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JULIE BISLAND:

Good morning, good afternoon, good evening, everyone. Welcome to the Transfer Policy Review PDP Working Group call, taking place on Tuesday, the 3rd of December, 2024. We did not receive any apologies for today's call. 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 today? If so, please raise your hand. Okay, seeing no hands. 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. And all chat sessions are being archived. Participation in ICANN, including this session, is governed by the ICANN Expected Standards of Behavior and the ICANN Community Anti-Harassment Policy. And with that, I will turn it back over to our chair, Roger Carney. Please begin, Roger.

ROGER CARNEY:

Great. Thanks, Julie. Welcome, everyone. This is our first December and only a third—we have three more meetings for the rest of the year. We're trying to get through all the recommendations. I think, again, as I mentioned last time, I think this will speed up a little just because there's less and less comments as we get through to the TEAC and the BTAPPA items. There's a lot less comments on those. But we're still shooting for the end of the year to wrap up or run through on these first set of comments so that we can get to the final report writing in January. One last thing before we get started, we did have a board liaison volunteer to join our group. Alan Barrett will be joining us, not

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this meeting, but he'll be invited for the remainder of the meetings. And he'll be our liaison to the board so that they're prepared for what comes in our final report. I think that's it for any updates. So I think we can jump right in and jump back into our review of some earlier items. So I think I'll turn this over to Christian.

CHRISTIAN WHEELER:

Thanks, Roger. Yes, we're going to dive right back into the document that we've been going through. It might be best to start with Rec 18. I believe Zak had some proposed language, and I believe Ken said that he would try to talk to his constituency group about the proposed amendment. But it's right here. And just so we know with the update since last week, keeping a reasonable basis and adding includes but is not limited to. So listing out these reasons, so the group sounded like it wanted to keep these reasons, adding in the first two that were in this implementation guidance, or part of its rationale as part of the initial report. So adding those back end as part of the list and making this list not limited to just these five items. So includes but not limited to. So we can just kind of pause there to see if what the group thinks about that before moving on to Rec 21.

ROGER CARNEY:

Great. Thanks, Christian. Any comments? Ken, please go ahead.

KEN HERMAN:

Yeah. Thanks, Roger. Thanks, Christian, for pointing this out. We've thought about this, and I'm afraid I don't have much in the way of

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substantive response from my stakeholder group just yet on this. But the sense that I'm getting is that I think we can avoid enumerating specific points that we have. So from point three, the sense that I'm getting is that we would like some language, and sorry I can't really come up with anything substantial here, that talks about the general idea behind having something other than just that you can make this decision just like that. I think that the sense I'm getting is that I think two and three, if we stay with that so that it narrows it down, should be enough. And I think for the purposes of moving this forward, we can agree to that. And then if there's anything more that I get back from my stakeholder group within the next week or so, then I can bring it to the working group. But I think that it's having it be well-informed and mutual agreement and being specified like that in addition to the terms that already exist in terms of maintaining records, etc. The sense was that it was a point of how any compliance would deal with just a reasonable basis. And so I think we can move forward on that basis, stay with one and two, and then leave it there.

ROGER CARNEY:

Great. Thanks, Ken. Yeah, I appreciate that. And again, we're not done with this. I think this is a really good spot to be at. Again, we'll review these as we complete the final report early in the year. So yeah, if you hear anything back from the group, that'd be greatly appreciated to bring forward. But again, I think we're in a good spot here. And again, it's not the last word. We'll get anything done at the beginning of the year. If you can hear anything back, that's great. But Zak, please go ahead.

ZAK MUSCOVITCH: Thank you, Roger, Zak. So, Ken, I'm wondering whether you're suggesting we wait to hear back from more feedback from your stakeholder group, or whether you think we should just go ahead and omit these itemized lines here. My inclination is that we don't eliminate the itemized lines, at least for now, until we get more feedback through you from your stakeholder group. So I kind of reached the point where I liked having these in, and I think the additional language of included but not limited to bridge some gaps with the public comment. So I'm not quite convinced that we should drop anything so quickly at this point, thanks.

ROGER CARNEY: Great, thanks, Zak. Any follow-up, Ken?

KEN HERMAN: Thanks, Roger. Thanks, Zak. Well, I don't know quite what to say to that. The sense from my group is that we would like to be as specific as possible so that everyone knows what is happening. I understood that there was some pushback to that, and some of it, I understand the reason. There's always going to be something else, and how can we enumerate it? So my stakeholder group tends to like to be specific about these kinds of issues. Why is there a basis for the removal of restriction? Only because we see that as a risk to registrars. And so that's what's driving [inaudible], and in the interest of compromise, we can say that just keeping one and two. But if other stakeholder groups think that we could maintain this until I get more substantive feedback,

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then perhaps we can talk to other stakeholder groups. I'm not really sure, but then we can leave it or not until I get something more substantive from my stakeholder group. If we want to do that, that's fine with me as well. Sorry, I can't be a bit more specific.

ROGER CARNEY: Great, thanks, Ken. Yeah, I'll go to JOTHAN, and then we can wrap this up. JOTHAN, please go ahead.

JOTHAN FRAKES: Yeah, thank you. And I'll keep it tight, because I think the ground's been covered here. Ken, I really appreciate that you're raising the concerns. We often do see these things, like I see a lot of activity in the aftermarket where you make it a buyer who just fails to consummate, and there was some sort of intermediary transfer that occurred to a escrow registrar, for lack of better term, that restoring the name back to the prior registrar is the appropriate course and serves the registrant in the best possible way. This is also an area where we want to be concerned, or we want to make sure that, and I'm trying to find the right balance of words here, that a registrar transfer does not in any way enable some form of flight with a domain that didn't end up consummating appropriately, make sure that there's not theft of domain, or things of that nature as well as part of the process. Enumerating these is really helpful because it does give some examples as to what are some reasonable ways to do this. And we're leaving flexibility for others, because I've seen in other cases where a restoration to the prior registrant is the appropriate course. That might

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be, for example, where the losing registrar has an account created by the gaining registrar to allow for, you know, restoration back to the, you know, transfer back to that registrar or even a subsequent registrar on behalf of the registrant, whatever they choose. The trick is to enable as much agency to the registrant for these. So it may be that we're actually in more violent alignment than we are in disagreement on this. Thank you.

ROGER CARNEY:

Great. Thanks, Jothan. Yeah, and I would agree with that statement you just made there, Jothan. I think let's go ahead and leave this as it reads now. And again, you know, take this back to all your groups and see if there's any opposition or support. It sounds like we have fairly good support for this. So I think it's smart to leave it as is, and then we can, you know, socialize this within our own groups and see if there's any tweaks we need to make. But I think this is a really good spot we got to. So. Okay, I think we can move on, and Christian can take us to the next one.

