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ICANN Transcription
Transfer Policy Review PDP WG
Tuesday, 16 July 2024 at 16:00 UTC

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DEVAN REED: Good morning, good afternoon, and good evening. Welcome to the Transfer Policy Review PDP Working Group call taking place on Tuesday, 16 July 2024.

For today's call, we do have apologies from Eric Rokobauer (RrSG) and John Woodworth (ISPCP).

As a reminder, the Alternate Assignment form link can be found in all meeting invite e-mails. Statements of Interest must be kept up to date. Does anyone have any updates to share? Please raise your hand or speak up now. All members and alternates will be promoted to panelists. Observers will remain as an attendee and will have view access to chat only. Please remember to state your name before speaking for the transcription. As a reminder, those who take part in the ICANN multistakeholder process are to comply with the Expected Standards of Behavior. With this, over to our chair, Roger Carney. Please begin.

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ROGER CARNEY:	Thanks, Devan. Welcome, everyone. Hopefully, just a couple more meetings and we can take some time off for our Public Comment period. It looks like we're making some good progress. It doesn't look like there's too many updates to our document. We'll check to make sure today everybody's comfortable with that. As the homework was for the change of registrant discussion that we've had, so all the Group 1(b) recommendations, there weren't a lot of them but there was a lot of discussion that had to be reviewed. So there was quite a bit of review needed for it. I know some people have also already started the review of our Group 2 topics, which is great. We've got some from last week and some from this week. Hopefully, by the time we get through next week, we have everything covered and we can finish the July up with a nice agreement on where we stand on our document and we can take it to Public Comment. But for today, I think we'll go ahead and jump into our suggestions that we got this past week. So maybe I'll turn this—wait a minute. I'll open the floor up to any stakeholder groups that have any comments or questions or anything they want to bring forward to the working group that they've been talking about. Jothan, please go ahead.
JOTHAN FRAKES:	Thank you. I just put this into the chat. Last week, we had a little bit of a discussion about this one-time use TAC and it not being verifiable. And so I took and pulled the RrSG. It was an informal poll. I received feedback about this. So there were basically two scenarios presented. Scenario A was where the registrar takes advantage of the manner in which the info command an EPP will display different information depending upon the presence or absence of a valid Auth-Info Code. And that registrars use that to validate a transfer code before further

processing, before allowing it to proceed in their cart system or in whatever way. They leverage that as an additional sort of method of elegance to their transfer process. And so that would be Scenario A. Scenario B would be that they just take whatever was provided from the registrant, and they accept the transfer purchase from the registrant, and then we'll submit whatever was submitted by the registrant or by the person seeking to transfer. They'll submit that to the registry and it'll either pass or fail. So, basically, Scenario A or scenario B.

I received a total of 36 responses, 23 of which use process A with respect to the Auth-Info Code. So they need that ability to verify. And 17 responded B, that they just pass it across as is. Now, I did not break this down by domains under management. So I don't have that metric. I did also not provide context in that "What could you live with?" So I may do a subsequent poll, but I thought that the numbers would have been more leaning towards what this future state would be, that the transfer Auth-Code would not need to have any kind of means to verify. And the results were actually the majority responded that they would like to continue to have that ability to verify the Auth-Info Code.

So I'd wanted to provide that feedback to the group that in the wild, that that's how it's operating. There were some caveats. One caveat was that four of the respondents said that they use a mix where the registry has implemented the transfer code validation that you can do in the info command, that they do use it. But that a lot of registries vary in how they've implemented that so they don't rely on it. They only use it for further transfer elegance where it's present. Three of the responders said, "We currently do this method A where we do that, but we're fine with the future state because we'll trade off that elegance for

the increased security capabilities that will be available." So I think if you factor in 23 to 17, four of those might dissent. Let's say that that kind of evens it out, potentially. But it's still a significant demographic use of this Auth-Info Code that I don't think we should just brush past and we may need to revisit that part. So I wanted to just provide that feedback that had come from within the RrSG. Thank you.

ROGER CARNEY: Thanks, Jothan. That's great to get numbers and it's great that you're continuing to plug into the community as a whole to see the effects here. I think that that's important. I think as we're closing these out, I think it's always important to run those through and make sure that your stakeholder groups are all on the same page as much as you can be, I guess. But that's great. I appreciate that, Jothan.

Any other comments? Any other stakeholder groups? Okay. I think we'll just go ahead and jump into our agenda then. I think I'll turn this over to Caitlin.

