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ICANN70 | Virtual Community Forum - GNSO - Introduction: PDP to Review the Transfer Policy  
Monday, March 22, 2021 – 14:30 to 16:00 EST

ANDREA GLANDON: Hello, and welcome to Introduction: GNSO Policy Development Process to Review the Transfer Policy.

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This session includes automated real-time transcription. Please note this transcript is not official or authoritative. To view the real-time transcription, click on the Live Transcript button in the Zoom toolbar. With that, I will hand the floor over to Emily Barabas. Please begin.

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EMILY BARABAS:

Thanks, Andrea. Good morning, good afternoon, and good evening, everyone. As Andrea said, this is an introduction to the GNSO policy development process to review the Transfer Policy.

My name is Emily Barabas. I'm here with my colleague, Caitlin Tubergen. We're two of the staff members who were responsible for producing the Issue Report for the GNSO Council. That's the document that supported the Council in making a determination about whether to initiate policy development work on this topic. We're going to be joined by a few community members that I'll introduce shortly and they'll be providing some additional perspectives on the topics we'll be discussing today.

So there's a few objectives for this session. We'll be covering a bit of information on the first part of the session focused on these topics, and then we're going to be taking questions and giving you plenty of time to ask us a bit more about getting involved in this PDP and what it's about. You're welcome to put those questions into the chat during the session but we're going to save them for the end for the Q&A portion.

So the first section of this session is going to focus on these questions. What is the policy development process about to review the Transfer Policy? Why are these issues important to different groups, including ICANN's contracted parties, as well as registrants and the groups that represent registrants in policy development? What are the opportunities to get involved in the PDP? And how can different

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members of the community engage throughout the life cycle of the PDP?

Here's our agenda. We'll first be providing an overview of the Transfer Policy itself and then discussing what the PDP is about. Next, we'll do a deeper dive into some of the topics that will be covered in the PDP initially, specifically in Phase 1 or the first part of the PDP. We're going to be having some community input from several community members: Roger Carney, who is the director of global policy at GoDaddy. He is from the Registrar Stakeholder Group. We have Tomslin Samme-Nlar. He's a technical lead at NTT. He's from the NCUC. And Owen Smigelski, head of ICANN Compliance and Relations from Namecheap, also from the Registrar Stakeholder Group. So, thanks to all three of them for joining us and agreeing to provide some additional color to the discussion and really just make it more interesting to hear the community perspective on these issues.

The third item on our agenda is to talk a little bit about next steps for the PDP. And finally, we'll go into Question and Answer.

First, looking at the Transfer Policy and the policy development process. The Transfer Policy is an ICANN consensus policy that governs procedure and requirements for registrants to transfer their domain names from one registrar to another. This is also called the inter-registrar transfer process.

The goal of the Transfer Policy is to enhance domain name portability. That means greater consumer and business choice, allowing registrants to select the registrar that offers them the best services

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and price for their needs. It's also the intention to provide greater predictability for registrants so they know what to expect from a process when they transfer a domain name. It was formerly called the Inter-Registrar Transfer Policy. It went into effect in 2004, and the GNSO has reviewed this policy just one time before shortly after it went into effect originally.

So we're going to talk a little bit about the policy development process. In its Council meeting last month, the February Council meeting, the GNSO Council initiated a PDP to review the Transfer Policy. They're mainly seeking in this PDP to figure out whether changes are needed to improve the ease, security, and efficacy of inter-registrar transfers and inter-registrant transfers. All GNSO Stakeholder Groups, Constituencies, as well as ICANN Supporting Organizations and Advisory Committees are being invited to contribute to the membership of this group. And that's the main reason that the session is happening is to make clear why it's useful to be involved and what you can contribute from your groups.

In making a decision to initiate the policy development process, the GNSO Council relied on several key documents. They're linked from these slides which are available on the page of the ICANN Schedule for this session.

So the first document is the Transfer Policy Status Report. This is a document produced by ICANN Org, drawing on a number of different data sources to provide sort of a status on how the Transfer Policy is doing. The reason this report was produced is because it was

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requested or at least anticipated as part of the IRTP or Inter-Registrar Transfer Policy Working Group part D. And there are a few elements of this report that the GNSO Council drew on. The first one is a survey that included questions from registrars, questions for registrars, as well as questions for registrants. There were metrics from ICANN Org's Global Support Center, Monthly Registry Reports, and the Contractual Compliance Department's data as well.

The Transfer Policy Scoping Paper is a document that was produced by a Scoping team that was chartered by the GNSO Council. This paper talked a little bit about the scope of work that could happen potentially around this topic.

And then the final document that they've drawn was the Issue Report that was produced by ICANN staff at the request of the GNSO Council to support the Council's decision to do this policy work.

So why is the GNSO Council initiating this PDP? There are a few key considerations that the GNSO Council took into account.

The first one is about the GDPR and other data protection laws. Due to changes in the Registration Directory Service related to these changes in the law, certain provisions of the policy aren't feasible anymore for registrars to comply with in all cases. In response to the GDPR, the Temporary Specification introduced a workaround for the Transfer Policy that the EPDP ultimately included verbatim in its recommendations, and these were adopted by the ICANN Board. Compliance action is temporarily deferred pending policy work in this area. And the previous policy development process on the Transfer

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Policy has recommended that further analysis and review take place after all the recommendations had been implemented.

So there are eight issue areas that the PDP will consider and the PDP will take a phased approach. So two phases with a Phase 1(a) and Phase 1(b) and a Phase 2 with the additional topics, the final four topics included there. We'll talk in-depth about the Phase 1 topics in the session and touch briefly on the Phase 2 topics at the very end.