CHRISTIAN WHEELER:

Thank you. Yes, so this one, Rec 21, we left off on this one, though there was a lot of extensive conversation about this. I'm going to kind of make this closer. So there's been some tweaks to this language based off of last week's conversation, just to have some kind of proposed language in there, see what the group thinks. So this is about reasons where the registrar may deny a transfer. And this is an update to evidence of fraud. So we first updated this first piece, so it's evidence of fraud or be

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evidence of DNS abuse is defined in section that. If the registrar denies a transfer request for this reason, the registrar must provide to the RNH to the extent possible under the law, the specific rationale for denying the transfer request, and upon request, the relevant evidence of fraud or DNS abuse. So this was language that was thrown in there just to kind of see what that looks like, see if the group could, you know, what the group thought of that as far as the provision of evidence beyond just rationale. So over to you, Roger.

ROGER CARNEY:

Great, thanks, Christian. Okay, any comments on this? Again, we talked about this and cleaned up a little bit of the first part, but more on the second part. Any issues with this additional language here? Ken, please go ahead.

KEN HERMAN:

Yeah, thanks, Roger. Yeah, I just want to comment. Our stakeholder group instigated this, and the, I think we're satisfied with the language as it's evolving. Just to reiterate comments I might have made before, it's an effort to allow a registrant to get to the heart of the matter within the scope. It's the, we understand that from a previous recommendation that the registrar is obliged to give the reason, but we wanted to get, make sure that there was an opportunity to get deeper so that the registrant is not sitting there unaware that there may be a problem with either of these cases and allow them to then make some judgment about what to do to rectify the situation, etc. So I think that we're satisfied with this as it reads.

ROGER CARNEY: Great, thanks, Ken. Okay, any other comments on this? And to Steinar's point in chat, can we have an example of law to be used here? I think the one obvious one that popped up was maybe there's a criminal investigation going on and you can't provide certain details about that as it's ongoing. And I'm sure there's many other ones. Rich is raising his hand.

RICH BROWN: I agree with what was previously said. I just want to address what is written here, because part of this is notice is sent already as part of the policy for the reason a request is transferred. And I know we're okay with most of that, and that was brought up last meeting, but the way it's currently written now, it's still kind of pushing forward that everything must be given at that time. I think the intent is that the registrar needs to notify, which we do, but should the registrant and whatnot want to know what, quote, what was this evidence or what have you, then that information can be provided upon request, and I think we need to frame this to align more with that, because currently it's aligning that that information has to be fully provided upon the notice. So, that's what I wanted to get to. I'm kind of lost as to how to do this, but I think my intent's across.

ROGER CARNEY: Okay. Thanks, Rich. Yeah. So, maybe making everything in yellow here more at the upon request level is to dive deeper into the rationale. Is that what you're saying, Rich?

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RICH BROWN: Yes. We're already sending a notice as part of the policy. I think here we just want to align that state, and should further information be required, it's available upon request or something to that line.

ROGER CARNEY: Yeah. Okay. Okay. That sounds good.

ZAK MUSCOVITCH: Hey, Rich, can I just ask a question real quick? Are you referring to the rationale being upon request or just the evidence of being upon request?

RICH BROWN: Well, evidence and rationale are kind of synonyms in this situation, because sometimes the rationale is the evidence. But anyway, if the registrar denies a transfer request for this reason, the registrar may provide specific evidence slash rationale for denying the transfer upon request. I guess that's closer to what I want to see there, if that makes sense.

ROGER CARNEY: Thanks, Rich. Yeah. And I think Rich is going back to recommendation 20 already requires the denial be a reason sent back. And I think Ken obviously pointed out, it's not just a reason because someone could send back, well, there was evidence of DNS abuse. And then the

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registrar may want to know more details of what that is. And maybe it's whatever it is, spam or whatever is occurring. And maybe that can be shared with them. And again, maybe it can't be, but some of that probably can be shared at times. And Rich is trying to say that extra ask is probably should be an ask. It should be a request to get to that extra detail. So I think, and if I'm wrong, Rich, you let me know.

RICH BROWN: Correct. You're 100%. Yes.

ROGER CARNEY: Okay. Thanks. Ken, please go ahead.

KEN HERMAN: Yeah. Thanks. This is Ken for the record. Yeah. I agree with what's been discussed that the recommendation 20 requires that you give the reason, DNS abuse, fraud, et cetera. We have evidence of this. And as you know, I'm trying to get where the registrar can get a bit deeper. I'm just sort of perhaps briefly, somebody can explain, Rich, maybe there's a... There seems to be some reluctance to want to disclose anything further than the fact that, well, we have some evidence of something going wrong with here. And so we're not going to deny the request. And so it would help me to understand what might be sort of driving that reluctance to disclose really as much as reasonably possible. Thanks.

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ROGER CARNEY: Yeah, thanks, Ken. And I would just say that, but some registrars may automatically do that, may automatically say evidence of DNS abuse and here's what it is. But I think one of the issues is the time consuming part of putting all that together and sending that out. But I'll let Rich talk to that. Rich, please go ahead.

RICH BROWN: Yeah, raising my hand to answer that question. It's a good point. First of all, operationally, I don't think any registrar transfers get denied and whatnot all over the place. And there are tons of transfers going around. So in initial notices, I think we can all agree that putting in full rationale and detailed information doesn't work on that. Now, as to like what may happen or whatnot that can cause, like why a registrar may not want to reveal, if that's the question, sometimes we get orders like federal, we get government orders, legal orders, things we can't really talk about for legal reasons, et cetera. But we can at least show to somebody like, yeah, like if somebody goes into it, like, yes, we received a request or this agency with this government told us to do this, you can contact them, et cetera. So that's why I think a follow-up is good, but there are lots of reasons a transfer can be denied and quickly, which is kind of why we want this. Also, you want to leave it a little open because we're writing future policy. And there's a lot of stuff we don't know about the future. Anyway, thank you.

ROGER CARNEY: Thanks, Rich. And I'll just add most of the time when registrars use this, there is no question back about, what does that mean? Because most of

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the time someone's doing it on purpose and trying to do that. And the registrar is going to stop them from trying to do it at other registrars. So most of the time when this gets used, it isn't because someone doesn't know what they're doing, it's because someone knows what they're doing and trying to abuse something. But Theo, please go ahead.

THEO GEURTS:

Yeah, thanks, Roger. And this is Theo for the record. And I was actually going to hit on that and I'm still going to do that because there's a process before all of this, before we deny a transfer. I mean, when we are dealing with DNS abuse as the community likes to call it, we have the responsibility through our contracts to mitigate, suspend, stop the badness here. So there's an entire process of suspending a domain name. And I think I speak for all, but I'm not going to, but I think we find it all very critical here to do that right. Because if you get it wrong, you might be liable and you don't want to end up in that space. So before you go to suspending a domain name, you're going to look at the evidence, maybe get additional evidence, and then you suspend the domain name and then you're going to tell the registrant or the reseller, depending who's in the chain here, why the domain name has gone offline. And that needs to be backed up with evidence in most of the cases. Rich has a couple of examples where you might not be able to do that. But for the majority of the cases when you take a domain name offline, there is evidence why a registrar is doing that. And most likely that same evidence will be applied when a registrant or criminal or whoever is doing bad stuff wants to transfer the domain name. It's most likely that the same evidence will be used because that's very strong

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evidence to take down a domain name in the first place. So there's a little bit of the reasoning behind all of this. Thanks.