CAITLIN TUBERGEN: Thank you, Roger. Thank you, Christian. So the homework assignment from last week, as noted, was the review of the Group 1(b) recommendations and a couple of annexes. The Group 1(b) recommendations deal specifically with change of registrant data. So if we can scroll down, most of you probably already have seen that there were no cannot live with items for Group 1(b). There was only one entry which Christian is currently showing. This entry actually has to deal with one of the Group 2 recommendations, but since it was the only entry,

we can just proceed to discuss that item. If we can just scroll to the relevant part of the report to show the recommendation. If I can summarize the concern, and of course, if Sarah is on the call, Sarah, you're welcome to speak to this as well, but essentially, when the group went through the recommendations related to how fees will be apportioned in full portfolio transfers, there was some discussion and there were several examples that the group had discussed. But in finalizing the recommendations, the recommendation language was whittled down and simplified. One of the notes was that it seems to lack a clear language instructing the group that the percentage of fees will be allocated based on the number of domain names transferred per registry. So for example, if registry operators choose transfers 50% of that domain name portfolio, it may charge 50% of the fee, which at most would be 50,000 USD. So in recognition of that—if you could scroll down, Christian—support staff drafted some draft implementation guidance to make that more clear. But before we go over that, Sarah, is there anything you'd like to add to the concern?

SARAH WYLD: Thank you. I think that really covered it, Caitlin. I think we all agreed on what we think it should be. It's just not as clear in the text as it should be maybe. Thank you.

CAITLIN TUBERGEN: Thank you, Sarah. The group might remember that when we did discuss this, we had several examples that we went through the slides. So the fact that it's not part of the recommendation text, but I think the group

understands what the recommendation was aiming for that maybe having some implementation guidance could help for people who aren't as familiar with the recommendations. So as you'll see at the top of the page, what we propose as an example is the recommendation notes that the fee must be apportioned based on the number of domains transfer. In practice, this means that if there are 60,000 total domains transferred and 30,000 names are .example names and 30,000 names are .illustration names, the .example registry could charge up to 25,000 USD, and the .illustration registry could charge up to 25,000 USD. This is because the two registries each transferred 50% of the names. Accordingly, each registry may charge 50% of 50,000 USD, which is the price ceiling referenced in Recommendation 35.

So if anyone has any other comments, you might need some more time to review the language or have additional suggestions, but we're happy to hear those. Okay. I'm not seeing any hands. And as noted, there were no other entries regarding the Group 1(b) recommendations. Did anyone on the call have concerns for the Group 1(b) recommendation that they didn't have a chance to enter into the sheet that they'd like to discuss? Okay. I'm not seeing any hands. If there are concerns about the proposed draft Implementation Guidance, since you're all just seeing it, that will remain in the document. Feel free to add additional comments or context if you think it may be needed.

But because I'm not seeing any hands, one thing that we propose to do is to go back quickly to the Group 1(a) recommendations. There were two concerns in the can live with but would prefer a change category. Two of those concerns noted a concern but didn't have specific language attached to the concern. So support staff went ahead and

proposed some language to try to address the concerns. I will note that in the rightmost column, we've added an outcome column that shows what how the group agreed to proceed, at least in support staff's interpretation. So you can also disagree with the group's outcome if you think we may have missed capturing something.

For the first concern, which we discussed last week, this is really about how while the new format makes things clearer and is designed to help readers understand the policy recommendations as well as why the group's recommending that policy recommendation and the potential impact of that recommendation, whether low, medium, or high, that the group thought it was important to make clear that ultimately the policy recommendation language itself is authoritative, not all of these other categories. Those are just supplementary information to help readers but it's not authoritative policy language. So what we have in the outcome column is to be included at line 78, which is after all of the categories are described. And just to note that for the avoidance of doubt, the policy impact indicator recommendation rationale implementation guidance and the link summary deliberations are neither binding nor authoritative. These have been provided as supplementary text in an effort to help readers understand the context of the policy recommendations. Only the policy recommendation text itself is meant to be considered authoritative. I see Rick's hand is raised. So please go ahead, Rick.

RICK WILHELM: Thank you. Rick Wilhelm, Registries. I'm with Sarah. I like it. A friendly edit, I would work on aligning the words where it says, for example,

implementation guidance, as it's written there in the column, doesn't have capitalization. And over on the left-hand side next to the letter E, Implementation and Guidance are both capitalized. So it's a minor editorial manner, but I would line up the capitalizations.

