
ICANN Transcription

Transfer Policy Review PDP WG

Tuesday, 19 March 2024 at 16:00 UTC

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JULIE HEDLUND:

Good morning, good afternoon, and good evening. Welcome to the Transfer Policy Review PDP Working Group call taking place on Tuesday the 19th of March 2024. For today's call, we have apologies from Rick Wilhelm (RrSG) Catherine Paletta (RrSG), Jody Kolker (RrSG). They formally assigned Essie Musailov (RrSG), and Christopher Patterson (RrSG), as their alternates for this call and for remaining days of absence.

As a reminder, the alternate assignment form link can be found in all meeting invite emails. Statements of interest must be kept up to date. Does anyone have any updates to share? If so, please raise your hand or speak up now. All right, seeing none, all members and alternates will be promoted to panelists. Observers will remain as an attendee and will have access to view chat only. Please remember to state your name before speaking for the transcription. As a reminder, those who take part in the ICANN

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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. Welcome, everyone. I hope everybody had easy travels back, nothing too upsetting for anyone. Hopefully the last week off was good for everyone as well. No major updates from me. Just to let everyone know we're less than three months, I believe, from the next ICANN meeting, and we do have some cleanup that we want to get done and hopefully get to writing the initial report.

So, we do have a lot of work to do between now and then. And again, three months sounds like a lot, but it will go by fast. And we have a Contracted Party Summit in between there as well, so we will be needing to move along fairly quickly. With that in mind, I will open the floor up to any stakeholder groups that have any comments, any questions they want to bring forward, any conversations they've been having that the group should be aware of. Anyone have anything to bring forward?

Okay. I don't see any hands. If something comes up, just let us know. Otherwise, I think I'm going to turn this over to Christian, and we can jump into a debrief on 79 and what we talked about and what conclusions we came to. So, Christian, I'll hand it to you.

CHRISTIAN WHEELER: Thank you, Roger, and hopefully everyone can see my screen. But yes, so today we want to go over kind of what we went through with the sessions from ICANN79. Staff has made some updates to the draft recommendation language that we want to show you and get your thoughts on, see if you all agree. And then we also have some clarifying questions that we want to pose to the group as some open questions that we kind of need to solve before we can start closing the language and start adding it to some kind of the initial draft, initial report. So, with that, I'll just go ahead and move on.

We're just going to go over the first session first. So, I'm going to zoom through some of these, ones that don't have any updates. So, you'll actually see there are two colors of highlights in this presentation. And since the yellow one is on here first, yellow represents the changes to the draft language that staff has done since 79. And blue will be something that we want to flag for discussion. So, in this case, staff has updated Preliminary Recommendation 1.1 from a recommendation, I believe it was from Rick, regarding, yeah, as a material change to the email. He noted during the first transfer session that any change to an email address should be considered a material change. And so, it was worth clarifying the language there.

So, what staff did was we updated it from rather than listing a material change to the name, organization, or email address, we've clarified it as saying change of registrant data is defined as a material change to the registered name holder's name or organization or any change to the registered name holder's email address. So hopefully that's a bit clearer. Does anyone have any

issues with this or other recommended language? I'll just kind of pause here to see if anyone has anything to note or object. So, I'll just pause here for a second. Feel free to raise your hand. Jothan, I see you have a raised hand.

JOTHAN FRAKES: Hi. Yes. Jothan Frakes for the record. So here I have seen where someone needs to make a correction to the email address where it's maybe not considered material. I wanted to leave room for that.

CHRISITAN WHEELER: Okay. Does anyone else have an issue with returning it back to what it was? Jothan, could you give maybe an example of what that would be about a non-material change to the email?

JOTHAN FRAKES: Sure. I mean, my name is always great fodder for this, but I have a strange name. And sometimes it gets auto corrected by software to Jothan. And I've had it be the case where Jothan@Jothan. com gets added as Jothan@Jothan. com. And I don't catch it because the software just kind of automagically did it. God bless AI. And so, I go back through, and I want to set those so that they're accurate and consistent when I go through and review my registrations. I don't feel that that's really a change of registry data so much as just a correction to an email address. Hopefully that's more clear. Thank you.

ROGER CARNEY: This is Roger. Real quick. I think to the point to that, Jothan, it's interesting because email is an odd one where if you would do that and make that simple change. And like you said, I think that can happen with several people, several different names or whatever. But thinking about the process that registrars still have to go through if you change that, they still are required to do a verification on that or make sure that verification was done on that new email. So, I think Rick's point was even if it is a typo-- My wife has one that's got a one in it and people think it's an L or vice versa. So, it happens with that as well.

But I think to Rick's point was, there's still some pretty significant impact there. And I think that that's why he was saying it seemed like that was a material change, even again, if you're just removing an N there. You still have to go through what we the registrars still have to do a verification on it and everything. Again, without Rick being here, I just assume that he's thinking anything is kind of a big deal on email address. Now, I'll leave it there. Thanks.

CHRISITAN WHEELER: So, Jothan, would you say you could live with this proposed change?

JOTHAN FRAKES: Yeah, I think I could live with it myself. I don't want to be representative of the blocker here. I think Steiner raised a really good point in the chat that the worst harm here and Roger too, is I get another verification. Honestly, if I stop and I remove my whininess about how software treats my name, I feel like that's an

appropriate way that it's handled. So, I back down. I think I can accept that. Yeah.

ROGER CARNEY: Great. Thanks, Jothan. Yeah. And again, I think even in those instances, it's more of falling to the-- There really is no harm in it. So, it's probably a better catch than anything. So, okay, great. Thanks a lot. I'll turn it back over to you, Christian.

CHRISITAN WHEELER: Thanks, Roger. Okay. Moving on. No changes here. Again, no changes. And I know 3.4 is where we're going to have probably a majority of discussion today, because this has brought up a few discussions during the session. And so, I just want to flag a few things here. But the first thing that I want to note-- Well, I'll just first say that for the yellow highlight, we got rid of material change to the registered name holder's email address and just said when a change happens.

And the placement of what's in brackets and what was struck through, the placement of this opened up some discussion where I guess we saw some still things that are not quite clear about the opt-out option. So, that's what we want to talk about today. But before we go into the revision that the staff proposes, we want to focus on this blue highlight. Because we noted that there might be a contradiction or some incongruity between Rec 3.4 and Rec 3.3. So just for some context here, I'm just going to read 3.4 again.

It says when a change to the registered name holder's email address occurs, the registrar must send the CORD notification to the RNH's prior email address, the email address that was on file with the registrar immediately prior to the change. And the staff proposes unless the RNH previously opted out of these notifications. And may send into CORD notification to the registered name holder's new email address.

Now before we start talking about the may and must and the new RNH, we want to draw your attention to the fact that it's saying that they have to send a notification to the registered name holder's prior email address. Now the previous recommendation 3.3 says that registrar must send the notification via email, SMS, or other secure messaging system. So, the working group has said that the CORD notification has to be sent through a secure messaging system which could include email, SMS, or another method of notification that the working group hasn't thought of.