ROGER CARNEY: Great, thanks, Theo. Okay. Christian, I hope that got your answer to your question as well. So I think we're good on this.

CHRISTIAN WHEELER: Yes, it did. Thank you. Okay, moving over to recommendation 22, reasons that a registrar must deny a transfer. This is a comment based off of, this is a comment that was basically saying that the mention of the lock here is confusing because the lock wasn't previously mentioned. And also since the group was proposing getting rid of the lock, this is the proposed update from the commenter. So express objection to the transfer by the authorized or by the registered name holder. So objection could take the form of a specific request either by paper or electronic means by the registered name holder to deny a particular transfer request or a general objection to all transfer requests received by the registrar, either temporarily or indefinitely. In all cases, the objection must be provided by the registered name holder on an opt-in basis. If the registered name holder removes this objection, that the transfer must be permitted within the standard timeframe. So this is basically just referring to the registered name holder's kind of objection to having the transfer. And getting rid of language here that talks about the removal or replacement of the lock. So this is something the group just pinned to go over later.

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CHRISTIAN WHEELER: Great, thanks Christian. Okay, any concerns or comments on this new language here? I think it's a good update from what we had and it's not changing the true intent. So I think it's good. Okay, I think we can move forward, Christian.

CHRISTIAN WHEELER: Okay, next up is Rec 26, dipping back into CORD. So this was one that was based off of comments saying that the Rec, this is 26.2, that eliminating section 2B, availability of change of registrant. The concern was that this removes too much. I'm going to move over to that now in the actual transfer policy. One moment, apologies for the scrolling. Here we go, availability of change of registrant right here. So those concerns about getting rid of this statement is being crucial for the registrant to kind of secure their rights to update their information. There are concerns about removing these two stipulations about when it wouldn't apply. I believe the group said that this could be duplicative of other policies, noting that's pending UDRP proceeding, pending URS proceeding, as well as there are situations where it would not apply, such as if the registration agreement is terminated or it's updated in response to an abuse complaint. So there were just concerns about removing this information from the standalone policy. And so the group decided to kind of put a pin in this one and check to see which pieces it might want to keep from section 2B if it didn't want to remove it entirely. So I'll just leave it there.

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ROGER CARNEY:

Great, thanks, Christian. Yeah, and again, I think when we first looked at this, we recognized that we didn't want to remove anything that made sense. It was just the section, as Christian pointed out, a lot of it is duplicate of other policies. So it didn't make sense to be in here. But yeah, obviously, number one, I don't think anybody wanted to remove that specifically. And I think it is a good statement to have in the policy. And maybe it's not even, to be honest, the transfer policy that needs to have this, except for, and transfer the registration rights to other registrants. But the fact, and we make reference to this earlier, is registrants are able to update their data. I think everybody agrees that's a good thing to have, but that's not, as I'll reach back to Rich's comment that he brings up all the time, that statement in itself isn't a transfer statement. The second part of it is, but the first part is not. And it really belongs in a registration data issue, is that they have to have that ability to update that. So, but thoughts on this, again, I know we wanted to take some time to look at this and see what we still wanted to keep and what wasn't actually necessary to pull forward. The blanket statement of 26, was it 3, 26-2, that, you know, to remove it all didn't seem to make sense. So, thoughts, concerns, comments? No one has any comments on keeping anything from this? Okay. Again, I don't remember who the commenter was, but I think, you know, number one seemed to make sense to keep, but the other items, it didn't seem, again, they seemed duplicative of all other policies or other policies. So, I think we can keep one, and again, I'm just concerned about, is it proper here? But staying it here, I don't know if it hurts us either. So, Rich, please go ahead.

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RICH BROWN: Yeah, I'm all in favor of just getting rid of this. Throughout the creation and what we've been doing, we already took and redefined the pieces we wanted to keep, like the notice and whatnot. By the way, maybe I just can't see it on my screen. There it is. Number one. I'm sorry, I wasn't seeing one on the screen that everybody keeps referencing. Yeah, but that's just a blanket point. I mean, the general transfer policy states that people should be allowed to transfer their domain. So, once again, I don't even think we even need one. It's just kind of a statement of intent and not really a policy line. So, yeah, and we already pulled out, we gutted this section pretty heavily for what we wanted to keep and what we didn't. That's why we are getting rid of this, because we already rebuilt it from scratch throughout the rest of the policy. Thank you.

ROGER CARNEY: All right, thanks, Rich. Theo, please go ahead.

THEO GEURTS: Yeah, I agree with Rich here. I mean, this is just redundant, in my opinion. And if you talk about update of registration data, I think when you take a look at GDPR and the accuracy principle, I mean, it's sort of enshrined there already, together with a whole bunch of data protection laws spread all across the globe. So, I don't think it's going to add that much to the policy anyways. Thanks.

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



ZAK MUSCOVITCH: Thanks, Roger. Can someone point to me where else we're in the draft revised policy we make this point, whether it's a statement of principle or otherwise, where we make the point that that's the general rule subject to all these other exceptions?

ROGER CARNEY: The only thing I can say, Zak, is in the current policy 1A1 basically says registrants have to have the ability to transfer their domains. And again, that transfer is bigger than just an ownership change. You know, it also implies a registrar change as well. So, the part about updating, I don't think, I don't know that there's anything, maybe there is. But, you know, and I think that that's a questionable thing. And it doesn't even, should it be in the transfer policy as transfers dealing with transfers, updating registrant data should be in a registrant data policy. But just thoughts. Zak, please go ahead.

ZAK MUSCOVITCH: So, okay. So, just listening to some of the voices that seem to be in favor of removing that first item, it concerns me, frankly, to remove it. I get that the policy speaks for itself, but when you are not able to make these transfers, but to me, it's the overriding guidance or for Trekkies the prime directive underlying everything that we do here that will also serve useful to parties that one day after we're long gone revisit this policy. And this is a reminder about what they should be trying to accomplish in further revisions. And I think that, yeah, we have all kinds of caveats and exceptions and subject to's about this. But the principle

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that a registrant should, barring good reason otherwise, be able to transfer their registration rights to other registrants freely is something that I think is a really, it's a golden rule and should be maintained unless somebody can point out what harm it causes to maintain it. Thank you.

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

RICH BROWN: Yeah, just want to clarify some things. One, if you go to the top of the policy, A.1, I believe first line, must be able to transfer their domain registrations between registrars. It's clearly stated like first sentence. All right. So the intent is there. Now, if we go back to B.1, it's using the term transfer, but it is not a transfer. This happens throughout the current policy where there are references to changing registrant data is a transferal of data. It is not. We've had that discussion throughout. And this section here says, in general, registrants must be permitted to update their registration data. We all agree, but that's not a transfer. Okay. And transfer to their registration rights. What? To other registrants freely. That's referring to change of registrant data. Once again, as we've been stating, that is not a part of the transfer process because I can change registrant data. I can change ownership and what have you without transferring a domain. And we have been saying for a long time that registrant data changes, et cetera, to that is governed by the, I guess it's the RDDS. I'm still bad at my acronym, but that that's my point here that that's why we can really get rid of this. I mean, even that

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little line there doesn't really follow what we're going for anyway. Anyway. Thank you.

