JULIE BISLAND: Good morning, good afternoon, good evening, everyone. Welcome to the Transfer Policy Review PDP Working Group call taking place on Tuesday, the 17th of December, 2024.

For today's call, we have apologies from Rick Wilhelm, RySG, Jim Galvin, RySG, and Eric Rokobauer, RrSG. Eric formally assigned Heidi Revels, RrSG, as his alternate 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? If so, please raise your hand or speak up now.

All right, 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 as a reminder, 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.

Note: The following is the output resulting from transcribing an audio file into a word/text document. Although the transcription is largely accurate, in some cases may be incomplete or inaccurate due to inaudible passages and grammatical corrections. It is posted as an aid to the original audio file, but should not be treated as an authoritative record.

ROGER CARNEY: Great. Thanks, Julie. Welcome, everyone. And thanks everyone for coming to our official last meeting of 2024. And I think that we did a great job finishing up the year and we were at the spot we wanted to get to, so I think we're in a good spot to start working on our final report next month. So again, thank you everyone for taking all the effort and time in the last few months to get through all these public comments. I think we've done an efficient job and we've done a very thorough job of answering all these comments from the public.

So, the one task I will ask for as a holiday homework assignment is to go through the Public Review Comment Tool and take a look at our responses to the comments. And maybe you've already been doing this as we've been going along, but there's two columns where we have additional discussions in our outcome of it. So take a look at those last two columns of each of the comments and just see if you agree or disagree. If you disagree, let's mark those and discuss them early next year. But hopefully you've been doing it as we've been going through it, but all those comments should have markers for what we've discussed and what we concluded.

But I think that's it from me. Again, we won't meet again until January 7th, I believe, so we'll have a few weeks off here. And, yes, Catherine: exciting homework assignment for you.

But I think we can go ahead and jump into our agenda and I will turn this over to Caitlin.

CAITLIN TUBERGEN: Thanks, Roger. We ended our last call going through the additional questions that the working group posed to the community through the public comment forum, and we covered question one and question two. We didn't cover question three. I believe I noted last week that many of the comments captured in question three—or the responses, rather—flag issues that were included in direct responses to the recommendation number that they are linked to. So rather than going through all of the comments here that we've already discussed as we went through the recommendations, support staff thought it'd be helpful just to highlight the ones that we don't think were captured in our discussion of the recommendations.

So there were two comments in particular that we wanted to highlight. The first is a comment from John Rashad, and this is a comment about the 60-day lock following a transfer of a domain name or the creation of a domain name. So the working group agreed to reduce that 60-day lock to 30 days and make it consistent for both post creation and post transfer. The comment from John notes that the post lock is very burdensome. I think the working group spent a significant amount of time debating the merits of this lock.

The one thing that I thought was new here (although we may have discussed it, so the Working group can keep me honest here): the recommendation from John—or the comment, rather—is that the transfer lock should be a maximum of 30 days, which is currently what is in recommendation 3 and 18, but there should be an opt-out available after 7 days. Recommendation 18 does include an opt-out mechanism if the registrant meets the criteria listed in recommendation 18. We are going to revisit recommendation 18 a little bit later in the call, but I just wanted to flag that as something that we can add to that discussion: should the opt-out be available after seven days if it meets that criteria or without that.

And then the other comment that I wanted to flag that we may have touched on briefly last week is there were a couple of comments related to implementation timeline of these recommendations. The first comment is that there was a request that the implementation of these recommendations not interfere or overlap with the implementation of the registration data policy recommendations. That is currently in the implementation phase. The policy-effective date for that policy is August 21st of 2025. So if I understand the comment correctly, this request is that implementation start after the policy-effective date of the registration data policy (so in September of 2025) before anything would be announced for the transfer policy.

And then, secondly, there were multiple comments about the timeline allowed for implementing the recommendations. So in other words, once the updated policy is announced, there's a timeline under where the policy would become effective (let's say 12 months after it's announced), so that contracted parties can update all of their systems in accordance with those recommendations. So there was a request for an absolute minimum of 12 months, with ideally 18 months being requested, I think, by two different commenters.