But 3.4 says when there's a change of email, the registrar has to send a CORD notification via email. So, we just wanted to confirm with the working group that that was either intentional or not. The fact that when a change of email occurs, the notification specifically has to go to the RNH's email address and possibly the new email address as well. So, we just want to confirm that with the group or can they notify them by SMS for instance. So, I'll just pause there and open it up for discussion.

ROGER CARNEY:

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

THO GEURTS: Yeah, thanks. And this is Theo for the record. So, in my mind, it was always a notification and how that notification is being delivered through SMS or other secure means is irrelevant to me. So, the question, should it be email only? I think the answer there is no. We are talking about notifications and how these notifications are being delivered. Like for the other recommendations, I think that should be in line. We shouldn't be deviating from here because if a registrar chooses a very, very secure system and you don't want to force them to use a maybe lesser secure system, which email might be. So, I think we should be in line with the other recommendation there. Thanks.

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

JOTHAN FRAKES: So, I agree with Theo and perhaps to address what Theo is saying. I believe that the yellow bracketed text, unless the RNH previously opted out of these notifications, it seems to me that that opt-out could include specification of an alternative secure method of communicating. So, I think, Theo, that's addressed here that we could leverage the bracketed text there to cover those circumstances where rather than an email to the prior registrant's email address, that they could receive some form of secure communication SMS or other as defined in 3.3. This seems to give room for compatibility with 3.3 within it. So, I kind of like the bracketed text and the wording of 3.4. Thank you.

ROGER CARNEY: Great. Thanks, Jothan. And an interesting read because I didn't tell you said that I didn't read it that way. Owen, please go ahead.

OWEN SMILGELSKI: Thank you, Roger. This is Owen Smigelski. So, I agree that prior email address should be moved. If we're allowing more secure communications, I think that's good. But I think we need to require a type of communication. I don't think this should be something that's opted out of. This is supposed to be a secure thing for a registrant. And to allow them to opt out of a security notice is a concern because it can change, and they would never find out about it. We may not prevent it, but one of the things about this intrusion type of stuff is to make sure there's notifications so that they can take action to correct it.

So, I think we can get rid of the part where the prior email address, not required to go there, but they should have some sort of secure way of being communicated, carrier pigeon or whatever they select. And then get rid of that moving about unless the RNH previously opted out of these notifications, because what's the point of having the security feature if they can opt out of it? Thanks.

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

ZAK MUSCOVITCH: Thanks, Roger. Zak Muscovitch. Yeah, I take Owen's point about the security aspect to that. I actually wanted to point out that in my view, the key to this 3.4 is that it's going to the prior email address. If the CORD could go via another secure messaging system, that may not be sufficient because it's not targeting the prior email address, which is the key. So, when we're changing the registered name holder's email address, the security aspect of that is that the prior email address is also notified. So, if we're to use some other secure messaging system or SMS, that wouldn't address the security need to ensure that the prior email address holder got notice of this change. Thank you.

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

JOTHAN FRAKES: Yeah. I think Owen and Zak have raised a very important question here or a very important point is in none of this do we want a means to allow someone to quietly change a name email address. So, I wonder if there was some form of acknowledgement requirement on the message. If that's covered in this policy, then we may be addressing that if that's covered elsewhere. Thank you.

ROGER CARNEY: Thanks, Jothan. Yeah, and actually, I think that we removed any acknowledgement and made it notification only. That would take us back, but we definitely can talk about that. Owen, please go ahead.

OWEN SMIGELSKI: Thanks, Roger. This is Owen Smigelski for the transcript. And Zak had mentioned about the whole intent is notifying about the email. My concern with leaving it as the communication only for the CORD only being via email is there's a scenario where John Bad Guy has hacked an email account that's being used for a domain name. They can change the email address, and then the notification goes to Joe Bad Guy who's taken over the email account. Having that, going through another secure method, it can go to John Bad Guy logs into my email account, but I get the notification on my Namecheap app, which is outside of that. So, I think that would be, for me, I find that more reassuring and secure as opposed to just requiring an email notification. Thanks.

ROGER CARNEY: Great. Thanks, Owen. And I'll let Sarah talk, but I want to sum this up before Sarah jumps in here. It sounds like we're looking to make 3.3 and 3.4 more in line together. But it sounds like I think what Zak was saying, he loves the idea of, hey, it goes to the Namecheap app or SMS, wherever it's going. But if it is an email change, then it should also be sent to the prior email address. So just, that's what I'm hearing right now. I just wanted to throw that out. But Sarah, please go ahead.

SARAH WYLD: Thank you. This is Sarah. So, I think I'm in agreement with most of what I just heard. We talked a lot about 3.3 and sending it via

methods that are not email. So, I would like to continue to allow that rather than requiring an email in this circumstance. Yeah, I still would like to let everybody opt out of it. But I think the will of the group is otherwise. And so, I'm okay with keeping the requirement to send it and taking out the opt-ins if that's where everybody else is going. Thank you.

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

THEO GEURTS: Actually, I'll come back to this.

ROGER CARNEY: Okay. Thanks, Theo. Okay. So again, just to recap, I think what we're talking about is making sure 3.3 and 3.4 are aligned together. But to address Zak's point, and points others made, I think, obviously, we want 3.3 to be the lead here on changes. And whatever method the registrar and the registrant is communicating on, that's the path we want to keep open. But in the case of an email change, it can go out on that channel and to the prior email. And it sounds like we're talking about getting rid of the opt-outs as well. So, I think those are the three big things on here. Jothan, please go ahead.

JOTHAN FRAKES: So, there are business models where that opt-out and that going away would be problematic. And again, I state that the opt-out

could be used to allow for communication and other methods. I don't necessarily want the email to go away, but I don't want the opt-out to go away. I think that that's going to be crucial for some business models. Thank you.

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

THEO GEURTS: Yeah, and I agree with Jothan here. If we get rid of the opt-out, I mean, there are indeed some business cases, business models here where you just want to opt-out. If you are a domain investor, and you've got a thousand domain names, and you're going to make changes all across the Board for whatever reason, yeah, I can imagine that you want to stop the flood of all these notifications when you start updating your data for whatever reason that is. And yeah, so I can sort of imagine that must be an issue.

On the email address question, though, that it always needs to be sent to the email address if there is a change there. I'm not agreeing with that. I think that's going to lack flexibility. Of course, as a wholesale registrar, I only got one possible way of communication, and that is using the email. So, we will always send an email if there is a change to the email address, because we're not in a capacity to send SMSs or signal or whatever a registrar is going to do there. And I mentioned a couple of alternative secure messaging systems.

For the sole reason, if you say in a policy, it needs to be done and done as this. That is a good sign for the bad guys to go like, okay, that's the process. There will always be that message going there and that is going to be their point of attack because they're going to take care of it. But if you leave it a little bit in the open on how a registrar is going to notify you if the email address is being changed, well, that opens up a whole bunch of possibilities there that an attacker has to deal with. And that is going to be much more problematic. Thanks.

