MARRAKECH – Registrar Roundtable: Implementing Recent Transfer Policy Changes
Thursday, March 10, 2016 – 08:00 to 09:15 WET
ICANN55 | Marrakech, Morocco

CAITLIN TUBERGEN: Testing the audio again for the remote participants.

Good morning, everyone. This is the Registrar Roundtable on Implementing Recent Transfer Policy Changes.

Okay. And a special good morning, good afternoon, good evening to everyone who is joining us remotely from all hours. So the goal of today's session is for me to just quickly go over some of the definitions in the transfer policy process and then we'll open up the floor for questions.

We have a couple members of both the Working Group and the Implementation Review Team in the room. Theo Geurts, from the Implementation Review Team, has generously volunteered to discuss some of the background information and implementation plans for his registrar that might prove to be helpful to other registrars in the room.

So without further ado, I'll go ahead and get started on the transfer policy changes details.

We went over these definitions on Tuesday, so I'll just quickly go through them. But the definition of a change of registrant is a material change to any of the following: the prior registrant name, prior registrant organization, prior registrant e-mail address or the administrative contact e-mail address if there is no prior registrant e-mail address, which just means that the registered name holder e-mail address field is blank. A material change is defined as a non-typographical change to any of those fields. The prior registrant is the registered name holder when the change of registrant request is initiated. And the new registrant is the entity or person to whom that prior registrant is attempting to transfer the name to. So by way of example, if I were updating the WHOIS information from Caitlin Tubergen to Mukesh Chulani, in that example, I would be the prior registrant and Mukesh would be the new registrant.

This slide shows some examples of material changes. I just wanted to include this for reference. These examples can be… I'm sorry. Some examples of material changes can be found in the implementation notes to the policy.

The next couple of slides detail what you can find in Section C of the policy, and these are the steps found in the change of registrant.

So the first step when someone attempts to update their name, organization, or e-mail address is for the registrar to confirm the name is eligible for a change of registrant. There are a couple of situations that are enumerated in the policy that explain when a name is ineligible for a change of registrant. So those situations include there's a current UDRP dispute, there's a court order, etc.

The next step is for the registrar to confirm via a secure mechanism that the new registrant has explicitly consented to the change of registrant. And we'll talk a little bit later about what a secure mechanism is.

After the registrar confirms that the new registrant explicitly consented to the change, the registrar needs to inform the prior registrant that if its final goal is to change the registrar and the registrant simultaneously, it is advised to request the Inter-Registrar Transfer first, and that is because of the 60-day lock that follows the change of registrant.

The next step would be to confirm via a secure mechanism that the prior registrant has explicitly consented to the change of registrant.

After the registrar has received explicit consent from both the prior and new registrant, the registrar needs to process the

change of registrant within one day of obtaining those confirmations.

At that point, the registrar needs to send a notification to both the prior registrant and new registrant. And Section C.1.1.6.1 through 1.1.6.6 details requirements that need to be contained within that notification. Then the registrar needs to advice the prior registrant and new registrant of the 60-day Inter-Registrar Transfer lock, and that is a lock that follows a change of registrant. And then the registrar would impose that 60-day Inter-Registrar Transfer lock following the change of registrant.

The 60-day Inter-Registrar Transfer lock is opt-outable. So the registrar can allow the registrant to opt out of that 60-day lock prior to the change of registrant request.

In the implementation notes to the policy, you'll see that there are a couple of examples of what a secure mechanism is. However, I did want to note that this is not an exhaustive list, and I know Theo was going to touch on that a little bit later in the presentation. But these are just a couple examples of what would be considered secure mechanism.

So that concludes the basic definitions and process of change of registrant. I do, up here, have a handout that matches the slides of the process, which pulls the steps out of the policy as a whole. So if that would be helpful to anyone to look over, you're

welcome. I can pass them around the room. Mukesh is going to help with that. And for the remote participants, the handout just goes through steps one through nine of the change of registrant, which you can find in Section C.1.1 of the policy.