And along with that comment, the commenters requesting this noted that the recommendations will involve significant work and coordination from contracted parties, including updating all of the customers or registrants on the changes and the updated notifications and things that are included in this policy. So just a recognition of that there needs to be time to allow that to happen.

With all of that, I just wanted to pause to see if there were any other comments featured in this, the response to this question, that either working group members themselves flagged in their own comments or wanted to point out that others flagged that might warrant additional discussion.

ROGER CARNEY: Great. Thanks, Caitlin. Any other comments on this? And Caitlin's pointed out John's comment here. Obviously we did talk about it

quite a bit, but the specific seven days? I don't know. I don't remember that coming up. But I know that we did talk about it. And, as she's pointed to, Rec 18 does allow the flexibility of unlocking this.

And as far as the timelines, yeah … And I appreciate the comment. Obviously I think that's not really our decision. That's more the IRT's decision when they come up with the actual implementation plan. But I don't see that this is going to interfere with the reg data policy at all. I don't see this implementation coming until, probably, 2026.

And how long? I agree. I think there's a lot of changes that have to occur, but again, I think that's more the IRT decision on that. Just my thoughts on it.

But any other comments, any other things that people saw that they wanted to bring up?

Okay, good. And again, as Caitlin pointed out, we're going to hit a few of the other recommendations that we have already talked about but may not completely made decisions on. So I think we're going to go through those next.

Christian, are you going to take us through those first few sets?

CHRISTIAN WHEELER: Yes, I will. Okay, thank you. Okay, let's move back over to this document. And I will just start out by saying we saw a comment from Steinar regarding when we will update the final report language this, this green box. And it was staff's plan to update this box with the approved language after this call because in the meantime we just kind of wanted to keep people's attention toward the highlighted sections which denote what things have changed. But the language is fairly done with all the discussions that we've had over the past several months. So today we just have a few. I think we have about 10 recommendations that we want to try and go through to have quick conversations about any last bits that we need to solidify, starting with recommendation 9.

And this is regarding 9.4 and 9.5, which is a new addition from Rick after our recent call. This recommendation is regarding the caveat that there may be times where the registrar of record needs to null the TAC without the registered name holder's approval. So this piece right here in 9.2 was added, and the working group seemed to be good with this language. And then it was brought up that there are also times where the registry may need to null the TAC as well, and so Rick kindly added this language which is reflecting 9.2 and 9.3 but from the registry perspective.

So we just kind of wanted to hear what everyone thinks about this language here in 9.4 and 9.5. And then we also did make a small

addition in the footnote just adding in registry/registrar here when reversing that action. So 9.4 and 9.5 is again a reflection of 9.2 and 9.3. It's just from the registry side. So I'm happy to hear what the working group thinks of this language.

ROGER CARNEY: Great. Thanks, Christian, and thanks Rich and Rick for (I know Rick's not on) putting in language here. To me it makes sense and looks good. Again 9.4 and 9.5 almost will never get executed but it does allow for, I guess, the one-off things that happen every few years maybe, if that even. But it does account for those times that it is needed. So I think they look good.

But anyone have any thoughts, any concerns about this updated language? Thanks, Rich, for that. Okay Christian, I think we're good on this one.

CHRISTIAN WHEELER: Great. Okay, moving on to Rec 17. This is just a circling-back to 17.5 and the implementation guidance just to make sure everyone's still good with this. This says that the transfer confirmation must not include a mechanism for immediately approving the inter-registrar transfer. And then this implementation guidance is new, stating that the working group notes that recommendation 17.5 does not prevent registrars from sending a transfer approval mechanism to the RNH but rather

stipulates that this mechanism must not be included within the transfer confirmation.

ROGER CARNEY: Great. Thanks, Christian. Yeah, and I think we talked through this, and that's what we're looking for. Theo, please, go ahead.

THEO GEURTS: Maybe it's just the language here. Maybe it's been a very long day. I don't know. But the transfer confirmation is the notification which you send to the RNH when the transfer is completed, right?