ROGER CARNEY: Great. Thanks, Theo. Good points. Prudence, please go ahead.

PRUDENCE MALINKI: Hi. Thanks. Prudence for the record. Going back to Jothan's point about the opt-out, as a member of a corporate registrar, I can see the value in retaining an opt-out and I believe there is value in retaining an opt-out because there are circumstances where you won't really need to have the notification. So, I'm in support of keeping it if we can. And I just wanted to kind of reiterate that and put that on record. Thanks.

ROGER CARNEY: Great. Thanks, Prudence. Christian, can you pull up the opt-out rec? There's one specific to that right that we did that talks about. I think, to get to Jothan's point in chat, that talks about consent, informed consent on it, making sure they understand what an opt-out is. I thought we had a preliminary rec on that.

CHRISITAN WHEELER: Yes, I believe that it is the Rec 4. First being that they have to provide the option to opt-out these circumstances where they must enable the opt-out by default. 4. 2 is where they have to provide clear instructions so they can provide informed consent to make an informed decision whether to opt-out. And the last one is that it doesn't apply to verification notices.

ROGER CARNEY: Great. Thanks. Yeah, and to Sarah, I'll let her talk to this because I was thinking the same thing. But, Jothan, please go ahead.

JOTHAN FRAKES: I think you're going to see a bit of a fast follow with review of recommendation 4 because, as Owen points out and as Sarah points out, it should probably be at the discretion of the registrar to be able to offer the opportunity to opt-out. And my other point was that it should be informed consent, that the person opting out is understanding what the consequences of opting out is and that they understand it and accept it. So, I think those are important.

I think those are kind of gathered. I'm being very broad here and I'm not an attorney about that that's covered in Recommendation 4, but I think it might be worthwhile to look at what this means to look at it holistically because I think it may be addressed as part of that. Thank you.

ROGER CARNEY: Great. Thanks, Jothan. Yeah, and I would say there's some pretty big changes to 4 that we're going to talk about, so I think that we can get through this fairly good, I think, and we'll jump into the specifics on that. But, Sarah, please go ahead.

SARAH WYLD: Thank you. This is Sarah. I like the opt-out also for the reasons discussed. I would suggest we consider making it optional for the registrar to offer the opt-out. So, if we look back at Recommendation 4 where it says must provide with the option, we could say may provide. And then perhaps we want to consider requiring the registrar to have a record of how the opt-out was verified, which I know that gets into verification, which is not what we mean, but something that says, like, yes, this really is the actual domain owner or appropriate person requesting the opt-out. Thank you.

ROGER CARNEY: Great. Thanks, Sarah. Okay. Any other comments on this? I think we've got some good updates to this. And, again, I won't repeat myself, but I think we've got three updates here that we want to make to it. Maybe I'll leave it to Christian to see if he has any more questions. He knows where to take this.

CHRISTIAN WHEELER: Well, I would say that-- And thank you for all of your great discussion and conversation. We do have some slides that is specifically regarding the opt-out and more pertaining to which fields should be opt-outable. However, that could be trumped too

by the fact of whether the opt-out option is made at the discretion of the registrar whether to provide the opt-out. But I think that it is still worth having this discussion, and we do have a poll just to confirm how the group feels about when the opt-out option has to apply, if ever. So, with that, we can go into that as part of our agenda, what was planned as part of the agenda.

ROGER CARNEY: Yeah, that sounds great. Thanks, Christian.

CHRISTIAN WHEELER: Sure. Okay. So, this might be-- Oh, we're not ready for the poll just yet, Julie. So, before we go into whether it needs to go to the new email and everything, because we did talk about keeping it. It sounds like we do want to keep it open to channels, to other secure methods, but also sending it to the email when there is an email change. That's what I heard. And we did want to clarify as a recap about some of these, what we know about the opt-out so far, namely that it would--

So far, we've considered it that the opt-out would apply to-- or that a material change, change of registrant data, is specifically for a change of registrant name holder's name, organization, and email address. And for Rec 3, unless they opted out of notifications, they have to send a change of registrant data notification. And then Rec 4 was that they must provide the registrant name holder as the option of opting out.

So, this is a breakdown of what the opt-out looks like so far. And what's highlighted in blue is what was up for discussion during the

TPR session, which is whether the email address, if there's a change there, if the opt-out should apply to it or not. If registrant name holders should always receive a notification via email, regardless of whether or not they did any kind of opt-out. So, so far, our understanding is that the CORD notification opt-out would apply to all changes of registrant name holder data being the name, org, and email specific to the CORD.

So, we have some scenarios here to give an idea of how this would play out. So, let's say a customer registers a domain name. The registrar offers an opt-out with clear explanation of the consequences as per the recommendation. The registrant does not opt-out of the notifications. So, then when they update their email, the registrar is required to send a CORD notification to the prior registrant. Email is in brackets here because we've discussed whether or not it has to be an email or not. Sounds like it doesn't have to be, but they will receive one anyway. So, the registrar is required to send a notification to the prior registrant email following the change of email address.

The next scenario is where they opt-out. So, let's say they register a domain. The registrar informs them of whether they want to opt-out. The registrant does choose to opt-out, and they update their email. And so, since they opted out, no notifications are sent to the prior registrant. So, if they opt-out, they won't receive any notifications. And as an extra step, we wanted to highlight that registrars may be required to send a verification notice per the RDDS accuracy program specification. So, they may send that to the new registrant email. So, there might be

something sent to the prior registrant only if they didn't opt-out, and they might receive something at the new email address.

So, all in all, is a CORD notification required to the prior registrant? Maybe. If they opted out, no notice is required. To the new registrant, no notification is required, but they might receive the verification notice per the RAPS unless the new email hasn't already been verified and if they are verified by email. So, it's not guaranteed that they will receive a notification if they opt-out. So, that's why we have a poll question. We just wanted to clarify that must the registrant name holder be allowed to opt-out of CORD notifications pertaining to changes of email, name, and organization?

So right now, email is the one that was up for discussion. Before we open up the poll, I just want to open up for discussion here too.

So, we just want to clarify is if we are keeping the opt-out, when does it have to apply? When they change the name? When they change the org? When they change the email? We just want to confirm that what does the opt-out actually apply to? Do they have to receive emails or not? And I see Sarah has a raised hand.

SARAH WYLD:

Thank you. This is Sarah showing up to further complicate things wherever possible. Do we want to consider whether the registrar should be permitted to allow opt-out for some things and not others? Thank you.

ROGER CARNEY: Sarah, you're suggesting that they could opt-out for a name change but not opt-out for an email change?

SARAH WYLD: Yeah. I'm not sure I'm suggesting. I don't know if it's a good idea. I think we should think about do we want to a register to say, as you said, you can opt-out of notifications for a name change. You cannot opt-out of notifications if the email changes. Or vice versa maybe. Thank you.

