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## ICANN Transcription

### Transfer Policy Review PDP WG

**Tuesday, 23 January 2024 at 16:00 UTC**

Note: Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record. Attendance and recordings of the call are posted on agenda wiki page: <https://community.icann.org/x/rQDFE>

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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 23rd of January 2024. For today's call, we have apologies from Sarah Wyld (RrSG), Rick Wilhelm (RrSG). They have formally assigned Rich Brown (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. 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 members and alternates will be promoted to panelists. Observers will remain as attendees 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

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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:

Great. Thanks, Julie. Welcome, everyone. I don't have any major things to give any updates on for the group. Again, just that we've just got a few more sessions before our ICANN79 meeting and we want to get the COR discussions wrapped up by then. That includes, obviously, everything related to that, designate agent, all those things. The goal is to be in a good spot by ICANN 79 so we can move forward from there. So, again, nothing too major today.

I see Christian just dropped in agenda and links. I think I'll just go ahead and open it up to the floor for any of the stakeholder groups they've had some new discussions they want to bring forward or questions they want to bring to the group. So, I'll open the floor up to any of the stakeholder groups.

Okay. Well, I think we'll go ahead and jump in and get working then. I think I'll turn this over to Christian to take us through this review on what we discussed last week and in the past few weeks, actually, on the COR stuff. So, Christian, please go ahead.

CHRISTIAN: WHEELER:

Thank you, Roger. Yeah. So, I'd just like to start off with where we left off, which was where we were talking about potential change to the change of registrant definition. So, we've been

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talking about the last couple weeks. And it was also presented at last call about whether the change of registrant policy itself should just be sunsetted or repealed. So, I want to explore what that option entails and try to nail down where the group is leaning as far as getting rid of the COR or updating the definition.

So, I just want to start by just briefly recapping where the group stands with its preliminary recommendations about COR. The first one being that, when a change of registrant is completed, the registrar must send a notification to both the prior registrant and the new registrant within 24 hours, essentially. So, this notification, and I will also note that this is an affirmation of the current policy, because when a change of registrant occurs, the registrar does send a notification to the prior registrant and new registrant that has been completed. And these 1.1, 1.2, this is added on to that, that this notification has to be written in the language of the registration agreement. It should provide instructions on how the prior and new registrant can take action if the change was invalid, how to initiate reversal.

That is really a change from the current COR policy. The current notification would just provide questions. This goes a little bit further than that. It would provide instructions for how they can take action. It goes on that it can be sent by email or other secure messaging system, SMS, for instance, and does not need to be sent duplicatively, if only the name organization changes. So, that's something that is also pending per the COR definition.

Preliminary Recommendation 2 is essentially getting rid of that 60-day transfer lock that would normally follow a change of registrant, as well as getting rid of the reference to the opt out option of that

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lock. Because if the lock is gone, there's no need to have an opt out option for the lock. So, these are essentially where the group stands currently with updating COR, that it would be a notification that provides instructions for how to take action and getting rid of that 60-day lock.

So, if the group wants to explore getting rid of change of registrant from the transfer policy entirely, not moving it anywhere, just getting rid of it, a change of registrant. I thought it would be good to briefly go over what that entails. So, all that is included in the transfer policy. So, this is Section 2 of the transfer policy, which goes into inter-registrant transfers or change of registrant.

So, first part is definitions. Again, change of registrant definition may change, but this is essentially the definitions that it provides, designated agent, material change, prior registrant, new registrant. These are all pertaining to the change of registrant policy. Section B talks about the availability or eligibility of change of registrant. The first part, essentially just as a general statement saying that in general, registrants must be permitted to update the registration/ WHOIS data and transfer the registration rights to other registrants freely.

Section 2 goes into the reasons when a registrar must deny a change of registrant request, such as if the registration agreement has expired, if the change of registrant was not properly authorized by the prior registrant, or if the domain name is subject to a domain name related dispute, such as the UDRP, URS, UDRP, or court order. I should also preface that this is a summary of the transfer policy. You can look at the transfer policy

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yourself. It's obviously a lot longer, but this is a condensed version of it.

So, a reminder that if the group decides to get rid of change of registrant policy, this is what it would be lost, essentially. So, these reasons stating when a change of registrant must be denied, if it the policy was gotten rid of, this would probably become a may because it would be up to the registrars.

Section 3, the change of registrant policy does not apply in the following circumstances, such as if the registration agreement expires or if it's terminated by the registrar and then if it's subject to same domain name related disputes, UDRP or an abuse complaint. So, it's saying that essentially, court doesn't apply in these circumstances. Before I move on to the actual process part, Theo, I see you have a raised hand. Go ahead.

THEO GEURTS:

Yes. So, I don't want to interrupt you. So, if you've got a lot more to cover, go just ahead. I will hold my question or my comments, so no worries there.

CHRISTIAN WHEELER:

Okay. Thank you, Theo. Yes. So, this first section goes into the definitions and when change of registrant would apply or would not apply. This goes into the process of the actual change of registrant process. There's some strike throughs there. Those are essentially, also-- I'll still go through the process, the strike throughs are essentially what the preliminary Recs 1 and 2 would, in essence, be getting rid of. Now it's not to say that these would

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definitely be redlined in the actual policy itself, but it's just for illustrative purposes that these are the steps would not really apply if the group went forward with its Preliminary Recommendations 1 and 2.

So, the current change of registrant process, they have to confirm that it's eligible for that Section B. Currently, in the current change of registrant process, they would have to obtain confirmation from the new registrant and the prior registrant. They have to inform them of the 60-day lock, and they would have to process the change of registrant within one day of obtaining the confirmations. Then once the confirmations are received and it's been processed, then they would have to notify the prior and new registrant within one day. This is in line with Preliminary Recommendation 1 from the group.

And this notification would be sent to both. It would explain the request and list the domains that include contact information for questions. Again, the group is proposing changing contact information for questions to instructions, and it would have to advise them of the 60-day lock. And then Section 2 is imposing that 60-day transfer lock that follows a change of registrant. So, these strikethroughs are what would be getting rid of if the group decides to move forward with the preliminary recommendations. Otherwise, everything here you see on the slide strikethrough right now is what is part of the current transfer policy and would be proposed to essentially be gotten rid of if the group decides to do away with change of registrant entirely. So, I'm going to stop there. So, if anyone has any questions. Theo, you can go ahead first.

THEO GEURTS: Yeah. Thanks. So, can we go back a slide? Yes. This is the stuff that we are all going to lose if we sort of proceed with the current recommendation which the group has formed over the last couple of weeks, except when it comes to the deny of a COR request under the following circumstances. 2. 3, that doesn't really apply there. I mean, that is not getting lost. The domain name is subject to a UDRP, then you must agree according to the UDRP provider that you are not going to allow any changes there. So, you're going to put a lock on it that's going to prevent any updates that's going to change the ownership, register details. That's specified within every UDRP provider I've dealt with so far, mostly, the World Intellectual Property Organization that states that you cannot do that. So, we're not going to lose that. So, that's a little point there. It's just a minor detail. Thanks.