ROGER CARNEY: The transfer confirmation [isn't] when the transfer [is] completed. It's the start of the five-day window.

THEO GEURT: Oh, that window.

ROGER CARNEY: Yeah. And the concern was that they didn't want an automatic approval there because then it kind of defeats the purpose of that five-day window or the notification.

THEO GEURTS: So it's not an automatic thing. I get the gist. Thanks.

ROGER CARNEY: Okay, thanks, Theo. Okay, any other comments or concerns here?

Okay, I think this is what we were talking about. So I think this handles the public comment that we received and our discussion around it. So I think we're good here, Christian.

CHRISTIAN WHEELER: Okay, on to recommendation 18. This was just a circle-back to 18.3 in case there were any updates from groups having issues with it. If not, then I think we can move on. But I just want to open the floor for 18.3 to see if there are any issues. As a reminder, the most recent change to this was keeping reasonable basis. And then this piece right here includes “but not limited to,” and then includes the various ones provided from the implementation guidance now moved into the recommendation.

ROGER CARNEY: Great, thanks, Christian. And I think we went back and forth on this a couple of times, but I think we came down to that this language in the bold won't be bolded when we go, but it's just a highlight here. But I think this is what we had come down to. So I think the language looks good. But if anybody has concerns here or comments, please let us know.

CHRISTIAN WHEELER: Also flagging the seven-day suggestion from John to opt out after seven days.

ROGER CARNEY: Yeah, thanks Christian, for mentioning that. Again, I don't remember us talking about 7-day or any of those when we talked about this, but we did talk about obviously the need for the possibility. And I think that that adds more flexibility. Okay, good. I think we're good here, Christian.

CHRISTIAN WHEELER: Okay. Next is recommendation 21. Let me make this bigger. This is just referring to the updated language from the latest call about this. If the registrar denies a transfer request for this reason (being evidence of fraud or evidence of DNS abuse), the registrar may provide specific evidence rationale to the RNH upon request. I believe this is just reflecting what the group discussed last time, but wanted to make sure that this language is good.

ROGER CARNEY: Great. Thanks, Christian. And this was a bit of a tricky one because we understood the logic behind providing specific [details], not just, hey, it was denied for fraud or denied for abuse. We all understand the specific nature of that but also understand that sometimes that specific detail cannot be provided for legal reasons or whatever it is. So I think this is the language we ended

up with here. And again, it's upon request. It's not that the registrar has to do this every time. It's if the RNH actually asks for it. Then the registrar can provide that information.

Okay, I think our updates are good here. Unless someone else has comments or concerns. Okay, good. I think we can move forward. Christian?

CHRISTIAN WHEELER: Great. Moving on to recommendation 26. I believe, looking at 26.2, this is the change-of-registrant data. And the working group is recommending getting rid of Section 2B (availability of change of registrant) from the future policy. However, the working group recommends retaining the following statement from section 2B1: In general, registrants must be permitted to update their registration data. This is not the full statement, but this is the ... because it was talking about registration rights and that sort of thing. But I believe the working group said that it would like to keep that first part of the statement, which was this piece right here that's in quotes.

ROGER CARNEY: Great. Thanks, Christian. And this is a great reason for public comment. I don't think anybody here intended for this to be lost or demoted in any way, but the 2B1 section was basically overcome, except for obviously the first statement here. So I think

that our update here makes sense. And again, great for public comment to catch this for us.

So any concerns or comments on the update here? Okay, great. Christian, I think we can move on.

CHRSTIAN WHEELER: Okay, next one is Rec 27. I believe it's the implementation guidance. So this, I believe, was new. When referring to 27.6 about the consolidation of the notifications into a single notification, the implementation guidance says: Regarding recommendation 27.6, in instances where the number of affected domain names is too large to be sufficiently contained within a single core node notification (for example, a thousand domain names), instead of listing all affected domains within the core notification, the registrar may provide the RNH with a link where they can identify the domains; which domains were affected by the change of registrant data.

