaining registrar to advance.

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

SARAH WYLD: Yeah, thank you. So I kind of have two separate thoughts here. The one thing you said is that it might not be an emergency, and so it would probably be more frequently used. I agree. I think you're right. And so there might be some considerations around timeframes for required responses in a non-emergency situation that would be different from an emergency. And if that is the case, then if we're still using that same TEAC, have we just decided that the TEAC is also a T non-EAC, like it's a non-emergency contact also? So that's one thought.

Another thought, you're asking is what happens if the new registrant—because potentially when the registrar transfer happens, the ownership contact info could also be updated. If the new owner disputes the dispute of the losing registrar, and you're saying they cannot participate, they're reliant on the gaining registrar, yes, that is true. The losing registrant is also reliant on their registrar. Registrants are always reliant on their registrars in order to access the domain name system. This is why I think we need a policy to set out what can be expected, to give ourselves some predictability so the domain owners know what's going to happen and how to address problems. Thank you.

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

ZAK MUSCOVITCH: Then I have a problem with it, I think. And the reason is that what you've proposed here is a new system that would ostensibly be used much more often than the TEAC and would be used in the normal course of disputes for the mainstay of transfer disputes. And the registrant wouldn't have any ability to participate in it. And so, arguably, if it's limited to emergency situations in a TEAC, that lessens the importance of having a registrant participate, per se.

But if this is going to be the normal and usual process for transfer dispute resolution, and the registrant may not even be informed of the existence of the attempt to pull back the domain name, I see serious potential problems with it. Thank you.

ROGER CARNEY: Great. Thanks, Zak. And just to be clear, I think Zak is describing a scenario where the ownership is a change as well between this transfer. So, obviously, I don't think we would see this if the ownership stayed the same. But I think Zak's describing the potential where the ownership is changing with the transfer as well. So, Volker, please go ahead.

VOLKER GREIMANN: Yes. I have an issue with this as well, but for a different reason. First of all, in many cases, we don't even know whether the ownership changes or not, because we are not able to see the WHOIS before. We just know the ownership has changed from

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the complaint that we might get. I also have the fear that this might lead to an abuse of the TEAC contact. Currently, it's an emergency contact for urgent communications. And if it's now turned into a tool to revert any transfer, then I see that contact being used much more. And for cases that might not even qualify, just to gamble on the fact whether maybe that registrar won't react in time and we can get the domain name for our customer back.

Also, I think the timeframe that the TEAC specifies for a response is adequate for emergency cases. However, I don't think that the transfer back should necessarily be tied back to that timeframe. I think a different timeframe might be appropriate for the automatic return of the domain name that is maybe a bit longer and gives the registrar a bit more time for a reaction. Like I said, it shouldn't be tied to the TEAC. Thank you.

ROGER CARNEY:

Great. Thanks, Volker. I was thinking a similar issue with the proprietorship and how do you get around that. And I think that that's probably, if we pursue that, that's something we would have to come up with. How do you get to the point of addressing if there's an ownership you don't know, that both sides don't know one of the parties potentially, they should be able to have a contact because that should be made available. But at least an email to either a web form or a redacted or a pseudonym name for an email. So, I mean, I think there's potential there. I think Volker hits on something else.

To me, it sounds like we need to keep the concept of emergency and process kind of separate. If it's an emergency, the TEAC gets

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contacted and maybe this same thing happens, but it's on a different timeline. If it's not an emergency, as Zak suggested and Sarah kind of talked about, most registrars go through this similar process that she has listed here today. If it's not an emergency, they still have a contact, the gaining registrar that they call and they try to work through this. It's just not a formal process. It's all just ad hoc and what they've done before. But Sarah, please go ahead.

SARAH WYLD:

Thank you. So I'm hearing a concern that the registrant cannot participate in this process. And I wonder how that compares to the TDRP. Can the registrant participate in the TDRP process directly? And is it better for the registrant not to have a process at all compared to one where they work through the registrar? To me, it really seems like we need an in-between thing here. I agree, not an emergency. So not the same for our response time. I agree we can build in notification requirements to make sure that the registrant is aware of what's happening. But the registrar is the voice of the registrant in this process, in other processes. I think that's appropriate because the registrant works directly with the registrar to get and manage their domain name.

So I do think we need a reversal process, not an emergency, something with a different time frame. And I think we all think that, because if not, then why do we even have locks built into the process? Like what is the lock for, if not because a transfer might be problematic? Thank you.

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ROGER CARNEY: Thanks, Sarah. And along that line, I think that—and kind of maybe why Emily was pushing back to go to the purpose and use and see what truly is being missed in this process—and obviously, the TEAC allows a quick contact, but doesn't force a resolution. So hypothetically, it's no faster than a TDRP. And we're suggesting that a TDRP is too slow and maybe too costly. So there is something before a TDRP that happens today and many registrars already do this informal process.

I think what Zak's mentioning is maybe not so much that today the registrant really is not—it's hard to say that. Obviously, it's initiated by the registrant, but it's the registrar's responsibility to do these things. And as Sarah mentions, maybe that's how it should be or not. But I think Zak's concern is the timeline. If you're changing a timeline that says, okay, but if you don't respond in X amount of time, then it automatically reverts. And maybe the registrant doesn't have any knowledge where TDRP is a longer process. So, they'll have that knowledge somewhere in there. But Zak, please go ahead. Sorry.