CHRISTIAN WHEELER: Great. Thanks, Theo. Yeah. And that's right because that's actually maybe an overlap in policy, because that's in the UDRP as well. Zak, please go ahead.

ZAK MUSCOVITCH: Yeah. I appreciate Theo's point, but I'm wondering whether this actually has to go somewhere, 2.3. Perhaps in the transfer spec is where it can go, but I'm not sure that the requirement that a register lock is something that's governed by the providers. The providers don't have that authority. It has to be the authority under

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a consensus policy from ICANN that commence the registrars to lock a domain as a result of the UDRP, etcetera. Thanks.

CHRISTIAN WHEELER: Thanks, Zak. Yeah. And as Barry mentioned as well that 2.3 is actually already embedded in the UDRP process. It won't be mentioned in the transfer spec anymore if we go along this line, but it still exists in the UDRP, and everyone is still held to that. And, likewise, URS. Any other comments? Yes. Thanks, Paul. Yeah. URS also has the lock. Jothan, please go ahead.

JOTHAN FRAKES: Oh, yes. So, I mentioned this in the chat. Jothan Frakes for the record. I wanted to just comment that-- Chris, do you mind switching to slide 5 where you were suggesting what the change would be? Yeah. So, for this, it makes sense. However, there may be circumstances where with the registrant's consent in advance, they might proactively opt out of this. I think that would help with some of the compatibility across some of the reseller registrars as well as some of the handling that happens in existing registrars that service the aftermarket, that everything here would be otherwise fine. Thank you.

ROGER CARNEY: Great. Thanks, Jothan. Okay. Any other comments on this? And, again, this is going down the path of the last few meetings where the group has discussed getting rid of the majority of the change of registrant Section 2 of the policy. We still have some

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cleanup around that, but this was the item that we would be giving up for that. Christian, do you have anything else on this one?

CHRISTIAN WHEELER: No. That was it. So, next we want to go into a poll to see where the group is leaning regarding getting rid of the change of registrant, which is these previous slides here, or updating the change of registrant definition to some of the options that we heard last call. So, I can go into that now.

ROGER CARNEY: That sounds great. Thanks, Christian.

CHRISTIAN WHEELER: Okay. Cool. So just as a reminder, the current change of registrant's definition is that it's essentially a material change—so anything that's beyond a typographical update—to the prior registrant's name, organization, or email address. So, that is the current how change of registrant is currently defined. So anytime that there is a change to the registrant's name, organization, or email address would trigger the change of registrant procedure.

And in this box is sort of what that revised procedure would be. So, per Preliminary Recommendations 1 and 2, first, that any change of registrants, and this is also regardless of whether this is also-- there's an attack request that comes shortly after. So, any change of registrar to the name, organization, or email would trigger notification to both the prior and new registrant. That is for the current policy as well, so that's not really a change.

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The change though is that the notification would provide instructions for how to take action if the COR is invalid, how to initiate reversal, and that it would not trigger those confirmation requests that are normally part of the current change of registrant procedure. So, there's no confirmation emails. It's just the notification of completion email, and there would not be a 60-day transfer lot.

So, that is where the group has preliminary recommendations currently. And there's also as part of the group 1a recommendations, there's increased tech security and that 30-day transfer lock that follows a registrar transfer is in place. So, the 60-day lock may not be necessary because there's that 30-day lock that's going to follow registrar anyway to give them a chance to catch any possibly unauthorized or improper change of registrant.

So, that is the current process as it stands right now for what the group is proposing to change. So, with that in mind, should the definition of change of registrant be updated from name, organization, and email address? So, that would be Option 1 is that there's no change. It would remain name, organization, email address that would trigger the notification upon completion.

Option 2 would be expanding the definition to include other contact information like the phone number. So, any change to the registrant's name, organization, email address, and phone number would trigger a notification. And I believe the thinking was that phone numbers and same with email address if the registrar doesn't use an email address for authorization or validation, the phone number is oftentimes used. So, that might be their

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register's anchor contact method, for example. So, any change to that information, they would get a notice that this has been changed.

Option 3 would be reducing what entails a change of registrant to an email address only, so only if there's an email address change. And that also could be entail a retitling to calling a change of control rather than a change of registrant. But it's essentially a reduction from name, org, and email to just email.

Option 4 is adding a change of control definition, in addition to the change of registrant. And change of control would be email address, or potentially another anchor contact method, that is up to the registrar, and the change of control would be treated separately from a change of registrant, and the group would need to determine how that would be different from a change of registrant as far as the notifications goes.

And then finally, Option 5 would be eliminating the change of registrant policy. So, that would be so in that case, the definition doesn't need to be updated because the whole policy would be going away. And this would essentially mean that per the preliminary recommendations the group has come up with, that the group is saying that no notifications are required when updating any registrant data. So, since COR has been reduced to just notifications, when updating registrant data, group needs to determine what registrant data should trigger that notification, or should it just not be required at all. Should notifications be required at all when updating that data, or should it be optional how the registrars want to handle securing or notifying or not notifying registrants when that information is updated.

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So, we do have a poll to get see where the group feels about this. Before we enter into that poll, though, I do see we have some raised questions, raised hands.

ROGER CARNEY:

Great. Thanks, Christian. Yeah. And I'll just add. Obviously if we get rid of the policy, the policy language won't include notifications. But some GDPR rules and other data privacy rules and laws require notifications to be sent on changes. So, again, the policy will mention anything, but, again, a bit of an overlap across the legal aspect a few places. Rich, please go ahead.

RICHARD BROWN:

Hi. Good day, everyone. Rich Brown for the record. And I think Roger touched on this. I just wanted to point out that we are working on the COR, not the TAC or other parts of the transfer policy. So, I want to just reiterate what I said last week where the COR policy has its own settings and should run on its own. And it should be free of other WHOIS requirements and whatnot where I really think most of this should be under actual WHOIS policy instead of sitting in the transfer area. But I just want everybody to remember that this should be separate from the TAC as we've already written it, it is. So don't try to link this is all I wanted to say. But, anyway, carry on.

ROGER CARNEY:

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

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ZAK MUSCOVITCH: Thanks. And just [inaudible 00:21:00] to Rich, I'm going to try not to link them. I appreciate it, sir. A technical question first, for someone who's not particularly technically familiar with this. Can a change of registrant be affected both manually by the registrant and via a TAC? Like both. Normally, a TAC would be used for transfer from between registrars. Can it also be used for a change of registrant? I'll leave it there. And I have a comment, but if someone can answer that for me. It's very simple.