So this was in response, I believe, to a public comment suggesting that notifications could not be consolidated where there are too many domain names, where the technology is limited to provide all those domain names that were changed. And I believe the working group discussed possibly providing a link where they could identify those domains. So this implementation guidance just attempts to kind of reflect that.

ROGER CARNEY: Great. Thanks, Christian. And I think the clarity here helps. When we went through this discussion, I thought that this would be something along this lines where no one would send even hundreds of domains in an SMS or even in an email. But I think this clarity helps and will help the IRT as they go through.

But anyone have any concerns or comments here? Okay, great. I think we're good here, Christian.

CHRSTIAN WHEELER: Great. Okay. And I think I'm going to pass this over to Caitlin, who will go over the remaining ones for group two.

CAITLIN TUBERGEN: Thank you, Christian. Can we go to 33, please? Thanks, Christian. So recommendation 33 is about the request for further work on opening up the TDRP for registrants or having an entirely new dispute resolution mechanism that registrants could utilize.

One of the comments from this recommendation was noting that perhaps we don't have to make the request to the GNSO because this commenter believes that the TDRP could already be expanded for registrant filers by a recommendation of this working group. I believe we discussed this when we were deliberating about whether registrants should have access to the TDRP, and one of

the concerns was that the main issue would not be resolved by opening up the TDRP to registrant filers.

However, we included option two, the highlighted text, that would be in addition to or replace the current recommendation 33, where the working group recommends expanding the TDRP to registrant filers.

I don't know that in our previous discussions there was support for opening up the TDRP in this way, but we just wanted to confirm that the working group does not agree with that highlighted text.

And then also just one quick note. You'll notice that part of the recommendation is crossed off ("in making this recommendation, the working group recognizes"). That has been moved to a footnote as that was more explanatory text. And this group requested that that be removed from the actual text of the recommendation.

But I'll pause and hand it over to Roger to see what everyone thinks about option two.

ROGER CARNEY: Great, thanks, Caitlin. And my comment on option two before we jump in is I think that's not really our decision to make. Maybe council comes to that conclusion and can make that. But that would be my opinion on it. But Owen, please go ahead.

OWEN SMIGELSKI: Thanks, Roger. Yeah, I think that while we do want to have something out there for registrants to be able to challenge improper transfers, I think the concern with the TDRP is I don't think that's the proper venue or avenue for them. It can be a very cost-prohibitive thing. It's not really widely used by registrars because of the cost. It's also a loser pay. So if you lose you have to pay the other side's fees. And the concern is, if a transfer is 100% following the transfer policy, even if it includes, say, a hacked email account or something like that that leads to outright theft, the TDRP would not reverse that because the actual transfer stuff was done under the proper technical letter of the law of the transfer policy, even though there may have been some outside violations.

So my concern is that just pushing the registrants into the TDRP would not accomplish that goal of giving them that avenue to challenge an improper unauthorized transfer of something along the line. So I really do strongly suggest that we let the GNSO Council know that we think there should be some other way, some other venue or avenue, so that registrants can challenge what they think is an improper transfer in a way that is cost-efficient and also could possibly lead to the result that they would like. Thanks.

ROGER CARNEY: Great, thanks for that, Owen. Steinar, please go ahead.

STEINAR GROTTEROD: Hi. And as I mentioned on the last call, I think it's … Well, this is the [baby over at large], so to speak. And I think option two is something that I will prefer to have in. But I'm happy if we can set the full stop after improper transfer and not including compromise installing domain name because that in my view goes into the line of what the TDRP is for the registrar. It's something to use when there is a breach of the transfer policy and not necessarily going into the compromise and stolen domain name area.

And so I do agree that going into the compromise install domain name area is something at some time we should have maybe some policy about, but in this phase and in this process, I'll be happy if it just has the opening that the registered name holder could actually take part and initiate TDRP based on the same criteria as the registrars. Thank you.

ROGER CARNEY: Great, thanks for that, Steinar. And that's definitely to me something that needs to get passed along in our request to council: recognizing, as you mentioned, that the TDRP today is a registrar decision. And if there can be a lighter mechanism that still, as you say, a registrant can pursue along the same lines, I think that's important to send along. Rich, please go ahead.

