

---

ICANN74 | Policy Forum – GNSO Transfer Policy Review PDP Working Group  
Monday, June 13, 2022 – 10:30 to 12:00 AMS

JULIE BISLAND: Hello, and welcome to the Transfer Policy Review PDP working call. Please note this session is being recorded and is governed by the ICANN expected standards of behavior.

During this session, questions or comments submitted in chat will be read aloud if put in the proper form as noted in the chat. To take part via audio, if you are remote, please wait until you are called upon and unmute your Zoom microphone. For those of you in the main room, please raise your hand in Zoom and, when called upon, unmute your table mic. In the secondary room, please raise your hand in Zoom and go to the standalone mic when called upon. For the benefit of other participants, please state your name for the record and speak at a reasonable pace. You may also access available features for this session in the Zoom toolbar.

With that, I will hand the floor over to Roger Carney. Please begin, Roger.

ROGER CARNEY: Thank you. Well, welcome, everyone. And a special welcome to those that are actually in the room for the first time in, I think, 32

---

***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.***

---

months—and those in the auxiliary room next door. This will be a hybrid session, so we will be running everything through Zoom. So, everyone in the room here, you can turn your mic and speakers off and use the mics in front of you. But I just want to thank everybody for all the hard work we've gotten through so far. A good year of work has turned out into an initial report that's going to get released in a couple weeks.

And now we get to move on to the next order of business, which is our change-of-registrant discussion. And for this, I'm going to turn it back over to Emily, I think, so that she can walk us through the overview of this. Emily, please go ahead.

EMILY BARABAS:

Hi, everyone. Thanks, Roger. This is Emily Barabas from the staff team. And I did want to note, just from a housekeeping perspective ... I'm going to talk for a little bit about some background, but the majority of this session is going to be discussion with all of you. And that is an open discussion. So the members around the table have microphones, but for everyone else in the room or in the secondary room, there are standing microphones there. So please raise your hand in the Zoom room so that Roger can manage the queue, and then you can walk over to the mic when it's time to speak and go ahead and do that. But all our welcome, and it will be a more interesting discussion if you do that, even if it's a little bit awkward in terms of logistics. This is

---

our first meeting in the GNSO room in this setup, so thanks for your patience if we are working through some of the logistic items.

So as Roger mentioned, we are going to do that. We'll have a discussion and then, if there's any wrap-up, Roger will go over the AOB.

So, as Roger mentioned, we're going to focus on a new topic today, but for anyone who's new altogether to the transfer policy and this PDP, we'll very briefly talk about that.

So the transfer policy is ICANN consensus policy focused on procedure and requirements for registrants to transfer domain names from one registrar to another and also has requirements related to transfer of one registrant to another. And we'll talk about that.

The goals for the overall policy are to increase domain name portability, to give consumers and businesses more choices, and to allow registrants to select the registrar that offers services and prices that meet their needs. It was previously called the—oh. The mask is muffling my speech. Is this better, guys?

UNIDENTIFIED MALE: Yeah.

---

EMILY BARABAS:

Okay. It was formerly called the Inter-Registrar Transfer Policy, or IRTP. It went into effect in 2004. And there was one series of PDPs called IRTP A through D, which focused on this policy and reviewing it. So if you hear references to IRTP C, for example, today, that's what we're talking about.

So this PDP has two phases. Just to give a little bit of an overview, we are just completing, as Roger said, Phase 1A, which ran ... I believe we started in April or May of last year and are just wrapping up the initial report for public comment now. So this is a transition point for the PDP. The focus of that Phase 1A was forms of authorization, auth-info codes, and denying transfers, also known as nacking. And we're just getting started with this Phase 1B, which will have its own initial report. And that focuses on the topic of change of registrant, that we'll talk about in just a moment. And then there will be a Phase 2. Phase 1A is, I believe, scheduled to deliver an initial report in May of 2023. There will be a combined final report for all of Phase 1 scheduled for August of next year, and then there will be a transition point to Phase 2, which covers a number of other topics. You can see there it's transfer emergency action contact, TDRP (Transfer Dispute Resolution Policy), reversing transfers, and ICANN-approved transfers.

So, touching a little bit on this new topic area for the PDP, change-of-registrant is a set of requirements that seek to prevent domain name hijacking by ensuring that certain changes to the registrant

---

information have been authorized. This set of requirements includes the requirement for registrars to obtain confirmation both from the prior registrant and the new registrant before a material change is made to a series of fields—so prior registrant name, prior registrant organization, prior registrant e-mail address, and/or administrative contact e-mail address if there’s no prior registrant e-mail address per the current policy as it’s written.

And there are a few areas that the issue report, written prior to the launch of the PDP ... The issue report identified a few areas in particular that potentially need some work. So this is based on what is known as the policy status report. It’s a report that the organization wrote with a number of data points. We’ll talk about what those data points are in a moment. But these are several areas where it was pretty clear that additional discussion was needed.

So, first, the 60-day inter-registrar transfer lock. This is a lock that prevents transfer to another registrar for 60 days following a change of registrant. And as we’ll be discussing today, and as many of you know, there have been a number of difficulties that registrants have experienced with respect to that 60-day lock—in particular, being unable to remove it once it’s in place.

The designated agent. This is an individual or entity that the prior registrant or new registrant authorized to approve the COR. And

---

as we'll be discussing, there are potentially different interpretations of the role and authority of the designated agent.

And then, finally, regarding privacy-proxy services, currently compliance enforcement is being deferred in relation to COR as it applies to removal or additional of those services. And further work is expected from this PDP to clarify the implementation of policy recommendations from the IRTP Part C recommendations with respect to that.

So some of the data points that are going to feed into this discussion. There's input from ICANN's Global Support Center. That's the customers service center that ICANN Org has. The mandated reporting per the RA of transfer-related ... I'm sorry. Registry reporting is provided monthly by registries to ICANN Org, and ICANN Org has aggregated that data in relation to transfers to feed into this PDP. ICANN's Contractual Compliance department has aggregate information on various complaints that have been received on this topic and has provided that in the policy status report. And then, finally, in addition, a survey as conducted of registrars and registrants as part of the policy status report and provides inputs on this topic as well.