ZAK MUSCOVITCH: Thank you, Roger. Well put in terms of describing my concerns. And I would add that there is a big difference between this proposal and the status quo. And that's that in the event that the gaining registrar does not respond, there's a default reversion of the domain name to the losing registrar. That's something that would not normally occur in the informal process that registrars are engaged in currently, because it would take two to tango. It would take an agreement between them to resolve this.

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Similarly, the analogy with the TPR is not exact either, because the TPR, as we know, is barely used because of the cost issues for commencement and the cost consequences as well, primarily, as well as the complications and time involved. So that's something that we don't see being employed with any regularity at all, whereas this would, in effect, be employable much more commonly. And with that number four, that can encourage gaming of the procedure. But more likely, it would, in the normal course, prevent a registrant, if the domain ownership had changed, from even being aware of this process. Whereas with the TPR, my guess is that at some point, the new registrant would become aware of it. But even if it wasn't, that procedure is so seldomly used, in contrast to this one, which would ostensibly be much more commonly used. Thank you.

ROGER CARNEY:

Thanks, Zak. Yeah, and I think that that's what you have to balance, is today, if this is an informal process, then Zak's right, that both parties would have to agree in realistic timeframes. I think that happens a lot, that they do agree on it after some time. But I think the timing factor, and Zak's concern around the gaming registrar responding, you hope that the new owner is picking good, responsible registrars. But that doesn't mean that something just doesn't happen correctly, and just the notification goes somewhere else, or whatever it is. So how do you address that, and be able to handle that? Does that step of notification also include a notification to the new registrant? Which, again, I think the only possible way to do that is via a web form, email address

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kind of thing. That's the only contact that's still available in the public. So, Sarah, please go ahead.

ROGER CARNEY:

Thank you. I don't quite understand why there's a concern about gaming the system in terms of reverting transfers due to a non-response. I think if that were going to be a problem, a thing that happened, then wouldn't we see it now? Wouldn't we see it even more frequently, because we have this TEAC response requirement right now, with not very many process obligations around it? It seems to me that if we build in a requirement to have some kind of evidence that the transfer was bad, and maybe also a notification to the current listed owner, that just seems, it seems more secure to me. And I don't think we have an issue of people gaming the system. I don't know why that's a concern. Thank you.

ROGER CARNEY:

Great. Thanks, Sarah. Zak, please go ahead.

ZAK MUSCOVITCH:

Thank you. In terms of gaming the system, we already heard from Owen several calls ago that he's aware of instances under the current TEAC regime of parties attempting to game the system by commencing the TEAC procedure right before Asian Lunar New Year celebrations, for example.

But fortunately, despite us talking about the TEAC publicly at ICANN 76, etc., it's still not very well known and still seldomly used. Whereas this formalization of the procedure wouldn't even

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be satisfactory if it did notify the new owner of a recently transferred domain name. Because mere notification of the procedure isn't sufficient for a new owner in, for example, the following context.

There's a purchase and sale of a domain name, either privately or through a marketplace. So the purchaser has purchased the domain name, has what appears to be a legal agreement in place, and then the former registrant convinces its registrar, of course, none of the ones that are on this call, that it should attempt to reverse the transfer. Then they contact the gaining registrar of this newly transferred domain name, and then the registrar, the new registrant, even if notified of the procedure, has no rights or ability to participate by saying, "listen, I'm a bona fide purchaser for value. Here's my legal agreement. Here's the receipt for the wire transfer I paid. I'm the owner. This is a former registrant that is trying to reverse a legal bona fide transfer. And I want to provide my evidence. I want to dispute this. I paid \$100,000 for this domain name last week, and now you're trying to take it away from me. And I'm concerned my registrar isn't going to respond or advocate for me." Again, none of the registrars on this call, of course, but this can undo genuine bona fide transfers merely by default for a registrar, a gaining registrar, failing to either respond or failing to advocate properly or appreciate the nature of the evidence that's available directly from the registrant. Thank you.

ROGER CARNEY:

Thanks, Zak. And I think Sarah's point to that is how you started this discussion, is if they really wanted to do that, then they would probably just ask for a TEAC to be done and get it transferred with

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the today's four hour, whatever we end up agreeing makes sense. But after that time frame, when then the registry is required to revert that back. So I think that we have to balance yes, we have to be able to stop any gaming and everything, but leaving it as is today, are we opening or keeping that open that they can use that? But Owen, please go ahead.

OWEN SMIGELSKI:

Thanks, Roger. I just want to reiterate that absolutely 100% there is gaming going on. I saw it when I was at ICANN Compliance several times, not just the Chinese New Year holidays, but also the shutdown in North America/Europe, where they come and they do it right at the time when a shutdown happens. I have also seen—I made sure one of my team here at Namecheap knows that we get that request and we've got to respond right away because it is a 100% reason to reverse a transfer. And it's a required reversal of a transfer if there's no response within those four hours. And I've told them, too, as well, if we don't hear a response from a TEAC request, then we can absolutely get that domain name back. No questions asked at the registry level.