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

ZAK MUSCOVITCH: Thanks, Roger. And thanks, Rich. So I, I now get more clearly, Rich, what you're saying about that registrant data doesn't belong here, but I think there's a big difference. And I think Jothan touched on that in the comments as well, between registrant data and transfer registrant rights and a transfer between registrars. So Rich pointed out how we have the principle about free transfers between the registrars, so that's good. And I can accept that maybe the registration data piece has to come out, but I still see that the registration rights is, is very distinct from registration data. This to me speaks of, yeah, as Jothan mentioned, the title or ownership of the domain name. And that goes beyond a change of registrant data, which could be a different, you know, registered data point, but not the actual underlying ownership. So I think that it's the transfer between registrars is covered. I think that registrant data can come out, but the registrant rights transfer is a piece that isn't spoken to elsewhere, as far as I'm aware. Thanks.

ROGER CARNEY: Great. Thanks, Zak. Yeah. And I think the one thing we've tried to make clear is transfer is between registrars. So that the second half of this isn't transfer related. It's change of ownership discussion, which isn't

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covered under this policy. The first part, again, I don't know what harm is in that first statement. In general, registrants must be permitted to update their registration data. Again, a nice high level principle. I think Rich mentioned it and it's not necessarily policy, but it's a great high level, you know, principle to have, and I honestly don't know if it—I don't see how it hurts anything, having it. But again, my only question is, does it belong in the transfer policy or does it belong in a change of registrant policy or change of registrant data policy? So, just thoughts on that. So, again, I don't see the harm in having it, but Volker, please go ahead.

VOLKER GREIMANN:

Yeah, I think what the first concern should be, what is the consequence if we removed this from the transfer policy, then we would fall back on the old status quo where there is no regulation on that or we would have to do a second policy development process for a change of registrant policy. I think that has a number of risks that we probably do not want. I mean, the change of registrant policy has been established for a purpose, i.e. to ensure that owner changes of domain names are treated with similar care than transfers are being treated with to protect the rights and interests of the domain holders, of course. And if we removed it now and then said, well, there will be a new policy whenever ICANN gets around to it, then I think we might risk some bad actors using that time period to abuse the system.

ROGER CARNEY:

Great. Thanks, Volker. Okay. Rich, please go ahead.

RICH BROWN:

Hi. Just a bit of clarification and thanks for everything. This is a great topic. I'm enjoying it. I just want to state that we all know that the registrant is the owner of a domain, but it's not the transfer policy that defines that. So why are we furthering backing that up in this policy? That's my point. Registered name holder. Sorry. My point is we're just getting rid of this section and I think we're getting really hung up on this. Registration rights, two words that, one, we've all agreed isn't part of this policy because ownership by the registered name holder is defined elsewhere in policy, not here. If anything, all this line did in the previous works was just reaffirm what was said elsewhere. And I don't think we need to keep it just to reaffirm what was said elsewhere. Thank you.

ROGER CARNEY:

Great. Thanks, Rich. So I would suggest, let's go ahead and keep the first half of this sentence as a general principle of, and what I mean by that is, in general, registrants must be permitted to update their registration data. End of sentence, end of statement. And drop the second half of this. As Rich mentioned, this is held elsewhere. Registrants can do this. So thank you, Christian. Okay. Any issues on that? And I think, to be honest, I think number two and three are covered elsewhere. So I don't think we need to handle that. I think we already did, as Theo mentioned. Okay.

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CHRISTIAN WHEELER: Thank you, Roger. There is one last piece here that I think needs to be kind of just hammered out or reaffirmed. It's 26.1. [inaudible] recommends that a change of registrant data must be confirmed by the registered name holder. This is just a kind of a point that it must be coming from them, if that wasn't clear. So I think the word confirmed was kind of still up in the air. Requested, authorized, I mean, all these words kind of have different kind of implications to them. So has the group given any thought to what it might want to do instead of confirmed, if that doesn't work? Thanks.

ROGER CARNEY: Thank you, Christian. Jothan, please go ahead.

JOTHAN FRAKES: So we don't actually mention anything about the timing of this. So it could be pre-confirmed. And thus, that covers designated agents. So I think, you know, maybe that's not a big deal.

ROGER CARNEY: Thanks, Jothan. Yeah, Jothan. And again, I had a similar thought, not necessarily a pre, but a similar thought that if they're logging into their account, is that confirmation? So I don't know. Catherine, please go ahead.

CATHERINE PALETTA: Thanks. I was kind of thinking along the same lines, Roger. What does this mean? Because I'm thinking there are transfer disputes sometimes

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where we say, look, somebody logged into the account and requested this transfer. This is an inter-registrar transfer, so it's a little bit different. But by logging into the account, that person is authorized. You know, that's in our terms and conditions. Anyone in your account can do all of these things. But I was not totally sure what Jothan meant about pre-confirming and the designated agent. So I was wondering if he could kind of get into that. And I'm thinking about how I implement this at my registrar. And is that the intent of what this policy meant? So we're thinking.

ROGER CARNEY:

Right. And I think we do have to be careful with this confirm because I think if we keep confirm, then we do have to be pretty specific about what that means. So people don't think that, you know, it means a specific thing that we didn't intend. But I'll go to Theo next. Theo, please go ahead.

THEO GEURTS:

Yeah, thanks. This is Theo for the record. So I'm a little bit puzzled by this entire sentence here, especially about that discussion about confirmed. I think we ran into problems with the entire change of registrant policy because there was stuff to be confirmed. And we already talking about, well, if the registrant can log into his account, that's confirmation for us. That was exactly the problem that we ran into 2014, 2015. That is not doable for a wholesale registrar because we have no idea who logs into the registrant account at a reseller level or a sub reseller level. We don't have control over that. So I'm slightly

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worried about having a discussion what confirmed can be because wherever that goes, that discussion, either one side of the business model, registrar business models will have a field day with it. In other words, don't have to do anything, while the other parts of the registrar's business models, well, they're going to have a nightmare on their hands. So I'm not very happy with this entire confirmed thing because it's going to end up badly for several business models and it's going to be a good time for other business models. And that's exactly the issue we ran into in 2014, 2015 with the entire change of registrant policy. Thanks.

ROGER CARNEY:

Thanks, Theo. Yeah. And again, I think when we've discussed this during our initial discussions, we purposely didn't want to have an email confirmation process on change of registrant data because to be honest, it goes against the principle we just stated, that registrants should have the ability to change their data. But now we're making them confirm that they are actually doing it. So, again, when we had that discussion, we removed that idea. And to your point, Theo, yeah, that's a good point that needs to be discussed. So, Jothan, please go ahead.