ROGER CARNEY: Great. Thanks, Zak. I don't know if anybody wants to jump on that. Thoughts on that? Jody, please go ahead.

JODY KOLKER: Hi, Roger. This is Jody for the record. No. A TAC generally isn't used for a change of registrant, at least not at GoDaddy. It's only used to transfer the domain away or to a registrar. Thanks.

ZAK MUSCOVITCH: Okay. Thank you. All right. So, I'm not going to say anything new here. I probably repeated every opportunity I get, but I just got to put it on the record because I'm obliged to. If we look at the gray background highlighted portion here, and in particular the second bullet point, the notification will provide instructions on how to take action, but I think we all have to acknowledge that really those instructions about how to take action are pretty toothless in terms of taking action because there's no procedure for registrant to have agency to take action itself. It's entirely reliant on a registrar, which may or may not be cooperative, etcetera.

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And then in combination with elimination of notification potentially under option 5, for example. We're going to see-- I foresee a lot of objections when it goes out for public comment by everyone from potentially the BC to IPC to Non-commercial users group, to George Kirko, certainly. A whole variety of registrants are all going to say you guys have gutted any semblance of control for registrant with an unauthorized transfer in favor of making it a simple seamless procedure, which they appreciate, but recognize the effects of that. That's all I'm saying. Thank you.

ROGER CARNEY:

Great. Thanks, Zak. Yeah. And it's definitely something to keep in mind when we're talking about these things is thinking about the responses we'll get public in public comment. And do we have a good reason support for what we're doing. And if we do and we can answer those questions, the better. And if our report includes our deliberations on those things, hopefully, people will read those and will see the reasons and logic used to get to where we got to. But, yeah, definitely something to keep in mind. Thanks, Zak. Theo is down, so I don't think we have any more questions. Nothing else on this. Okay. I will turn this to Christian so he can do his poll, I think.

CHRISTIAN WHEELER:

Yes. Okay. Let's move over to the poll. Julie? So, the question is, should the current definition of change of registrant be changed or should the COR policy be eliminated? So please select your top preference. So, you'll have one option. This isn't going to be a ranked thing, but please just select your top option of these five

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options here. Probably about 14 respondents. I'm not seeing any more. We have up to 15. Another few seconds.

Okay. I think we can go ahead. Are we able to publish those results? Can people see the results? I can see it from my side.

ROGER CARNEY: I can see them as well, Christian.

CHRISTIAN WHEELER: Okay. Looks like we have a split here, and I see Jody has a raised hand.

JODY KOLKER: Oh, I'm sorry. I didn't mean to. Thanks.

ROGER CARNEY: Owen, go ahead.

OWEN SMIGELSKI: I did intend to raise my hand. This is Owen Smigelski for the transcript. So, I picked Option 5 only because that was, I guess, sort of the one that came closest to what I would want. And maybe I just misunderstood what one of the options was. I don't think the change of registrant process that exist currently works. I think it causes frustration to the registrants and can be easily circumvented by doing a designated agent or something similar like that. So, I don't think there's really any added security for

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having this approval process or something along those lines. And I think it should be removed.

The one thing that I would like to retain though is that there should be some site type of notification system letting the registrar know, hey, this information was changed in your account. Whether that goes to an email or a Skype ID or a text message or whatever, through an app, I think that type of notification would be good there as some sort of security thing. Not to prevent it, but to allow for notification so that it can be noticed faster if some type of unauthorized change of information occurs. With that said, I don't think that's part of the transfer policy though, so removing it from here and placing it somewhere else would be good, but I'm not really sure how to accomplish that. Thanks.

ROGER CARNEY:

Good clarity. Thanks, Owen. Yeah. And you're right. Maybe it's more a different policy because it doesn't really deal with transfers. But two follow ups to that, Owen, is that are you saying or suggesting that notification should be a must? And is it anytime any data changes, name or phone or postal address, anything that changes, a notification must be sent?

OWEN SMIGELSKI:

Yeah. I was leaning towards that. I haven't really thought it all the way through, but, yeah, I think there should be some sort of notification system that remains because you're not going to be able to prevent every type of intrusion. Having worked with how ICANN does the key signing ceremonies, it's not built as a system

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to prevent intrusion, but a way to make it so that if there is an intrusion, somebody will be notified about and figure out how the way to fix result and/or address. Thanks. Great.

ROGER CARNEY:

Thanks, Owen. Yeah. And I think your comment on if it really should be in the transfer policy or not is a good one. And then if we say, if we decide to move forward with nothing here. Maybe that is something that we can recommend to Council that that be looked at somewhere and placed somewhere. But I'll go ahead. Theo, please go ahead.

THEO GEURTS:

Yeah. Thanks. So, Owen hit all the right buttons here which I was going to cover, so I'm not going into that. But looking at the results, yeah, I follow Owen's thought pattern there. The way I'm looking at it is there is support for Option 5 and it feels, and just it's a feeling, but it feels sort of like it was either going to be Option 5 or Option 4 that gather the most support. I mean, there's still some people who don't want to get rid of it entirely, and there's some who want to get rid of it altogether. And I think if you're looking at the options with a notification or getting rid of it, I think that is where the group leans towards to. So, I don't think-- Yeah. I thought the results were expected. Thanks.

ROGER CARNEY:

Great. Thanks, Theo. Yeah. And maybe because this is, someone put in chat, clear as mud. That was Zak that said that. Maybe that is something we can maybe update this with and add

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maybe option 6 that is closely aligned to what Owen is describing so that we can see if we can get more alignment from the group as to where we're going. Again, I don't know I want to remove anything. Obviously, I'm not sure Option 3 got much support here or Option 1, but I think maybe we can expand this just to see if we can get a more cohesive path from the working group itself. Rich, please go ahead.

RICHARD BROWN:

Hi. Rich Brown for the record. As I recall, this came up in our preliminary discussions. Almost everybody out of the gate was, "We don't like the COR. It doesn't work." We've had all these discussions. But one true thing has been simmering throughout it all is everybody, for the most part, as far as I can tell, agrees that sending a notice is a good thing. Okay? And prove me wrong, whatever. That's fine. But sending a notice is great. But all the other attachments, designated agent, who cares who runs the account? It's a notice being sent to the prior and the current updated address. It's just a notice.

We don't need a lock attached to it because there are many locks already part of other transfer processes and WHOIS verification processes that just aren't necessary in this, and I think a lot of us already agree on that. And to be fair, anytime the lock conversation shows up, somebody else shows up with the, well, remember, we could have an option to opt out, which in my opinion, just invalidates it all. Because if you can opt out, that means you don't care enough to make it worth a policy, in my opinion.