And that's kind of concerning because people will game that because you don't have to resolve. There's no timeline for a resolution. It's just you have to respond to that TEAC request in a non-automated manner. So we can say, "Hey, yeah, we've got your TEAC request here, we'll get on it," and then wait two months. And there's no consequences for that, as opposed to the registrar who takes five hours to respond to a TEAC request and then immediately reverses the transfer. Those are two very significant things.

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So I think we need to make sure that whatever type of thing we have here isn't subject to that gaming, but then also encourages ongoing participation because sometimes undoing or reversing a transfer can really get bogged down. Thanks.

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

SARAH WYLD: Thank you. So thanks to everyone for the reminders about gaming the TEAC. That was helpful. I appreciate that. So we can talk about how to avoid that. Maybe it's a time frame thing. But if we don't trust the registrar to represent their registrant in a dispute, then I don't even know what we're doing here. Why would a domain owner go to a registrar to use them for registration services but not expect them to stand up for them as a valid customer, right? It means that we're not trusting the registrar to follow their policy obligations and to be a good business. And if that's the case, then this whole process doesn't make any sense.

Ultimately, if two parties are both claiming ownership of the same object and the registrars who represent them cannot look at the evidence and come to a resolution together, then that's what the TDRP is for, or maybe going to court over it. That's a thing that happens. But I guess, I mean, Zak and I clearly have a fundamental disagreement here, and that is Okay. We're allowed to disagree. But there you go. Thank you.

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

THEO GEURTS: Yeah, thanks. I'm struggling a little bit with the scenario that Zak outlined. And I will admit, I don't have much experience with the entire TEAC thing at all, so I might be not understanding the scenario completely. But the way it is explained, and from what I saw, [Jothan] also sort of confirmed it, that that scenario could play out. And I'm going through my mind with that scenario. And I've come up with somewhat of a conclusion. If a registrar would do that, that would be somewhat like, I'm not a lawyer, but that sounds pretty criminal to me. And I could open up myself as a registrar engaged in that practice to be very liable. And that is something, a scenario where registrars opening themselves up to be liable for God knows what amounts of money. I don't see that happening in my mind. But again, maybe it is happening, and it's just the registrar being very stupid. But at some point I guess the former registrant, the legit registrant will go to court and sue the registrar. And I think that will solve the problem. And I think we are going a little bit too much into the weeds here with what is on the table here. Thanks.

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

ZAK MUSCOVITCH: Thank you, Roger. So, Theo and Sarah raised two related points. And Sarah, don't get me wrong, I am all for exploring new avenues and procedures. And I admire that you presented this

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one, even if I express some difficulties and apprehensions about it. But to get to the thrust of your point, Sarah, there are no express obligations upon a registrar for advocating on behalf of a registrant. And there aren't even any express requirements that a registrar proactively respond to commencement of the proposed transfer dispute procedure.

And this relates to what Theo mentioned, which is that if a registrar failed to adequately advocate or failed to respond or failed to notify the registered name holder, what consequences could there be? Well, Theo indicated quite properly that the at fault or negligent or malfeasant registrar could be sued. But the thing is that many registration agreements with very respectable and prominent registrars contain severe limitations on the registrant's ability to sue. It could cap damages. It could require arbitration. It might be that the registrar itself isn't the primary or proper party for such a lawsuit because the name has already been transferred to a third party beyond the registrar and the registrar isn't obligated to indemnify the guy who just lost \$100,000 or \$1 million purchasing the domain name on a marketplace because the availability of damages are capped pursuant to the registration agreement.

So, yes, this does get into the weeds as a result of the implications of the fourth proposed provision here, which is a default revision, a reversal of the transfer of the domain name, that sets up a scenario where either the registrar is a sound and reliable advocate, a proactive service provider to the registered name holder, although nothing obliges the registrar to do those things. There's no requirement that it does these things. And the

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recourse against the registrar is so limited potentially for the reasons I outlined.

And so, at the end of the day, what I'm thinking here is that for a procedure like this to work effectively and fairly, it would need to have direct participation of a registrant in order for the registrant to ensure and satisfy itself that its interests are being protected. And if we get involved in that direction, what we're really talking about here, which is something that I've raised previously on several occasions, and which the working group may decide to recommend but not develop, a registrant-initiated dispute resolution policy that could perhaps freeze a purported transfer or an attempted transfer back. Thank you.

ROGER CARNEY:

Great, thanks, Zak. So, I think again the number four, I'm wondering, and as you're walking through that, Zak, and watching Sarah's chat go by, if the default action of number four was a TDRP instead of a reversal, does that work? Not just for Zak, but for everyone. The DNS has changed, so it's actually functioning the way it was before the transfer, but for some reason, the losing and gaining registrar can't agree, or as Sarah makes here the gaining registrar may not even respond, which to me is not agreeing. Does that just go to a TDRP, but the DNS stays where it is during that process? Is that something that's workable? Zak, please go ahead.