And, yes, I notice a question from a remote participant. I will e-mail that handout to the registrar list so that everyone can have it.

So I'm now going to hand over the floor to Theo, if he's willing to share.

THEO GEURTS: Thank you, Caitlin. Yes, I'm wiling to share because this is a very, very complex policy where most of us are struggling with the language, I assume. What is a secure mechanism? What is the designated agent?

And, from what I've been hearing last couple days, people are… Well, sort of my sense of it, people are struggling with the language there.

So what is a secure mechanism? From my perspective, a secure mechanism can be a client's or registrant's control panel where you can log in. And that can be two factor authentication, it can be one key factor authentication. These are still considered very secure mechanisms. And from our site being a registrar or being

the reseller model, the wholesale model, we just have a mechanism in place where our resellers just confirm that they have explicit consent from the new and old registrant, and they send us that through an API.

So a designated agent is an entity, in my opinion, that could be a reseller, could be a web design company. It could be actually anything or everything as long as you'd make definition somewhere along the line. So that's sort of what we are going to do at Realtime Register.

And if you're looking at some of the language there and you talk with people, you're with registrars, there's also these questions like, "Yeah, what would happen if the e-mail address is no longer correct?"

Now, there was a particular… We discuss this extensively in the IRT and at a certain point, and this also came up on the list last night, there is this little sentence that says that registrar is not just limited to… And basically, what it says like you can get the information as a registrar through a resources like your reseller.

So at Realtime Registrar, we're just going to introduce a little section in our control panel for our resellers. And if the registrant is complaining that the e-mail address is no longer working, you can simply enter the domain name, read the new e-mail, there will be a legal disclaimer there and that's how we're going to

process a change of the new e-mail address, and then we can continue with the entire change of registrant process there.

And that's in a nutshell how we just going to engage with this policy. I'm just going to leave it open to the floor here so we can get some discussion going but it is just what we are going at Realtime Register. Thanks.

CAITLIN TUBERGEN: Thank you, Theo. James, I see your hand. I was just going to answer a question in the remote and then I'll hand it over to James.

So, I have a question from [Ricky Pop], and the question is, "At the last presentation, you promised to investigate that it was possible to combine the new registrant approval with the verification."

And I believe this question is referring to the WHOIS verification as part of the WHOIS accuracy specification, if it's okay to combine the new registrant explicit consent via secure mechanism with the WHOIS verification. And the answer to that question is yes, so long as the secure mechanism meets the requirements of the WHOIS accuracy specification. Those two notices can be combined.

James, please go ahead.

JAMES BLADEL: Hi. Thanks, Caitlin. Thanks, [Ricky].

And just thinking along the same lines, I think that we're very interested as registrars to combine or merge as many messages as possible. I think at scale, what we find is the more messages you send a registrant, couple things happen. One is they're less likely to take the necessary actions. They start to tune them out. My registrar sends me a hundred messages a day. I just don't know what's important anymore. And then the second one is that you could actually trigger some of their junk or bulk mail filters in whatever client they're using.

We're taking, I think… Internally, we've had discussions that secure mechanism really leaves us a lot of room to innovate, including control panel notifications, as Theo mentioned, two factor authentication, mobile apps, and other types of communication channels where we might get the registrant's attention a little faster.

I wanted to point out however where you had indicated some of the threshold fields that would trigger change of registrant. And it's possible that if the e-mail address is not one of those fields changed, if it's just a… For example, someone got married and changed their name or I changed it from Jim to James, that the

new registrant and old registrant consent e-mail, confirmation e-mail, would be still the same.

And then, I'm hoping that that's not a concern right at this point. We're just going to start piling on all of these functions so that if you come to us – and I mean Owen right now – if you come to us later and say, "Show me that you confirm consent and confirm the prior registrant consent, and verify the WHOIS address," I might be referring you to one e-mail that does all three functions.

And so just be advised that I think that a lot of registrars are trying to do that to cut down on the e-mail traffic because that's where those things are going to go off the rails. Thanks.