Similarly, a very minor thing in B, I noticed that recommendation text is lowercase where it says B. We might think about making the capital T there, because everywhere else in all these other ones, we've got the secondary words being capitalized. So I would just in the text we're going to put after lastly, I would just say the capital P policy, capital I impact, capital I indicator, etc., etc., etc. I would just make those B so it's clear that you're kind of referring to those headers as headers. I clearly spend way too much time editing standards documents. And I'm smiling as I say this.

ROGER CARNEY: I was laughing to myself, Rick.

RICK WILHELM: Yeah, Roger is on mute. Hopefully, that's helpful. But I think that this sentence is good. At the end there, it says only the policy recommendation text itself is meant to be, there the minor edit is you might drop the word policy because they're only the recommendation text. Or we might be very specific there because we're saying what is considered to be authoritative… I'm not exactly sure how we want to phrase that, because if we like the words policy recommendation text, then maybe we stick policy recommendation text up in the letter B and say policy recommendation text instead of just recommendation text.

I'm shrugging my shoulders. I don't care that much. But it's just a way to kind of make that all fit really, really tightly, like carefully machined parts. But I really liked what staff wrote there. Thank you.

CAITLIN TUBERGEN: Thank you, Rick. And I think as we are going through the final iteration of the report, we appreciate pedantry and looking at all of these things to make sure everything is consistent, capitalization is consistent. And I agree that if we're going to refer to policy recommendation text, we should probably say policy recommendation text in small letter B. But does anyone else from the group have concerns with making those changes? Or any other changes that you'd like to make?

ROGER CARNEY: This is Roger, real quick. Thanks, Rick, for that. Yeah, I completely agree. We're trying to be clear and we're trying to add clarifying text so we might as well be clear in our clarifying text. Thanks.

CAITLIN TUBERGEN: Okay. I don't see any other hands raised with this one. So we have one other item which is line 361. As a refresher, on line 361, this is specifically in the category of Recommendation Rationale. The issue pointed out here was the second sentence starts with "The working group recommends that the policy must…" and the concern was the rationale isn't a policy recommendation. So we shouldn't be using language like "the working group recommends". Instead, support staff added some language here to explain the updating of the timing, rather

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than saying what the working group recommends. But in updating the timing, the working group also wished to make clear that five business days/120 hours is the maximum time rather than the standard time in which the TAC is to be issued. This highlights that quicker turnaround time as possible and desirable in many cases. Rick, please go ahead.

RICK WILHELM: Shouldn't that say calendar days instead of business days?

CAITLIN TUBERGEN: Yes, that's right. Thank you for catching that. We will make sure to change that. Are there any other questions or concerns? Again, we'll leave this language. It's in the document. So if people want to have more time to review and discuss, you're welcome to put additional comments in the document.

For the rest of the content of this document, either language was specifically suggested that the group agreed to. For example, in the next item, you'll see agreement to leave language as is. We haven't seen any comments about the typographical requests or the third category, the grammatical changes. But again, if anyone is interested in reviewing those, it looks like a lot of recommendation renumbering issues, please feel free to put comments there. But staff will be applying those. We aren't going to go through those one by one.

So, Roger, I think that concludes what we have so far. So I will turn it back over to you to see if there's any other issues that the group wanted to discuss in relation to anything else.

ROGER CARNEY:
Thanks, Caitlin, and thanks, everybody. Rick is shaking his head on these things. But it is important. It does help and it makes things clearer. Again, we spend so much time on this that it's kind of second nature to us. But others reading this, anything helps. So trying to be clear as much as we can is great and really appreciated.

Okay. I think it's been great that so far our work has stood through another review, which is great. The team has reviewed these Group 1(a) and 1(b) many more times than we probably want to count. So it's good that we're still in agreement on them.

The next section, obviously, we've had some input on already, Group 2 items. It is a bigger chunk, and obviously, a more recent one. So hopefully, the thoughts are more recent. But also it hasn't had as much review as the Group 1(a) for sure. We did have a great discussion on it but we haven't had the multiple reviews on it as we did in the Group 1(a).