JOTHAN KOLKER:

I wanted to respond to Catherine's request for some clarity. And, you know, essentially I'm looking at this and I don't see anything that's specific to the timing of when this change of registrant data would occur. Right. And so, you know, the registrant could have an agreement that, you know, they are confirming the registered name holder change,



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you know, as designated by the registrar. And that would cover the designated agent stuff as part of an agreement. Now, you're the lawyer. I'm not, you know, you could say if that's legal or not. But we're not saying that this is atomic per change, that it must be, you know, be occurring in every single change of registrant when it occurs. We're saying that it must be confirmed by the registered name holder, period, full stop. So, the timing can be flexible. That was my point. Thank you.

ROGER CARNEY:

Thanks, Jothan. And I think the key here is, you know, this is coming in from a comment. Someone commented on this and said it should be confirmed. I don't want to see us trying to make workarounds on the comment. Again, if we don't think that it needs to be here, then it shouldn't be here, and we should explain why it shouldn't be here. Working around what the commenter was intending. And I think that, you know, we've had a long discussion on why we don't need a confirmation. I mean, this is a data change. It's not a transfer. So I think we have to think in those terms of, does this make sense or not? I mean, this is coming in from a commenter. We've had the discussion, and Theo points to issues about workarounds anyway. So I think let's think more holistically on this and not think around this, but think if this is even needed or not. So, Rich, please go ahead.

RICH BROWN:

Yeah, first of all, this is a recommendation update. We had removed confirmation because we wanted this to be a notice, let people know, because we are writing transfer policy. Confirmations, verifications of

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data, who's the designated agent and controlling registered name holder data. All of that is a function of the WHOIS management, RDDS, you name that. And so once again I'm just waving my separation of policy flag here. I also want to mention that because we originally were thinking that this should just be a notice, because while it can affect transfers, it is not part of the transfer process, I believe it was 26.3. We recommend eliminating from the future change—the requirement to basically confirm from both. We're basically reaffirming our first statement even further because that further breaks it down that you don't require an answer from both parties like technically it was originally. But anyway, I wanted to point that out that the intent is that we just keep the notices, as they were in the transfer policy, because we agree they're good, but we are not writing a whole carve out for new ways to manage registered name holder data. Thanks.

ROGER CARNEY:

Great, thanks Rich, and a good call out. Theo please go ahead.

THEO GEURTS:

Yeah, thanks Roger. And as you mentioned, this is a comment from a commenter and we as a working group—at least I was prepared for it. I mean, there's still this thinking I call it Bigfoot thinking chasing Bigfoot, you tune into the documentary and in episode one, you got lots of evidence of something that doesn't exist. And sure enough, in episode one, no Bigfoot, and in the second episode, no Bigfoot, but this entire thing about domain names being stolen, and we must sort of capture that throughout policy to make sure that if a registrant data is changed,

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it's most likely an indication of a domain name is going to get stolen. You know, that is something that lives in the community. And, you know, for most commenters, that is real. But again, as Rich and as yourself mentioned, you know, we already made recommendations about this to make that a notification only because based on the evidence that we had from ICANN compliance, you know, it is a heavy burden for the registrants, for the registrars. And most likely it is a violation of the accuracy principle of the GDPR and the community loves accuracy. So don't put in any barriers for maintaining accurate data by registrants. Thanks.

ROGER CARNEY:

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

CATHERINE PALETTA:

Thanks. I kind of want to noodle out loud to make sure I understand what's going on here a little bit, which I feel like I do on every call. And I'm sorry to everybody who has to listen to me. So we initially recommended in 26.1, eliminate the designated agent. And that's because we no longer need anyone to confirm the change of registrant data. So the role of the designated agent is, I'm going to say superfluous, but I don't know if that's the right word here. Unnecessary. Is that right, Roger?

ROGER CARNEY:

Yes. Yes.

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CATHERINE PALETTA: Okay, great. And then this commenter is basically saying, hey, let's actually make them confirm it. And then we would say, well, great, then we need the designated agent again. And then we defeated all of this stuff. Because as we've talked about, even if you don't say designated agent, you're still going to put in your terms and conditions something that effectively looks like the designated agent and gets you around all of this confirmation anyway. So I think that's maybe the easiest way. And as Rich and Theo pointed out, we specifically did not want this. This is what we specifically recommended not to do. And I think we say thank you, commenter, all the conversations we had initially about this, about why we don't think confirmation is appropriate. And then I think we're kind of done. And we kind of reject this comment. Does that make sense to everybody? I'm seeing plus ones.

ROGER CARNEY: Great. Thanks, Catherine. Yeah. And I think you and Rich hit on that. It's like, yes, we actually said to get rid of it and removed other things because of that. So I think that, again, I think we have a response to our commenter of why. So I think that's important to address the commenter's concern. But Ken, please go ahead.

KEN HERMAN: Yeah, thanks, Roger. And as a commenter who raised this issue, I appreciate the discussion, certainly taking back all the thoughts. What we want to try to emphasize is that in the past, there have been multiple notifications to multiple email addresses because there were administrative contacts and there were technical contacts, etc. And

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we're concerned that at some point, through some action that may or may not occur—and I hear what Theo has to say about the evidence that support this. And I certainly convey that. But in the past, when there was any change to any kind of registration data, a whole bunch of people got to know about it and not just the registered name holder. And for our stakeholder group, the registered name holder is not actually always that sophisticated or that a lot of people looking at things. And so that's really what's driving this, is like you can easily miss one email that says something has happened. But I take the point that there's a lot of complexity behind this. And maybe this doesn't really happen much at all, which I think was Theo's point. And we'll let it rest. If you notice, I haven't really engaged in the discussion. But I appreciate everybody's thoughts on it. And so I think we can move on with this. Thanks.

ROGER CARNEY:

Great. Thanks, Ken. Theo, one more thing.

THEO GEURTS:

Yeah, thanks to Ken's input, you know, to give it once more that little bit of flavor slash color. I mean, the entire change of registered policy that that policy was created to counter domain name theft. And, you know, we discussed this before and it fell flat. It didn't work. But especially for your stakeholder group, Ken, I mean, if I would talk to Kathy, Stephanie, anybody who's basically is a very data protection minded, privacy minded, you know, they are very much in favor of the accuracy principle under the GDPR, because not having accurate data can lead to massive

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consequences. And basically, the people that I just mentioned have laid out what those consequences can be. For many Americans, they have a credit report that is riddled with errors and that has massive implications. So that is why the accuracy principle is there, to protect you from incorrect data, which might affect you on a deep level there. And as I have always sort of argued, like, we shouldn't put in barriers where registrants should have correct data. They must be able to do that on the fly. And any changes made should be carried out immediately. That's my opinion. Thanks.

ROGER CARNEY:

Thanks, Theo. Okay, I think we've got the resolution here and that we can remove this and we can move forward. Christian, please go ahead and take us to the next one.

CHRISTIAN WHEELER:

Thank you very much. All right. The last one is before we can move on to the next block of recommendations is Rec 27. Right. Here. So this was a suggestion to, as far as the actions, to clarify the actions that a registrar would have to take if there was a potentially invalid or unauthorized change of registrant data. And this was pinned following some research into what does the RAA say about this as it may already be said. And just doing, you know, just looking into the RAA, section 3.7.8 states that the registrar shall, upon notification by any person of an inaccuracy in the contact information associated with the name holder sponsored by registrar, take reasonable steps to investigate that claimed inaccuracy. In the event registrar learns of inaccurate contact

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information associated with registered name and sponsors, it shall take reasonable steps to correct that inaccuracy. So I believe the question is, is this enough? Does the RAA, and I can pull it up here too, does that negate the need for this kind of new language in the standalone policy?