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ZAK MUSCOVITCH: Roger, forgive me, because I've been reading comments while also trying to listen to what you're saying at the same time, so I'm not sure if I picked up 100% of it. And maybe I'm just being creative here without you having suggested this, but were you suggesting that this proposed procedures outlined with these six points could perhaps work if number four were to be removed? In other words, it would be a formalization of the existing informal registrar dialogue procedure?

ROGER CARNEY: Yeah, so really what I was suggesting is four jumps to six, kind of. You know, if that doesn't come to an agreement, it goes to TDRP. And again, I'm just throwing that idea out, just off the cuff, because it's just between the comments being held. So just thoughts on it. Sarah, please go ahead.

SARAH WYLD: Thank you. Just one thought. The number four is there because, like, it's in the position that it's in in the list, because it puts a time requirement on that first response, rather than putting a time requirement on how long it takes to agree. It might just take longer to review the evidence and come to an agreement, especially if you're trying to get multiple lawyers in the same room at the same time, right? That's one thought.

Another thought, TDRP being, like, automatically the next step makes me wonder who's going to pay for that TDRP if the registrar is not responsive. Thank you.

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ROGER CARNEY: Great. Thanks, Sarah. Yeah, I wanted to avoid that question until we got to it. But, yeah, that is something we'll have to consider, is how and who pays for any review here. So, Zak, please go ahead.

ZAK MUSCOVITCH: Thanks, Roger. Thanks, Sarah. So, just thinking this through a little bit and perhaps thinking through it loud a little bit. Even though number four only requires a response, like an acknowledgment rather than a substantive response, I'm still uncomfortable with it because the default is the reversal of the transfer. And I'm uncomfortable relying upon a registrar entirely, and it's bona fides, to ensure that that always happens.

And so there's really a policy question at play here, very broadly speaking, that what's the status quo after a transfer has being effected? On one hand, you could say, well, the status quo was that the former registrant had the domain name and the transfer upsets that status quo. So, as a policy matter, we should revert the transfer to the status quo before the transfer. And that's what we should be achieving here. And so that the unsatisfied party can then sue to force that transfer through.

The corollary of that is the alternative policy perspective is that, no, the status quo is the status quo following the transfer. And the unsatisfied party, in other words, the guy who lost the domain name prior to the transfer, is the one that should have to sue to overturn. And so, at the end of the day, I fall on the side of, if the two registrars don't clearly and proactively and expressly agree, then there should be the status quo remain. And the status quo remaining at that point, in my view, is exactly what it technically is,

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is that there's been a transfer. There's a new registered name holder. That is the party that should continue to hold the domain name until such point in time where the dissatisfied party, the guy who lost the domain name for allegedly unfair reasons or unauthorized transfer, that's the party that must take the proactive step in court to reverse this.

So I think that courts are really where these bona fide disputes should take place. And we should be limiting the mandate and remit of this procedure, if any, to those circumstances where both registrars say, you know what, it's clear as day to us. We've got no problem. Maybe we're going to ask the other registrar for an indemnity or something like that. But yeah, it's clear as day so we can reverse this. Unless there's a clear meeting of the minds, I think the status quo should remain. Thank you.

ROGER CARNEY:

Great. Thanks, Zak. And again, I think just my quick thoughts are removing the feature here of the ownership change until such time that agreement is made—and maybe that is even a protracted, okay, there's some evidence, but we want a couple of days or a couple of weeks to review it. Maybe a month even, I don't know how long it is, to review these things before we actually come to an agreement that there was or wasn't an ownership change.

But to me, the solution of setting the DNS back to where it was provides that time. And again, I don't think it's going to make either party 100% happy, but it'll provide that time that that dispute concept can be worked out. And if it needs to go where it needs to go. So, but Sarah, please go ahead.

SARAH WYLD: Thank you. So, I feel like Zak and I are coming closer to some kind of process we can both agree on, which is interesting. One thought here that I think I heard, if the two registrars don't come to agreement, then the status quo remains. It's interesting, because I think I would agree that if they don't come to agreement, the domain stays where it is. And the person who thinks it was an invalid transfer, so that's the losing registrant, could then move on to a TDRP or to an actual court of law.

But I think that's different than if the registrar doesn't respond at all, in which case I was suggesting the transfer should revert. So, something to think about. Thank you.

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

ZAK MUSCOVITCH: Thanks, Roger. Yeah, we might be getting closer. We'll need some more thought on it. But yeah, potentially those are the outlines of a route forward. I think that as a general principle here, if we're struggling to draw the line at what the transfer policy is supposed to achieve and what we would be on fairly comfortable ground taking the position that it's minimalist in nature, that really the transfer policy is only available to correct the clearest of unauthorized transfers where both registrars can easily determine that this was a hacking situation, a non-authorized penetration of the account situation.

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And beyond that, it's far too ambitious for the transfer policy to solve contentious disputes about transfers, and those need to either be done through the TDRP, a potential new registrant-initiated TDRP, or through the court system. And the court system has been around hundreds of years and are equipped and adept at dealing with these kinds of contentious disputes far beyond what we're capable of here.