Group 2 is our next assignment. It has a good number of recommendations in it. And it's important to for everyone to take a look and make sure that they do agree with what's there and understand what's there. Again, I think that it's a lot of work for the next week, but the payoff is big, because then we can finish up our work this month on everything. Again, we've already had several Group 2 items pop up, so that's great. But I think that for the next week, it's important for everyone to take a look at those and make sure they're comfortable

with them as we move forward. Thanks, Christian, for dropping that link in to where the Group 2 items can be recorded as you go through.

Okay. I think we're in a good spot. I'll just open the floor up to anyone that has any questions, comments, as we go through this. Again, our main focus will be getting through this Group 2 next week, and then the final week we'll be tying everything together and making sure everybody agrees on the updates. Ken, please go ahead.

KENNETH HERMAN: Thanks, Roger. I've been focused on the recommendations. I hadn't paid much attention to the annexes. I noticed that for the homework for this week was to review some of the annexes. What caught my eye was Annex number 11. There were some NCSG points that were made there. It was before my time and I hadn't really thought about it. So I just have a question. There was a question, I guess, earlier in the discussions regarding transfer fees. It seems to me that that was addressed in the discussions. Particularly, this would be within the Recommendation Group 1(a), particularly recommendation 22 and a few words after that were the reasons that a registrar may deny a transfer. I'm kind of assuming that if those recommendations contain the universe of reasons why a registrar might deny a transfer, or is it the case that these are some of the reasons but that registrars are free to add their own, including something like nonpayment of a transfer fee.

Before we go into that, perhaps there's also the question of sanctions. I haven't shared this yet with the group. But I think that I agree with the discussion there on changes that it goes beyond transfer, and that there

needs to be a fuller discussion on that. And I think that's come up before. So really, my question is on the transfer fees and the recommendations associated with it in Group 1(a). Perhaps somebody can sort of help me understand if, like I said, is that the universe or can there be more? Thanks.

ROGER CARNEY: Thanks, Ken. That's the universe that Compliance is going to go off of. So I can't say that a registrar won't try to deny it for another reason, but Compliance, we'll use that as the universe. So if someone does try to use something different, they will have to explain that to Compliance and see if that works or not. But the goal is that is the universe.

KENNETH HERMAN: Great. Thanks so much, Roger.

ROGER CARNEY: You bet. Thanks, Ken. Steinar, please go ahead.

STEINAR GRØTTERØD: Hi. I just need to understand the technicalities about the one-use TAC and Jothan's concern about this. My question is quite simple. Is it possible to check the TAC in the model that we are now proposing, or is it not technical to do that? Meaning that we have to revert that if we agreed to have the possibility to check the TAC. Thank you.

ROGER CARNEY: Great. Thanks, Steinar. What we're recommending the info command that people use today will not function the same way. Because the registry is required to hash the TAC, that won't be comparable when it comes out in the info. So the straight comparison that is used today, it will not be able to happen via the info command in our model. So I hope that makes sense. Jothan, please speak up if you disagree with that. Okay. Any other comments or questions here? Okay, great.

A nice quick meeting today. But the homework here is again a big amount of homework. We've got quite a few recommendations to go through and a couple more annexes to make sure that it looks right. I think that's it for us today. Staff, is there anything else we needed to cover before we close? Caitlin, Christian, anything? Okay. Great. Zak, please go ahead.

ZAK MUSCOVITCH: We talked about this from the previous meeting very briefly about the possibility of having a community-wide webinar to present and participatory answer questions or answer charges from the community. Well, has there been any more thought about that sort of thinking? We have a time slot that works for all of us. We can easily slip it into one of our Tuesday new UST slot.

ROGER CARNEY: Right. Thanks for the question Zak. Staff and I continue to work on that. The current thought is we'll probably get into Public Comment so people can start their review process, and then maybe midway through the Public Comment, hold a couple of webinars. Exactly, the formats

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we're not sure, are we going to cover 1(a) and 1, 1(b) and 1, how that will work out. But yeah, we're still talking about that. It looks like maybe early September to do those. Again, maybe midway through the Comment Period so people have time to look at it and then form questions, and still time to get some more information so they can finalize their comment. That's the current thinking. We will be looking for some support from this group on any questions or comments maybe that come up during those webinars, but that's the current thinking. Nothing exactly ironed out yet, but that's where we're standing. Okay. Any other questions? Thanks for that, Zak.

Okay, great. I'll give everyone an hour back to jump on their homework assignments and get through the Group 2 stuff and any things that they need to get recorded in the worksheet. I think that we'll conclude the call now and everyone can get to their homework. Thanks, everybody.

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