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So, I just wanted to point this out that option 4 and 5, in my opinion, they're almost the same. And a lot of people who voted to eliminate, myself included, would not be against just a notification policy only, but that's not what we're seeing here. So, I just wanted to point that out. That might be the area of thinking that we might want to look into more. Are we looking to just make this a notification policy, cut everything else and leave it to be this notification thing? And if so, let's just get to work on getting that defined. Thank you.

ROGER CARNEY:

Great. Thanks, Rich. Yeah. And as you mentioned I think that when we started this discussion, we're back to that same spot, and it's good because I think that through the deliberations and the discussion and everything, we're being able to document the logic that the working group has used to support that idea. And again, I think that to me, the big question is what Owen maybe hit on is, does it belong here, or should that go somewhere else? And again, I don't know how that happens, but I think that that's a fair question to ask the group.

But on that, and Steinar put in the chat that it is correct that when a phone number or email changes, registrars are obligated by contract to check those. That is something. Again, maybe change of registrant has been as we keep hitting on these things certain things are duplicated in across different policies and contracts. It's an interesting point. So, I agree that we're heavily down to 4 and 5, and it sounds like maybe like a 4.5 or 5.5 where it's notifications are being recommended. And again, maybe there's part of transfer policy, which, again, it's not about transfer,

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but. So, maybe it belongs somewhere else. But definitely, we recognize that a notification here is needed. Theo, please go ahead.

THEO GEURTS:

Yeah. So, on the question, should this belong here? I guess the answer is not, but it is what it is. I mean, we put it in the transfer policy back in the day, and we went with that process. When we started this process, again, we still put it in the transfer policy discussions, which was approved by the GNSO Council. And I think if you look at the bigger picture, there is an issue with this policy.

And it doesn't really matter to me if you we're dealing with it now in the transfer setting or in the stand-alone session, because I think with the deliberations that we had as a working group, I don't think the outcome would be very different if we put it in a completely different setting, in even a stand-alone setting. The outcome will go to what we have now. I don't think that is going to be radically different like, okay, it doesn't belong in the transfer policy. Now we're going to change our entire opinion of this change of registrant. No. I think it is what it is. It was never a very good policy. Maybe it shouldn't have been in the transfer policy, but it's not that this group didn't think of it or give it any thought. No. We have been through this extensively, and I think the reasoning, yeah, it's pretty sound.

So even if you go back to the GNSO Council, if you set up a different process for this, we can only add more restraint on the Council itself and the community. You've got to spin up an entire

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group while we are close to finish line. And our work is valid in my opinion. Thanks.

ROGER CARNEY:

All right. Thanks, Theo. Yeah. Again, I think that the changes that we're recommending like if we say, yeah, the COR is not fit for purpose anymore and should be replaced, it's definitely what this group is tasked with. And again, to your point of why the COR is even here. It did probably make sense to put it here because there was a direct correlation between a transfer and a COR change that was being made back in 10, 12 years ago. But now, again, that's not necessarily the point we're making now, and we're saying it's not necessarily that way. And we've also enhanced the TAC request system.

Again, I think that we're moving past where it was and the purpose it had a decade ago to where it is now. But obviously, there's still a strong feeling, as Rich just mentioned, there's still a strong feeling that notifications do make sense. So, maybe that does, again, filter into this or somewhere else. But, Zak, please go ahead.

ZAK MUSCOVITCH:

Thank you, Roger. Zak Muscovitch. So, again, I'm thinking a little bit farther down the road to the messaging on this with whichever place the working group lands. For those that are seriously considering Option 5, elimination of the change of registrants and so limiting notification requirements, lessening the COR definition, etcetera. All of those things can potentially work provided that the

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registrants are made aware that the new consensus policy around transfers and changes of registrants has gone to a more minimalist, laissez faire, hands off, streamlined, however you want to put it, approach with the new emphasis and onus put on the register to select a registrar that provides greater personalized commercial security solutions, registry locks, two-factor authentication, whatever it is.

And that's a reasonable argument to make, I think, that the policy study is at the ICANN level is facilitating the easy, fast, and efficient transfer domain names between registrants and registrars. But we're not providing the most secure solution for you, which you have to find somewhere else. And, yeah, I think that's a reasonable argument to make. Thank you.

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

JODY KOLKER: Thanks, Roger. This is Jody from GoDaddy again. Yeah. I agree with Zak a little bit, I think. I'm not sure that I caught everything that he was saying there, but it seems like with this policy we've gone from 12 years ago, we had a registrar lock that was placed on the domain when a COR was done for 60 days and then the registrant was able to opt out of that, which basically made it not really even a policy anymore, I guess. And now we're talking about just sending out a notification when this happens.

I don't know. I think I've thrown this out before or at least I remember saying something like this but maybe this whole

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notification of the registrar when something changes on the registrant contact is more of a business decision by the registrar to decide if they want to provide that kind of, I'm putting this in air quotes "security", which this isn't much of a security. It's just sending out a notification to say something's changed. But maybe that's more of a registrar decision on whether they want to do that or not to provide that option to their customers.

I'm not sure. I'm wondering what the registrar or registrar community thinks of this. If it's just up to the registrar to decide whether they send out an email when something has changed with the registrar, and then we don't have to go through what is a COR, what is a change of control, etcetera. Anyway, thanks.

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

OWEN SMIGELSKI: Thanks, Roger. This is Owen Smigelski. And to respond to Jody. Because the reason why I wanted to put a notification thing into place if removing the COR is I don't want the perception to be by the community or others out there, oh, goodness. Look at this group. They're taking away something that's really secure that was intended to be there for a long time, and now nothing's there. Thinking that it wasn't something that really served a purpose that it was intended for. We really didn't think it was working very well. So, instead of just getting rid of it completely, we're doing something else that we think might work a little bit better in terms of just allowing for the notification and visibility there.

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Yes, I know it's not flawless, and everything's subject to manipulation and hacking and taking over and whatnot, but I think it's just one more line of defense so it's not like we're completely ripping something completely away. There's still something in place which could help benefit registrants. Thanks.

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

THEO GEURTS: Yeah. And that's exactly my line of thinking there what Owen just said. This is about optics. If we are just simply removing the policy, which is still my favorite, there will be this backlash from the community. And because the majority of the community have no idea what this actually did, this policy, and how much friction it generated with the registrants entering in all kinds of problems not being able to update domain name for god knows about many reasons, which we've been through many, many times. But yes, while the notification is one of the weakest security settings or things you can do to secure as something, it is still something. So, it's purely for the optics. But yeah. So, maybe that is the way to go. Thanks.

ROGER CARNEY: All right. Thanks, Theo. Barry, please go ahead.