So I think we need not be nearly that ambitious and just satisfy ourselves with being able to provide the community with a policy that provides for a reversal of a transfer under the circumstances that are similar to what registrars do now. And if that is leaving the status quo in terms of an informal process or formalizing it or setting up a guidance for how registrars should address these disputes, that's fine. But we need not solve all of them. Thank you.

ROGER CARNEY: Thanks, Zak. Volker, please go ahead.

VOLKER GREIMANN: Yes, thank you. I think the main question that we need to ask ourselves is who do we feel needs more protection, the losing registrant or the gaining registrant, to coin a new terminology here. In most cases for us as registrars that are initiating a transfer, we do not have the opportunity to ask the old registrant for permission. We have to rely on the fact that the person that comes to us claiming to be the old registrant or authorized by the old registrant is authorized by the virtue of having access to the auth code.

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There is a certain risk there that in case of unauthorized account access or other undesirable actions by, for example, someone who manages domain names on behalf of the registrant who is not a registrar, doing bad things with the domain name to ensure that whatever claim they may have is enforceable or whatever.

I think the weaker party in this is the losing registrant, not the gaining registrant. Therefore, I support a means to return a domain name simply because of the fact that the risk for damage is higher on the side of the losing registrant than on the gaining registrant who might have bought the domain name and plans to do something with it. Whereas the losing registrant may be still using the domain name and is doing something with it at this point in time.

So I think there should be a mechanism that we should probably err on the side of the losing registrant. And if the gaining registrant has a legal title to the domain name, they can go through the court system as well. Going through the court systems is a long and tedious process in many cases. It can take years if both parties play their cards right. And in that case, the damage to a losing registrant that actually did not want the domain transferred is incalculable. Whereas the gaining registrant just gets his domain name later. That's my position on this. And I'm happy to be convinced otherwise. But I think we need the transfer back as a default, just not the timelines that were originally proposed. Thank you.

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ROGER CARNEY:

Great. Thanks, Volker. So I think that we've actually done a really good job of fleshing out, getting back to what Emily's question was. What's the problem here? What's the missing piece? And I think obviously, the TEAC and everything is handling an emergency situation. And we've fleshed this out. And then maybe there's even two pieces to this where, as I think Zak and Sarah have agreed to, hey, if both sides agree to this, then it's done. And if the losing and gaining registrars are talking and they say, yes, it was done, let's go ahead and move it back.

But I think obviously it's if they don't agree or, as Sarah outlines in number four here, there's just no response, which to me is just a default of not agreeing, then there's a path that that takes as well. And is that just directly going to a TDRP? But recognize, obviously, that first number two happens and that the name servers and everything, the DNS is reverted back to the prior settings, which gets to what Volker is just mentioning, who's typically the one more impacted? And obviously, it would be the losing registrar that had business or whatever on that set of name servers. So does number two with a breakout of, okay, yeah, if we agree, that's easy enough, we move it back, if we don't agree or there's no response, then that goes to TDRP, is that something that works? Just throwing it out there. Zak, please go ahead.

ZAK MUSCOVITCH:

Thank you, Roger. I'll address your latter point, Roger, but I first want to circle back briefly to Volker's point. I actually agree that there's two equal perspectives here, but where you should err on the side of caution in respect of the status quo or the other kind of

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status quo or the former owner or the new owner. And you could fall on either side.

I'm not convinced that one is clearly preferable to the other in the sense that, yes, the former domain holder could be using it for Amazon.com or something like that and have an existing site there and so has a lot to lose there. But on the other hand, someone who invests all of their and their mother's and grandmother's life savings to purchase a domain name for \$2.5 million only to have the seller try to resile and steal the cash and get the domain name back, that is world-shaking as well, at least from that person's perspective.

But where you fall on this is a judgment call, and courts in different countries have taken different views of this about which side they should exercise caution on. So it's not a new issue. What I would say, though, is that we need not resolve that issue one way or the other here, by taking the view that the policy is minimalist in nature, and this gets to your suggested approach, Roger, is that in the absence of express agreement—and so mere failure to respond doesn't qualify as an express agreement—then nothing is resolved. And then there's the possible initiation of a TDRP by the losing registrar, and hopefully one day by the losing registrant in a separate policy.

I think that merely formalized the existing process, and I've often been troubled over the years, why is there this informal process that goes on all the time, but it's not written down anywhere, and it's opaque, and we have policies for everything, but this procedure, which is informal, is not discussed. So I think there's some benefit to codifying this informal procedure. I don't think that

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this is an earth shattering development because it's merely codifying what already goes on, and so it's almost like a window dressing. But then again, the existing non-codified, non-written system seems to be very effective, generally speaking. Otherwise we would have anecdotal or actual data showing otherwise. So I think it solves the problems most of the time. Thank you.

ROGER CARNEY: Great. Thanks, Zak. Any other comments? Jody, please go ahead.

