Transcription ICANN Toronto Meeting

IRTP C

Saturday 13 October 2012 at 14:30 local time

Man:　　　　　　For the record this is the Inter Registrar Transfer Policy Part C meeting. Recording and streaming are now live.

Stéphane Van Gelder:　　　Okay can I ask GNSO councilors to come back to the table please so we can start the IRTP Part C session? And we have James Bladel and Avri Doria to present the group's final reports.

James Bladel:　　Marika is going to start it.

Stéphane Van Gelder:　　　Marika's going to start it so I've been told. Marika. So, Operator, can you start the recording? Councilors, can you please take your seats?

Coordinator:　　The recordings have been started.

Stéphane Van Gelder:　　　And can I ask people to be quiet. Okay welcome back. So we have a session now on the IRTP Part C final report. Once again IRTP means something to do with transfers.

James Bladel:　　Inter Registrar Transfer Policy.

Stéphane Van Gelder:　　　Inter Registrar Transfer Policy. It's a five-part PDP. And so this is a Part Number 3 or Part C of the five. It's five. It's five.

James Bladel:　　We're trying to reduce it.

((Crosstalk))

Man: Hold that thought.

Stéphane Van Gelder: The team's already trying to reduce it but it was initially five I believe.

James Bladel: It was initially five, correct.

Stéphane Van Gelder: Okay well I'll let, James, you take it.

James Bladel: Thanks. And I don't know whose chair I just stole. Thank you, Stéphane. And thanks for the - councilors for considering this on short notice; I know we got this submitted - our final report submitted just exactly onto the deadline so thank you, Marika, and the Council for taking that up.

This is the third iteration of the never ending series of transfer PDPs. And I was fortunate enough to have Avri as a co-chair so we'll probably take turns presenting this report - this update and we'll go through it and then we'll address any questions.

The first step is that - let's see - this is a transfer policy. This is the foundation for competitive marketplace. It's important to understand that transfers may sound boring or wonky, to borrow a US political term, but they are important in order to allow registrants to choose their registrar and still maintain continuity of their domain names.

It's under review to improve this process. There were a number of issues that needed clarification, enhancement, and it is far and away - we don't have any Compliance folks here in the room - but far and away the number one source of complaints that are driving people to reach out to ICANN and say help me, help me with my registrar, help me with this hijacking, help me with this registry, etcetera.

Next slide. This particular PDP was tasked to look at three general issues. The first is this concept of a change of control or change of registrant. Oftentimes the word "transfer" is used - and we felt interchangeably - incorrectly interchangeably with both the change of registrar and a change of registrant. This was - we believe this is clarified and improved in some respects in the country code name space and we wanted to examine that issue.

A second thing is the concept of this idea of a form of authorization. Form of authorization is a - it's an audit trail, a paper trail, from gaining registrars that they affirmatively contacted the authorized transfer contact and had their approval or authorization for the transfer.

Because of the rise of various types of marketplaces and other types of services registrars have - and registrants - have asked registrars to arrange the products where these were obtained in advance. And that, of course, raised the question of well should there be a time limit or are these things valid forever?

And then the third issue was I think less - more of a technical issue than very controversial policy issue which is this idea that all registrars have a unique IANA ID assigned to them by IANA ICANN and that registries should use this when communicating with their registrars or publishing things to Whois as opposed to assigning proprietary IDs.

Here's a brief timeline. Our initial report was published in June. We had a public comment forum. We reviewed the comments received coming out of Prague. We continued our deliberation on open items. We finalized our recommendations and submitted the report just a few days ago last week on October 9.

So this was a very aggressive or, should we say, ambitious expedited PDP in that we kept this moving. Everything was geared towards workshop in Costa Rica and comment periods timed around Prague and review of those comments and feedback in the inter-meeting periods with the goal of cleaning up the report and getting that submitted here in Toronto.

I'm just going to keep going until you stop me, Stéphane, okay?

Next slide.

Stéphane Van Gelder: I thought Avri might want to...

James Bladel: Okay I'll throw it over to Avri at this time...

((Crosstalk))

Stéphane Van Gelder: I just wanted to congratulate you and the working group on meeting those deadlines. I know it was very tough to meet the deadline for us to be able to consider a motion at this meeting, which we will do. The motion was made by me a day after the deadline and with a request for the Council to accept that as a motion that we could look at in Toronto.

And I'm happy to say that no one disapproved so we will be looking at that motion in our - during our Wednesday open Council meeting. So thank you, once again, to you both and the group for this hard work.

James Bladel: And thanks for getting that in even though we came in just as the clock was running out. Can I just make a comment about the timeline before we dive into the material is that this was an aggressive, ambitious timeline. We worked very hard on this everyone involved. Some of us have been working on this since IRTP-A so we're veterans; we work well together.