ROGER CARNEY:

Thanks, Christian. And, you know, and just off the top of my head and thinking back how we've worked through some of these, you know, we don't want to, and we've made it clear, we're not trying to update, affect other policies. This is a transfer policy. So I think if this is written elsewhere, it should not be written here as well. Just my thoughts, but I'll open it up to the floor for any discussion on that. Rich, please go ahead.

RICH BROWN:

Yeah, Rich Brown for the record. I'm not going to talk long on this one. See my previous statements. Sorry, just like you said, Roger, this, I think this is already covered elsewhere. We're trying to move away from the transfer policy being a data, registrant data management policy. I don't think this needs to be here at all. So kind of giving you a verbal plus one there. Thank you.

ROGER CARNEY:

Great. Thanks, Rich. We had support in chat as well. So I don't think 27.9, as Christian took the time to find all this for us, appreciate that, but I don't think we need to add it here as it's covered elsewhere. And the point on 27.8, I think is similar, but it's a good discussion on 27.8. I

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always like adding in, having to keep an audit trail around or records or whatever you want to call them. But again, I think this is covered elsewhere, but I'll open 27.8 up as the same point. I do like, again, I like that, and I think Ken said it earlier about compliance being able to track back to something, and this does allow them to do that. And I like the fact of when a notification was sent is being recorded as well. But Theo, please go ahead.

THEO GEURTS:

Yeah. You know, if it's already somewhere else in this policy or an other policy, then, you know, keeping it out makes it only more clear when you need to implement this. I mean, these policies are usually already written in a very legalese fashion, and not everybody is fluent in ICANN, so the less text is better, in my opinion. Thanks.

ROGER CARNEY:

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

CATHERINE PALETTA:

Thanks. This is Catherine Paletta for the Registrars. Is this written somewhere else in 27.8? The 15 months tells me we're talking about the transfer dispute resolution policy. Yeah. I'll admit, not an expert in that policy. Maybe I shouldn't have said that on the transfer PDP, but is this covered in that policy?



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ROGER CARNEY: That's a good question, Catherine. The issue to me here is we added notifications here, and this one specifically covers the records around that notification. So, to me, that is something new. The rest of it, I don't know. And again, maybe it's even covered, you know, tangentially that it would happen, but I'm not sure, and it's something we can look at. Rich, please go ahead.

RICH BROWN: I am not here to preach about separation of data and transfers on this one. I just want to speak about where this came from. Remember, the intent was we're getting rid of a lot of stuff, but we wanted to keep the notices. And because we were keeping the change of registrant data notices, we wanted to make sure, and as I recall, it was ICANN staff that also requested that we have some means of data retention for this. So, as I recall, we basically just mimicked what was said elsewhere under data retention policies or whatnot. But if this is mentioned elsewhere, I'd like to say this is only here because we created a new notice in the policy. Otherwise, I'm fine with not having it if it's already covered elsewhere. Thank you.

ROGER CARNEY: Great. Thanks, Rich. Okay. Yeah, and we can take a look at that and see if we can find it. Again, to your point, Rich, we created this notice. So, to me, it made sense to be in here. But if it's covered elsewhere, I agree, it shouldn't be duplicated. But let's plan to leave 27.8 in here unless we find it elsewhere. And let's plan to take 27.9 out. And I think we can

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move forward from there. Any concerns? Okay. Christian, I think you can take us to the next one.

CHRISTIAN WHEELER: Thanks, Roger. That's it as far as pinned recommendations so far. I can hand it over to Caitlin to go over the next block of recommendations.

ROGER CARNEY: Perfect. Thanks, Christian. Caitlin, please take us through. Oh, sorry. Theo, please go ahead.

THEO GEURTS: Yeah. Just quickly, we don't have to do it now. Maybe we're going to do it later on. But I had an action point from last week's meeting where we talked about the mechanism. Oh, yeah, the FOA shouldn't include a mechanism where a registrant can acknowledge the transfer immediately through email. That was something that some people wanted out. Some people wanted that to have through the registrant portal. And I was going back to my tech team. Yes.

ROGER CARNEY: Okay. If you want to do it now. Yeah. Theo, let's go ahead and cover that now real quick.

THEO GEURTS: Well, it's not a real quick problem. It is actually pretty complex.

ROGER CARNEY: No, let's go ahead and do that right now.

THEO GEURTS: Okay, let's do it right now. And sorry for being very technical in the next few minutes. But the question that I had to ask my team was, can we make such a system where the registrant confirms the transfer within a reseller registrant portal? That was basically the ask. And that is an expansion of our API, so to speak, where the reseller can implement that feature for the registrant to acknowledge the transfer, not through email anymore, but through the registrant portal that is offered by the reseller. Now, the quick answer is yes. Adding that feature set to an API is possible. Now comes the troublesome part. At least I find it troubling. What we do not know as a registrar is who acknowledged the transfer is the reseller, the sub reseller or is the registrant. So from an audit perspective, it's iffy. Now we're going to talk a little bit about the implementation of that API feature. Will all wholesale registrars do it? I think the answer is no. And the reasons might be very all across the place. There will be registrars who will not permit the registrant such a fantastic feature to speed up the transfer, not being consumer friendly in that regard. So they will not going to implement it. Then there is the issue of where the registrar has problems implementing that API. I mean, depending how old that registration system is or that back end, as we call it, it might be impossible. I mean, we have seen within our space on the reseller level and the registrar level, a massive—what's the word? Oh, yeah. We had all these takeovers, mergers, acquisitions and what all not. And sometimes these the real technicians are already left

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the company 10 years ago. So it's going to be hard for them. We're going to see that same, those problems at the reseller level. Some resellers will implement that feature, thinking, hey, that's very friendly, and it will lower the load of our support team. So they will implement it. But again, through acquisitions and mergers, and God knows what, there will be a bunch of resellers that will go, we don't have the resources, we don't basically have the programming knowledge anymore that left the company years ago. And then again, there will be resellers who will go like, well, they can complain what they want, we're not going to speed up the transfer for this registrant at all. And then you're going to have the issue with the third party API suppliers. And basically, I'm talking about domain management systems, web hosting systems, like WHMCS, or Clientexec, or HostBill, those are all third party, we don't know if they can even implement such features within their APIs, slash systems, slash platforms, I don't have the knowledge about that. You would have to have to ask all these third party hosting companies, management companies, if they can do it. So that is a little bit of the issue that you're going to run into in the wholesale registrar, if you are not going to offer that through email anymore. And like my CTO said, what are you trying to solve here, dear ICANN working group? Thanks.