ROGER CARNEY: Great. Thanks, Sarah. And, Jothan, to your point in chat, yeah, none of this gets you out of the contract requirements of validation and verification. Okay.

CHRISTIAN WHEELER: We do have a poll just to see if you want to continue with that, Roger.

ROGER CARNEY: Please do.

CHRISTIAN WHEELER: Okay. Julie, could you start the first poll? Thank you. So, there's three questions in this poll, and they're all phrased the same way. It's just the only changes is whether it's email, name, or organization. So, I'll just read the first one. It says, must the registered name holder be allowed to opt-out of CORD

notifications pertaining to changes of RNH email address? So, must they be allowed to opt-out of email changes?

Yes, they must be allowed to opt-out of CORD notifications, which inform them when a change of email has occurred. Or no, the RNH must not be allowed to opt-out of COURD notifications, informing them when a change of email address has occurred. And then it continues on. Two is about be allowed to opt-out when there's changes of name. Number three is should they be allowed to opt-out when there's changes of organization.

So, we're basically saying is when does an opt-out apply? Does it apply to the email, name, organization, all three, or only name and organization and not the email? So, that's what we wanted to get some clarification on from the group is where does it apply and where does it not.

ROGER CARNEY:

Great. Thanks, Christian. And then I'll take a few people before everybody answers so we get some clarity here. But Owen, please go ahead.

OWEN SMIGELSKI:

Thanks, Roger. This is Owen Smigelski. So, I think one of the options that's missing is what we just discussed. Previously, I would have said no, that they would not be allowed to opt-out. But understanding that certain registrar business models would want to have that option. I think we had discussed about making the option to provide the opt-out optional. I'm confusing myself here. So, I think I would want an option C then for that one for the email

address. So, I don't know really how to vote on this because while I would like it to be required, I understand that some registrars might optionally want to allow the opt-out. Thanks.

ROGER CARNEY: Great. Thanks, Owen. Sorry about the poll because, yeah, I think the conversation led us into that third bullet that Owen's kind of talking about. So, Sarah, please go ahead.

SARAH WYLD: Thank you. This is Sarah. I think I agree with Owen but from the other direction, which is fine. So, I think the registrar should be allowed to decide if they will offer an opt-out or not. And if the registrar does decide to offer that opt-out, then the registrar should also be able to decide if it would be applicable to any or to all of those three types of material change trigger. And we have already a requirement that the explanation is clear and explains the consequences. So, I think we'll just need to maintain that clarity. Thank you.

ROGER CARNEY: Thanks, Sarah. And my only question or comment on the flexibility that you're suggesting is, does that introduce the possible confusion or complexity of registrants from registrar to registrar so that they can opt-out at one registrar and they can't at another, or they can opt-out for an email change at one, but they can't opt-out in an email for another registrar. And just something to think about there.

CHRISTIAN WHEELER: Thank you, Roger. And I would also just add that these policy recommendations are essentially I think in practice going to be the common denominator across all registrars. So, it's good to think about not only what good registrars would do to support their registrants, their customers, but also what would bad registrars do or bad actors.

So just consider that when making things optional or making certain fields optional. If everything is optional, is that sufficient security for registrants or not? Is the freedom that you're gaining from that worth removing the security measures that the group is putting forward? Because the group will need to come up with some good rationale to that effect prior to public comments.

ROGER CARNEY: Theo, please go ahead.

THEO GEURTS: Yeah. So, what Christian just mentioned there, that is what I call an if scenario. And those scenarios are pretty hard to quantify and qualify. I could say something like, if I would be in a car accident tomorrow, would that be bad for me? The answer is probably yes. But if you go to a higher question, so to speak, is flying bad for the environment? Well, yes, but there could be exceptions, and then you get a whole difficult, complex discussion there.

And now we are talking about, well, if things become optional, would that be less security? That is something we do not know.

We have no absolute, because since we are discussing this, we sort of came to the conclusion, maybe not by everyone, that we do not know how many of these domain thefts are happening, because there is just not a lot on file for it. What we do know is that the current change of registrant policy with all these requirements is a massive burden.

And I think when you look upon those kind of questions, I think this group is not in a really great position to discuss if something becomes optional automatically leads to a risk. I think that is really, yeah, very problematic, because we do not know that. We do not have any information about that. We suspect things, but we do not have real facts there. Thanks.

ROGER CARNEY:

Great. Thanks, Theo. Yeah, and to Jothan's point in chat, it does come in a really skewed kind of thing. And I think that is probably my biggest concern, because I love the idea of it being an option for the registrars to support. And to Sarah's point even optional down to the field level. But then to me, does that become too complicated for? And again, we have talked about it. There's many different business models, and I'm sure that flexibility will fit obviously more business models. So, I think that that's important, but I think customer or registrant confusion, we still have to account for and make sure that we're not making, as Theo just mentioned, we're not making it more complex or confusing, and we're trying to make it easier. Steiner, please go ahead.

STEINAR GRØTTERØD: Hi. This is Steinar for the record. I see this more like some sort of a service for the registrar, depending on the business model, whether they want to enable the opt-out and whether they want to kind of split that into the name, email address, organization, et cetera. And that's clearly based on the primary business model for the registrar. I do see and I do understand Theo's argument about the bad guys get some sort of a guideline-

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ROGER CARNEY: Did I lose Steinar?

STEINAR GRØTTERØD: It's more like a service focus. Thank you.

ROGER CARNEY: Okay. Thanks, Steinar. You cut out there in the middle, but I think we understood what you were getting across. And, again, I think that that's where-- No one said it quite that way, but I think you're right. I think that's where everybody was leaning is it's more of a decision, business model decision, that each registrar will choose, and either they'll be really secure about it or they won't.

And maybe even a question I'll throw out to the group is, we say a registrar may, but does that mean they could do it for a set of customers, a set of registrants, and not for another set? And it's

one of those maybe where it's a threshold that, hey, if someone has 50 domains, we're going to allow them to opt out. If they've got two, we probably may not allow them to opt out. And, again, just throwing it out there just for thought. We say registrar, but does that mean they get to choose at a domain level or an account level? If we're making it optional, do we allow that flexibility of optional across their customers as well? Just a thought. But, Ken, please go ahead.

KENNETH HERMAN:

Yeah, thanks. This is Ken Herman for the record. Yeah. Thanks, Roger. That's kind of where I was thinking. I agree with Steinar, but it doesn't obviate the need for a policy decision. Not all registrant, potential registrant, is always going to understand what the business model of their chosen registrar is. And so, you're still going to need to have some agreement on those registrars who decide to offer an opt out. What is the policy that ICANN will demand of them, either informing or making things very clear?

ROGER CARNEY:

Right, yeah. That's a good point, Ken, because we still have to tie in, okay, yes, there's an option, but if you choose it, then you still have to follow whatever is in place. So, it's a good point. Theo, please go ahead.