We're developing this expertise, this core group of folks. This group was not without controversies. You know, there were some issues there that folks felt just as strongly about as any other issue in ICANN but we found a way to collaboratively drive them towards some solutions.

And finally we did take some time at the outset investing a couple of weeks, in fact, our first initial call, to lay out a work plan with milestones that we needed to hit in order to be here where we are today in Toronto so working backwards from Toronto.

And I think that, you know, perhaps - and I've heard it expressed here today when folks say oh, you know, if you want something to die a slow death throw it over to a PDP, you know, it takes four years.

And I think what we're trying to do - say here is that perhaps this can be a model that other PDPs can be used to, you know, restore some confidence in that process because I think that's an important part of ICANN is people believe in that. So Avri wants to chime in on that.

Avri Doria: Yes, just one extra comment on that is we did take that as a goal and worked very hard on it. It's been calculated that a PDP can be done in I guess six and a half months. This one was - okay - nine months? Okay nine months. Oh what a baby. So anyhow this one having gotten done in a little over a year means there's still time for doing one quicker.

Marika Konings: No, sorry, the PDP would count then from really the initiation issue report to the end...

Avri Doria: Oh.

((Crosstalk))

Marika Konings: ...really the working group...

((Crosstalk))

Avri Doria: Okay so the nine months would include the issues report.

Marika Konings: Right, the whole process to I think Board consideration. But just to put the caveat that nine months is really everything, you know, all the planets would need to be aligned for that to happen basically.

Avri Doria: Well yes.

James Bladel: So, you know, just - it was a good team, it was a good group. We were aggressive and, you know, with our schedule. We wanted to make sure we had a quality output but we made our goals.

Stéphane Van Gelder: Just to flag that you've got another 15 minutes.

James Bladel: Yes, we'll get through this here. The first issue is the most contentious; we'll start there and then we'll clean up the rest here. The first issue is Charter Question A which involves this idea of a change of registrant consensus policy. Many registrars will do this internally but it is something that is not necessarily defined within ICANN policy. And I think surprisingly so; some folks were surprised to know that this is not currently defined within GNSO policy.

Because there was this discussion of whether you could create a change of registrant process inside of a policy that is named Inter Registrar Transfer Policy - or IRTP - one of our recommendations was to convert IRTP into an overarching transfer policy; one section dedicated to change of registrar and the other section dedicated to the change of registrant.

A new policy is laid out. But essentially both sides have to approve the change. There is a possibility because some business models requested that there be a possibility for prior - preapproval.

And I want to hit this point here; it says not possible to have a change of registrant at the same time as change of registrar. What that is saying, because we have heard some feedback that that's a confusing statement. But what that is saying is that these are two distinctly separate transactions.

They can occur, you know, one after the other but they cannot be a co-mingled transaction. It cannot be a change of registrar and, by the way, the domain name showed up at the new registrar with a completely new registrant. It's that one has to occur and be completed and then the next one; end to end transactions as opposed to co-mingled or parallel transactions so effectively they can happen very quickly.

And then finally we discussed this idea that once a registrant has been changed the domain name would be locked with the option of opting out of the lock. Now the purpose for this is that the change of registrant following - immediately preceding a change of registrar is a signature for domain name hijacking and particularly in thin registries - thin Whois registries.

This is a problem because the new registrar does not have any way of testing the veracity of the contact information that comes over with a new domain name transfer. So it is an attempt to address what has been identified as a security vulnerability.

However there is this concern about what implications that might have in - particularly in the aftermarket community where domain names are very portable and want additional security measures to interfere with that kind of flow or that transaction a domain name.

So, Jeff, go ahead.

Jeff Neuman: Yes, sorry, just a question. I probably should have read the report more fully. When you say domain name lock for 60 days do you mean it must be locked for 60 days or it's okay for a registrar to do that? And then what do you mean by - then who is the entity that opts out of the lock? Is it the registrar or is it the registrant?

James Bladel: So I believe the answer is that it is - is it a must? I thought it was a - yes, it is a must. I thought - yes, so it's not a reason for denial but it is a must. But the registrant can request that the registrar opt out of the lock - the new registrant. Yes, go ahead, Marika. Help me on the...

((Crosstalk))

Marika Konings: Yes, just to add to that there's actually another - an IRTP Part B recommendation that's in the process of being implemented that actually, you know, the domain name is locked for 60 days but that is a new provision that basically provides a way for registrant to unlock a domain name within five business days so basically it would be locked for 60 days but if that request is made either as a preapproved or like the opt-out or at a later stage then it would need to be unlocked within the five days.

((Crosstalk))

Marika Konings: But if nothing is requested it stays...

((Crosstalk))

Jeff Neuman: Like that was - in B it was if you do lock it then you must allow the unlock. This is now saying you as the registrar must lock a name for 60 days.