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BERRY COBB:

Thank you, Roger. Barry Cobb for the record. And building on what Theo said and I believe from Zak's intervention as well. From a staff perspective, I think we can agree that the sunset of most of the COR policy as it exists today will be a shock to those in the community that read the report and want to provide comments on it.

And so, there's really two avenues from this point is one, this group needs to coalesce around one option that would be the substance of a recommendation, and that's what's presented in the report. Based on the poll result results thus far, granted it's an imperfect poll, but there doesn't seem to be strong support or agreement yet where the poll show that there's still some divisiveness there.

The other option is to present two options for the community to provide input. But ultimately, whichever path is taken, the COR sunset version or a revised COR version with notifications. Either way, it's going to be all settled on the rationale. And I think it'll be very important that if the notifications are a may and not a must as an example, that this group will have no choice but to highlight that there are other policies out there that hover what is being removed here, such as the WHOIS accuracy specification when the phone number or email change. But there's even a caveat there that if we lean against that or the working group leans against that, that it's not in all cases if that number or email address has already been verified.

So, I strongly urge the working group to coalesce around the rationale for backing this up so that it is ultra crisp and clear as to

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why the working group is proposing the options that they are.  
Thanks.

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

THEO GEURTS: I think that's a pretty good suggestion there from Berry. And just to build up on it, I think we're maybe talking about rationale. We should also highlight why we think this is not working, and we have plenty of ample of evidence there, that is an operational nightmare, extra support loads, bad experience from the registrants, etcetera. But we also see as registrars that the change of register and policy didn't add anything in terms of domain name hijacking. There is no viable evidence there. At least we don't have it.

So, you got to make that balance when it comes to the rationale. I understand that people within the community might be upset that they have this perception, and that's why they're upset that this policy is actually doing something and now that gets taken away or gets watered down. They will no slightly be triggered to be against it because they still have the perception like this policy is working for many reasons, maybe people are thinking this policy is working because it's been there for such a long time. I mean, I don't know what the reasons are why people have these ideas that this policy is working, but we need to highlight that in the rationale one way or another.

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I mean, we sort of got to make sure that all these negative points or opposing points that we might encounter during the public comments period. Then we sort of already have that prepared within the rationale itself. Thanks.

ROGER CARNEY:

Great. Thanks, Theo. And, again, I mean, I get back to what Rich mentioned. Many months ago, we started this discussion and came back to it actually about many months ago. The original thought was, yeah. It's probably not fit for purpose anymore. And I think that's great, and we're back to that spot. But I think now we have had a great discussion on the reasons why, and we just need to document that and provide that and make sure that, that's a solid story if that's the way we're going to go, because as mentioned, we will get public comments on why this was removed.

So, and again removed is, again, I think that we we've described many scenarios of, well, we've improved here, we've improved this, and we've just today, recognize that there's at least two or three overlaps of the core with other policies and contract requirements. So, I think that there is a narrative and a story that is starting it, but we know that we're going to get comments back saying, removal is ridiculous and everything. So, we had to be prepared for that if that's where we're going. Okay. Any other comments or questions? Okay. Again, I think that, to me, our split decision here on our poll shows that we're not completely there yet.

So, I think that we need to figure out how to get to a strong support of this. And maybe, again, that's a 4.5 or a 5.5 where

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notifications are being recommended. And again, maybe not in this policy if that's what the group decides. Maybe it's just a recommendation to Council to handle that somehow. But, as Berry put in chat the rationales, I think that we we've got some stuff, and maybe that we can start documenting that, and maybe we can create a Google Doc that we can start putting our rationales in there so that we can preemptively have responses for any public comments there. Okay. Theo's hand went up and down. I assume he's happy now. Okay. All right. Christian, I think we can close this out and move on to our next topic.

CHRISTIAN WHEELER: Thank you, Roger. Sorry to realize I was on mute. So, yes. So, we do still have some charter questions to go through which having the discussion about the definition and what to do with the core, these may or may not go pretty quickly. But it essentially is what should be done what should be clarified with regard to privacy and proxy services, and then the next part is designated agent.

So, this first question and this is just an overview of what a privacy and a proxy service is. For sake of time, I think I'll move on to the question. If people have questions about that, we can go back about it. But the first question really is that registrars have taken the position that the additional removal or privacy proxy service is not considered a change of registrant, but there isn't a specific carve out regarding the additional removal of those versus other changes. So, I think the question really is, should it apply to the removal or adding of a privacy proxy service or is it just applying to underlying registrant data that it's referring to.

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And there are some scenarios to consider, but I'll just leave it at this first, and then I'll move on to some of these scenarios. But I would like to hear from the working group what the thought is about privacy proxy services adding or removing them versus should they only apply to when the underlying registrant data changes, or is this still relevant? So, I'll pause there. I see Owen has his hand raised.

OWEN SMILGESKI: Oh, I can go, but I think Theo and Jody are ahead of me.

CHRISTIAN WHEELER: Okay. Theo?

THEO GEURTS: Yeah. Sure. I think we lost Roger, but never mind that. So, when we were discussing this in 2015, 2014, or maybe yeah. A long time. I always mention and said like, if there's a domain name set with set up with a privacy or proxy service that is just what is being displayed in the WHOIS. That doesn't change the fact that if the register changes, that can be an internal database change within the RDS of the registrar. And you will not see that on the outside through RDAP or WHOIS.

So, basically, the position that the registrars have taken, it's not a change of registrant. That's what I would always say, all these years ago. So, for the current situation, that is still factual. But if we are talking about a notification only system, Yeah, then we don't have to discuss this anymore because if we are heading that

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route, then we just don't need to discuss this anymore. And it's the same goes for the designated agent. Thanks.

CHRISTIAN WHEELER: Thank you, Theo. Owen, would you like to go?

OWEN SMILGESKI: Sorry. I think Jody's up next.

CHRISTIAN WHEELER: Yeah. Okay.

OWEN SMILGESKI: Hi, Jody.

JODY KOLKER: Hi. This is Jody again. I was just going to agree with Theo that adding a privacy or proxy to the domain does not change the contact. I mean, does not do a material change of registrant. I agree with him on that. And the only time a material change should happen is when it's the underlying contact information that gets changed. Thanks.

ROGER CARNEY: Great. Thanks, Jody. Owen, now you can go.

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OWEN SMILGESKI: Ah, thank you. Back on. This is Owen. So, just being able to clarify technically a proxy service as defined in the RAA is the registrant so, and licenses it to the privacy proxy customer. So, we just need to keep that aware privacy. Privacy service is different. The Individual we think of the registrar or entity is the registrar out there. So, but I think the context for this was this policy was back prior to the GDPR and whatnot, when there was a transfer that was going, you had to remove the privacy proxy service so that the gaining registrar could query via the WHOIS lookup, who the registrant was, and then transfer that information into their system.