So there are questions that are specifically about, for example, the 60-day lock in the charter. There are questions that focus on privacy-proxy and designated agent. Today, we're going to talk about some of the most high-level or gating questions that are

---

really about change-of-registrant overall and whether it's functioning as intended. So that doesn't mean we can't touch on these other topics. Obviously, the 60-day lock is a pretty big one, and people will probably have things to say about that, but just know that, as the group goes through the charter questions, there's going to be a number of really specific questions about some of those topics. And in the beginning, it's really going to be about, how is this working in the big picture?

So before we transition into the discussion, I'm just going to introduce ... So this working group has used, in Phase 1A, a series of working documents that provide, for each charter questions, some of the data points and some of the early inputs that were received from various groups as part of the standard PDP process. So on these topics, the BC has provided some inputs, and those are included in the charter question document[.] The existing policy, with respect to the charter questions [...] And what I'm going to do is just drop that Google Doc into the chat, and folks can follow along there.

So going into the charter questions themselves. We'll start with Charter Question D1, which is ... According to the Transfer Policy Scoping Team report, the change-of-registrant policy does not achieve the stated goals and is not relevant in the current and future domain ownership system. To what extent is this the case and why? Are the stated goals valid? If the change-of-registrant

---

policy is not meeting the stated goals, and those goals are still valid, how should the goals be achieved?

And D2 is sort of the corresponding flipside of that question, which is essentially, if the policy is retained, are there ways to make the policy simpler, less burdensome, and less confusing while still maintaining the necessary safeguards against unwanted transfers.

So before we go to discussion, I was just going to touch on a couple of the relevant metrics and some of the goals that were mentioned by the IRTP Part C. In the IRTP Part C's final report, they talked about the expected impact of the recommendations. And with respect to the change-of-registrant piece of the recommendations, the working group said that they expected that this work will clarify and standardize how change-of-registrant can be conducted, reduce issues with the IRTP as it is used for change-of-registrant, and reduce registrant confusion. So that feeds into the question of what these goals were.

In terms of metrics, this is hopefully something that members themselves have read in the issue report, but you'll see that, from the policy status report, for example, Global Support Center inquiries increased at a higher rate following the implementation of IRTP Part C—so the implementation of change-of-registrant—at a higher rate than the overall set of complaints that they received on various topics. Monthly registry reports indicated a



---

spike in transfers at the end of 2016—so around the time of the implementation of IRTP Part C. And there was speculation that that spike may have been explained by the forthcoming implementation of IRTP Part C, including the 60-day lock. Contractual Compliance received, looking between 2012 and 2018 ... The nature of transfer complaints changed and there was a greater number of complaints related to change-of-registrant and the 60-day lock.

In terms of survey results—these are responses from both registrars and registrants—there were a number of comments with respect to change-of-registrant. So folks wanted to see fewer and less complicated steps for registrants to transfer their domains and wanted to see things happen more quickly. There was frustration expressed with some of the barriers that people experienced to transferring specifically related to the change-of-registrant lock. Some said that they wanted to see that lock reduced or eliminated altogether and that registrars said that their customers were often frustrated with aspects of the policy and didn't seem to understand the rationale for some of the requirements—in particular the lock.

So those are potentially some data points that can be brought into the discussion as you all dive into the topic.

But I think what I'll do now is pass it on to Roger to let people begin to dig into some of the issues here. Roger?

ROGER CARNEY:

Great. Thanks, Emily. So a lot of data. Thank you. Information. A lot of information.

IRTP-C did supply a lot of this for us. They're the ones who initiated the Part 2 of the transfer spec, and they're actually the ones that recommended keeping it to one spec. So it's interesting. I think that we have 19 charter questions for change-of-registrant, but the first one seems like it trumps all of them, depending on the answer. If we answer, "The policy is no longer needed," 18 questions become a little easier to answer. But I'm not sure we can get to it all that quickly—to that answer of one—without touching a few of the others, at least, or at least giving people enough time to think about, does current policy actually achieve it's goals?

As Emily mentioned, IRTP-C had a few specific things. The interesting one to me was making it easier for registrants and everything. I think that it goes back to trying to be standard with it as, prior to IRTP-C, change-of-registrant was handled at each registrar. So there was a different policy, no matter where you went. I'm sure some experiences were similar, but a registrant at four different places would probably end up with four different experiences.

So I think trying to make it easier for them was trying to standardize it across registrars. I don't know, looking at the stats

---

and everything that it has been put through, if the goal of making it easier was achieved or not. That's one of the things we need to decide.

And I think the other big goal was domain theft here. Hijacking was the other big goal of IRTP-C—trying to come up with something to stop that. And, again, I think we have to take a look at that and say, okay, does the current policy stop it? Have things changed since then that make it better? And, actually, that's even one of our charter questions, I think, later on: improving the auth-info [or] the TAC; did we help here with some domain theft or not? So it's one of those.

So I'll open the floor up to everyone on D1 here. And, again, it is a big question. Again, is the policy doing what it set out to do? And if not, that's fine. Does it need to do those things? That's the next question. Are those things still valid or are those goals valid?

So we'll turn the floor over to Theo. I see his hand up.

THEO GEURTS:

Thanks, Roger. So what we need to realize—and this was mentioned by Emily also—is that this policy goes back a long time ago, and the registrar landscape was very different back then. There was not much emphasis on security. 2FA wasn't even around the corner back then. Multi-factor authentication was slowly coming into progress at some registrars, but basically it

---

was a very different landscape. Everything has changed now. We've got GDPR. You need to offer an adequate level of protection, and if you don't do that, you're going to get dinged at some time by some data protection authority—for example, British Airways. The investigation there started off with user accounts/customer accounts being compromised. And of course, there was a lot more wrong at British Airways, which resulted in a 20 million euro fine. It was pretty high.

So security is now much more a goal where registrars and, I suspect, registries also try to achieve a compliance goal that is a continuous process. It never stops. You need to keep hitting on security over and over and over. You need to see what's new because that is what a GDPR forces you to do. You can't just sit on your hands. You need to have a continuous process to achieve the best security available that is out there. There are some carveouts there, but that's basically the gist of it.

Now, on the screen here, it says, does it meet the stated goals? That's a good question. Back when I was working on this in the IRT in 2015, there were no statistics. And it's a little bit sad to come to the conclusion that we still don't have those statistics. We don't know if the stated goals are valid or if they are working. We have no idea what they are working. But we [could] observe, though, when there was still a WHOIS and it was not redacted. That part is now completely gone for the most part.