THEO GEURTS:

Yeah. Thanks. And this is Theo for the record. So, to come back on your question there, Roger, I think we are talking about business models and where are the thresholds, possible

thresholds. We don't know if we would even want to go there. What would the thresholds be? I think A, that is very, very complex to decide. Because just looking at one example here, we offer a service, call it a domain security program. It's insanely expensive, by the way. And that has to do with secure communications, setting that all up.

That program or service, as we call it, that is not something you set up in an hour. It is very custom tailored. And it is with a reason to make sure that the process is completely unknown to any attackers. What is part and a little bit crucial is communication. And that's why I'm sort of moving towards an optional approach there because I don't want actually any ICANN policy disturbing that, well, I won't call it a sacred process that we have put in place, but we want to avoid less confusion when we activate that service.

So, that is why I'm a little bit opposed of sending required emails, as opposed to optional, where people can opt out, because that is sort of running interference with our service. And again, to the example there, that is just for a registrant who has one domain name. So, getting into a process of eliminating, yes, those can opt out and those cannot, I'm not sure how you're going to do that, unless you're going to be arbitrary with no good reason. Thanks. Great.

ROGER CARNEY:

Thanks, Theo. Okay. So, I think what I'm hearing is, yes, it seems optional. And to Sarah's point that I don't know why besides the confusion part, which again, maybe your

own business style, but I think we have to be pay attention to that. The flexibility here is key. But to Ken's point, I think that when someone who does opt out, and I think Jothan's made this point many times before, we need to make sure they understand what that means. And I think that those policy things we can talk about and do is if they do select, if the registrar and the registrant select an opt out scenario, we can put policy guardrails around that.

And then again, the perfect example is they have to be an informed opt-out, not just, oh, that button is clicked. Okay. Whatever. So, I think that's where we can get into the policy discussions around opt-out. I think it's pretty clear that the group is looking at making it may provide this and again, let the business models dictate that. But any other questions or comments on that? Yes. Thanks, Jothan. Yes, exactly. In chat. Okay. Maybe I'll turn this back to Christian and see what questions he has or where he wants to take this. Christian, please go ahead.

CHRISTIAN WHEELER: Thank you, Roger. And I apologize. I don't know if anyone's been able to see the slides that I've been going through. I was sharing my screens. I don't know if these slides look familiar or not. Hopefully they are. But if you want to see visually the scenarios that I walked through, please do look at the link to the slides. I didn't know I wasn't sharing this.

The second question that we had, which may not necessarily be relevant, but maybe it is. Sounds like the group is looking for making the opt-out option optional for registrars, but if they do have the opt-out having certain guardrails there about what

that has to include. The conversation during the ICANN79 session also raised questions around whether the CORD has to be sent to the new email address when an update to the email address occurs. So, some people had said that the new email should always they should receive a notification informing them that, hey, an update has been made. But it sounds like it could be possible that if they don't have an opt--out. I'm sorry. Let me rephrase.

So, what we want to know is, when there's a change of email, does the registrar need to send a notification to that new email? It sounded like when it comes to the prior email, they do need to send an email there. And they could also send an additional something by SMS or by the app or whatever secure method that they have, but they do need to send an email to the prior. What about the new email? Is it a may? Is it a must? Right now, it's a may to the current recommendation language. But what does the group feel as far as notifying the new email address? And Theo, I see you have a raised hand.

THEO GEURTS:

Yeah, I think that should be a may instead of a must. And that will allow registrars when there is a change in the registrant data there, it will allow you again to send those notifications to-- Let me back that up. So, if there is a change to any of the data there, when it comes to the new email address, you can send those notifications if you want to do that as a registrar. And again, business models vary. But if you want to do that, it allows you to have that flexibility again, as we discussed half an hour ago, to use any secure way of messaging or communication again there.

So, that would be in line with the other stuff we discussed a half an hour ago. Thanks.

ROGER CARNEY: Great. Thanks, Theo.

CHRISTIAN WHEELER: Roger, do you think it's worth having a poll on this? Or does the group agree with Theo that they may send to the new email address? Or does anyone believe that it should be required?

ROGER CARNEY: Sorry about that. My dog was barking. Yes. Thanks, Owen. Always, UPS driver gets them going. Yeah. And again, I think Sarah and Jothan have put in chat obviously a new email address has to go through validation verification as well due to the contract. So, I think that, again, with 3.3 being a different mechanism of communication that notifications are sent out on, I think that we can get more specific on this, Christian, just to make sure. But it does sound like the group is saying the may seems like the appropriate thing here. Thanks, Jothan.

CHRISTIAN WHEELER: Okay. Well, with that, if nobody thinks that it should be a must, then we can just move forward.

ROGER CARNEY: Okay. And we don't have everybody on the call, but if it comes up, I think we can move forward with may and unless we hear a disagreement on that. Yes.

CHRISTIAN WHEELER: And I think that's what the current recommendation is as well.

ROGER CARNEY: Great. Thanks.

CHRISTIAN WHEELER: This language, can everyone see my screen? The Rec 3. 5?

ROGER CARNEY: Yeah. It looks good.

CHRISTIAN WHEELER: So, staff updated this language as a recommendation for one of the working group members. Just as a rephrasing from the registrar is not prevented from sending additional notifications to the registrar may send additional notifications resulting from changes to the phone number, postal address, account holder information, or other information. So, this is it's not a huge change. It's just kind of a may versus is not prevented from. Does anybody have any issues with this updated language? I'm not seeing any hands.

Okay. 3. 7, to the extent that the change of registrant data may incur a verification request to be sent to the registered name holder pursuant to the RDS accuracy program specification, the registrar record may consolidate the optional change of registrant data notification and the verification request into a single notification where applicable. So, we just kind of clarify, we added in this optional just to illustrate that the change of registrant data notification may not necessarily occur if they opted out. Does anyone have any issues with this updated language? Theo, go ahead.

THEO GEURTS:

Yeah. Just a quick question. Maybe you guys discuss this, Christian. What happens if the verification fails? It looks like it's not a major thing, but were there any drawbacks when you guys discuss this? Thanks.

CHRISTIAN WHEELER:

I believe if the registrar is unable to verify the new email address for the RDS accuracy program specification, the registrar would most likely suspend the domain name until they are able to verify it. But that's according to that other policy. This is really just about consolidating the notifications that they can consolidate them into one versus having two. But I think the verification is still required for the other policy. Is that what you mean?

THEO GEURTS:

Well, let me put it in a different way. So, you make a change to the dataset in such a way that if a registrar goes for the optional

notification, you need to verify the data because due to the other contract requirements. So, you start the process, you make these changes. No, never mind. I see what this does here, and I know how you do that on a technical level. Thanks.

ROGER CARNEY: Great. Thanks, Theo.

CHRISTIAN WHEELER: Oh, sorry, Steinar. I see you had to raise your hand.