RICH BROWN: Hi. I think many are in agreement, and I doubt there's any real negatives against the wish to empower the registrant to allow them to file TDRPs. And I think the problem with this rec is in two parts. One is adding the registrant, giving them the ability to file. And the second part is the upgrade to the TDRP.

What I'd like to say though, I think, as a group (and feel free to debate this a little bit) … But I personally think the best path on this debate is let's put in the recommendation that the registrant should be allowed to file TDRP just like a registrar can. Regardless of if that second option is upgraded to the TDRP or not, it's still a move in the right direction to get the registrant ability to file added to it. And honestly, considering At-Large communities and whatnot in ICANN, it would be quickly noticed how ineffective it is when you open it up to the registrants. And that would even probably most likely push the issue too further to get resolved, just by having more voices in the ICANN crowd coming back on this.

But I think the main point is we got two issues here. We seem to be in agreement in one, but we can't really do anything with the other because there's a lot of work and it needs to be done at a different time under a different committee. So personally, I think we should just address each one individually instead of trying to lump-sum it. Anyway, thank you.

ROGER CARNEY: Great, thanks for that, Rich. Jothan, please go ahead.

JOTHAN FRAKES: Hey, thank you. Steinar, I appreciate how you're looking out for the registrant. I absolutely do. And the thing that I find here is that if we do something like this and introduce it where the registrant has this tool, we really need to build some guardrails around it because, nine times out of 10, maybe even 90 times out of 100, the situation described by the registrant about (I'm doing air quotes; you can't see me) stolen name is where they just failed to pay their bill, and the domain expired, and somebody else now has the domain. Right?

And between the ERRP and the EDDP and those manifesting themselves naturally, we end up with a lot of artificial situations where the former registrant looks to something like a transfer dispute resolution policy, if they could initiate it and, and do that. And the challenge there or the benefit right now from it being that you do that coordinated through a registrar is that the registrar kind of helps to reason that out with the person, and you don't see the majority of those hitting mainstream, I think, between the costs, et cetera. That that's another factor.

But if there were something like this, my thought would be maybe it should be best contemplated in other policy development

because it's subtle, it's nuanced, there's things that need to be built into it. But if it did deliver some kind of a transfer resolution for the registrant, the majority of the situations between registrars where a TDRP happens typically (pre-TDRP) get resolved between the registrars or, if it does go to TDRP, it does get resolved through that mechanism. And you end up with situation where the domain is remaining at the gaining registrar, and an account is created at that registrar, and then the ultimate disposition of that domain name, whether it's back to the losing registrar or remains at that registrar, happens afterwards once you have the domain under that control.

And so, what that looks like, who knows? But I think there's a lot underneath the hood on this one and we probably need to consider those things very carefully. Thank you.

ROGER CARNEY: Great, thanks, Jothan. Volker, please go ahead.

VOLKER GREIMANN: Yes, on one hand I fully agree with you, Steinar. We need a process where the registrant can file a dispute against the transfer. I think that's a blatant hole in the current policy system. The registrant has no standing to bring any complaint within the ICANN process.

However, the TDRP is not that process. If you remember, the TDRP is a process between registrars where one registrar alleges that the other registrar hasn't followed policy. It is a loser-pay system. It has substantial costs attached to it. So if a registrant brings a case, they would bring a case against the current gaining registrar who's probably filed [“]not done anything wrong[”] because they followed the policy here as well. They need a process that they could file against the current registrant, not the current registrar. So there would have to be a different alternative. TDRP or a different policy that works for registrants.

And I fully support your view that there needs to be such a policy, but the TDRP is not it. And the TDRP is too narrow in scope and too narrow in the amount of participants that are currently contemplated to be members of the TDRP. “Members” is the wrong word, but you know what I mean: that it cannot be made functional for that.

I think we need a new process, possibly something based on the UDRP or similar. But we can recommend that there be such a policy but nothing should be added to the TDRP at this point.