JODY KOLKER: Thanks, Roger. I was wondering if—and I'm just bringing this up to hopefully spark other ideas—is there a possibility to put anything in here to say if money changed hands for this, probably can't do this? I don't know. I'm just wondering. Zak has a valid concern that there could be money changing hands here. What I think that we're most concerned about as registrars, or I'm sorry, I'm going to say what I would be most concerned about, is that this is a hijacking, the domain has been hijacked. Now, whether it was listed on the aftermarket, as soon as it was hijacked, and then somebody else purchased it within minutes, that's obviously looking like there's got to be fraud there, or somebody's doing money laundering, one or the other, right?

But, I'm most concerned about somebody has hijacked a domain name that somebody has their company based on, for instance any kind of travel, airlines, buses, anything like that. And suddenly now the whole website is down for the company. And that's what

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I'm most concerned about as far as somebody selling a domain name and then having a seller's remorse because somebody comes in two days later and says, I'll pay 10 times what you sold it for. That's not a legitimate pull this domain name back for me as a registrar to even ask another registrar to pull that back. I mean, we wouldn't do that. And I wouldn't do that, I would say.

Now, I'm not sure what other registrars would do with that. And most of those registrars would not be here, right, on this call. But I'm wondering if there's something in here to say, if this is part of an aftermarket program, it needs to go through further review. But if this is part of, hey, somebody hijacked this domain name, and it was transferred, it was never listed on an aftermarket program, or there was no money changing hands, does there need to be a different standard? And I'm just bringing that up to discuss. Thanks.

ROGER CARNEY: Great. Thanks, Jody. That's a good point to bring up that we can talk about. Volker, please go ahead.

VOLKER GREIMANN: Yes, I think it's an interesting point. Personally, I have seen enough cases where domain names have been listed for sale by the hijacker, then sold either to an affiliated party or an unknowing third party that may have paid a lot of money for that. I think this is something that will probably have to be taken into account when using an escrow service that the money stays in escrow longer

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until the domain name clears and the clawback period ends or something else might be the solution here.

But ultimately, we should not support parties dealing in stolen goods. And if you buy a domain name that was stolen, transferred out against the will of the registrant or any other way of illicit transfer, then you're out of luck. Sorry, you paid your money to a fraudster. It's the same as sending Bitcoin to Elon Musk so he can double it. I don't know. At some point, we need to protect the registrant. And the registrant that has the longer title in the domain name is usually the losing registrant. Thank you.

ROGER CARNEY: Thanks, Volker. Zak, please go ahead.

ZAK MUSCOVITCH: Thanks, Roger. So just with regards to Volker's point, yes, I agree that there's plenty of policy reasons for trying to side with the original registrant and saying too bad to the innocent party that purchased the domain name that happened to be stolen. But that's just one of the policy approaches that's employed worldwide. In some jurisdictions, the approach is the exact opposite, that they've decided to adopt a policy that protects the innocent purchaser and puts the obligation upon the guy who happened to have had his stuff stolen to try to resolve it. So I don't think that one is clearly preferable over the other.

But in any event, I think we're straying away from the possible solution here, which is that if the procedure requires express agreement between the registrars, we need not investigate claims

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of a bona fide purchase on the secondary market, etc. And there's no way, under the current proposal, for that information to be elicited from the parties and evidence to be considered and registrars to sit in judgment. That's far beyond what we would want to see happen.

We would want the registrars to be able to confidently assess the situation and determine that it's simply an unauthorized transfer with no complicating or mitigating factors or other sides to the story after they've conducted their own internal inquiries, reviewed their evidence, perhaps contacted their customers. And then if they agree there's no issue, they can transfer it, which is exactly what they do now. Thanks.

ROGER CARNEY:

Great. Thanks, Zak. Okay, any other comments? Again, I think we've really fleshed this out. And I think we've got a few paths to take here. But I know we've got a few more items here to go over. I don't know. Obviously, this is important that we come to an agreement on, okay, that makes sense. And I think it sounds like everybody kind of agrees. If both sides, gaining, losing registrar agree that, hey, this is this way or this way, then it happens that way. And then the dispute mechanisms can take over after that.

But again, I think it's nice to have this formalized. Again, as Zak mentioned, Sarah mentioned, this is occurring today. So there's no reason not to formalize it. So I think it's great that we're doing that. I think that the issue at hand is what happens when there's a no response or I think Zak said when there's not an agreement, then what happens and where does that go? And again, I think as

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Sarah mentioned, our next line here is about timelines. And are there time bounds that can be put on when there is no agreement or things to that effect, then something else kicks in?

Okay, I think we can move on from this and go into the next section. So if Sarah wants to take us through her comments on the next piece.

SARAH WYLD:

Sure, thanks. We've been through a lot today already, but we can. So if you scroll down a bit more, please, Emily, just because I wonder how much of what else I've suggested here has been covered by today's conversation. I mean, timeframe, we have a 30-day lock period. Maybe this registrar internal dispute process is only applicable within that 30-day lock period. And otherwise it has to be a TDRP maybe. Urgency, I would say is non-emergency. I could put any, but I actually think non-emergency is the right answer.

Limitations around liability. I don't really understand this limitation. I would ask if any of our lawyer team members or people who deal with this on a more regular basis want to talk to that. That would be great because it's something that kind of goes over my head. Thank you. But it is definitely a concern I've heard people raise. That's why I wrote it down. Thank you.