STEINAR GRØTTERØD: Yeah. Hi, this is Steinar. Just a question. I'm not that familiar with the RDS accuracy program, but do this policy define some sort of technique methodology for verification of the changed data? It's just a question. Thank you.

ROGER CARNEY: Thanks, Steinar. I'll let Owen talk. Owen, please go ahead.

OWEN SMIGELSKI: Thanks, Roger. This is Owen. Yeah, Steinar. It does require that any of the checks that are done for the original data must be done for the changed data. So, it may not necessarily be verification of everything. That's only for email address or telephone numbers in certain scenarios, but it does have to go through the validation, like the syntax formats in there. So, in short, yes, they're there.

ROGER CARNEY: Great. Thanks, Owen. Thanks, Sarah.

CHRISTIAN WHEELER: Thank you. Okay. Now this now might be changing if the group-- So, this will probably be changing after this discussion. So Preliminary Recommendation 4 says the working group recommends that registrars must provide registered name holders with the option to opt out of receiving change of registrant data notifications. It sounds like the group is wanting to change this to "may" in Preliminary Recommendation 4. The registrars may provide the option to opt out. Is that correct? Roger, I'll put that to you.

ROGER CARNEY: Great. Thanks, Christian. Yeah. And I'm just trying to read through this, and I know that the "may" is the offering of it. I'm not sure 4.1. I think when they offer opt-out, then it's a must, right? Is that right? I'm asking the group there. If a registrar is offering in a way to opt out, then notification has to be enabled by default. And then the opt out removes that.

CHRISTIAN WHEELER: I'm sorry, Roger. I was referring to Recommendation 4, whether this--

ROGER CARNEY: I'm sorry. Thank you. Yeah.

CHRISTIAN WHEELER: Sorry. It was because this is all new.

ROGER CARNEY: Okay. Oh, sorry. Yes. That's correct. I was reading 4.1. I'm sorry.

CHRISTIAN WHEELER: Okay. So yeah. So, then if this is a "may", we can update this to when the registrar when an opt-out is enabled or something to that effect. Just to clarify that 4.1 is only when the opt-out is occurring.

ROGER CARNEY: Great. Thanks for the confusion. Everybody worked through with me there. Sarah, please go ahead.

SARAH WYLD: Thank you. This is Sarah. So, thinking about potential wording for the blue highlight on screen, we could say registrars must enable change of registrant data notification by default when a change of registrant data occurs and was not already opted out or, and the opt out was not already selected. Thank you.

ROGER CARNEY: Great. Thanks, Sarah. Okay. Do you have any other questions on 4.1, Christian? I think we're good on that as well.

CHRISTIAN WHEELER: Yes. Well, where I think part of this conversation came up, I think that this, the blue text was-- Yes, we'll update that. I think where this blue text kind of came from was in the conversation about when does the opt-out get essentially get reset for the new registrant. And because we've been referring to this in terms of a change of registrant data rather than change of registrant, it's not really clear when we talk about who is the prior registrant versus new registrant. It's really just when there's a change to those relevant fields.

So, the question was, is when does that get reset? So, if I'm the registrant and I opted out of notifications, if the registrar provides that option, when does that opt-out option get reset for the new registrant? So, we said that they have to be enabled by default when it's first registered. So, by default, there should be notifications. And the second part is what was confusing that it gets that it should be default when a change of registrant data occurs. And the way that it reads currently, it almost sounds like there is no opt-out because every time a change of registrant data occurs, there needs to be an edification by default. So, that's what we wanted to clarify from this language.

If you wanted to reorient it to be more about, you have to be, it's by default. If it's offered, that's one thing we could do. But I think that what the change was really more speaking to is when does this get reset. I think previously staff had recommended language along the lines of like when a new registration agreement is signed, then which could be up to registrar's procedures, what they consider to be a new individual that they

need to get some kind of signature for or inform that they have a contract with this registrar now. That's when it gets reset. But this proposed language of it gets reset by default when a change occurs might be confusing for implementation as far as when does it actually apply.

ROGER CARNEY: For sure. Yeah. Thanks, Christian. I think that's a great highlight there. And I think to Steinar in chat there. Okay. I'll let Sarah go. Sarah, please go ahead.

SARAH WYLD: Thank you. This is Sarah. Steinar raised in my mind another thought, which is I would think this notification that must be enabled should also be applicable when the domain is transferred into a registrar. Isn't that how we're-- Right? I think. Okay. Thank you.

ROGER CARNEY: That's a good point. And 4.1 there, it says initially registered. And that's an interesting point of transferred in. Yeah, I would think you're right, Sarah. At least that's what the thought process I went down is a transfer in would be in notifications by default as well. To Christian's point on this second point here, I think to be honest, maybe removing it, and maybe that's what Steinar said earlier, Sarah said earlier, maybe removing the second one

actually solves the issues. Because it solves the issue of the optional opt out in and out kind of thing. Yeah.

CHRISTIAN WHEELER: I have a question about the transfer in. Are you referring to a registrar transfer? Because--

ROGER CARNEY: Yes.

CHRISTIAN WHEELER: But what if the person doesn't change their data? They just change their registrar. Would it make sense to send a change of registrant data notification? I'm a little confused about that.

ROGER CARNEY: Well, it would be that the default notifications exist. So, that's the first part of 4.1, so that notifications are turned on. If someone transfers it into a new registrar, notifications are by default turned on for it. And then they would have to opt out if the registrar allows it or whatever. Then it would have to be it. Okay. Does that make sense?

CHRISTIAN WHEELER: Yes. Thank you.

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

STEINAR GRØTTERØD: Hi. This is Steinar for the record. And I'm really sorry. I'm confused here. First of all, that Rec 4 says that the registrar may give the register name holder the option for opt-out or receiving change of registrant data notification. So that's a may. But if it is the initial registration, then the registrar has to do this. Is that the understanding? And then Sarah comes in, what if there is a transfer? My logic, my mind was saying that the first one should be a must, and the second one also should be a must too. But maybe I'm totally out of space here. Thank you.

ROGER CARNEY: Yeah. Thanks, Steinar. And I think that that's good that we're trying to clarify this. When someone registers a domain initially by default, anytime they make a change after that, the default is their notification be sent. Now sometime in between when they registered it and they changed something, they opted out of notifications, that's fine. But when they first initially register it, it has to be notifications are by default.

And I think what Sarah brought into, and it's a good point, is when there's a transfer, it's the same effect. It's basically a new registration for that registrar registrant. So, notifications by default would be there. But if they haven't made a change and they opt out or the registrar allows it and they opt out, then that's when it becomes an effect. Hopefully, that makes sense. I'll go to Theo, and Steinar can think about that.

THEO GEURTS: Yeah. I look at this a little bit differently because when Christian asked when is the reset, where is the reset? I'm going in my mind like, well, that is completely up to whoever is in control of the domain name. So, there could be hundreds different registrants, changes, new owners and God knows what goes on there. But until somebody says who is in control there, okay I'm going to turn it back on. That's when it's going to be, that's going to be the reset to speak in those terms. So, that's my kind of thinking, yeah. Thanks.