ROGER CARNEY: Great. Thanks, Volker. And again, obviously I think this needs to … One issue is (I think Owen kind of touched on it, and Steinar has on multiple occasions) about the cost of a TDRP. And a lot of registrars, if they don't have the proof, won't initiate that because

it's their cost. But again if the registrant pays the registrar to do it, I think that there is that little bit more. So I think that there are options today that could solve that. But I think that to me, even in this case, it can be more cost effective if we look for a different solution. But just my thoughts on it. Steinar, please go ahead.

STEINAR GROTTEROD: Thank you. I fully understand and I put into the chat that the TDRP will never be a quick fix for the registered name holder, and that is actually not then intentioned the way I see it.

Let me put it this way. There is cost involved with this, but the cost is public. There should be a fee for entering a TDRP, and that has to be calculated by the registered name holder if they want to go into that process. But as it is today, they only have some sort of a gut feeling something is wrong. And I'm purely talking about breach of the transfer policy. They don't have any data. They don't have anything to say but maybe they are in conflict with the previous registrar or something like that that kind of stopped it.

So as I tried to [signal], this should be a way maybe for the registrant to have an option to get the data that the registrars will add to this process when there is discussing of a TDRP, but that data is not publicly available for the registrant. And that is something that I feel is a little bit strange. Maybe that's a word to use.

And I do sincerely hope that this will not be the most intensive process ever within ICANN Compliance, and so within the registry/registrar business. This is a last and final process that the registered name holder could have the data for an could investigate by themselves and say, “Is it worthwhile to take this into the TDRP process or should I do another way or just accept something shit has happened?” Thank you.

ROGER CARNEY: Great. Thanks for that, Steinar. Okay. I think we have a path forward, and I like the updates. And again, I think from the commenters, the removal of some of this too makes sense. But I think that we have a path forward on this. And again, I think that it'll be interesting to see what council does. And at Rich's point, maybe there has to be some focal input so that council can take the right path there. But yeah, I think we're good here. I think we haven't solved everyone's issues completely, but I think we're down the right path here and we can get to that solution, just not this group this time.

Okay, Caitlin, I think we can move on from this one.

CAITLIN TUBERGEN: Thanks, Roger. So the next recommendation is recommendation 34. This is about the fees associated with full portfolio transfers, over 50,000 names. So during our last meeting, we had our

colleague from the operations team who routinely works on transfers like this talk about one of ICANN Org's suggestions/concerns with the current wording. And essentially the concern was that it used to be that 50,000 domain names would trigger a potential fee, whereas the updated language is 50,000 names cumulatively. So it could be 100 different registries involved, where each registry has maybe 100 names or less. So the coordination involved with that would be significant.

But also the concern is that in performing these routinely, there are registries that are not in communication with Org, in terms of were the names transferred, is this registrar is going out of business, et cetera, or is being terminated.

So the suggestion there was to keep that 50,000 domain name threshold, but when it came to the disbursement of the fees, have registries or potentially registry families that have 50,000 names or more have the option of charging a fee. But for the registries that do not, or registry or registry family that does not have that 50,000 name threshold, they would not charge the fee, which is essentially what happens today. But I thought I would give a practical example just to ensure that we understand what the request is.

So in an example with two registries, if there are 60,000 names total, and one registry has 55,000 names, and one has 5,000, then the registry with 55,000 names could charge a fee under the

suggestion from Org. If, however, you have a transfer with 60,000 names involving two registries, and one has 40,000 names, and the other has 20,000 names, neither one individually meet that 50,000-name threshold. So there would be no fee unless both registries were part of the same family, in which case they would meet that threshold and could charge a fee.

So that was a suggestion that I don't think the group discussed previously, but we asked the working group members to think about that and see if that's something the group would be open to in light of the concerns with coordinating registries with very little names, which would equate to very little fees.

But I will also see if my colleagues on the call have anything to add to that or if anyone has any reactions to that suggestion.