---

So if we talk about one of the goals—checking the registrant data at one registrar or another prior to the process—that is not there. We have discussed this already previously with the gaining FOA. That issue still applies here also.

So I don't see much value in keeping this. If you're a registrar, make sure you offer good protection because, if a domain name gets stolen, it's usually because the registrant is completely compromised. And this policy, in my opinion—I said it back in 2015—is that this is not going to stop domain theft, and it doesn't do it today. Thanks.

ROGER CARNEY:

Thanks, Theo.

Owen, please go ahead.

OWEN SMIGELSKI:

Thanks, Roger. So unlike Theo, I'm not necessarily going to come up with some solutions here, but I do agree that things—security and technology—will continue to evolve, and anything we do come up with now would need to evolve over time. So it's difficult to put something in a policy that is able to evolve. So that's a flag that I think we do need to consider.

Also, I think the situation certainly has changed significantly since the implementation of 2015. We now have GDPR in place and the

---

temp spec. And when this policy was originally drafted, e-mail addresses were available publicly in WHOIS, which was, I think, a dangerous attack vector in hijacking and stuff like that because that's quite often a reset account or some way to access the registrant's account at the registrar. So I think that is no longer a concern, so there's a lot less difficulty in there and trying to protect domains that way. So I think that's certainly one thing to consider.

Also, another thing to consider from our first work there in Phase 1A is that we got rid of the gaining FOA, which previously had to be sent to the e-mail address that was on file. And I remember from my time at Compliance that that was one of the biggest complaints from registrants: they wanted to transfer a domain name but the e-mail address was old, inaccessible, etc. So before they could transfer it, they had to change their e-mail address, but then of course there was the lock or they couldn't opt, and there was an ungodly amount of frustration from registrants with that and the lock and stuff like that. So since we've done away with that, that might no longer necessarily as well, too.

So I think those are some things to consider about how drastic the scenarios and situation ... I'm not saying that we need to get rid of it necessarily but perhaps make some modifications or changes because we do need to make sure that domains are secure and not hijackable. But I think there's a much different landscape than there was previously. Thanks.

ROGER CARNEY:

Great. Thanks, Owen.

And I see Farzi put a message in chat as well. She mentions that obviously one of the goals of this policy is to make the change-of-registrant. But I think that that's something that occurred no matter what. And the goal of this policy wasn't so much for that. The goal of the policy was, again, to limit hijacking and to standardize the process across registrars. So I think obviously change-of-registrant has to be part of the goal of the actual change itself, but the written-down policy is meant to curtail hijacking and to try to standardize the user experience. And I think that that's why Theo and Owen have both said they don't think it's meeting those goals or possibly even necessary. As Owen mentioned, GDPR kind of helps out the hijacking by now hiding the e-mail. So there's a lot less data there for people to use.

Let me jump to Volker. Please go ahead.

VOLKER GREIMANN:

I'm not quite convinced either way, and I'm not taking a position. But I do feel that some form of process to protect the registrant from unwanted changes of their registration data is even more necessary now in the time of GDPR because a registrant cannot monitor the WHOIS for such changes. So they need to be informed of such changes. They need to be protected against

---

unwanted changes simply because of the fact that hijacking might become easier this way. I'm not sure that the current policy achieves that goal, simply because it's easily circumvented. For example, instead of updating the registration data, a transfer could be initiated quickly. And after the transfer is completed, the registration data is updated at the new registrar because the new registrar doesn't have the old data anymore. So that's a concern.

Then the second question to me is, when we drafted the original policy, the goal was not to make updates harder but to make domain names more secure. So one question that we should look at is, have we made the process to update the data too hard or too cumbersome or too complicated, achieving more in that respect that we didn't want to achieve? And did we do too little to protect the domain names? So are there other ways to protect a domain name against hijacking? I think those are the questions we should look at mainly. But ultimately, I do think that some form of process to protect the registration data from changing is necessary.

ROGER CARNEY:

Great. Thanks, Volker.

Emily, did you want to make a comment?



---

EMILY BARABAS: Thanks, Roger. I just wanted to say that we have a bunch of folks in the secondary room and also everyone outside the table. I know you're sitting next to microphones, but you are welcome to participate. So please just log into Zoom and raise your hand in Zoom. And, again, there are microphones in each room that you can use. So please don't feel prohibited by the lack of microphones right in front of you. Thanks.

ROGER CARNEY: Alright. Great. Thanks, Emily, for that.

Thanks, Volker. Yes, and I think the key is looking at the measures or the requirements put in place: did they actually help or could they be enhanced to make it better? As you said, there still is a need to make sure that a change is occurring because of a requested change.

Okay, let's go ahead and get into the queue. Arnaud, please go ahead.

ARNAUD WITTERSHEIM: Sorry. Is it me?

ROGER CARNEY: Yes. Please go ahead.

---

ARNAUD WITTERSHEIM: Sorry. So hello, everyone. I'm Arnaud Wittersheim from Nameshield. I wasn't sure if I'm allowed to ask questions. Apparently, I am, so that's great.

I would have liked to know if there are any statistics on domain name hijackings as a result of fraudulent transfers and, if so, whether these figures have changed, especially after the implementation of the temporary specification, which masks the contact data.

And I just also want to remind us that the TEAC is still a safeguard. Also, it will be [reviewed] in Phase 2 of this PDP. Thanks.

ROGER CARNEY: Great. Thanks, Arnaud. Great question. And I do think there are a few stats in the issue report if you want to take a lot at those stats. Obviously, Compliance had some issues with it as well because of not specifically tracking it. As Owen or Theo mentioned, we still can't track exactly the goals here. But, yeah, I think it's a good question to ask. And I don't know if anybody has the answers. Again, there is data in the issues report.

And on Volker's comment in chat, yes, it's a lot of anecdotal stuff, not necessarily hard facts here.

Okay, I will go to the next in queue then. Rick, please go ahead.

---

RICK WILHELM: Thanks, Roger. Just briefly, I think it would be helpful if everyone would be looking at the change-of-registrant process that Farzaneh brought up to prompt the link to be thrown into the chat because, when you just look at the change-of-registrant process to try and get concrete about what it actually says/what it actually requires as opposed to just thinking broadly about it ... because it contains a bunch of stuff in there. One, it allows people to change the contact for the registrant, which is of course important because sometimes these things do get registered by one entity and then get required to transfer to a designated agent. Or they get registered by a designated agent and then get transferred over to the actual person who's the eventual registrant. And then also it does contain in there the 60-day lock right now.