So this is a look at some of the key milestones of the PDP. The idea is that it would be initiated under one charter for both phases. There would be a Phase 1(a) Initial Report, followed by a Phase 1(b) Initial Report. So first the Phase 1(a) work would be completed. The initial report would come out and go out for public comment. The Phase 1(b) work would be completed. Initial report and public comment would follow. There would then be a single Phase 1 Final Report. And the goal there is to sync up the recommendations of Phase 1(a) and Phase 1(b) so that both are cohesive in the Final Report for Phase 1.

This would be followed by a charter review, and then the Phase 2 work would be completed in the form of an initial report, followed by a final report. And if the Phase 1 work was approved by the GNSO Council followed by the Board, that implementation for Phase 1 could occur in parallel with the Phase 2 work going at the same time.

So we're next going to talk about some of the topics in Phase 1. I'm going to be handing it over to Caitlin to go over the first couple of topics. Caitlin?

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CAITLIN TUBERGEN:

Thank you, Emily, and hello, everyone. As Emily noted earlier, my name is Caitlin Tubergen, and Emily and I worked together both on this presentation as well as preparing the Final Issue Report to present to the GNSO Council. And as Emily just noted, we'll first talk a little bit more in-depth about the topics that will be covered in Phase 1 of the work. Before going into detail, I wanted to go over some of the key terms that we'll be discussing throughout this presentation.

The first two are some important terms in the Transfer Policy. We have the Gaining Registrar and the Losing Registrar. The Gaining Registrar is the registrar to which the registrant is transferring its domain name or would like to transfer its domain name to. And the Losing Registrar is the registrant's current registrar, the registrar of record, or the registrar from which the registrant is transferring the domain name.

So if I, Caitlin, have my domain names at the blue registrar and I see that the green registrar has a great deal and has some services that aren't currently offered at the blue registrar, I now want to transfer them to the green registrar. The blue registrar, my current registrar, would be the Losing Registrar and the green registrar would be the registrar that I want to move my domain names to, the Gaining Registrar.

A couple of requirements in the Transfer Policy include required documents called the Form of Authorization sometimes referred to as the F-O-A or the FOA depending on who you're talking to. Appropriately, the Gaining Form of Authorization is the form needed

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by the Gaining Registrar and the Losing Form of Authorization is the form sent by the Losing Registrar. The terminology in these forms is required. It's on ICANN's website and registrars are required to use the language provided in the forms which was developed by the community. They're welcome to translate those forms, whatever the language on the website is authoritative here. If we can go to the next slide, please.

We thought it might be helpful to show how a typical inter-registrar transfer works by doing an animated slide. So we begin at the bottom part of the diamond. These are the four parties that are necessary to effect a inter-registrar transfer. At the bottom is the Registered Name Holder who wants to move its name to the Gaining Registrar, which is at the right side of the diamond.

So to begin that process, as you'll see in the blue text, the Registered Name Holder would contact the Gaining Registrar. So in my example earlier, I want to move my name to the green registrar. So I would write to the green registrar and say, "Hey, I want to move my domain names to your registrar." At which point, the Gaining Registrar would confirm that the name is eligible for transfer, which means that the name is both unlocked and that their Registered Name Holder has provided the AuthInfo Code, which we'll talk a little bit about later in the presentation.

So, provided that I, as the Registered Name Holder, have my domain name as unlocked and I have the AuthInfo Code, the Gaining Registrar would send that Gaining Form of Authorization to me. Typically, this

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would be an e-mail with a link to click, confirming that I indeed do you want to transfer the name and I should specify that. Generally speaking, the Gaining Registrar would send that Gaining FOA to what's called the transfer contact, which is the Registered Name Holder's e-mail address or the administrative contact e-mail address. And the Gaining Registrar would find that information out by using the public WHOIS or the public RDDS.

Once the Registered Name Holder confirms via that Gaining FOA that it indeed wants to transfer the domain name, we move up to the top of the diamond where the Gaining Registrar would notify the Registry Operator of the intent for the Registered Name Holder to transfer. The Registry Operator would then send a notice of that pending transfer to both the Losing Registrar and the Gaining Registrar. When the Losing Registrar at the left side of that diamond receives the notice of pending transfer, it is required to send the Losing Form of Authorization to the Registered Name Holder, which again is a message that is sent to the Registered Name Holder to confirm that it indeed wants to transfer its domain name.

There are occasions where someone may have hacked into a Registered Name Holder's account and upon receipt of this Losing FOA, the Registered Name Holder is notified that, "Hey, someone's requesting this inter-registrar transfer. It wasn't me." The Registered Name Holder has five days to write to the Losing Registrar and say, "Hey, wait. I didn't want that transfer. It wasn't me. Stop the transfer." If it doesn't do that within five days or indeed it did want that transfer, the transfer would go through. Next slide, please.

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So the next slide shows how the transfer process has changed slightly in a post general data protection regulation world. So, as I had mentioned earlier, the Gaining Registrar used to confirm the transfer contact using the public RDDS to send that Gaining FOA to the Registered Name Holder using those publicly available e-mail addresses. Because a large portion of personal data is now redacted from the RDDS, the Gaining Registrar is unable to send the FOA. And so the Temporary Specification, which went into effect in 2018 removed that requirement. So now the Registered Name Holder would still as before contact the Gaining Registrar, and if the domain name is unlocked and the Registered Name Holder has the AuthInfo Code, the Registered Name Holder, rather than approving an FOA, would independently enter its personal registration data with the Gaining Registrar.

From that point moving up in the diamond, the Gaining Registrar would notify the Registry Operator of the intent to transfer. The Registry Operator would confirm that AuthInfo Code, and then again, similar to before, send that notice of pending transfer request to both the Gaining and the Losing Registrar. The Losing Registrar is then similarly required to send the Losing FOA to the Registered Name Holder. And similar to before, absent objection to that transfer within five calendar days, the Losing Registrar would process that transfer request and the Registered Name Holder's name would be transferred to the Gaining Registrar. Next slide, please.