ROGER CARNEY: Great. Thanks, Caitlin. And I think this goes across the next few recommendations as the pricing talks about that or the fee talks about that across 34, 35 and 66 or something like that. And when it was brought up last week, it seemed like it actually hit on some points, as Caitlin mentioned, that we didn't talk about or that I don't recall talking about, anyway, at the time. And it does seem to make sense that, again, today, if it's less than 50,000, they don't charge a fee. So if they actually have less than 50,000 in the future, why would they be able to charge a fee? So I think it sort of makes sense. I think that obviously the language here in these

few recommendations would have to be updated to account for that. I don't know if it makes it honestly any easier to understand or not, but I think it makes it easier to maybe operationalize. But I don't know that it makes it any easier to actually think about or not. But I think that it's a good discussion.

So Caitlin, please go ahead.

CAITLIN TUBERGEN: Thanks, Roger. I just wanted to react to Rich's question or Rich's comment because I don't think that is accurate. So the current minimum threshold is 50,000 names, and the current maximum fee is US $50,000, which is what's currently in the policy. What this group discussed, however, is that if there are multiple registries that have over 50,000 names, they could all technically charge US $50,000. So that could be a cost-prohibitive transfer. What this group recommended is that the maximum fee that can be charged is $50,000. That would be divided among the registry operators who qualify. Currently there's no maximum number of names to qualify. So if cumulatively the names reach 50,000, even if that's 50,000 registries each with one name, that would meet the minimum, and that fee would be divided 50,000 times.

What ICANN Org's suggestion was is that that fee will not exceed US $50,000, but the registries that would be divided against would be registries or families having more than 50,000 name. So in your example, Rich, if there's 200,000 names and two registries,

they each have 50% of the names. They could each charge up to $25,000, if that makes sense. And I think the rationale is that there are registry operators that will traditionally have more than 50,000 names in a transfer, but it's not a lot of them. So it wouldn't be trying to coordinate a transfer and a fee among 200 different companies. It would be probably, I don't know, 4 to 5, which just makes it easier for everyone involved. So I hope that addresses Rich's question.

ROGER CARNEY: Yeah, and let me add on to that, Caitlin, just with a different example. Say there's 60,000 names being transferred. Currently, our recommendation would allow a fee to be charged, but if that 60,000 was split evenly between three registries, and they each have 20,000, staff's proposal is that there is no fee because no one registry had over 50,000 names. So I think it does marry what we came to because we didn't want an unlimited number of $50,000 charges. Plus [with] the fact that today's model allows for less than 50, there is no fee. So I think staff's solution was in between those two, which seemed to make a lot of sense. But again, Rich, please go ahead.

RICH BROWN: To be fair, I was responding to the examples and the actual comment that was given. The examples alluded to that that payment over the 50k cap could still go through, which was my

major point here. I really don't care how things are divided, but I also do agree … I want to just state that I have no problem with nobody getting charged if nobody hits the 50K cap. I just want that to be said as well. And maybe we should just focus in on that point if we're going to update the language.

ROGER CARNEY: Yeah. Great. Thanks, Rich.

RICH BROWN: Anyway, thank you.

ROGER CARNEY: To solve this and move forward, let's try to come up with language (and maybe staff can help us here; again, I think it depends on a few of these recommendations) that accounts for the proposal, and then we can take a look at that when we get back in early January and see if that makes sense. Again, I think the way I understand it's actually combining what our solution was with a good feature of today. So I think it's a good proposal. So I'd like to see it written out and see if everyone can come to agreement on it.

So, Caitlin, I think that's on us to maybe update these few recs and bring it back and get approval from everyone. But I think it sounds like people on the call are okay with that as long as the $50,000 is

not increasing at all. So I think we can come up with that language.

CAITLIN TUBERGEN: Thanks, Roger. We will take an action to rework these recommendations so that the working group can see what that would look like with that suggestion.

So we have two more recommendations to quickly revisit. The first is 41. So this was a suggestion about the original language where there's the phrase or terminology "agent of the registrar," such as a reseller or service provider. There was concerns in the public comments that it's unclear what that entails. And there was a request in relation to that comment that suggested that the working group add a little bit more context or language explaining what that means for the purpose of implementation.