Now, what they do is, under the temp spec and relaying Stuff for ICANN, is the registrar when transferring has to enter that information in manually as opposed to pulling the data automatically from behind. So, I think its purpose is gone, this whole privacy proxy exemption thing. So, I think we just remove this fully because there's no need for this here because the landscape has certainly changed since this was put in place way back in, I guess 2016. Thanks.

ROGER CARNEY: Great. Thanks, Owen. And thanks for bringing up the clarification on the difference between proxy and privacy as the registrant. So, any other comments on this? I don't know. Anyone? Zak had his hand up a second, but I think he put it down, so I don't know if he has any comments.

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ZAK MUSCOVITCH: No comments. Thank you, Roger.

ROGER CARNEY: Okay. Thank Zak. Owen, I think that's an old hand. Right? Thank you.

CHRISTIAN WHEELER: Thank you. And, yeah, I just wanted to highlight some of these scenarios that were mentioned because it's part of the charter question. One of this is, what you mentioned is that, when there's a registrant change or there's a data change to the underlying data, number two here, should that, if it's just referring to the change of data that refers that's underneath it, rather than if there's a privacy proxy change. There's also the circumstance when privacy proxy services change their email often to prevent spam.

So, it doesn't really seem to make sense for a change of registrant to happen procedure to happen every few days if they update their email so and then, number four is that it's undermines that the designated agent use of that, putting the registrar as a designated agent so that they can opt out of it undermines the purpose of the intent of the security for a change of registrant. So, just wanted to throw those out there. If anyone has any comments or questions about this. That is the privacy proxy is still exempt from this, if that changes anything. But, otherwise, we'll move on. So, if anyone has any questions.

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ROGER CARNEY: Great. Thanks, Christian. Any comments or anything on this? Okay. I think we can move on from this, Christian.

CHRISTIAN WHEELER: Okay. This next question, D10. Should the policy be the same regardless of whether the registrant is private service or a proxy service? If not, how should these be treated differently? I would mention that the proxy service, they are listed themselves as they are the registrant versus a privacy service where they're putting their information and WHOIS, but the underlying registrant data is with the registrar. Should these be treated differently, or are they treated the same?

ROGER CARNEY: Great. Thanks, Christian. Any other comments on this? I know we've touched on it with the last one, but I don't know if anyone has anything specific here. Maybe I'll interject with Theo's comment here saying, If the core is removed, then this is not needed. I think that to Owen's point on, there actually being a difference between proxy and privacy. I don't know that changes and maybe Owen can jump on that changes, a notification or not. I think that still the notifications should be sent in either scenario, but, Owen, please go ahead.

OWEN SMIGELSKI: Thanks, Roger. This is Owen Smigelski. I think you should still retain those notifications through, therefore enabling or disabling a privacy or proxy service. Well, I'm not sure how much that's going to happen anymore because I know a lot of registrars, in order to

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comply with, the requirements of the GDPR have moved to using privacy or proxy services more as by default. And then to turn that off is actually a process because, you have to actually get consent from the registrant to publish their data in the RDDS.

So, that may not happen as much, but not sure. But I do see people who have their registration data out in the public, visible, and there are still actually registration data accuracy complaints that are processed by ICANN. Thanks.

ROGER CARNEY: Great. Thanks, Owen. Looks like some support in chat there as well.

CHRISTIAN WHEELER: Just a point of clarification for that, Owen. So, are you suggesting that the removal or the adding or disabling of a privacy proxy service should enable notifications?

OWEN SMILGESKI: Yeah. That was my thought. I do think that should include that. I think it should be no different than any other change what's going on. But the concern was before it was being treated differently because there was that 60-day lock potential and it was a requirement prior to a transfer to remove privacy proxy protection. So, that was why it was really gumming up the works. Thanks.

CHRISTIAN WHEELER: Thank you.

ROGER CARNEY: Theo, please go ahead.

THEO GEURTS: Yeah. Well, I'll agree with Owen there. There is, however, a tiny bit of an issue here. I mean, looking at the current RDRS policy, it seems that we need to change oh, yeah. If we use a currently, we've got everything redacted. But if we, no. Let me not go down that route. That's way too technical. The problem I have with this is the moment I change something with our privacy service or if I turn it on for a large number of resellers the terms of registrants, that will trigger notifications, I think. Oh, no. Wait. Yeah. That's going to change. Yeah. I think that's going to trigger notification if you're going to make a dependency if you're going to turn off or turn on a privacy protect service. I don't think you want to do that. That could be significant. Thanks.

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

ZAK MUSCOVITCH: Thanks, Roger. I had a quick, I hope, question for Owen and one for Theo. So, Owen, that requirement that you'd mentioned about having to remove privacy proxy prior to a transfer. Is that the reason that sometimes that in historical WHOIS records, for example, from domain tools that you'll see the registrant revealed immediately prior to a transfer and then it goes back into privacy. So, in other words, from a registering perspective, their privacy is

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pierced momentarily if the WHOIS record got crawled at that time. And, yeah, let me stop there.

OWEN SMILGESKI: Okay. Sure, Zak. So, I can't comment to what domain tools does. I would argue that what their service does violates the rights of registrars, and access is data improperly and without authorization. So, I would really not condone what they do, and can't speculate to us to what appears there. But Prior to 2016, yeah. You did have to remove that because that was the way that a registrar that's required prior to GDPR.

The way that you would do that was you would have to turn off privacy proxy so that the gaining registrar could then query the losing registrar to get the data, the official data or authoritative data versus after attempts back to GDPR. Now the registrant, when they initiate a transfer, provides that information directly to the registrar as opposed to having to look it up. So, something else may have been going on, but that could also have been the thing that the main tool is cataloging. Thanks.

ZAK MUSCOVITCH: Thanks, Owen. And Zak Muscovitch once again for Theo. So, Theo, from your comments just now about the privacy process service changes that you would have to notify registrants of resellers across the board because there would be change in the name or address of the privacy proxy service in Iceland or whatever. I get it. But is it possible that some privacy proxy services are truly third party in the sense that they're not registrar

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controlled or very short arm's length from the registrar, and they're just like ad hoc privacy services that should be treated exactly the same as any register. Thanks.

ROGER CARNEY: Thanks, Zak. Any follow up to that deal? No? Okay. Owen, please go ahead.

OWEN SMILGESKI: I think I can jump in here. I think it would be very difficult to properly categorize all, categorize all privacy proxy providers into one bucket I'd say that it's the same across all registrars. Some are closely affiliated, some are not. Some registrars use privacy proxy providers from other once there are purely independent ones out there, so it's really difficult to give a response that would be able to easily identify what everything is. It's very wild west out there in some ways. Thanks.