So I just encourage folks to actually go through that. It's not a lot of reading, unlike a lot of the other policy documents you read. It's like a 90-second read for everyone within earshot. So that'd be the thing that I would just encourage everybody to do. So it's probably more a little bit of a question and a little bit of a comment. Let's try and get concrete about what we might be proposing. Thank you.

ROGER CARNEY: Great. Thanks, Rick.

Okay, Sarah has her hand up. Sarah, please go ahead.

---

SARAH WYLD: Hello, everybody. I hope you can hear me okay. I am participating remotely.

ROGER CARNEY: Sounds great.

SARAH WYLD: Thank you. So for the inter-registrar transfer part of this policy, we've been working on making the process easier to do for the registrant while keeping in mind that it should be correspondingly easier to undo in case of problems. And of course, as you know, I've been really looking forward to working on the fast-undo part of the policy.

So for the change-of-registrant process, I'd like to see us move in the same direction with the goal of ensuring that the domain owner knows what's happening to their domain name and is aware of the status of the domain and any changes while also making it easier for them to do the update, which I think could look like removing the approval process, getting rid of designated agents, and getting rid of that lock— the domain owner can still put a lock; I don't think we need an actual one—making it easier for the update to happen and also, correspondingly, making it easier to undo it. Thank you.

ROGER CARNEY:

Great. Thanks, Sarah. So I started this conversation with, “I thought our first question would be hard to answer,” but it sounds like we’ve already got our answer: maybe this policy still needs to stick around but just change. That’s what I’m hearing. So I think that’s good. I think it helps us move forward.

One thing Sarah said about the quick reversal ... The other thing, I think, that we thought about a lot during our Phase 1A discussions was the security part of it. Yeah, we wanted to make it easy for the registrants, but we definitely wanted to make it secure. So I think that’s another focus here. We don’t want to lose any security issues going through this. If we can enhance it, good, but we don’t want to drop any.

But I see Jim’s hand up. Jim, please go ahead.

JIM GALVIN:

Thank you, Roger. So I guess I have two comments/observations. When I think about this, I guess what I’m surprised about is I would think, as it seems to me to suggest in the whole transfer process, that any material change to any registration information is a transfer. We can divide these up in to inter- and intra-transfers in that sense, but if that’s true, I would think, even in this case for change of registrant, you would just start from the baseline of applying everything that we’ve just gone through in the inter-

---

registrar transfer and you would seek to do things the same way. In that way, you inherit all of the same principles that we have created for ourselves from a security point of view—in particular, the new way that the TEAC works—and use that and apply that in this situation. So that’s just one observation about moving forward: thinking about it in that way.

The second thing is I was struck initially when we were talking about how we’re trying to protect from domain hijacking. And that’s a key goal. And I make the observation that that works. To the extent that you adopt everything that you have been thus far with inter-registrar transfers, then you get all the benefits of that. But I don’t want to overlook the fact that, in fact, hijacking is easier in an intra-registrar case because, if you’ve lost control of the account, if the account has been hijacked, then it really doesn’t matter what you do in the transfer case. And it’s important to keep all of that in mind. And you have in fact reduced your overall security because you have not involved yet another third party in a helpful process. So you have another registrar in the inter-registrar case. So you have an additional third party who’s there who can be part of this transaction and provides some additional guidance or helpfulness in the process. And I just want to call that out. You’re not getting any benefit here with the hijacking. You’re actually creating an additional threat in the intra-registrar case that I don’t really know how to address. I don’t think any of this is going to address that. Thanks.

ROGER CARNEY:

Great. Thanks, Jim. And I think that's how Theo started his conversation: he didn't see that that was possible through the transfer policy; hijacking is going to occur, but it's going to occur in different forms. And I think several people now said obviously the key one is when an account gets compromised or something. So that's something that a policy can't stop.

Okay. It looks like Volker has his hand back up. Volker, please go ahead.

VOLKER GREIMANN:

Just two remarks/two comments that were raised earlier. The first one is I think the quick reversal is one part of the puzzle, but it does not form the complete piece of the puzzle because quick reversal only protects the registrant. But we should, in cases of domain hijacking, also be concerned about third parties who might acquire such domain names on a third market. So preventing those hijacks in the first place is probably the better solution, but quick reversal is only interesting or relevant if that has already failed. So that's the first point.

The second point I wanted to raise is with regards to account security. That's also, I think, a wise thing to do, but it only protects part of the registrants. A lot of registrants do not have accounts with the registrars. Some don't even have accounts with resellers.

---

They have a contract with the web agency who basically designs their web page, and they have no account. They just get their invoices there. So there is the need to maintain the format of the designated agent who has the ability to act on behalf of the registrant. And therefore, if we go the direct of account of security, we should remember that this does not protect all registrants. Thank you.

ROGER CARNEY:

Great. Thanks, Volker.

Okay. I think it's Theo. Theo, please go ahead.

THEO GEURTS:

I'm hearing of the quick reversal and the undo feature. I heard it pop up two times this morning. And if our policy work hinges on such a feature like a quick-undo button, that thing does not exist. There is no such thing. In the cases where I worked with registrars and I was looking at a registrar I worked for, with the very few cases that we had, you were talking about a total compromise of the registrant who actually needed to get a new computer because the old one was so riddled with spyware that the attacker would obtain a foothold on the old PC over and over. Those things are not quick. You are talking about that you need to figure out the identity, especially when it's compromised so bad that the attacker is actually communicating with you. You



---

need to do a lot of stuff before you can actually get to a point with the other registrar that you can reverse the transfer. These things are usually not very quick.

So I'm just pointing it out there. If we move on with the current work and there are dependencies on a quick-undo button, that thing does not exist. There will always be these edge cases that will make it very, very hard. And when you look at at least what I see happening in reality, those things are never easy. The ones that I have dealt with took months in some cases to undo a transfer because it is not easy and quick to do this. It's always very 50K shades of grey. So it's very complex usually. Thanks.