So because of some of these changes that we just talked about, it was evident that further work needed to be done on the Form of

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Authorization. The workaround that was described earlier from the Temporary Specification was ultimately included in the EPDP team's recommendations which were adopted by the ICANN Board. In short, the EPDP team was chartered to review the Temporary Specification and provide policy recommendations based on that Temporary Specification or Temp Spec. And again, that workaround was copy verbatim into the EPDP team's recommendations. However, following Board approval of those recommendations, registrars had identified some concerns with ICANN Org's position that a Gaining Registrar would still be required to send a Gaining FOA when the e-mail address is available in the public RDDS. Registrars have noted that even if an e-mail address is available, it doesn't mean that the e-mail was going to the registrant, and therefore, registrants that wanted to transfer their domain names were unable to do so.

So, in light of that concern that was flagged by registrars, the Board ultimately passed a resolution to defer contractual compliance enforcement of the Gaining FOA requirement pending further work in this area. And that further work will be done via this PDP working group.

Lastly, I just wanted to point out that there is a subcommittee of contracted parties who are familiar with technical processes and they work together to talk about solutions and ideas. This group developed a proposal for a proposed transfer process, and that proposal has been appended to the Final Issue Report of the Transfer Policy review. So if anyone's interested in reviewing that, you can find that in the Final Issue Report. Next slide, please. Sorry, previous slide. Thank you.

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The charter for the PDP working group to review the Transfer Policy includes charter questions on each of these topics, and so we put some of the charter questions related to FOAs onto the slide. In short, the working group will be looking at the FOA requirements and seeing if those need to be adjusted in any way. Should it be renewed, for example? If not, does the AuthInfo Code provide a sufficient security and “paper trail”? Is there another secure way for the Gaining Registrar to gain access to the then current registration data, apart from the public RDDS? Should the Losing FOA still be required, and if so, are any updates necessary? And lastly, is the Contracted Party House Proposed Technical Operations Process proposal a logical starting point for the working group to look at when it begins work on this issue? Or are there other proposals out there that the working group should consider? Next slide, please.

So the second big topic in the Phase 1 of the group’s work is tangentially related to the Form of Authorization, and that is the management of AuthInfo Code, sometimes called Auth Codes. The AuthInfo Code is essentially what some call the keys to the domain name. Meaning, if I have the AuthInfo Code, I can take that domain name and move it around. So it’s important that the AuthInfo Code is stored securely so that your domain name can’t be moved around easily without your approval.

The technical definition of the AuthInfo Code is a unique code created by a registrar on a per domain basis to identify the registrant of the domain name. As I mentioned earlier, when we were going over that diamond animated slide, the AuthInfo Code is needed because the

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registrant needs to provide the Gaining Registrar this AuthInfo Code in order to effect the transfer. Generally speaking, the AuthInfo Code is provided via the registrant's Control Panel at the Losing Registrar or at its current registrar. It may be provided by other means also, but the Transfer Policy does require that if the registrant requests its AuthInfo Code, it needs to be provided within five calendar days of that request. Next slide, please.

The focus of the charter questions for this topic are similar to the FOA. Is the AuthInfo Code still a secure method for inter-registrar transfers? Is this something that needs to be updated should more security enhancements be added to it? For example, is the current Service Level Agreement of five days for the provision of the AuthInfo Code still appropriate? Should the AuthInfo Code expire after a certain amount of time? Or should there be additional policy work on the bulk use of AuthInfo Codes? In other words, if there's going to be a bulk transfer, should there be some policy requirements around that? Next slide, please.

So, in an effort to try to make this presentation a little more engaging than Emily and I speaking through the whole thing, we thought we would get some perspectives from some of the folks in the community to see why this topic would be of interest to various groups. So we've enlisted the help of Owen, Roger, and Tomslin to help us. So I'm going to ask them some questions and they're going to pipe in and explain to you all why this is both interesting and important work, and why you might want to get involved and follow the work of this group.

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So I'll start with some questions to the contracted parties and ensure what we're looking to learn is what do contracted parties hope to accomplish with respect to the policy work regarding FOAs and AuthInfo Codes. And apart from the changes that we talked about earlier resulting from the Temporary Specification, why is the topic of FOAs and AuthInfo Codes important for registrars and is important for different business models and different types of registrars to be represented in this work? If so, why? And if not, why not? So now I'm going to pass it over to Roger and Owen to enlighten us all. Thanks.

OWEN SMIGELSKI:

I guess I'll just drop in. I didn't know if Roger will explain to you first or not. But I think the big problem that we saw, as Caitlin mentioned earlier, is that when the Temp Spec in the GDPR came into place, even if the e-mail addresses were present, a lot of times it didn't work. They would have an autoresponder to go to a form and a number of other things like that. So customers are very frustrated because they couldn't transfer their domain name, and so they complain to registrars. At the time I was also at ICANN Contractual Compliance and there was a lot of very frustrated registrants for that process as well, too. And so what we hope to do is just streamline the process and make it easier for registrants to be able to move their domain names without having to go through any additional hurdles.

Caitlin also touched on why there must be some more broad registrar participation, and that is not every registrar is the same. In fact, there's quite a bit of difference between them. Namecheap is a retail

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registrar, meaning that we sell directly to our customers versus, say, Tucows which operates through a structure of resellers. Then you also have corporate registrars which deal with companies that are primarily not too concerned with switching providers. So there's a bunch of stuff that needs to be done along with that.

Roger, have you got anything else you'd like to add to this part?

ROGER CARNEY:

Thanks, Owen. Yes. Actually, I apologize. I was talking to myself for a while because I was double muted. I know I unmuted one only. Thanks, Owen, for grabbing that.