ROGER CARNEY:

Thanks, Theo. And just thinking that through, again, I don't think that there's an issue of, you mentioned some wholesalers may not want to speed it up. And I don't think they're obligated to do that. So I don't think, again, this requirement wouldn't obligate them to do anything. And it's interesting. I don't think in the current policy or in our

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recommendations, we've said that there has to be an ACK, but I can't recall for sure. So just trying to think those through. So, Rich, please go ahead.

RICH BROWN:

Hi. First of all, to answer your question, there is no requirement that an ACK link be sent. It's just something people do. And in the current transfer environment is very dangerous because it actually can promote the domain hopping that we see in hijacking. So just pointing that out that we see in hijacking. So just pointing that out to answer your question there. To follow up with Theo, yeah, those are a lot of great challenges. And I sound like I'm in disagreement, but I'm not. But at the same time, there's another side to this coin. First of all, we wanted to get rid of the five-day waiting period for a transfer to allow things to be immediate, but it was demanded that all registrants be allowed the period to deny the transfer. And that's what this five-day period is for. Don't get it twisted. It is not a period to immediately push through a transfer. We offered that in the beginning, and that was denied. And nobody could come to an agreement to allow instant transfers. All I'm saying now is since we have given the right of denial to the registrant, as it should be, I agree, we have to allow for that to take place. And this is almost like circumventing the whole returning a domain thing that we had to carve out. If we simply state that you're not allowed to send the ACK notice in this, that allows this carve out to continue doing what it's supposed to do. And that's the point why it's there. Under the new policy, I am torn on whether an ACK link should be sent or not. I still, when it comes down to it, I'm 50-50 on the fence, so I lean towards, hey, let's just be safe and not send it. So that's where

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like that angel hair with me falls. So, yeah, that's what I kind of want to point out here is the whole reason all of this is even going on is because we're trying to give the registrant their five-day period to dispute as requested. Anyway, thank you.

ROGER CARNEY:

Great. Thanks, Rich. Yeah. And again, you know, 17.5 here is specific to our transfer confirmation notice. And it's stating in that notice, there shouldn't be an immediate link. That doesn't mean there can't be some other communication somehow that provides an ACK. It's just not in this notice. So that's what 17.5 is saying. So, Theo, please go ahead.

THEO GEURTS:

Yeah. And I agree, Roger, that is just for that notice and we could send a second notice. But as you might recall last week, we sort of, well, we did not land on anything, but the direction where the conversation was going, as I recall, it was going like, well, there should be a option to do it, preferably through the registrant portal where the registrant presses a button. And that's where I sort of mentioned like, okay, hang on. If we go that route, that is okay. But there is a little bit of an issue there, as I mentioned just now. And if the policy says there must be no mechanism at all, I think that is too strong. I think we should explore the options, but where are we going to end up with that option? I think we need to recalibrate that a little bit and not just automatically jump to last week discussion, because that doesn't work fully well for everybody here. And again, as I mentioned last week, it is something that registrants widely use, at least that, and that's why we offer it, because we did get a lot of

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complaints from registrants. Why do I need to wait? Why can't I do this? And then we would, people would point out, there's nothing in a policy that says you can't do it. So that's why we implemented it. And we're not the only one. Even you mentioned that you used it in the past to speed up the process. So that's a little bit of my reasoning, like, okay, we had last week's discussion. We now have this discussion. We need to recalibrate this entire thing. Thanks.

ROGER CARNEY:

Great. Thanks, Theo. Okay. What I'm going to recommend, so we can move on, and everybody can still think about this and talk about this, because just talking about it for a week isn't enough. But I think the wording here is good. And again, this is a reminder, and the implementation guidance is specific here, that it can't be sent in this transfer confirmation, and the immediate link can't be sent. So if you provide something else, or you don't provide anything at all, that is okay. And if you provide it in a different mechanism, that is okay, according to policy. So I think let's go ahead and live with this here, because I think it covers everyone's issues. And we can talk about this if need be later. But I think our language here in 17.5 and the guidance here is good on that point. And it does allow the flexibility of different models here. Okay. Great. Thanks for bringing that back up, Theo. I really appreciate that. Okay. Now I think we can jump to Caitlin and take us through some of the newer stuff.

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CAITLIN TUBERGEN:

Thanks, Roger. So the Group 2 recommendations start with Rec 29 in relation to the Transfer Emergency Action Contact, or the TEAC. So as a reminder, this recommendation extends the time for initial response from TEAC from four hours to 24 hours, or one calendar day. We did receive a comment that we've received throughout all of the recommendations to remove any reference to calendar days to avoid potential inconsistencies. So you'll notice in the updated version, in the yellow box, we removed calendar day, as that's consistent with what we've been doing through the other recommendations. I did want to highlight two comments that we received on this recommendation that objected to the recommendation, or the extension of time. These comments came from Leap of Faith and John Rashad. In summary, the comments were noting that there's sympathy for operational burdens experienced by registrars and the need to extend this amount of time, but that there seems to be a double standard across ICANN that registrants aren't provided with similar accommodations to respond. And these commenters note in particular UDRP, URS response timelines. And if ICANN's going to extend the time for which registrars have to respond, these timelines should also be reviewed for registrants. So I don't know if anyone has any response to that or wanted to add anything to those comments, but I'll pause in case there's anything to say. And I'll turn it back to Roger. Thanks, Roger.

ROGER CARNEY:

Great. Thanks, Caitlin. Thanks for that. And I'd just say, I think, and maybe we can clarify this in response, but I think our commenters missed, this wasn't necessarily a change of four hours to 24 hours for registrars as it was for the repercussions of what happened or could



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happen if there is no response, then the registrant is impacted dramatically. So I think that when we walked through this, it wasn't a registrar thing operationally to move it. I mean, obviously that does happen, but the effect was, I mean, this could be gone if it's not responding to within four hours. The 24 hours allows it to be more registrant friendly, I thought when we went through it. So just my comment there, but Owen, please go ahead.

OWEN SMIGELSKI:

Thanks, Roger. Yeah, I agree. It's more, a little bit more registrant friendly in the sense that if a registrar does not respond within that initial TEAC period, that's 100% grounds for reversal of the transfer by the registry operator. And I think that's pretty much an open and shut case. There's not any really too much consideration for that. So I think expanding that is a little bit more for a registrant protection there and, you know, registrant response times for the UDRP. I mean, that's kind of outside of the scope of this, I think. I mean, how they do those domain name disputes is, you know, might even vary by UDRP provider, et cetera. So I don't know what the thing is here. And I know that there's no UDRP process that requires a registrant to respond within 24 hours. So I think they certainly got time for that. So I think this is good because operationally for a registrar and right now it's four hours. And I think moving that to 24 hours is a lot easier for some registrars. Thanks.

ROGER CARNEY:

Great. Thanks, Owen. Again, I just want to make it clear for our commenters so that they can understand that it wasn't a registrar

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operational issue extending this. This was because, as Owen said, the impact of a non-response is dramatic. So it actually is a registrant friendly feature of extending that. Okay. I think we're good with that. And I think we can move on from that, Caitlin.