ROGER CARNEY:

Great. Thanks, Theo. And I know a few of you were part of the IRTF days, and I think Berry had brought it up for us a while ago: the quick reversal was discussed in the original ten-years-ago policy or whenever it was. And they thought it was a good idea, but they could never get it to the finish line. So to Theo's point, that doesn't exist today—on paper, I should say. It doesn't exist in policy. I know that there are registrars that work with registrars on quick reversals, and they do have agreements between each other that allow it. So it's not a policy, per se, but they do have agreements between registrars. They do allow quick reversals in certain circumstances. And to Theo's point, let's hold off on

---

basing policy on something we haven't completely talked though yet.

Okay. Any other comments? I think Sarah threw out earlier—and I see, in chat, there's maybe even a little adding on to that—a possible proposal of moving forward. And she basically stripped everything out and left it as a notification system where everybody that's in the process gets notified, but there's no 60-day lock and ... What was the other part that Sarah removed? I can't remember now.

Okay, anyway, I will let Mike to take the floor.

MIKE RODENBAUGH:

Thanks, Roger. I just want to follow up on what you were just saying, Roger, about the quick reversal agreements between various registrars. That's, frankly, news to me. And I think the group might benefit from having a little more elucidation around that. Some examples and background on that would be useful, I think.

ROGER CARNEY:

Thanks, Mike. I can't get into too many details because some of them are pretty high-level events, but there have been some pretty big accidental, let's say—we don't how accidental it was—transfers that have been reversed within hours just because the registrars did work together.

---

Okay. I don't know if Sarah wants to talk anymore on her comment.

Farzi has her hand up. Please go ahead.

FARZANEH BADII:

Thank you. So I just wanted to mention that—because I hear a lot of issues that are raised about anecdotes versus statistics—I think, as we move forward with the work, we might want to talk to the ICANN Registrants Rights and Responsibilities staff members. They might have views or at least they can also learn a little bit about more about how the reality of the policy implementation is. And that would help with their work to inform registrants about transfer and make their life easier as well.

ROGER CARNEY:

Great. Thanks, Farzi.

And one of the things—Arnud mentioned it earlier, too—is that obviously statics would be great here. And I think Berry has constantly, in every PDP I've worked on, talked about groups trying to come up with recommendations around reporting and things like that. So it's something important to think about.

Any other comments? I think we've done a pretty good job, actually, on D1. I wasn't actually thinking we would get that far on that one.

---

Okay. So I think that the general agreement is keeping this policy but making changes to it to make it work better. I know one of the biggest things in the issues report that ICANN report was the frustration of a registrant that may have missed his annual notice about updating his information and decides to transfer it today and comes in and can't transfer it because they have to change their e-mail address, or their name was spelt wrong or something. So that's one of the biggest issues that Compliance saw. We talk about hijacking and everything, but when you get down to the numbers, most transfers happen without incident. So there's a great number of transfers that no one notices because they just happen in the way that they're supposed to happen. And I think you have to take those into account as well.

Okay. So any other questions or comments on our first charter question here? Again, I think the group is deciding that, yes, the policy should stay with some updates to it. So I think we can move on to our next question then.

Okay. All right. Our second question. Data gathered in the transfer policy status report indicates that some registrants find change-of-registrant requirements burdensome and confusing. If the policy is retained, are there methods to make the change-of-registrant policy simpler while still maintaining safeguards of one-on-one transfers?

---

And I'll point everybody back to Sarah's comment that she suggested to begin with as a suggestion of a possible change to simplify the policy. But again, I think the discussion is: is that the right mechanism to use?

Comments? Changes we'd like to see to it?

ZAK MUSCOVITCH: Roger?

ROGER CARNEY: Sorry. Yes, please go ahead.

ZAK MUSCOVITCH: All right, thank you. My comments on D2 dovetail with some of the observations we've had on D1. But in particular, if the policy itself is confusing to legal counsel, to registrars, to registrants, and perhaps even to ICANN, it's confusing when it comes to the exact parameters and provisions regarding registrant transfer. And so I think it would be a great benefit to all stakeholders if the particular provision is made far clear. Right now, we have, "The registrar must impose a 60-day inter-registrar transfer lock following a change of registrant, provided, however, that the registrant may allow the registered name holder to opt out of the 60-day transfer lock prior to any change of registrant." And there's even a footnote there that makes it more confusing. The

---

footnote says, “The registrar may (but is not required to) impose restrictions on the removal of the lock.” So cleaning up a lot of this “must” and “may” would really be helpful.

Also, from the perspective of registrants, really the problem is consistency in the application between registrars of the policy. Thank you.

ROGER CARNEY:

Thanks, Zak. Yeah. And I’ll just mention Rick jumped in earlier and said, “Take the 90 seconds and read it.” And he’s right. You can read this in 90 seconds. And there’s about a million different ways to read it as well. so it’s one of those where, yeah, there’s a lot of fine points, especially in the details not listed in the policy. So thanks, Zak, for bringing that up.

Theo, please go ahead.

THEO GEURTS:

So, on D2, back then, originally, we did add some carveouts because we started to realize that, for certain registrars, depending on the business model, it would get very complex very fast. This looks pretty simple—what D2 refers to—but from an operational and a development level, it is pretty hard to come up with a smooth process, especially 60-day locks, in/out, and mandatory/not mandatory. So it gets really messy really fast.

---

So what Sarah is suggesting—to go with a notification route—but, as Zak just said, to maybe have a look at those 60-day locks and clean that up, I think is a good approach forward. Thanks.

ROGER CARNEY:

Great. Thanks, Theo. Some of the things Zak listed out he was just reading off the policy—I believe he was. So the 60-day lock is one of those, but we also have the designated agent part of it, the opt-out part of it. So I think that there's a few big parts that we have to look at to see if they make sense.

Sarah's earlier intervention was, I believe—and she can correct me—to eliminate all those variables and make it a notification system, though I've seen chat between her and Jim now about the security mechanisms that we put in place for the inter-transfer. And maybe that's some of things we need to look at: some of those.

I think I saw Jim and Sarah say something about using the TEAC, even for a change-of-registrant. I'm not sure how that works, but I'm just mentioning what was in chat.

Okay. Any other comments?

Jim, please go ahead.

---

JIM GAVLIN: So a question, I guess. Do you want to say more about how a TEAC might work in this case, or would you rather not get into that right now?