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

THEO GEURTS: Yeah. Actually, two years ago, I was actually looking for one, a really independent third-party privacy provider. Proxy provider. I couldn't find it. But it always some way related to a registrar, but I couldn't find a really independent one. I mean, maybe Zak has more luck than me. Maybe I'm just bad at Googling, but I couldn't find it back then. I'm serious. Thanks.

ZAK MUSCOVITCH: Theo, this is Zak. I appreciate the issue. You never really know, do you, when you're looking for the one line? Thank you. True.

THEO GEURTS: That's true.

ROGER CARNEY: Okay. Any other comments, questions on this?

CHRISTIAN WHEELER: Hi, Roger. So, I've heard some mixed opinions about whether enabling or disabling a privacy Proxy service or maybe, like, a privacy service should trigger a notification. I'm just curious if you hear from anyone else whether they think that turning it on or off should trigger notification.

ROGER CARNEY: Thanks, Christian. And the only thing I heard was I think Jody mentioned it was that he said that he didn't think it should trigger a notification because it's not actually making the change, but I don't know if Jody actually said that or not. So, he can jump on. If mangle that or someone else has anything to say. Jody, please go ahead.

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JODY KOLKER: I don't think it should trigger a notification. I was just saying that I didn't see that as a change of registrant if privacy is added or deleted from a domain name or from the registrant. Only if the underlying contact data is changed, if the domain has privacy or proxy on it and the underlying information changes, then then I think it should trigger a notification. That was my thought. Thanks.

ROGER CARNEY: Great. Thanks, Jody.

JODY KOLKER: Thank you.

ROGER CARNEY: Any other thoughts on that, if it should trigger or not? Okay. Christian, please go ahead.

CHRISTIAN WHEELER: Thank you. And this one should read number eleven. So, are notifications provided to privacy proxy customers regarding change of registrant, and change of privacy proxy service information sufficient? Should there be additional notifications if they regularly change their anonymized email, for example? This might have been answered by that by that last question, if its notifications are really required at all. I'll leave it there. I see Theo has a raised hand.

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ROGER CARNEY:                Yeah. Theo, go ahead.

THEO GEURTS:                Yeah. So, I guess everybody can anticipate my answer because that those email addresses are being changed. That is, of course, a couple of reasons for that, and those are very good reasons. And that is not to change anything on the registrant side, the underlining data is not getting changed, but it's basically to protect the register. That's why that, happens. Of course, having a web form is much more reliable and you don't run into anybody decrypting your hashed email addresses. Thanks.

ROGER CARNEY:                Great. Thanks, Theo. Any other comments, follow-up to that? Jody, please go ahead.

JODY KOLKER:                Thanks. This is Jody again. I just agree with Theo. I don't I don't think there should be additional information or notification sent out for that. I mean, like Theo said, people are rotating through those emails to stop spammers basically and sending out additional emails. Every time the email changes, privacy proxy address is counter to that. Thanks.

ROGER CARNEY:                Great. Thanks, Jody. Any other comments, thoughts for that? Owen, please go ahead.

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OWEN SMIGELSKI: Thanks, Roger. This is Owen Smigelski. So, I just wanted to clarify that I wasn't saying that anytime that there was a change, there needed to be any, going out because I am aware, that some registrars do rotate email addresses, for ones that appear in public output. I was thinking more of the notification would go if it is privacy proxy being enabled or disabled, would be the trigger for that as opposed to modifying a rotating email address. Thanks.

ROGER CARNEY: Great. Thanks, Owen. Any other comments? Okay. Christian, I think we can move on.

CHRISTIAN WHEELER: All right. That was it for the privacy proxy questions. Now, for the designated agent questions, which as a reminder designated agent means an individual or entity that the prior registrant or new registrant explicitly authorizes to approve a change on its behalf. So, question 12 from the charter says that in its survey response, the registrar stakeholder group indicated that there is overuse of the designated agent, which has basically circumvented the policy. To what extent is the is this the case, and what is the impact?

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

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ZAK MUSCOVITCH: Thanks. At the risk of sidetracking the group momentarily we've talked about it as an agent from the beginning. I generally understood how to use it. It's not something that a registrant typically is even aware of, let alone understand. I would appreciate it, if not on this call and on the email list, an explanation of how the designated agent is used primarily so I can properly relate it back to my stakeholder group at some point rather than rely on my own, perhaps, misunderstanding of how it's being used.

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

THEO GEURTS: Yeah. This is not going to be new. I've mentioned it at least 50 times. But, yes, there is an overuse of the designated agent, and that is by design because as a wholesale registrar, I do not have control over the control panels of the registrants. So, I have less ways of means to sort of allow Changes that's happening on a reseller level. So, when we're talking about a designated agent, primarily, we see the designated agent is the reseller, and the reseller, they can comply perfectly with all the policy requirements of the change of registrant.

I mean, that is no problem. But the problem was back in the day when we applied the change of registered policy as it was set up, it basically meant it was only feasible for retail registrars and not wholesale registrars. So, the reason that I'm still on this group is because of the designated agent. I mean, if we didn't have that

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back in the day when we designed that policy, well, our business would have been gone.

I mean, it would basically say if there was no designated agent, if a reseller could not act as a designated agent, then it was end of the business. And that is one of the failures of the policy in itself if you ask me. Because if it's all we use, yes, it is. But it is with an operational reason that it is in there because without it, you can't sort of implement a policy without a whole bunch of registrars going out of business. That was the entire reason that the designated was in place. And again, without it, that would have been impossible.

So, that is why I'm also one of the advocates, go for notifications or remove the entire policy because it was only then when we start to discuss, like, okay, the change of register policy. What is the operational impact here? And then we realize, like, oh, this is not good, what we have created here. And the designated agent, I've said this before, it was basically the escape hatch for the entire policy to work and not to embarrass ICANN that it made a policy that would have destroyed complete registered businesses, because that was basically what was happening back then. And that's why you have it, Zak. I mean, yes, it is not perfect. It's ugly, but it was there for a good reason. Thanks.

ROGER CARNEY:

Great. Thanks, Theo. Any other follow-up on that? Any comments? Rich, please go ahead.

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RICHARD BROWN:

Hi. Rich Brown for the record. This is more comment on things as we're discussing WHOIS privacy, all of this stuff. I'd like to point out that to transfer a domain, even in the current policy, there is a WHOIS requirement that it is displayed properly and publicly. Now, the temp spec that came out years later because of GDPR, that's no longer enforceable or a requirement of the policy because of the temp spec. But, technically, it's still in the policy and one of the reasons we're convening today because ICANN needs answers to that. For the most part, I would like to say that transfers have been running for many years now, without a need for all of these WHOIS backend requirements.