James Bladel: Okay so what it's saying...

((Crosstalk))

James Bladel: ...there's three things being said here. First is that the registrant can opt out of this prior to it happening. Then if it happens IRTP B is saying you have to remove it within five days on request of the registrant. But the registrar, you know, correct does need to - it is required to impose this lock. But it has registrant control on either side, the opt out before it happens and the removal after it happens.

                  Okay so obviously, Jeff, one of our more controversial and lengthy discussions, as well, on the working group.

Jeff Neuman: Yes, I'm just trying to figure out the effect of what happens if it's within 60 days of the expiration of a name and just all that kind of grace period interactions. And I don't fully have my head grasped around all that.

James Bladel: That's a good question. And we'll get to that here in just a moment because there are definitely some loose ends in this recommendation. Go ahead, Marika, the next line.

                  Charter Question B we discussed that forms of authorization, FOAs, should be valid no longer than 60 days. Following the expiration of an FOA the registrar must reauthorize it. It could be similar to if they're getting automatic - if they're getting it authorized in advance they can get that sort of preauthorized.

                  More important than the timeline though, the 60 days, we did want to emphasize that a FOA needs to expire certain events occur to trigger the expiration of an FOA that someone may be holding on to, which is the domain name expires or if the transfer is executed or if there is a dispute filed against the domain name or if the registrant changes on the domain name.

So some very important concepts here that if you are a registrar and you're holding a valid FOA and that domain name expires or transfers to a completely different registrar or changes hands your FOA is vapor at that point; it has not bearing.

But one of the things - and this was also a very lengthy discussion within the working group is that FOAs, as a paper trail, have been effectively made a sideshow by the common adoption of EPP auth info codes, which are unique codes that registries - registrars and registries will use to associate with domain names and will provide them to transfer contacts on request.

And these have become, in effect, the keys to a domain name that if someone wants to facilitate a transfer they would request the auth info code. And we're essentially asking the next working group to please take a look at the interaction between auth info codes and forms of authorization in fact are still even necessary.

Okay, final slide here, registry operators, we're asking them to use the registrar IANA ID in Whois and in communication with their registrars. Those registries who are currently using their own proprietary IDs can continue to do so but we ask that they add the IANA ID alongside it. And that's kind of where we came down on that one.

Next slide. So here is two important final recommendations. One is that this policy is not, you know, the devil is in the details and it's not fully baked. So what we're asking is that there would be an implementation team to work along side staff to assist in the crafting of the specific language of these recommendations into the new transfer policy.

And we are suggesting that that be made up of members of this particular working group so that the intention of the working group recommendation is preserved.

And finally there are - I don't remember the exact count of remaining issues in IRTP-D and IRTP-E. We're essentially recommending that Council - of course we can't compel you to do anything - but we are strongly recommending Council consider merging those into one final, you know, IRTP Strikes Back end to this series and let's get it over with even if it means having three or four or five issues in that last iteration of this series. Five - that would be five. So make it a bigger one and make it the last one.

There's a workshop to present to community - to present this report to community; that's on Wednesday. We expect, you know, balloons, tickertape, that kind of thing. And that's it. Avri, did you want to close off with anything here? I mean, here's the document link there but again Stéphane was very gracious enough to send that through to the list prior to this meeting so I know everybody read it on the plane. My flight was an hour and 10 minutes so I don't think I could get through it.

Stéphane Van Gelder: Okay. Any questions? Chuck.

Chuck Gomes: Not a question; I just think we need to compliment the working group on this. And everyone here needs to take full note of the fact that it happened in a very timely manner and not all PDPs will be able to be done this quickly but they did a fantastic job. And let's not forget our successes; we're always looking at the ones that take a long time or that maybe don't come out the way we wanted. But this is an example of a good success of the process and my compliments to the group.

Stéphane Van Gelder: Thanks, Chuck. Praise indeed from everyone here so I think if there are no more questions on this our thanks once again for the hard work. And we'll be considering this as a motion on Wednesday. And I guess we will have to call the last part IRTP-D or something, I don't know.

James Bladel: D as in done, how's that?

Stéphane Van Gelder: Thank you very much. We will now have a 30-minute break before returning for a session on Whois; part of the discussion we had earlier on. And then we will have a session led by John Berard on consumer metrics. John, are you ready?

John Berard: (Unintelligible).

Stéphane Van Gelder: Cool. We will then, from 5:00-6:00, discuss the Council motions that we have on our agenda for Wednesday. And we will end with a look at the DSSA Working Group. So please be back by - I don't know, 25 past. We will start at 3:30. Thank you very much. Operator, this session is now over.

Coordinator: That concludes today's call. Thank you for participating. Please disconnect at this time. Thank you.

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