ROGER CARNEY: Thanks, Jim. Yeah, I think we get into it—that’s why we’re here—if we can make those discussions happen here.

JIM GALVIN: So I guess I’ll just think out loud about some of the stuff that’s going on in the chat, just to spark some conversation. There are two models in all of this that come to my mind. So immediately, it’s starting from the baseline of, well, let’s just take on board everything that we did before in the inter-registrar transfer. Let’s bring it into this case. So what are the things that make it different? And think about which direction you want to go to, based on those differences.

A fair question right away to ask is, do you even want to involve a registry or not in this process? And on the reasons why you may or may not want to, on the upside, I think there’s a certain amount of additional security in having another party who’s keeping logs and is tracking things. So maybe there’s some benefit there, but it does require extra steps from the registrar.

Right now, the whole change-of-registrant stuff is all local to you. So a fair question to ask is, do you want to keep it local? And then,



---

if you keep it local, what are you losing and what would that really look like? The extra steps, if you involve the registry are, sure, then you have to issue a TEAC. You have to give it to somebody. They may or may not want to give it back.

So now the question is, what kinds of changes would require that same person to give it back versus, oh, they give it to the person next to them who's going to move it into their account? So the change-of-registrant information—is it a transfer in a material, physical sense, or is it just that I am a physical person but I've changed my name or the name of my business or my address, which is a change to registration information but it's not really a material ownership change in a physical sense? So is there a way for a registrar to carve out those physical changes and then deal with them locally and not make it a transfer versus “I'm doing a transfer because the physical identity of the owner is actually changing”? And that's a distinction to make in the information that's going to change.

I would say that, if the physical owner is going to change, you'd want to use a TEAC-like system. And then you get to back to the question of whether or not to involve the registry.

So these are the questions that I was laying out in the chat. I just said that all out loud a little bit. And I don't know if everybody followed that. it's kind of a lot to take in, but maybe it piqued your

---

curiosity on a question or two. And we can talk more about it as we go along here. I hope all that made sense. Thanks.

ROGER CARNEY: Great. Thanks, Jim.

Sarah, please go ahead.

SARAH WYLD: Thank you. You all know my love of those logic puzzles. So I like the idea of making a list of security features for the new transfer process that we worked out here. And then also any of the security-related steps from the existing COR process should be on that list. And then we go through each one and figure out how it could match up with what we think we should do moving forward.

For the TEAC thing for COR, that sounds to me like the domain owner's account password because they've logged in. They've proved that they are who they should be by logging in with that password. So maybe for that we should be thinking more about the multifactor authentication that Theo brought up.

And then another thing that Jim brought to mind is he's mentioning the physical owner of the domain. And I'm not sure that that's how I think about what triggers a change of registrant. So maybe another thing we should be thinking about here is what

---

updates are a material change, or what updates would trigger this process? Thank you.

ROGER CARNEY:

Thanks, Sarah. You are thinking the same line as I on that one. Jim brought up the physical ownership and the difference between the two scenarios possibly. And, yeah, it gets a little difficult when you start talking about material change. And it's one of those where someone changes their e-mail address—and that's a material change—and puts a lock on it. But, again, one of the number-one complaints to ICANN is someone that comes in and updates their data and tries to transfer it away. There was not anything nefarious about it. That's just what they did. So, yeah, I think that that material change should be discussed as well.

Volker, please go ahead.

VOLKER GREIMANN:

Yes, I think that's an interesting question because, from an automated standpoint, it's very hard to distinguish a non-material change from a material change. So that's why the definitions were more in the line of, "If this is changed, this is material, and if this is changed, this is not material." Legally, or example, the name change of a company can be a material change but need not be. So I think it's hard to make a hard-and-fast rule there.

---

I think it would be good for us to allow a certain amount of flexibility on the side of the registrar. The registrar should be allowed to override certain automated decisions that their system has made when the registrant comes to them and explains the issues and says, for example, “I sold the domain name. Update it to the new owner,” and now they want to transfer but they forgot to check the box. Now they’re locked in for 60 days, and the new owner cannot use the domain in the way they want to for 60 days, which basically has decreased the value for them and they might have a legitimate right to ask for a reduction of price or something like that.

So ultimately, I don’t think we want to make it harder to use legitimate ways to change domain names and update domain names just because of the principle of following a policy that has been step in stone to protect the registrant. When we’re protecting the registrant from what is in their best interest, I don’t think we’re serving them. And I think therefore we need a certain amount of flexibility that the registrar has the discretion to undo certain locks, undo certain changes, at the request of the registrant.

ROGER CARNEY: Great. Thanks, Volker.

Jim, please go ahead.

JIM GALVIN:

Thanks, Roger. So we're dancing around this question of, what is a material change and how to identify it? Let me suggest that we take a step back and think about it a different way, and that is, what is the anchor? What is it that is the anchor here? Because it seems to me that anything that changes the anchor is what is a material change because everything else is incidental from it. So the anchor could be the e-mail address, for example, because that's something that came up in the chat, which made me think about all of this. If the e-mail address is what you're using for your primary form of authentication and it has a relationship to what is accuracy because that has a bit about being contactable—so the e-mail address seems pretty important and it correlates with other activities that are going on, too ... If that's your anchor, then everything else is incidental.

And then that brings up the question of, oh, okay, so that might mean that nothing that you change in the registration except the e-mail address is material because you really only care about the e-mail address. And in that case, the only thing that constitutes a transfer is moving between registrars.

So that's just another way to think about it. I would encourage some thinking about, what is the anchor? The anchor could be all of the registration information taken together, meaning a name, an address, and e-mail address. And in that case, it's pretty clear,

---

what's a material change: any change is material. But there are circumstances where maybe changing my name is not material because it's still me. Maybe we don't want to bring the physical world into this, but it's important to think about that model because the anchor in that case is me as a physical person. That might not apply in this situation. So I hope that makes sense. Thanks.

ROGER CARNEY:

Great. Thanks, Jim. Yeah. And I think, especially looking forward, we probably have to be careful. And to your point, an anchor makes sense, but as you pointed out, what is that anchor? A couple years from now, how many people are going to have e-mail addresses? And they're going to have Facebook or a Twitter handle or something and no e-mail anymore. And I think that we walked through those scenarios when we were talking about the inter and not trying to be specific there.