Yeah, I would say the big thing is it has been almost three years now that we've been working on the Temporary Spec and the issues that were, I guess, hastily put together for the Temp Spec, I think we spent a couple of weeks trying to figure out the transfer issues that the Temp Spec would fall into. We tried to cover as much as we could and get that in the Temp Spec. And as Caitlin mentioned earlier, ever since then contracted parties technical groups have been meeting and putting together a more overarching plan of but probably should be happening with that. Again, as Caitlin both mentioned a lot of problems are popping up since then. Obviously, e-mail address and those things come up right away. But I think that those are the things—if we look at the TechOps paper, it details out a lot of issues surrounding those things. And even moving forward and looking at like the Auth Codes, there are some inconsistencies between how people, different contracted parties, implemented Auth Codes. Some

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were fairly loose regulation, some were pretty tight. So I think that from the registrant's perspective, it would be great to get more consistent experience across the board. So I think those are some of the main reasons why we're looking to dig into this and get involved. Thanks.

CAITLIN TUBERGEN:

Thank you so much, Roger and Owen. We thought it may also be helpful to hear from the registrant's perspective and why this topic is of interest to both registrants and the groups that support and represent registrants at ICANN. So I have Tomslin who is going to enlighten us about that. We've asked Tomslin to talk a little bit about why the FOA is still an important topic from the registrant perspective, even though it's seemingly a very technical topic, and also why should registrants be concerned with changes to the AuthInfo Code. So, Tomslin, could you talk a little bit about the registrant perspective and why this is of interest to contracted parties and non-contracted parties alike? Thank you.

TOMSLIN SAMME-NLAR:

Thanks, Caitlin. And yes, like you said, it does sound like a technical issue, but the detailed requirements for registrars in relation to the inter domain name transfer, it remains important for the voice of the registrant to be part of the discussion. Like you've mentioned, the purpose of the FOA is to ensure that the Registered Name Holder is aware that the entire registrar transfer has been requested and that Registered Name Holder consents to the transfer. The goal is to

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prevent unauthorized transfers, for example, in the case of domain name hijacking.

And due to changes to the RDDS, like you mentioned earlier, related to GDPR and other the data protection laws, certain protection provisions of the policy are no longer feasible for registrars to comply with in all cases and compliance action is temporary deferred pending this policy work. So I guess it's important that the working group revisits that FOA requirement.

The other thing is community members representing the registrant's perspective in the working group will play an important role in deliberations by ensuring that any working group recommendation results in processes that are, 1) secure, 2) respect privacy, and 3) are usable for the registrants. By secure, I mean the policy should provide sufficient protection for registrants against unauthorized transfer, and in terms of privacy, it should provide adequate privacy protection in accordance with data protection laws. And it has to be usable. It's the registrants going to use this, this process, as well as the registrars, the policy and the process should be clear and user-friendly enough that registrants can effectively switch between registrars.

The other question is about the Auth Code. When transferring a domain from one registrar to another, like you also said earlier, the Auth Code needs to be provided to the Gaining Registrar as a means of verifying, and this has to be done by the registrant. With the goal being that the identity of the registrant is being protected, the Auth Code, when it gets provided to the registrant and how long it takes to be

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provided, it's something that should be of interest to registrants. And sometimes this Auth Code is referred to as keys to the domain name, so it's obviously important that registrant's keys are appropriately protected to avoid any hijacking of the registrant's domain name. So that's definitely one area where registrants should be very interested in this.

And from a registrant's perspective as well, in reviewing existing policy, it is important to consider whether the rules and processes of the necessary security or whether changes need to be made. For example, the working group members with the registrant's perspective, it may shed light on how registrants use and access the AuthInfo Codes in practice, which could inform discussions about whether they should expire after a certain amount of time or not. And in addition, working group members representing the registrant's viewpoint may also want to provide input on issues related to ease of use. For example, whether the current SLA of five calendar days for a registrar of record to provide the Auth Code to the Registered Name Holder continues to be appropriate or not. Thanks.

CAITLIN TUBERGEN:

Thank you, Tomslin. I appreciate hearing a perspective on why it's important to registrants. So if we move to the next slide, I believe I'm turning it back over to Emily to discuss the next topic which is change of registrant.

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EMILY BARABAS:

Thanks, Caitlin. So we're now through Phase 1(a) of the PDP. You just heard about Form of Authorization and AuthInfo Codes. Those are the two topics of focus that the PDP will initially work on. Now we're moving into Phase 1(b), which will take place right after that. And all of Phase 1(b) will focus on this one topic which is change of registrant. It's a pretty big topic and it has a lot of elements. So it's something we'll go through the different pieces of right now.

First, a couple of basics. What is change of registrant? These are requirements as part of the Transfer Policy that seek to prevent domain name hijacking by ensuring that certain changes to registrant information have been authorized. So before we were talking about inter-registrar transfers, the focus now is about inter-registrant transfers. So what is required with change of registrant?

So registrars must obtain confirmation from the prior registrant and the new registrant before a material change is made to certain fields. So that includes prior registrant name, prior registrant organization, prior registrant e-mail address and/or the administrative contact e-mail address if no prior registrant e-mail address exists. So just a note here that you would imagine that this could happen, where there actually is a change of registrant, meaning there's an existing registrant and then it's moved over to a new registrant, but these requirements also apply if it's the case that there isn't really a different registrant but, for example, an e-mail address is updated. So an old e-mail address is no longer valid, you need to update your e-mail address. That still qualifies as a change of registrant. So the

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terminology can be a little bit confusing so it's important to keep that in mind as we go through this.

What elements of this policy need review there's a few areas of focus in the questions in the charter for this topic and I'm just going to highlight a few. The first one is something called the 60-day inter-registrar transfer lock. This is a lock that prevents transfer from one registrar to another registrar for 60 days after a change of registrant. So, for example, if a registrant updates their e-mail address and then wants to initiate an inter-registrar transfer after that, the lock would prevent them from doing that for 60 days.

A lot of registrants have reported they've had difficulty with the 60-day lock and especially that they're not able to remove the lock once it's applied, so they have to wait that full 60 days before they initiate an inter-registrar transfer. In the following slides, we're going to talk about some of the sources of information that we've seen that indicate that this has been an issue for registrants in a pretty significant way.