So in discussing that last week, one of the working group members says perhaps we just delete that language regarding agent and reseller or service provider and use the word "customer" instead, which would encompass different types of entities that could be eligible for a [PITABA].

So I'll pause to see … At the time that this was discussed, I don't think there was an objection to that language, but we wanted a little time to mull that over to see if there were any concerns here.

ROGER CARNEY: Great. Thanks, Caitlin. And I don't remember any objections to it either. It's good to see the updated language here so that we can get to approval on it. But, yeah, I don't remember there being any objection and it did seem to answer at least the public comment about it. And I think it clarifies the intent. But any comments or concerns with the updated language here?

Okay, great. I think that this update language looks good and we can move forward, Caitlin.

CAITLIN TUBERGEN: Thanks, Roger. Just one more recommendation, and that's 42. This is about the required registrar notification of the [PITABA]. And as a reminder, there was a comment regarding: whatever means that registrars choose to notify registrants (and that's because there's kind of flexibility baked into this text), they need to be documented, retained and made available to compliance to facilitate the investigation of a [PITABA] complaint.

So that language that's highlighted in 42.4 the group had tentatively agreed to, or there was no objections expressed to that language, but we just wanted to show what it would look like in the mockup to see if there's any concerns now that you can see it as actually drafted or any additional suggestions with respect to 42.4.

ROGER CARNEY: Great. Thanks for that, Caitlin. And again, I think this is one of the ones we've kind of talked through throughout the years as we've gone through this: making sure that we've got places in there for documentation of events. So I think that this was a good add here.

But any concerns with the updated language here or comments? And suggested changes to it? Okay, great. I think we can go forward with that then.

Caitlin or Christian, was there anything else we needed to cover here?

CAITLIN TUBERGEN: So, Roger, that takes us to the end of the recommendations that we thought would be helpful to revisit. There may have been an outstanding item. If anyone from the working group has any others to discuss, we do have additional time.

I think, as Christian noted, what support staff can do as a next step in our mock-ups of the recommendations is, of the recommendations where there was no controversy or the group has kind of agreed to changes based on public comments, we will move those into the green box, which is almost all of them. And the green box indicates what would be included in the final report. That doesn't mean it's final and no changes can be made, but it just gives the group the ability to see what that text looks like without all of the highlighting, bolding, cross outs, et cetera.

And we'll have that as a guide as we go through recommendations.

And then of course, as Roger noted at the top of the call, support staff has been going through the in public comment review tool and providing summaries of the working group's responses to each comment. That's to make a clear documentation and record of how the group handled the comments. For any public commenter, they can come in and see exactly how the working group responded. So of course in some cases, recommendations were updated based on comments. In others, the working group may have already discussed the comment in the course of its normal deliberations and therefore did not adjust the recommendation text based on the comments. But we do want to make sure that what support staff has been capturing the working group agrees with, in part because as we go through the final report text, we'll be adding rationale to the annex where the summaries of the working group's deliberations are included. And so we want to make sure that that's accurate. And of course, in some cases, there were direct comments from the public commenters noting that they didn't necessarily understand why the working group decided a certain thing. So we'll want to make sure that we have additional rationale where possible.

But I'll see if Roger has any closing comments or if anyone has any questions before we take a short break before resuming in 2025.

ROGER CARNEY: Great. Thanks, Caitlin. Yeah, I don't have anything else to add, just that hopefully everyone has a good break here for the next few weeks. Again, we won't meet for, I think, three weeks, so take a look at this, and if you guys have anything that you find that we need additional time on, please mark it and we can bring that up. But I hope everyone spends the next three weeks enjoying themselves, at least not having to spend the hour-and-a-half every week here and any homework that we assign.

But yeah, I think, again, we're in a really good spot, and I think we'll make some good progress in January toward our final report.

So, any comments or questions from the group? We can give everyone back 33 minutes. Okay, great.

I want to thank everybody, and we'll see you all in three weeks.