But yes, Jim, go ahead. You can respond to that.

JIM GALVIN:

A quick two fingers. So when you said, "Who's going to have an e-mail address?" think about in the following terms. Just abstract back. The anchor is whatever it is that you're using for contactability. And then you allow it to change to be whatever. So don't think of it as an e-mail address but just as the token which

---

is the physical thing. And then you allow it to evolve into whatever Internet technologies allow. Thanks.

ROGER CARNEY: Great. Thanks, Jim.

All right. Let's jump in. And I think, Rick, you're up next.

RICK WILHELM: Thanks, Roger. I will see Jim's "Step Back 1" and step back further, but before I do that, let's talk about material change versus material change. Attorneys in the room, of which I am not, would know that there might be things that we might, in our notion, not think of as material change, but the attorneys might say that definitely is a material change because, if you're dealing with law documents like changing the address of record or changing the name of the designated agent, we might say, well, that's an administrative change. But an attorney might say that's a material change because you're changing the legal ownership on the registration record. So we've got to be careful about what our definitions of materiality are because they might vary depending on the theater of operations.

And then, getting back to the stepping-back one, after we determine this thing about the material change, the further question is, well, what are we going to do about it? Does that mean, if it's a material change, we're going to stop it and say, no,

---

we're not going to allow it? Does it mean we're going to slow it down? Make it subject to some sort of an approval? Does it mean we're going to let it go but notify? Or does it mean we're going to just let it go? So we can talk all we want to about detecting changes of registrant and materiality and immateriality and whatever kind of materiality, but then we also need to think about: so what are we going to do about it? Thank you.

ROGER CARNEY:

Great. Thanks, Rick. And Rick did not stay at a Holiday Inn and he's not a lawyer. But good point. And I think that obviously not having to decide what is the material aspect here ... Going to Jim's point, I think that you can make that decision at some point, but I think, to Rick's point, okay, either way, what are you going to do with it? And I think we can answer those questions much easier than we can answer the question of "What is material?" especially moving forward. We talk about registration data here and changes to that being material. And when I think about it, and when Jim brought it up, I think that most people that run a registrar system don't think that registration data is all that material to begin with. It's that connection that they have with the actual user that logs into their system that has an account with the system. And that's the material thing. But we have to abstract that because we're talking about registration data. So I think the anchor is somewhere in that registration data because that's where we're at. So those are just my thoughts on it.



---

Okay. Any other comments on that?

Theo, please go ahead.

THEOR GEURTS:

Yeah, a quick comment. So observing the discussion about what is a material change and what is not, it really takes me back to 2015. I'm having a real sense of déjà vu here because we discussed it to death during the IRT also. So maybe there's some nuggets back from the IRT days. But we did come up with somewhat a definition and what it entails. And that is what's in the policy right now. Thanks.

ROGER CARNEY:

Thanks, Theo. And thanks for the knowledge of back then. So it's one of those where it's good to pull back and see what that those are.

And I think Volker mentioned earlier about being flexible. And I think the current policy even allows some flexibility in the decision-making of material because I think that, if Jim came in and changed his account from Jim to James, some registrars would consider that material, and some registrars would not, if their systems are smart enough to recognize that that's probably the same person and just updating that. So it is one of the flexibilities, I think, that's already built in. But I think Volker's point is key: where else can we put that flexibility in?

---

Lutz, please go ahead.

LUTZ DONNERHACKE: May I ask a question? What's the definition of ownership? To my understanding, if I tried to follow the money, ownership means that I have to pay for a domain name. If that's the case, ownership is defined by the contract between the registrar and the registrant may be using by reseller. So any change of ownership means change of contract. And all the data we have seen in the WHOIS or in some webforms or similar documents are completely irrelevant because they are not part of the contract. They are reflecting some visible accessibility data for the domain, but they have no legal impact.

So if we are going to choose this way, we can change anything because the only point we have in change of ownership or change of registrant means that we have a new contract. So the whole problem falls down to contract handling on the registrar side, and nobody has to discuss it anymore. We can close this discussion and go to lunch.

ROGER CARNEY: Thanks. Sounds like someone is hungry. But I think you have to look it, and it's why I went back to the registration data: there is an agreement that the registrar signed with the registrants. They don't sign it with account holders. It's a registrant agreement. So

---

they have to sign that. So it's between the registration details and the registrars.

Okay. Any other comments? Questions?

Okay. So I think we've done a pretty good job talking through the first two charter questions here. I don't know if we can pull up the charter and go on to the next one. Thank you.

UNIDENTIFIED FEMALE: [inaudible].

ROGER CARNEY: I think I have it here, too. All right. So this is small on the screen, so I just pulled it up in the charter. I don't know if you ... Did we send that link out? Maybe we did.

UNIDENTIFIED FEMALE: Yeah.

ROGER CARNEY: Okay. So the third charter question. The Transfer Policy Review Scoping Team report suggests that there should be further consideration of establishing a standalone policy for change of registrant. According to the scoping team, the policy should take into account the use case where a change of registrars occurs simultaneously with the change of registrant. To what extent

---

should this issue be considered further? What are the potential benefits, if any, to making the change? To what extent does this policy need to provide specific guidance on cases where both the registrar and registrant are changing? Are there particular scenarios that need to be reviewed to determine the applicability of the change of registrant? So that's a big question.

And there's two bullets here. So the gaining registrar allows a new customer to input the registrant information when requesting an inbound inter-transfer, which occurs because of GDPR. The information entered by the customer does not match registration data, which you can't do. So I think that that's a GDPR issue. In the case of thin domain names, the gaining registrar obtains the information from the registry. I think that's thick. So it is determined that the change-of-registrant should be retained and modified. The following specific areas should be appropriate for further review. And we'll get into those later.

But I think the D3 is really trying to drill into, should the policy be split? Should there be an inter-transfer policy, as it used to be called, before IRTP-C or should there it coexist in the same policy, taking into light if there should be a discussion of when both of those occur basically simultaneously. So it's a big question here, I think.

And it looks like Sarah has a comment. Sarah, please go ahead.

---

SARAH WYLD:

Thank you. I do have probably three comments. I like the idea of splitting it up into a separate policy because I think it's tidier, and I like that. They are definitely interrelated, however.