The next area of focus under change of registrant is the designated agent. This is an individual or entity under the Transfer Policy that the prior registrant or the new registrant authorizes to approve a change of registrant. So this is an agent that is acting on behalf of the Registered Name Holder.

There appears to be different interpretations of the role and authority of the designated agent, and we've seen that both in responses to the survey that was part of the Transfer Policy Status Report, as well as

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the reporting from ICANN's Contractual Compliance Department about the complaints that they have received in relation to the Transfer Policy and issues that Registered Name Holders have had in the application of the designated agent function.

And then the third big issue area under this topic is that compliance enforcement is currently being deferred in relation to change of registrant as it applies to the removal or addition of privacy/proxy services pending further work to clarify the implementation of relevant Inter-Registrar Transfer Policy part C provisions. So the policy went into effect and didn't specifically address the issue of privacy/proxy services and processes have taken place within ICANN in conversations that have pointed to the fact that more policy work needs to be done to clarify exactly how this policy should apply in cases of clients who are using privacy/proxy services.

So, just taking a closer look at some of the questions that we've gotten in the run-up to this policy development process being initiated. What data is available to show that some of these issues involved in the PDP really need to be addressed? Beyond the fact that Caitlin spoke earlier about some areas where there's something that's actively broken that needs to be addressed and adjusted through policy development, there are also areas of the policy where we simply see data that points to a potential problem area that needs to be considered in greater depth. And the 60-day lock is one of those areas where pretty consistently we've seen in the Transfer Policy Status Report indicators that this is a topic to be revisited.

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So starting at the top, ICANN's Global Support Center, which is sort of the Customer Service portal, essentially, including by phone for ICANN, has received a number of inquiries regarding transfers. And that number has increased at a higher rate than increase overall, so there's been an overall increase related to transfers but specifically—oh, I'm sorry. Over time they've had an increase and increase overall, but those related to transfers have increased at a faster rate than those overall set of increase and they've posited that that's likely due to registrants contacting the Global Support Center because they've been having issues with the change of registrant lock. They were either not understanding what was going on or had questions or concerns about the lock.

So, looking at some summaries of registry reporting, there's a prominent spike in transfers that occurred in 2016 just before the implementation of the IRTP-C policy. The policy implementation included provisions for the change of registrant lock. Again, the sort of speculation there was that spike and transfers was anticipated challenges associated with the implementation of IRTP-C and specifically the lock.

Looking at metrics from ICANN's Contractual Compliance Department, we see that there have been a decrease in the overall complaints of inter-registrar transfers but complaints related to the change of registrant lock have increased over time, another indicator that this is a particular issue area that needs more attention.

And then the survey that was conducted as part of the Transfer Policy Status Report, looking at both the issue areas that registries and registrants have identified, both of those respondent groups noted that registrants are confused and frustrated when the lock prevents them from completing a transfer and that some registrants want to eliminate or change it. So reports from registrants directly expressed those frustrations and from—I'm sorry, that should say registrars. Registrars have reported that their registrants have expressed confusion, and so they've contacted Customer Service at the registrar to complain or to express confusion or concern.

So change of registrant: what is the focus of the charter questions? There are quite a few on this topic but we've boiled them down to just a couple of highlights here. Does the policy achieve its stated goals and is it still relevant in the current domain ownership system?

One of the big questions here is the change of registrant rules and the 60-day lock were put in place for security reasons to reduce the incidence of domain name hijacking and to try to sort of control the interventions for transfers where someone is trying to hijack a domain name. But with the current ecosystem of the RDS, there is less information publicly available, and so there's this question about whether it's still necessary to have some of these rules in place, given the less information is publicly available through the RDS.

Can requirements be simplified to make them less burdensome, less confusing to registrants, especially regarding the 60-day lock? That's really a usability question and an accessibility question. If the goal is

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to make it possible to complete these transfers and the rules are so complicated that people are unable to do that, that's something to look out there.

To what extent should there be a process or options to remove the 60-day lock? To what extent should the change of registrant policy and the 60-day lock apply to underlying registrant data when the registrant uses a privacy or proxy service? That was the question that we discussed earlier where additional clarification is needed to the implementation of the IRTP-C policy.

Is the designated agent function operating as intended? If not, should it be retained and modified? Should it be eliminated? In response to the survey that was conducted, the Registrar Stakeholder Group said that they felt that the overuse of designated agent has essentially circumvented the policy. There's an outstanding question about whether there's general agreement that that's the case, whether there's different perspectives and what needs to be done there.

Okay. So we're going to turn back to our courageous volunteers who are going to provide some additional perspective here on some of the issues that we've just gone over for change of registrant. We'll start with Owen and Roger. Owen, I already see your camera on, that's great. So I'm going to start with you.

So the first two questions in relation to contracted parties, why is change of registrant an important issue for registrars to discuss? Are there particular areas of expertise or types of business models that should be represented in this discussion to make sure that there's a

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comprehensive look at this issue? Owen, we'll start with you. And then, Roger, if you just want to follow straight on when Owen is done, that would be great. Thanks.

OWEN SMIGELSKI:

Thanks, Emily. I just wanted to make sure I saw James Galvin in the chat, who asked about whether the concern was removing the lock within the 60 days or outside the 60 days. This 60-day lock for the change of registrant is a lock that once it's applied cannot be removed until the end of the 60 days. And so that was what the frustration that a lot of registrants were seeing. Quite often, what they would have to do is if somebody was going to transfer a domain name—and this is pre-Temp Spec GDPR—the e-mail address would have to be updated because there would be the Gaining FOA that would have to be sent in order to effect that change. So registrants would be having to change their e-mail address in order to be able to accomplish a transfer, and then that would result in a 60-day lock when they could not transfer the domain name. That was ostensibly to prevent hijacking but what it was doing was frustrating that. And I don't think we were prepared. "We" I mean when I was in ICANN Contractual Compliance at the time. It really raised a lot of eyebrows, the number of complaints that we had because we were getting just hundreds of complaints that people were just really agitated because their domain was up for renewal or something like that and they couldn't transfer. So certainly something like that needs to be looked at and reviewed.