ROGER CARNEY: Great, thanks, Theo. Yeah. And again, when we start talking about that, we're talking at a registrant domain level. It's not at a registrant level specifically. A registrant could have five of them and to me you would have to opt out at the domain registrant level, not at the registrant level if that makes sense. You would opt out for each domain because you may want notifications on certain domains and other ones you don't care about. And that again, just going through the thought process. Sarah, please go ahead.

SARAH WYLD: Thank you. Are we requiring registrars to make it per domain, or could it instead be per user account? I don't think we've required anything in either direction so far.

ROGER CARNEY:

I would agree with you, Sarah. I think that that's something we need to think about is, is there a level or going back to your comment about adding the flexibility of field levels, is there a flexibility of, okay, the registrant opts out of all notifications. Is that something we want to provide? Or do we leave that again to the registrars to say, well, we can provide this fine granularity down to the domain? Or it's at the registrant or it's at the account holder depending on what it is. So, something to think about.

Good. Okay. Good chat. Sounds like leaving it open. And it's probably just something not policy language we need to clarify, but maybe implementation notes, just to note that that-- Again, I don't want people to look at this and, well, we had to do it. And it's like, no, you have the flexibility to do it. So maybe just an implementation note on those items.

CHRISTIAN WHEELER:

And so, just to clarify, if I might interject. So, let's say a registrant registers a domain name, they would get a notification when there's a change because they just registered it. Let's say they opt out. And since they opt out, now they want to change owners of their domain. So, they change the registrant name, organization, and email to a new individual.

Now, since they opted out, neither individual would be notified of that change. So, it would be with the new registrant and with their domains, the opt-out option is still selected from their end until they decide, no, I want to opt in for such notifications. But there won't be any notifications to the new registrant just by changing the data if the first registrant opted out. Is that correct?

ROGER CARNEY: Theo has the answer.

THEO GEURTS: Yeah. Again, it is turned on by default. Somebody turns it off. And within that period that it's off, there's no notifications. There can be a million updates on a domain name, including millions of domain owner changes, the company changes, there's going to be a new registrant, it's going to be a new company in charge, new organization in charge of the domain name.

No notifications will be sent up until a point when somebody says, oh, I want to turn it back on. Who that is, I don't know yet. But that is sort of what the system does. Because every time there is a change or a material change in this case, and it resets the opt out, that sort of goes against the opt out. And the more I'm dealing with this entire opt-out thing, the more complex it gets and the more nervous I get about this whole thing, to be honest. Thanks.

ROGER CARNEY: Great. Thanks, Theo. Again, I think that this is getting back to the optional business model use of the opt-out. And I think that to Theo's point, it may change hands and everything. But to me, the registrar has that decision point of where that reset happens. If they feel and they're doing an ownership change, the registrar may go back to notifications.

And again, if we're making this optional for the registrars, I think that that is going to be different per registrar. As Theo just said, it could be 10 changes and nothing happens at one registrar. But another registrar, if there's an old true ownership change, a new agreement's been signed, the registrar may say, okay, default notifications are back on. So, it's just my thought on that.

CHRISTIAN WHEELER: Thank you for clarifying that. We have about 15 minutes left. We would like to revisit now to pivot a bit back to the idea of established relationships from the redlined Rec 17 of Group 1A. So, there was some discussion here. It sounded like the group was interested in moving forward with the idea of established relationships and the redlined language. Staff has made just a few tweaks to that redlined Rec 17, but we also want to just continue the discussion there just to make sure everyone is comfortable with moving forward.

Rec 17, again, sorry, this is kind of a real pivot from change of registrant data. So, the previous Rec 17 was the idea that registrars must restrict the RNH from transferring a domain name to a new registrar within 30 days or 720 hours of the completion of an inter-registrar transfer. So, this was the requirement that the registrar has to lock the domain for 30 days. So, this is the redlined language that the small group came up with. The yellow highlights are ones that staff had just made a tweak to.

So, the new redlined Rec 17 would read registrars must apply a 30-day post change of registrar restriction, that's language that we've been using, by default for all domain names transferred into

a registrar. However, on a case-by-case basis and where an established relationship exists, the registrar may unlock the domain name in less than 30 days for the purpose of an inter-registrar transfer. And we just got rid of that last case-by-case basis that Sarah had noted may be duplicative.

An established relationship means an RNH who has A, received registrar services for a period of at least 30 days and B, a history of regular interactions with the registrar and who has demonstrated a willingness to continue receiving registrar services from the registrar in the future. Does anyone have any issues or ideas regarding this redlined preliminary Rec 17 from Group 1A? Zak, I see you have a raised hand.

ZAK MUSCOVITCH:

Thank you, Christian. Zak Muscovitch. Just a small one, not a big deal at all. But if the preferred terminology is a restriction rather than a lock, then perhaps rather than use the phrase unlock the domain, it could be removed the restriction. Thank you.

ROGER CARNEY:

Great. Thanks for the point, Zak. And I think Sarah was trying to say the same thing in chat. And to Sarah's point on why are we not calling it a lock, we don't want to tell registrars and registries how to do this. It's just a transfer window restriction. So, we don't want to say it has to be locked. Some people won't lock it. And then if we do say a lock, then we have to get into a specific lock. And it's like, okay, we don't want to do this. It's just a restriction of

transfer. It doesn't matter if there's a lock or not. They just can't transfer it. Theo, please go ahead.

THEO GEURTS:

So, this is not a big one, but maybe it is. I don't know. I'm pretty okay with what's being said here. We already are in that situation. But in my mind, I'm trying to recall this conversation about why we are doing this. And I think we landed on the scenario that if you move your domain into a new registrar, and you go like, okay, within two days, you realize like, oh, this was a bad mistake. This registrar is missing tons of features here. I need to transfer it again. But now you're in a situation, oh, that lock is there again. Oh, but I can bypass it. But it needs to be an established relationship.

Well, if you're just there for two days, well, I'm not going to see how you're going to have an established relationship with your registered domain name holder, except for maybe a couple of angry emails to the support desk. But that's about it. Unless I'm completely mistaken, and this is what we intended. And my scenario that I just pointed out was already discussed and is completely moot. Thanks.

ROGER CARNEY:

Great. Thanks, Theo. And thanks, Sarah, for correcting our grammar. I think you're right. Fewer rather than less. But Sarah, please go ahead.

SARAH WYLD: Thank you. This is Sarah. I'm going to have to drop off early. I really apologize. With regards to the very bottom line here on screen, willingness to continue receiving registrar services. I'm so sorry, but did we agree on that in the past? Or is that new?

ROGER CARNEY: I think that's actually wording from the small group.

SARAH WYLD: From the small team. So, if we could hear a bit more-- Just I'm imagining a scenario where it's the only domain a person has. And I don't know. Yeah. Thank you.