ROGER CARNEY:

Great. Thanks, Sarah. Yeah, to your point on the time period, does that help? Does it change things? And does that mean, if this process is within that 30 days, so coming out of the process into a

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TDRP would have to be done within those first 30 days, and obviously all those timelines prior to that would have to be fit within those 30 days. So if someone contacts somebody and someone has to respond and point of evidence and things like that, does an active middle ground dispute here possibly change the 30-day lock?

So, losing registrar contacts gaining registrar, they're in discussions, but they want to provide evidence to both each other, try to discuss this. Can they extend that 30-day lock in that time period? I don't know. Just thinking it out so that they can fit in a two-week evaluation period or whatever it is to come to an agreement before that. So, yeah, to me, the time period is interesting.

As far as emergencies or not, I thought the original answer Sarah put in here, any, seems to make sense to me, even if it's an emergency. Because right now, our TAC is just contact. So, it's a certain piece of, okay, yes, someone has to respond in X amount of time. But then if the TEAC process is invoked and someone contacts the TEAC, this process to me still seems valid. But does it have a different set of timelines also?

So, if the TAC process is initiated, these one through six steps, however they come out, is that done within a week? But if you don't initiate a TEAC, does that allow it to be multiple weeks response? I don't know. Thoughts on that? Zak, please go ahead.

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ZAK MUSCOVITCH: Thanks, Roger. Not in regards to the TEAC, but in regards to the proposed 30 day lock in the—showing to me is purple, in the middle column. I would think that if number four above it were to be removed so that express agreement between the registrars is what's required, similarly to how things are now, but in a codified procedure, then we wouldn't really need to have the procedure undertaken within that 30-day lock period, because it isn't now. And there could be issues of discoverability beyond the 30-day lock period.

And because there's no pullback, automatic or default pullback in the process, the 30-day lock would be irrelevant to its use anyhow. So in summary, I think if we were to codify the current procedure, as I've discussed before, then the procedure should be available at any point in time. Thank you.

ROGER CARNEY: Thanks, Zak. Thoughts around if a dispute is done, should a lock be put on it? It's not, I don't think one of the steps in Sarah's things here, but if a dispute is initiated, should there be a lock? And again, you're only going to get that if the gaining registrar is comfortable in responding and discussing it. So, Sarah, please go ahead.

SARAH WYLD: Thank you. I'm hesitant, as I said in the chat, to remove a response obligation entirely. And I had a second point that I have lost. Thank you.

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ROGER CARNEY: Yeah, and I think that the response obligation to me still is valid. It's the action to the response obligation, I think, is the big thing. And maybe Zak can correct me. It's, to me, it's okay to have a response obligation, but the action on a no response is the big dispute here. So, Zak, please go ahead.

ZAK MUSCOVITCH: Yes, I agree, Roger. I don't think it's too much to ask a registrar to respond once their fellow registrar initiates this kind of dispute resolution procedures. So, I think that's fine to require a response. But I don't think that the outcome for failure to respond should be automatic transfer. I think it just goes to number six, the escalation to TDRP, if so desired. Thanks.

ROGER CARNEY: Great. Thanks, Zak. So, what are your thoughts on the lock extending to resolution? Again, obviously, the gaining registrar is the one doing that. And I guess the registry could get involved in there as well. But if this is invoked on day 28, for some reason, of a lock—and maybe it's even post lock. Maybe the lock is gone now, but now there's a dispute. Should the dispute put in a lock? And again, I think it's the same effect if it goes past the 30 days, started prior or started after. Should there be a lock during this dispute process? Just thoughts.

I don't want to get too specific, Jothan, for the exact—but yeah, that's what I was thinking, a transfer prohibited until there's a resolution here. And again, just throwing the idea out there. I don't know if that's good or bad. So, Sarah, please go ahead.

SARAH WYLD: Thanks. I actually have a different question, because we're saying that we should escalate to the TDRP. My excellent coworker, who is an alt in this meeting, is telling me that you can only escalate to a TDRP if the transfer process is not followed properly. So if a domain is outright stolen, that could still have followed the process. Just with something happening outside of the transfer process to take it away from the real owner.

So, is the TDRP the right escalation point? Like, that's another question. And I guess I got to go back and read it again. Thank you.

ROGER CARNEY: Great. Thanks, Sarah. And that is correct. I think that that's the issue. And that's something we need to review in the TDRP to see if that's still appropriate or not. It's one of the things I've heard from multiple people, that the policy can be followed—not breaking the policy, but it still not be a good transfer. So, I think that that's one of the issues we need to look at, the TDRP, is there a hole missing there that we need to fill in? And that just because the policy was followed exactly right doesn't mean the transfer wasn't bad. So, Jothan, please go ahead.

JOTHAN FRFAKES: Yeah, thank you. I had suggested that maybe there's a 3.5 or some other step here where the losing registrar can request from the gaining registrar evidence of the validity of the transfer or the rights of the registered name holder at the gaining registrar. And

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that might be a way to look at this without adding too much to the burdens as it could serve as maybe evidentiary support should it escalate to whatever appropriate dispute mechanism that at least that there could be a request to have the gaining registrar's registrant provide something that supports the validity of the transfer and their title in the name for lack of better term. Thank you.