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And again, from the registrar's perspective, as I said previously, there was a whole bunch of different types of registrars and how they would deal with that process does need to come into play and be addressed. Because what might work for a large registrar or small registrar or regional or a local or worldwide, there's a large number of ways we'd have to do and we want to make sure that the experience is the same across all registrars so that it's [informed] shopping or something along those lines and make sure everything's done completely. I think that's it for me.

ROGER CARNEY:

Thanks, Owen. Thanks, Emily. Actually, maybe I'll jump back to even something that Tomslin mentioned in the Phase 1(a) stuff about the five-day. I think that you kind of see a pattern here that registrants see the five-day, with the 60-day, and all the timelines, are they actually necessary? And I think that we get pushed back from a lot of registrants on that, basically. Why do I have to wait this amount of time to do what I want to do? Can't you make it happen? Can I give you something? And all these. We get enough of those calls; it does have a pretty big impact on registrants' lives.

Another topic I think that Emily hit on was the 60-day change of registrant lock was put in for security reasons, and I think a good number to pick, but at the time it was a new number. So I think it's definitely something that should be looked at and say, "Okay, is the 60-day lock really correct?" As Emily mentioned, things have changed. But not only that, we have more experience. With the 60 days, is that

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more of a punishment than a security measure? So I just think that it's one of those where it's a perfect time to take a look at it and see if it still makes sense. Thanks.

EMILY BARABAS:

Thanks to both. So I'm going to turn to Tomslin now and ask you this. So the term change of registrant obviously sounds like it's an important issue for registrants. The word "registrant" is right there in the term. Is this a correct assumption? Why or why not? Why should registrants be involved or at least people who represent the registrant's perspective? Thanks, Tomslin.

TOMSLIN SAMME-NLAR:

Yes. Thanks, Emily. And, yes, the issue is definitely relevant here and fundamental, and a fundamental right for registrants. Change of registrant, we know it refers to the situation where either one registrant is transferring the domain to another registrant. So the registrant is at the center of that transfer process, so it's definitely relevant.

Speaking about the 60-day lock, we've seen that from the metrics in the Transfer Policy Status Report. There are indications that registrants are confused about change of registrant requirements, and especially the 60-day lock.

I gave an example from that report, where the registrant's registrar had an old e-mail address for the registrant. When the registrant decided to transfer the domain, he realized his original registrar had

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the old e-mail, which he could not access and first could not receive the AuthInfo Code to authorize the transfer to a new registrant. When he updated his e-mail in the Registration Data Directory, the 60-day lock was imposed, which prevented him from immediately initiating the entire registrar transfer. The registrant complained that this put him in a catch-22 situation in which he wasn't able to transfer the domain without changing an e-mail address, but doing so would prevent him from transferring the domain.

So it's understandable that this registrant was confused and frustrated. And so working group members representing the registrant's perspective can provide valuable input on whether the policy should be adjusted to make processes more clear and intuitive while also offering the necessary security. Thank you.

EMILY BARABAS:

Thanks, Tomslin. So, moving on. You may have noticed that in our original list of the topic areas, there are actually seven bullet points and eight topics in the PDP overall. So the eighth topic is sort of woven in throughout the different phases of the PDP, and that's with regard to the EPDP Recommendation 27.

Recommendation 27 in the EPDP team's Phase 1 Final Report recommended that existing policies and procedures should be updated to be consistent with the outputs of the EPDP. ICANN Org subsequently did an analysis in what is called its Wave 1 Report, looking at policies and procedures to see what needed to be updated. Two of the policies in that analysis are the Transfer Policy and the

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Transfer Dispute Resolution Policy, which are both going to be looked at in this PDP.

The charter questions included in relation to this are, how should the issues in the Wave 1 Report for these two policies be addressed? Does anything need to be handled urgently with respect to that? And can the issues in the Wave 1 Report related to specific topic areas—Form of Authorization, change of registrant, and the Transfer Dispute Resolution Policy—be discussed and reviewed by the PDP working group as it addresses each of those individual topics. I think the answer to that second question is, essentially, that is the intention of the working group to indeed look at these Wave 1 issues with the topic areas as they're being addressed.

So the next thing we're going to do is just talk very briefly about the topics that are included in Phase 2 of the PDP. There's four of them. And because Phase 2 is happening a bit later on, we're not going to go into a great deal of depth. But if they interest you, there's plenty more in the Final Issue Report.

So the first one is the Transfer Emergency Action Contact or TEAC. This is our requirement for registrars to designate an emergency action contact to facilitate urgent real-time communication relating to transfers in an emergency situation. So there are a number of charter questions specifically related to that TEAC function.

The Transfer Dispute Resolution Policy or TDRP. This is a policy detailing requirements and process for registrars to file disputes relating to the inter-registrar domain name transfer process.

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Reversing or denying (NACKing) Transfers. These are circumstances in which a Losing Registrar may or must deny a transfer or reverse the transfer.

ICANN Approved Transfers. So these are procedures for when a registrar's domain names need to be transferred to another ICANN-accredited registrar. The most common scenario when that happens is when a registrar's Registrar Accreditation Agreement or RAA is terminated or it expires without renewal.

So those four topic areas will be in Phase 2. We won't go into the details of the questions that will be addressed, but please see the charter for additional details.

So the next thing we're going to do is talk a little bit about next steps for this PDP in relation to the charter and initiation of the working group. I'm going to hand it back over to Caitlin to talk a little bit about next steps. Thanks, Caitlin.