CAITLIN TUBERGEN: Thank you, James.

I do believe that that was a question that Tom Barrett had brought up on Tuesday. And the answer was there are situations with a prior registrant and new registrant or the exact same entity, exact same individual and so, one communication so long as it's the same individual could be sufficient in those situations.

So, [inaudible] did you have a question, comment?

UNIDENTIFIED MALE: Yeah, I think you already answered it a bit. Combining e-mails when the e-mail address is similar for the olds and new registrants is obvious, I think you can also combine an e-mail if the rest of the company [inaudible] not changing. If I'm John Doe from Company X with old e-mail and I'm John Doe from Company X new e-mail, I can, in my opinion, just get a confirmation from the new e-mail address, which confirms both for the John Doe 1 and John Doe 2. Is it correct? Do you agree with me?

CAITLIN TUBERGEN: I think the answer is yes. So it's a little early and it's a little early for everyone. So I think if I can restate the question, the question is, if the entity is the same individual even though their e-mail is changing, could the consent be given or could the communications still be in one message?

UNIDENTIFIED MALE: Yes.

CAITLIN TUBERGEN: And I think depending on the situation, yes. There are situations for example where someone maybe updating their e-mail

address because their e-mail address is no longer correct and so they wouldn't be able to give consent via a non-working e-mail address.

MIKE ZUPKE: So this is Mike Zupke, ICANN staff. And I just want to add one note to that and I think the explanation that Caitlin provided is absolutely correct. But I just urge everybody to remember that the purpose of this policy, or one of the purposes of this policy, is to prevent domain name hijacking or prevent names from – registrants from losing control of their domain names.

And so within the spirit of that, obviously, if you're only confirming with the new registrant's e-mail address, you still run the risk of that happening. And luckily, there is still a notice provision in this. But just something to keep in mind that the goal of this is really for enhanced security. So to that end obviously, US registrars have an interest in that.

DARCY SOUTHWELL: To go back just a little bit for some registrars who've been asking questions, can you give just a high level, two second overview of why we have this process coming at us? The policy, just high level. Thank you.

CAITLIN TUBERGEN: Thank you, Darcy. I may turn the mic over to James if that's okay. I can say that this came out of the policy development process, IRTPC. And, James was part of that Working Group, so he may be able to provide a little context. But as Mike just mentioned, the goal or the underlying goal of the change of registrant recommendation was to, I believe, kind of normalize the way a change of registrant works across all registrars.

And particularly with reference to the 60-day lock following a change of registrant that was again to prevent domain name hijacking so that in the event an account was compromised, the name would still be housed within the same registrar to return the name back to the original registered name holder if there were some sort of account compromise. But James may be able to speak to that more eloquently.

JAMES BLADEL: Well, thank you, Caitlin.

No, just as a little bit of context or background, and I'll try to be brief. The birth of this is actually in 2007, where there was a taskforce established to find all the problems that were associated with Inter-Registrar Transfers. And unfortunately, there were so many and that was just such a dense volume of material that caused ICANN to kick off five separate PDPs, IRTP A through IRTP E.

And we started working them when we realize that these things were taking anywhere from 18 to 24 months each. We started looking for ways to combine them. This particular policy, IRTP C, came out of a recommendation from one of the prior ones, I believe IRTP B, that identified the problems associated with change of registrant.

And specifically that there was this very, very healthy aftermarket setup that was using an Inter-Registrar Transfer Policy to affect change of control or change of ownership of domain name assets, and that was failing because the process was not designed to do that. The process was designed to spur competition from network solutions and get people to move their domain names to other registrars in a competitive marketplace. So that was problem number one.

Problem number two: hijacking. If people were losing control of domain names that they were using, that they built their businesses or personal identities around it, they were losing control of them without their knowledge or consent.

The third one is the reverse of that. People were getting domain names assigned to them without their knowledge or consent. So domain names that had illegal or infringing materials, their identities were being stolen and that these domain names are being registered on their behalf and used for nefarious

purposes. And of course, the registrant is the person or entity that's legally responsible for the use of domain names. So people were becoming cybersquatters without even knowing that they had an account at a registrar.