CAITLIN TUBERGEN:

Thanks, Roger. So we had another comment about recommendation 30. So if you can move on to recommendation 30. This is a reminder that the current transfer policy in reference to TEAC notes that communications to TEAC should be initiated in a timely manner. And the working group noted that generally speaking, issues related to a transfer emergency should be communicated within 30 days of the alleged transfer issue. So that timely should be defined in the policy. There were similar comments on this recommendation from Leap of Faith and John Rashad noting that they understand the need for greater flexibility for registrars but do not support the recommendation unless registrants are afforded the same consideration in the UDRP and URS processes as they believe there's currently a double standard. So I don't know if there's anything to add here or if this response is similar, just including more context in the rationale about how this is not just for registrars but also registrants. But I see a queue has formed. So I'll turn it back to you, Roger.

ROGER CARNEY:

Great. Thanks, Caitlin. Yeah. And just before everybody jumps in, I would say again, you know, 30 days, again, this is emergency. So I think that just the fact of emergency and 30 days, I know we had the

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discussion and should it be shorter or not, we put a time box on it for 30 days, which seemed to be very long for an emergency. But obviously there's issues there. But we also added the flexibility that it could be longer if they can show reasons why it's longer. So I think to me when you look at it, it is an emergency. So 30 days is a long time for an emergency. But also the fact that there is a provision that allows for the flexibility if it needs to be extended. But Rick, please go ahead.

RICH WILHELM:

Thanks, Rick Wilhelm, Registries. And yes, Roger, I completely agree with everything you said. One of the reasons that this is here is that we defined is supposed to be an emergency and we wanted a clarity on what defines an emergency to basically stop the clock at a at a certain point. So 30 days is the point that we had agreed to. And as previously said, URS and UDRP are not in scope here. And so there's no basis to link anything here related to this with any comments related to timing and the URS and UDRP. So when and if a PDP is opened up on that, then those kind of things can be considered. Thank you.

ROGER CARNEY:

Thanks, Rick. Ken, please go ahead.

KEN HERMAN:

Yeah, thanks, Roger. Just a quick question about process in here. It's something that didn't occur to me earlier when this was being looked at. Who contacts the TEAC? The TEAC, as I understand it, is a registrar to

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registrar communication outside the control of the registered name holder. Is that the case or am I misunderstanding?

ROGER CARNEY:

Generally, though, that's going to be initiated by the prior registrant. Generally, it's not going to be a registrar just doing it because they saw something. It's going to be initiated by a registrant to the registrar and then the registrar gets this going. So. That, that's, that's right.

KEN HERMAN:

Yeah, no, that I understand. Of course, it would be the registered name holder who initiates the process. But this, this, um, recommendation says, uh, communication to a TEAC is expected to occur within 30 days. And I'm just questioning to which TEAC. So if I have a problem and I'm a registered name holder and I call up and say, hey, I've got a problem, I don't really know that I'm talking to a TEAC. I'm talking to the person who answers the phone at the registrar. Then the registrar initiates a contact with the TEAC through the TEAC process to the gaining registrar. My concern really is that 30 days. I don't know what the registrar does after I call the helpline and say there's a problem. And whether they lose that notification or they initiate it. So I'm about to lose out if there's no communication between the losing and gaining registrars. And I'm confused about, who is that clock ticking for? It's the registered name holder who will suffer, but the clock is ticking for the registrar. So help me understand that a little bit better.

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ROGER CARNEY:

Thanks for that, Ken. And again, as we have here, you know, the last half of this does allow for an extension of that 30 days, but you're right. That 30 days is for the losing registrar to contact the TEAC or the gaining registrar. And that 30 days is for that period. And again, this is defined as an emergency. You know, there's other processes to follow if it's not an emergency or if you're taking it to court, whatever, you know, those are different issues. This is just the hope that something can be done fairly quickly. You know, maybe it was a live site that is now down and, and customers of customers are losing out and maybe it's something that can be solved quickly. If it's a big dispute, this is not going to handle that. And if one side disagrees with the other, the TEAC isn't going to help you. And it's going to have to go through a different process. So again, this was, the TEAC is meant for that, that quick hitting. And again, it's emergency. So it should be 30 days, as you said, obviously it's still a registrar issue. But I don't think that that's going to be the issue when it comes to a registrant getting a hold if it's valid.

RICH BROWN:

Ken, look up my email. I can answer every little bit of what you were asking. So as far as the tech goes, I want to say one, there is no official transfer dispute process for registrars. The only way registrars can even try to initiate any sort of negotiation to reverse a domain transfer is by contacting them directly. And the TEAC is really the only official means that is used so the transfer reversal can be enforced in a way, even though there is no actual policy stating how a dispute between registrar's has to be done. So as the losing registrar, I would email the gaining registrar via their TEAC email address available only to me and other registrar's via ICANN. I email them. If they don't respond, I can

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then go to the registry and say, hey, that registrar they're unresponsive, give me the domain back and they reverse it. Obviously within four hours makes it hard. So we want to increase it to 24 hours.

As far as the 30 day period, we had decided on that because currently you have six months to submit a transfer dispute of this kind of nature, not a TDRP, but, you know, dispute and unauthorized transfer. But we've gotten rid of that and we dropped it down to 30 days. So we moved this within the 30 days. Now, as far as the requirement to respond to any TEAC requests. So for example, once I've initiated, I've sent that first TEAC email, say they respond within 24 hours, you need to be able to keep them honest because there's nothing on record that says they have to respond any further. And I've had this happen where they just, I believe the modern term is ghosting where you've contacted them, they contacted you, and then they're dead. And you can do nothing as a registrar at that point. And your customer is even in a worse space because you don't even have any answers for them and you're the only one they're asking answers from. So I just wanted to lay all of that out here. That's why all of this exists. And that's why we're adjusting to a 30 day. Otherwise it'd be a six month given the way we streamline everything no longer needed as for the requirement for response. Once again, this is not currently required in the current policy, but in order to keep this like an actual way to dispute a transfer, we needed to put something in to keep it, I guess you could say honest, if you will.

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ROGER CARNEY: Thanks Rich. We are four minutes over, but Volker, you got the last word.

VOLKER GREIMANN: Yeah. I think we discussed this at length that the TEAC process is in a way flawed because it forces a party that has no skin in the game to go pitch for their former customer who has no venue of attack or to regain the domain himself. I mean, there's a certain sensibility in there because the gaining registrar probably does not know who the person that is contacting him actually is. If an owner change happened at the time of the transfer, especially with redacted WHOIS, this has become more common. So somebody contacts me and obviously I want to have some confirmation from the original registrar that they are who they say they are, but having the party that actually has the interest in the domain and have no venue inside ICANN policy. I think that's something that we will need to look at in a different policy development process down the road. But at this point, yes, the TEAC serves to keep registrars honest and responsive. And I think that for that, having that kind of contact and having that kind of responsibility attached to it makes sense, but it's flawed.

ROGER CARNEY: Great. Thanks Volker. And thanks everyone. I'm sorry that we ran five minutes over today. It was great discussion and we did make great progress. So again, two more meetings this year, and we're going to get through the rest of these recommendations because we do have fewer

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comments, but thanks everyone, and we will talk to everyone next week.

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