CAITLIN TUBERGEN:

Thank you, Emily. So an important point for ICANN70 is that during its public meeting, the GNSO Council is expected to vote to adopt the working group charter. And the public meeting is on Wednesday, March 24 at 17:30 UTC. So if anyone's interested in learning more about that, please feel free to attend that public meeting.

Also, following the adoption of that charter, Supporting Organizations, Advisory Committees, and the GNSO Stakeholder Groups and Constituencies will be invited to appoint a limited number of members

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and alternates to the working group. We'll talk a little bit about those numbered allocation shortly. But the working group structure was informed by the recommendations from the Scoping team that Emily touched on earlier in the presentation, the proposal and the Final Issue Report, as well as input from the leadership chairs. And the chair of the GNSO Council reached out to those groups to see who might be interested in participating in the work of this working group and to ask for certain chair allotments accordingly.

Next, the GNSO Council will ultimately appoint a qualified chair to lead this working group. And once the working group is formed, the chair may select one or two vice chairs to assist it in its work. Next slide, please.

This is more detailed in the proposed charter of the working group. But in short, there are three types of folks that will participate in this working group.

First are the members. Those are the folks that are responsible for active participation, preliminary deliberations as well as the consensus. And those members will be ultimately appointed by their groups.

Next, groups can also appoint alternates. The alternate would step in if a member is not available. Alternates will also keep up with the work of the working group so that in the event one of the members is unavailable, they can jump in and already be up to speed.

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Lastly, there's kind of a third tier which is the observer. The observers will follow the work but they don't have posting rights or speaking rights during working group meetings. However, they will be subscribed to the mailing list and can follow the work that way. Next slide, please.

This slide shows the proposed membership allotments by group. This is what is included in the charter. And as I noted, this was based on recommendations of the Scoping team, as well as some of the feedback that groups gave to GNSO Council leadership when asked if they wanted to participate. So, not all of these groups noted an interest in participating. However, all of those groups were allotted two members and two alternates. That doesn't mean any of these groups necessarily have to invite members or appoint members but they're allowed to if they wish. You'll note that further down the chart both Registrars and Registries have slightly more members and the other groups. And that's because of course these are contracted parties and they're generally more interested in this type of work. The Registrars did ask for more members and as did the Registries. Registrars are allotted 10 members and 10 alternates, and Registries are allotted 3 members and 3 alternates. Next slide, please.

Although those numbers seem imbalanced, I do want to point out a couple of things that are specifically noted within the charter. The membership is limited to appointed members. And again, the Supporting Organization, Advisory Committee, Stakeholder Group or Constituencies will each be asked to appoint up to those many members that they are allotted. They don't have to fill those slots. And

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just because you don't fill the slots doesn't mean that your group will necessarily be disadvantaged.

The membership allotment was constructed in this way because this topic may not be of equal interest to all groups so the structure does more heavily represent the contracted parties and Registrars since this policy obviously greatly affects Registrars. However, the charter does note that the registrant's perspective will be important to factor in, and the chair of the working group will ultimately need to ensure that all perspectives are appropriately taken into account in assessing the consensus designation. Just because Registrars are afforded more members doesn't mean that the consensus will only be based on the registrar opinion here. Lastly, the chair will make its designation in accordance with Section 3.6 of the working group guidelines. Next slide, please.

This is our plea to get involved. If you're interested in serving as a member on this group, you should be coordinating with the leadership of your respective SO, AC, SG, or C. If you don't want to be a member, you don't have enough time to commit, you're welcome to become an observer and follow the working group that way. If you don't want to be an observer, you're welcome to share your input during the multiple public comment periods that will occur over this working group's work. Lastly, we encourage you to engage with your group to support your group's representatives and the working group. Even if you ultimately don't have enough time, you can certainly funnel your opinions and perspective back through your representative members. We encourage everyone to get involved. The more the merrier. And the

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more perspectives that are on the table, the better the ultimate policy recommendations will be. Next slide, please.

So at this point, I think Julie Hedlund, our colleague has been collecting some of the questions. So we'll now open it up for questions and hope to address any questions or comments that anyone has. Thank you.

JULIE HEDLUND:

Thank you, Caitlin. This is Julie Hedlund from staff. I did note that there were a couple of comments received thus far in the chat. As I've noted earlier and just now, comments and questions that are introduced in brackets will be read out aloud with the mic.

So the first comment received was from Holly Raiche. "Surely the privacy and security issues go beyond registrars and registrants to end users." End of comment.

Then the second comment received is from Cheryl Langdon-Orr. It says, "Even if there was the ability to override with all the right checks and balances, of course, the lock, it would help such concerned registrants." End comment.

Now I will review the room. I don't see more questions or comments right at the moment. But again, please do indicate those by adding them to the chat and I'll read them out on the mic. Thank you, Caitlin.

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EMILY BARABAS:

I just wanted to note that this room is set up so that anyone can raise their hand as well, and your microphone should be active if you'd like to ask a question verbally. Thanks, everyone.

Okay. A quiet crowd. That's fine as well. We have a volunteer. Kurt Pritz, please go ahead.

KURT PRITZ:

Okay. It seems to me like the PDP is a really slow moving tool to address some of these issues. We've had the GDPR on our plate for a couple of years. Security issues will come with increasing frequency that require adjustments to the Transfer Policy. And the level of questions we're discussing here, "Should this be a five-day period? How should this 60-day period be adjusted?" really seem to be IRT level detailed questions and not big policy questions. I'm for this PDP going ahead. It's definitely needed and we're to hear. But I'm wondering, as part of this process, if we could carve out some questions for the future so that TechOps Working Group could respond to them, to respond to changes in security requirements or other technical developments or changes in laws so that we don't have to wait for an agreement to write an Issue Report and the consideration of that report and a charter to finally launch a PDP. So make the Transfer Policy really a policy level statement about ease of transfer, readiness of transfer, speed, security, taking into account the need of the registrants, but not requiring PDP every time we want to change some technical aspect of the policy. I hope that was clear in some way and didn't raise too many eyebrows.