And then the fourth one was that we were encountering a lot of edged cases associated with enforcing UDRPs, court orders, and other registry and legal activities.

And so, all of this rolled up to, we need to do something to address change of registrant practices, both when you're added as a registrant, when you're removed as a registrant. And a lot of registrars that we have some sort of internal process to do that. Some registrars, surprisingly, didn't offer that service. Once you register a domain name, you could never change it. You had to either delete it or take it to another registrar.

And then I think there was also a desire from the Working Group to standardize that, as Caitlin said. So I hope that's just the high level summary of how we got here over, what, the last nine years. Thanks.

CAITLIN TUBERGEN: Thank you, James. Darcy, does that help?

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DARCY SOUTHWELL: Yeah.

CAITLIN TUBERGEN: Okay. Thank you.

There's a couple of questions in the remote participation or from remote participants that I can address now.

The first question is from Chris Pelling and it is, "Surely if someone has gone to the trouble of compromising an e-mail address, they will simply opt-out when logged in beforehand and transfer the domain name."

So I believe Chris is referring to opting-out at the 60-day Inter-Registrar Transfer lock, and what would be the point if someone could just opt-out? I would like to note that in Section, I believe at C.1.2, there is a footnote that says that registrars can make the opt-out or that 60-day lock. They can impose restrictions on that, for example if they'd like to make it more secure. So that could be something that you – Chris, if you'd like to make it more secure, if you're afraid of domain name hijacking in that context.

The second question comes from [Ricky], and the question is, "Why 60 days? We do see a lot of registrants that want to transfer their domain name after changing ownership. Of course, we would offer the opt-out but prior registrant might

easily miss it. At one.com, we already do get confirmation via control panel e-mail from both prior and new registrant, send confirmation for both, and then we lock the possibility for further changes for three days so that the prior registrant has time to react. Sixty days seems like a long time."

Thank you for that question [Ricky]. The answer why 60 days is that's what the Working Group recommended and so that's what we implemented into policy. Oh, looks like James has some context on that.

JAMES BLADEL: You're not wrong Caitlin, but I think why 60 days, why not 20 or 10 or 400 or something is because 60 days was already kind of a number that was used for previous post transfer, new registration creation and things like that. So it was desired that if there was going to be some kind of a required timeframe that we keep them a standard length so that there weren't all these different lengths of time period. So, I mean, that's why it's 60.

CAITLIN TUBERGEN: Thank you, James. That's helpful.

Did anyone have any other questions they can think of in the remote room or in Marrakech?

James?

JAMES BLADEL: Is it coming later where you're going to discuss the designated agent?

CAITLIN TUBERGEN: Yes. I do have a couple of prompting slides about topics that I seem to be getting a lot of questions on to open up the floor about those topics. So if we'd like to move onto designated agents, happy to do so.

JAMES BLADEL: Yeah.

UNIDENTIFIED MALE: Caitlin, there's a [inaudible] [Ricky].

CAITLIN TUBERGEN: Oh, sorry, the comment from [Ricky] is, "I am pretty sure 60 days will give me a lot of angry registrants." And his second comment, "They will think we do it to annoy them or lock them to us."

[Simon]?

[SIMON]: What's wrong with making the opt-out part of your [inaudible] process? So, at the moment you asked for consent of the prior registrants, also includes the question, "Do you want to opt out? Yes, or no?" So if it's enforcing the opt-outs at two certain level.

CAITLIN TUBERGEN: I'm not sure I unders – is the question, can you offer the opt out at the time they request the… So the answer to that question is the prior registrant – sorry.

[SIMON]: It's not directly whether or not you can offer the opt-outs at the moment of the getting consent to the prior registrant. That's in the policy. That's the fact we can combine it. But can we try to make opt-out the standard answer and make it an opt-in if the customer wants to…

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