In fact, GDPR killed a lot of this because actual laws dictated how these changes can be made. But that's another reason I'd like to point out that WHOIS, Changes, adjustments, all of that is its own encapsulated department that Right now, because the core was put under the transfer policy. So, just keep all of this in mind and, yes. Technically, there is a WHOIS requirement for every transfer. But we've already gotten rid of that with the new updated tech process that we're doing, etcetera. Other than that, the registered email be kept up to date and valid, which is a requirement of almost every other policy beyond transfers. Anyway, that's all I wanted to say, just point that out. Thank you.

ROGER CARNEY:

All right. Thanks, Rich. Okay. Any other comments on this? We've got about 10 minutes left in our meeting here. Okay. Christian, I think we can move ahead.

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CHRISTIAN WHEELER: Thank you. Number 13 asks that, if the designated agent function is not operating as intended, should it be retained and modified or eliminated?

ROGER CARNEY: Great. Thanks, Christian. Thoughts, support here, one way or the other. Theo, please go ahead.

THEO GEURTS: Yeah. You can only eliminate it if you change the change of registrant policy. So, that is the dependency there. And is it really not functioning? It is perfectly functioning as intended because that's why it is there. So, there's no problem there. But, again, if you want to eliminate it, then you should change the policy and we'll be sort of leaning towards that notification or elimination of the change of register policy. So, that's that. Thanks.

ROGER CARNEY: Great. Thanks, Theo. Any other comments, support here for Keeping, modifying, removal. Again, this ties back to our decision on the change of registrant if we're eliminating or not. So, but support here. Jothan, question for the lawyers. Designated agent capitalized for a legal reason, or was this just a defined term that is capitalized? I'm guessing probably just because it was defined. Theo, please go ahead.

THEO GEURTS: What everybody said in chat.

ROGER CARNEY: Okay. Thanks, Theo. Okay. Christian, I think we can go ahead and move forward.

CHRISTIAN WHEELER: Thank you. So, number 14, are there alternative means to meet the objectives of the designated agent role?

ROGER CARNEY: Thanks, Christian. Thoughts on this, the ideas? And, dude, obviously, is there anyone who have any replacement or anything? So, Theo, please go ahead.

THEO GEURTS: So, assuming, just put out a scenario that we are not going to change the change of register policy. Back in the day when I was thinking about this issue or could we have another sort of alternative or come up with a different solution than a designated agent. And, as I mentioned before, I put in 400 hours into the that, a very specific policy, the change of registry policy. And I couldn't come up with it, and neither could anybody on my team, back in the day because the way it is formulated, the current policy, there is really no, I've talked about this before, I mean, you enter into an operational minefield that you're never going to get out. It's like a maze that has no end.

So, I don't think there is a real one, but, and given the light on how we are now viewing what should be done, I think that spending

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any more time on alternatives is currently not very useful. It would only be a useful discussion if the entire community goes like, no, we want to have the change of register policy as is, can never be changed. Would be a very bad decision of the ICANN community because that means bad decisions can never be reversed. But, again, let's cross that bridge when we need to cross it. Thanks.

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

JOTHAN FRAKES: I think we need to go back to where this designated agent maybe originated, and I think it came from where transfer was a little complicated for the general human being to understand how to transfer a domain from one registrar to another registrar. And so, they may have let a registrar take care of that for them in the context of transfer.

So, in the case here, I think a lot of registrants do let the registrar just deal with this for them, and maybe we want to create that type of an entity or role. Now we have a few different contexts that this happens. I think I frequently hit the desk a few times and bang the drum about how expiry or nonpayment and different terms happen with respect to some other policies. But there is often a change of registrant that may occur as a result of just a typical mechanical handling of some process at the registrar.

So, when a registrant is, I guess handing over their registrant of record or registered name holder rights that they may have in a domain name to another party, whether that's the registrar or

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whether that's another registrant where they're trading the name. We want to have a very deliberate process so that doesn't get tripped up. And for some of the things where we are identifying notifications or other things I think I've mentioned in this call that we'd want to have some means to waive that, perhaps the ability to waive some of those rights to your registrar or reseller or whatever that is, might be the equivalent of designated agent to solve this challenge. And hopefully, I said that well. Thank you.

ROGER CARNEY: Thanks, Jothan. Any other comments here? I know we've got a few more questions here, and we're running a little bit out of time. So, Christian, maybe you can take us on to the next one.

CHRISTIAN WHEELER: Thank you. So, based on complaints received by ICANN's contractual compliance department, there appear to be different interpretations of the role and authority of the designated agent. If the designated agent function remains, should this flexibility be retained, or does the flexibility create the potential for abuse is the question.

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

THEO GEURTS: So, back in the day, when we came up with a designated agent, the second question was, well, who is the designated agent? And

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we decided not to assign any roles or responsibilities to who that was. Could be anything. I mean, back in the day, their thinking was, we got so many business models, so many reseller business models. Let's not go in there. That's going to take us another two years to figure out what it is the designated agent. Again, you want to have that flexibility because if you don't have flexibility, you're going to run into an operation nightmare. Thanks.

CHRISTIAN WHEELER: If there are no more comments, I could move on to the to the last, of the designated agent question.

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

CHRISTIAN WHEELER: Yes. If the role of the designated agent is to be clarified further, should it be narrowed with more instructions on when it is appropriate and how it is to be used, or should the agent be giving blanket authority to approve any and all change of registrant or should be limited to specific change of registrant requests. Does the authority to approve a change of registrant also include the authority to initiate or request a COR without the registered name holder?

ROGER CARNEY: Great. Thanks, Christian. I don't know if Theo wants to jump on this, just to follow up. Theo, please go ahead.

THEO GEURTS: Yeah, really quick. Please, I'll try. But if you're going to do this, then you might as well put the designated agent out of the policy because if it has the authority to prove without the consent, without the registered name holder doing the request, yeah, that is going against the policy. So, that was not the intent and the spirit of the designated agent. Thanks.

ROGER CARNEY: All right. Thanks, Theo. Any other responses to this? I mean, there's a few questions in here, but Anyone have anything to follow-up here? I know we're right at time. Okay. Again, I think we've covered a lot here and we still have some good direction going. We still have to clean up some things, and I think one of the big things will be coming up with a good rationale, good description if the group is moving toward removing, which it sounds like removing the change of registrant from the policy, giving you some good rationale worked on.

So, we can get that moving forward and get it documented because we know we'll have some responses back from public comment on it. But, again, we're at time, a little over time, so I think we'll close here. And thank everyone for their time today. Good meeting. Good full meeting. Again, we have a few more before ICANN79. So, let's make them productive and move forward. Thanks, everybody.

**[END OF TRANSCRIPTION]**

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