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EMILY BARABAS: I see that we have a Pam Little's hand up. Maybe she can provide the perspective of GNSO Council leadership on Kurt's question. Pam, would you like to speak first? Then I see Carlton has his hand up as well. Pam, please.

PAM LITTLE: Thank you, Emily. Hi, everyone. Hope you're all well. I actually don't have an answer to Kurt's comment and I do appreciate and understand where he's coming from. But personally—this is just my personal comment—I do think there is a tension between the desire to be prescriptive, if you like. Some members in our community want to make sure a policy requirement is enforceable by ICANN Org. So we have this habit in the past or practice where policy requirement is down to a very detailed level. For example, that Transfer Emergency Action Contact is prescribed to four hours in a policy and that was just completely unworkable, as far as the registrars that are in different locations, speaking different language. So there's this tension to be prescriptive, to make it enforceable. But I understand Kurt's point about the distinction between policy and implementation. I don't have a solution what's the right balance, but I just see that as a tension and maybe that is something for this working group to keep in mind. How we can actually make policy at a higher level without going to very prescriptive detail. So the policy can be more responsive to, for example, legislative, regulatory, or technical changes in the future. That's just my thought. Thank you.

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EMILY BARABAS: Thanks, Pam. Carlton, did you want to speak to that point as well? I'm sorry, I may have been muted. Carlton, is your hand up? I'm sorry. Carlton is having trouble unmuting.

ANDREA GLANDON: Hi, Carlton, this is Andrea. Hold on. Go ahead and try and unmute now, Carlton. Okay, it looks like your line is open. Carlton, your mic is open but we still aren't hearing anything. Are you possibly double muted?

EMILY BARABAS: Andrea, this is Emily from staff speaking. Should we maybe go on to Julie, who I think is going to raise a question from chat? And then maybe we can come back to Carlton if we're able to unmute him.

ANDREA GLANDON: Yes, that would be great. Thank you.

EMILY BARABAS: Okay. Thanks very much. Julie, please.

JULIE HEDLUND: Thanks so much, Emily. I have a question from Jothan Frakes. Start question. "Was partial bulk transfer going to be covered in the work of this PDP?" End of question.

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CAITLIN TUBERGEN: Hi, Jothan. Thank you for the question. The short answer is yes. There is a charter question that is particularly aimed at addressing further policy work on partial bulk transfers. I'm going to paste that into the chat so that everyone can see it. Thank you.

EMILY BARABAS: Thanks, Caitlin. This is Emily, again, from staff as well. Carlton, do you want to give it another try and see if you're able to speak now? Okay. It's sounding like maybe there's still a muting issue there. Another option is to potentially type your question or comment into the chat. And it looks like Andrea is also offering to dial out to you if that would be helpful. In the meantime, let's go to Heather Forrest for a question or comment. Heather, please.

HEATHER FORREST: Thanks, Emily, very much. I had a quick question. A follow-up on Pam's comment, actually. I think Pam makes a good point. I wonder if focusing on the high level policy is risky in the sense that the more that the recommendations turn high level, the more that leaves to implementation. And I think that raises some pretty significant challenges. I think we saw that certainly with the 2007, 2008 policy development process—mind you, that's many years ago—for developing new gTLDs, where we then ended up with a five- or six-year process of implementation in writing the Applicant Guidebook. I suppose they're very philosophical questions, and I don't mean to take us off track, Emily, but I just wanted to see that opportunity to

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put it on the record that I think we need to be careful of that super high level recommendations. Thanks very much.

EMILY BARABAS:

Thanks, Heather, for weighing in. I don't know if we have other comments from other participants on the call on that specific topic, but certainly others are welcome to weigh in as well. I know that we're dialing out to Carlton now. Carlton, are you already on the line? It sounds like no, although I'm seeing a Carlton's comment in the chat. Carlton, if you don't mind, I'll maybe just read it out to everyone so that they can see that as well. "No need to." Okay, I won't. Thanks, Carlton. I really appreciate it. Pam Little, please.

PAM LITTLE:

Thank you. I just want to react quickly to Heather's comment. Kurt and Carlton, thank you for weighing in as well. I think the problem at the moment is we're constrained by the current GNSO procedures that dictate if a policy recommendation has been implemented, it can only be changed by initiating a new PDP such as what we are doing here. Everyone can see how cumbersome this is. For example, a change that might be triggered by a technical change or by something that wasn't foreseeing when the policy recommendations were made and subsequently implemented. PDP is a very cumbersome vehicle, if you like, and the current procedures require us to do this. We can just initiate make minor changes responsive to unforeseen changes back a few years ago.

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So it's really that balancing act, how to really figure a way of being able to make technical changes that doesn't concern policy or isn't a policy issue. I'm not suggesting everything need to be high level but there are instances where it will call for a more swift mechanism to change but we don't have that vehicle or that mechanism available at this point. Thank you.

EMILY BARABAS:

Thanks, Pam. Do we have any other questions or comments at this time? Julia is noting, our remote participation manager, that there don't appear to be any other questions or comments in the chat. We don't see any hands either.

I wanted to thank everyone for joining us today. The slides, as we said, are available on the ICANN70 meeting's page for this session if you're interested in any of the links to the documents. Please do feel free to follow the GNSO Council session later this week when the charter will be considered by the GNSO Council. And look out through your community groups for additional updates about this PDP, including membership and so forth. We look forward to seeing all of your participation, if not in the PDP itself and through public comment or by other means. Good morning, good afternoon, and good evening to all of you wherever you may be. Thanks for joining the session. We can now conclude.

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ANDREA GLANDON: Thank you. This concludes today's session. Please remember to disconnect all lines and have a wonderful rest of your day.

**[END OF TRANSCRIPTION]**