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

OWEN SMIGELSKI: Yeah. I think part of that was to avoid the registrar hopping. So, that if you have domain names there, then you can have them go to another place and go to another place. Because it's possible that there are some people who use different registrars, et cetera so they may have some switching or whatever. But the goal is to have-- The intent was they've got a domain name there and they're going to be continuing to do some type of services with that registrar. Be it maintain the domain name registration, if that's all they're doing, or they have a parking page or they buy web hosting or something outside that might get out of the ICANN remit there. But they intent to continue to be a customer of that

registrar. So happy to do other wording in there to clarify anything that you need, Sarah. Thanks.

ROGER CARNEY: Great. Thanks for that, Owen. Okay. I was going to say a couple of things. I did talk to some other people that weren't able to be at our meeting and did have concerns about this established relationship and the security issues around it. And I'm sorry, I'll name Jim because he's in our working group, and he mentioned-- And he didn't get a chance to read it, so I'm going to give obviously that caveat there. But when I described it to him, he was concerned from a security standpoint about the break this. Again, I think we've come up with reasons why, and Theo just even touched on some.

Again, I want to call this out when Jim listens to this so he can take a look at this specifically. And I talked to a few other people that aren't in the working group and they had concerns about this again. And I think that if we go forward with this, we really have to come up with some good reasonings and logic behind this because I have heard, especially in Puerto Rico, that there is a little bit of concern with this established relationship, being able to break that law.

CHRISTIAN WHEELER: Thank you, Roger. Actually, I have one more slide that actually speaks a little bit more about that too.

ROGER CARNEY: Okay. Thanks.

CHRISTIAN WHEELER: There's some advantages and risks that we observed with regard to established relationships. So, I just wanted to pose these for the group for discussion or just to keep thinking about. So, some advantages that we heard regarding the established relationship is that it gives flexibility for registrars to implement in a way that's suitable for their business model. And it also allows customers who may need to move a name before the end of the 30 days, you have the ability to do so if they have that established relationship. However, there are also some risks to having the established relationship as currently worded.

So, the first being that in the event of like an event or account compromise or fraudulent activity, the 30-day transfer restriction essentially allows improper transfers to-- it's removed. It removes the protection that the mandatory 30-day lock would otherwise provide if there is a compromised account. Also, the lack of a clear definition for established relationship leaves latitude for potentially bad acting registrars to allow inter-registrar transfers indiscriminately.

So, the registrar, it gives them freedom for them to define the established relationship. Potentially they could consider all their customers having established relationship after 30 days, which might undermine that security that the transfer lock would otherwise offer. The 30-day restriction was also the argument in the initial report in response to public comments to justify eliminating other security features.

And so, lessening the restriction would require some strong rationale for public comments. And it also has some compliance enforcement concerns with how this would be enforced by compliance. So, we just wanted to raise some of those for the group to think about so everyone knows that this will require some strong rationale with the current language, if everyone has those.

ROGER CARNEY:

Great. Thanks Christian. Okay. Yeah. And again, we haven't really given this enough time. We touch on it at the end of the last few calls. And we need to give it more time and more thought again, because I think that as, as this slide kind of shows, it seems like there's the degree of risk, I don't know, but there's definitely a more identified risk than benefit here appears. So, we need to really start working on this if this is something we want to move forward with. Zak, please go ahead.

ZAK MUSCOVITCH:

Thanks. Zak Muscovitch. So, listen, this working group hasn't made any decisions or final recommendations on this as of yet. And so, it's still open to further discussion. And that's great. But I do want to point out that in the last working group meeting in San Juan, there did appear to be an identifiable support for this proposal. And I don't want us to completely relitigate that in the sense that there was an apparent support for it. And so, we should treat it accordingly rather than treat it as something that needs to be looked at from the ground up.

And in terms of the risks versus advantages, certainly there's always a balance to be struck between risks and advantages, but I don't want to downplay the advantages here. The advantages are very worthwhile. If we're talking about somebody who's stuck at a registrar and the registrar is able to identify them as a long-term customer and know exactly who they are and they have their whole portfolio there and there's no question that there's cyber squatting or thing or bad thing. Okay. Recording's going again.

And so, the flexibility for a registrar to allow a lifting of that restriction doesn't harm anybody because the registrar is identifying for themselves that they have no risk, that they know who they're dealing with, it's an established client, et cetera. And so, in terms of the first identified risk, that protection really isn't being removed because there's no risk that's apparent to the registrar from the registrar's perspective. And it's really fulfilling the transportability that a registrant desires. And there's no good reason not to provide it.

In terms of the second risk, I disagree there's a lack of a clear definition. I think that we reached a clear definition. Perhaps it could be made clear. But I do concede that bad acting registrars can do all manner of things. And not just in terms of this particular provision, but much more broadly. That's not an issue that we can entirely eliminate. In terms of the 30-day restriction, which is the third point that the argument in the initial report in response to public comments to justify eliminating other security features, which lessening this restriction would require strong rationale for public comment. I agree. There should be a strong rationale. And I alluded to some of the points in favor of it a minute ago.

And in terms of currently proposed definition creates compliance enforcement concerns, I disagree. Owen is in the small group that helped craft this. He is experienced with compliance. We drafted it with compliance in mind so that there were clear yardsticks that a non-compliant registrar would have to demonstrate or to demonstrate compliance. So, I think on the whole that the argument here is not that there aren't potential risks and disadvantages, but the advantages are very strong, and the risks are very minimal in the circumstances. Thank you.

ROGER CARNEY:

Great. Thanks, Zak. We've got just a minute left. And again, I don't know that we've spent enough time on this, and I think we do need to spend more time. And to Zak's point, coming out of Puerto Rico, it did seem like there was general support for this. Now, are there gaps in things? I think people are identifying those gaps. And again, I'll call Jim's name out here so he listens. I know that he wanted to take a read of this and make sure how it was looking because he did express some concerns on that.

Again, I think this is why staff put all this together was it seemed like coming out of Puerto Rico, there was pretty good support for this. So, I think Zak's right. We don't tear it down. If this is something people are looking for, we need to fill those holes. And as you said, I think we do need really good rationale if we go forward with this in trying to explain how and why. And to people's point in chat and to this slide, how does this stop? How can we get this? And again, bad actors always are bad actors. But our job is to make sure that we don't make it easier for them. I think that we need to spend some more time here for sure on this.

And sorry, I took us a minute over. But yeah, I think we need to touch on this, and we'll bring it back up. And we need to get through this. Think about this. Spend the week thinking about good arguments for it. If there's any arguments against it, again, the stronger we can present both sides, the better. But I think unless Christian has anything to say, I will close the meeting today and we'll pick back up next week. Christian, anything, any last things?

CHRISTIAN WHEELER: That's it from us. Thanks, Roger.

ROGER CARNEY: Great. Thanks, Christian. All right. Thanks, everybody. And I'm sorry we took you over a minute here. We'll talk to everybody next week. Thanks.

[END OF TRANSCRIPTION]