ROGER CARNEY: Great. Thanks, Jothan. Okay. Any other comments? And to Sarah's point on the liability things, I think we'll have to kind of default that to our legal experts that we have. So, I don't have anything to say specifically on that as well. So, Zak, please go ahead.

ZAK MUSCOVITCH: Thank you, Roger. To Sarah's point, who would have thought at the end of this call, it wouldn't mean that we have to go back and actually read the transfer policy again. But there we are. I'm thinking that if it's as Sarah believes it might be, which I suspect it is as well, that the transfer policy currently enacted doesn't provide a remedy in the event of authorized transfer based upon an unauthorized access to the account, for example, then it might be that this working group considers making another simple recommendation in line with a possible recommendation that there'd be a registrant initiated procedure. One that is essentially a UDRP for stolen domain names. If the transfer policy doesn't even respond to that contingency, there is perhaps room for a dispute

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resolution policy on the basis of alleged stolen domain names.  
Thank you.

ROGER CARNEY:

Great. Thanks, Zak. Okay. Any other comments or questions? To Steinar's question in chat, are the registries willing to set server prohibited based on lack of response from a TEAC? And actually, registries today will—no response from a TEAC, the registry can be held to actually reverting the transfer back. So it would go back to the losing registrar. So today, a TEAC non-response can be followed by the registry. It doesn't have to, it just can be if the losing registrar demands that the registry will revert it back to the losing registrar. So it's a good, fair question to the registries. Would they be able to set a server lock in case of a dispute or whatever? So Steinar, please go ahead.

STGEINAR GRØTTERØD:

Hi. I must admit in my time, experience as registry and registrar, I have not experienced anything of this. But my understanding is that if there is some sort of notice between the losing registrar to the gaining registrar, the TEAC notice, and the gaining registrar doesn't respond, the registry operator will revert back the sponsorship of the domain name to the losing registrar.

That doesn't make the same as putting on the server transfer prohibited. My reading of the server transfer prohibited, if they're willing to set that, is kind of freeze this for a certain timeframe. Make it possible for both the gaining and the losing registrar in this particular scenario to get evidence about what is going on. And I

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think that is something of the essential things that we are discussing here, because we will try to avoid scenarios where the process can be gamed in the way we have been listening to.

But we still want to have a way of solving in a decent way before going into the transfer dispute resolution policy, kind of a pre-phase before entering a more formal transfer dispute policy. So maybe I'm wrong, maybe I haven't understood it correctly, but I think it's the server transfer prohibited, if the registry is willing to set that, it will kind of put some sort of frozen status of the process. So thank you.

ROGER CARNEY:

Great. Thanks, Steinar. Yeah, and that really was my question as well, is, should that be something that the policy talks about, is, yes, that the registry should make sure that this lock continues until resolution or agreement that there is no resolution, however that works, or until a TDRP is initiated? So it's definitely something that we need to talk about and figure out if that's something we want to pursue.

Okay. Well, we have five minutes left today. So I think any other comments are greatly appreciated. But I think the important thing is, we talked a lot about this and a lot about these six steps here mostly, but I think it's a great discussion that we had today. So hopefully people can think about that over the next week. We'll start back here again next week on this idea. And maybe someone will come up with the perfect solution that solves everyone's concerns today. Or maybe it just raises more questions that we need to think about and address. But I think

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please spend the next week thinking about this. And again, does this gap exist here? It sounds like people think there's a gap between not the TEAC and the TDRP so much, but just that the TDRP, there's a step that should be occurring, which does occur today, informally, should be codified and made real.

And again, I don't want to say a pre-TDRP, because to me, this is a transfer dispute. This still lays out a transfer dispute. It's just not what our transfer dispute is today. But that doesn't mean that this isn't the first section of the transfer dispute mechanism. And then number six basically goes, if there's no agreement, it goes into the second section. If there is agreement, then the TDRP was used and it's done and it's over.

Again, to me, it's a transfer dispute, and this is part of it. So, to me, this would be section one, and then section two is basically what our current is. Just my thoughts. Again, that's what I want everybody to spend the next week thinking about, in your spare time, of course. But we'll pick up from here.

So, two minutes to go. Staff, anything we need to cover before we conclude?

EMILY BARABAS:

Hi, Roger. I think just one more thing that we could potentially hear from people about, if there were any sessions during ICANN 76 that folks would like to just share takeaways from or insights or anything else that are relevant to the working group's ongoing discussions, it's not too late to do that. And it's certainly helpful to make sure that everyone is in the loop with either SG and C

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conversations or other groups that met during ICANN 76. So, please feel free to share that on list or, of course, at the next call. Thanks.

ROGER CARNEY:

Great. Thanks, Emily. Great reminder as well. Yeah, if anyone thinks of anything, throw it on the list, or we'll give a few minutes at the beginning of the next call to cover those. But just think about those. All right. Well, thanks, everyone, and have a great week, and we'll talk to you next week. Bye.

**[END OF TRANSCRIPTION]**