On to the first of the two bullet points, this does seem to describe the current practice under the temp spec. So I wonder if that suggests to us that we could look to the transfer disputes that have occurred in the last—what is it?—four or five years and see if there has been disputes about hijacking because it would be domains that could have the ownership changed as part of a registrar transfer. And so perhaps that would show us if that's an issue. And maybe that would tell us if we do still need this more complex change-of-ownership process.

And then, finally, as I put in the chat—and maybe I'm just missing something—it does seem like that last bullet point should be referring to thick TLDs because the thick TLDs are the ones where the registry holds the data. Thank you.

ROGER CARNEY:

Great. Thanks, Sarah. Yeah. And I think that it's interesting about splitting it up because you said there's quite a bit of interdependencies between them. And I think that the last question of, "Should we contemplate when they occur together?" ... Is that a different policy? Does that follow one or the other if there's two of them? So it's one of those that's interesting to see.

---

Theo, you have your hand up. Please go ahead.

THEO GEURTS: So I was actually a little bit confused about this D3, but then I realized that it's basically what is going on now. And that is why we are having the issue that we cannot read the information from the WHOIS display at the other registrar anymore. And I think we already said enough about this. I don't think we should debate this any further. There are too many barriers at this point to even come up with a sensible solution. So I would suggest that we move on. Thanks.

ROGER CARNEY: Theo, you're suggesting to table this for later: to answer D3.

THEO GEURTS: Yeah. Or skip it entirely.

ROGER CARNEY: Okay. Thank you.

Rick, your hand is up. Please go ahead.

RICK WILHELM: Thanks, Roger. I think that, in general, I would agree with the point that Sarah made—that making them separate policies would be the easier thing to do. And then just a brief clarification

---

also about a point that Sarah made, almost a friendly amendment. She said thick registries hold the data. I would offer gently that thick registries hold data, not the data, because these days, registries get a lot of privacy-proxy data. And so the data that registries have that comes out of the registry RDAP is not authoritative for various reasons beyond the scope of this discussion, but we just need to be careful about assumptions regarding that. Thank you.

ROGER CARNEY:

Great. Thanks, Rick. It's a good point to bring up.

Theo, your hand is up. Please go ahead.

THEO GEURTS:

I just realized, going back down to memory lane, back in 2015 when we were having these conversations about a change of registrant, we often we discussed that the policy that we were working the language for—the recommendation—was actually there to prevent domain name theft. That was actually not the case. The recommendation was basically the recommendation on how to set up a change-of-registrant policy. That was it. Then everybody made it into a “Now we can prevent hijacking and domain name theft.” I know that is, in some people's mind, a logical follow-up to do, but that was never the intention of the entire IRTP-C policy—the change-of-registrant policy. Thanks.

---

ROGER CARNEY: Great. Thanks, Theo. Thank for this history. That helps.

Jim, please go ahead.

JIM GALVIN: Thanks, Roger. The question that I would ask on this issue of, “Should we have separate policies or one policy or not?” is, what is distinctive about the additional policy? If the baseline is to take what we’ve now created for the inter-registrar change and simply use it in this case, then I would look for, “What are the elements that are distinctive to document?” because that then would force a new policy to be created—something different. If you can’t clearly identify something distinctive, then I’m finding it challenging to motivate a separate policy, although I will now go the other way and say that it seems to me that this question of, “What is a material change or not?” is what defines something distinctive. And if we can actually clearly articulate that, then that all by itself probably defines a new policy because then you know when you have to use the inter-registrar change process or not. So if you can make that distinction, then that clearly draws a line there for what you can keep local versus how you have to involve others. And so that makes sense to me from a logical point of view. I leave it to the registrars how they got to work with their customers on all of that, but at least that logically is what makes sense to me. Thanks.



---

ROGER CARNEY: Great. Thanks, Jim. Yeah. And I think, when you talk about what makes it distinct—and Theo can give us a little more history—it seems like a change in registrant should be easier than a change of registrar, from a registrant’s perspective. And, again, maybe that doesn’t hold true, but it just seems like a change of registrant is a simpler—to your point, Jim, on material—process or should be a simpler process. But I’m just throwing that out there.

Okay. No one touched on the last part of this, which is, if it’s occurring at the same time, what do you do? And does it matter anymore in GDPR?

Theo, please go ahead.

THEO GEURTS: That is the entire issue that we are discussing about. What can you do if it happens at the same time? You don’t know because you don’t have access to the WHOIS anymore. So that is basically the core of the issue. Thanks.

ROGER CARNEY: Great. Thanks, Theo. Yeah. And, again, I think that’s the tough part. Answering that one, to me, is somewhat easy because you don’t have that information anymore. But I still think, yeah, “Is it

---

a separate policy or not?” is still an open an open question. So it’s something we can decide.

Volker, please go.

VOLKER GREIMANN:

I would even go so far to say that this is basically the default right now for the gaining registrar because we do not have a reliable source of information in the WHOIS that we can pull the data from. And the registries usually do not provide that data to us either. And if they did, then that might be just as unreliable because of the privacy services involved in the past. We transferred a lot of domain names with privacy service data in them and then later had to figure out who actually owned that domain name because we did not have that data. So now with GDPR, we have started to enforce the provision of new registrant data when there’s a transfer in. And we have no way of knowing if that entails a change of registrant or not. So we have to rely on the fact that the transfer process is sure in and of itself to encompass that potential change. Thank you.

ROGER CARNEY:

Great. Thanks, Volker.

Okay. Any other comments on this?

Jim, is that an old hand?

---

Thank you.

Okay. Well, I think we are just about at time. We have seven minutes, so I don't think we'll dive into the next one.

Anything anybody wants to bring up?

Emily has something here she wants to bring up.

EMILY BARABAS:

Hi, everyone. This is purely administrative, but at noon today, if you're connected to a network on your cellphone, you're likely to get an alert from the Dutch national government. It's an emergency services test that happens once a month. And noon today is when it's happening. So you don't need to do anything. The alert will say, "This is just an alert." So just so you know, your phones will buzz at noon. You might also hear alarms outside. Those are just tests. And you don't need to do anything or feel worried about it. But we were asked to mention it. Thanks.

ROGER CARNEY:

Great. Thank you.

Okay. All right, we'll let everybody go a few minutes early. Thanks, everyone.

**[END OF TRANSCRIPTION]**