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LONDON – Whiteboarding Session with IRTP-C IRT
Wednesday, June 25, 2014 – 11:30 to 13:00
ICANN – London, England

CAITLIN TUBERGEN:	Good afternoon everyone. This is the IRTP Part C Whiteboarding Session. If you're not here for the IRTP Part C Whiteboarding Session you're in the wrong room. My name is Caitlin Tubergen. I'm the Registrar Relations and Contracts Manager at ICANN. I thought what we'd do was I'd pass out handouts to everyone in the room. If you don't have a handout, please raise your hand and let me know.
	The goal of this session is to go through the IRTP Part C Working Group's Recommendation 1, which is regarding a change of registrant policy. I thought what we'd do is go through the recommendation, what the staff glean from what the Working Group had proposed, and see if what we have proposed is indeed what the Working Group had intended.
	We also have some flowcharts, which we'll go through, that give a visual of what we think that the Working Group had proposed. Since this Working Group met a while ago, I thought it might be useful to go through the report again. This is the overview of the change of registrant progress, per the file report. Yes?
JAMES BLADEL:	This is James Bladel, registrar but former Chair of this Working Group. I wanted to maybe back up just one step, because it's been a long time since we've all seen this stuff, and talk about why we're discussing a change of registrant process. Is that okay?

Note: The following is the output resulting from transcribing an audio file into a word/text document. Although the transcription is largely accurate, in some cases may be incomplete or inaccurate due to inaudible passages and grammatical corrections. It is posted as an aid to the original audio file, but should not be treated as an authoritative record.

Okay, so the inter-registrar transfer policy very specifically governs the change of a domain name from one registrar to another. It doesn't really cover the very common scenario in our industry where a domain name changes control from one individual organization to another, irrespective of whether it stays at the same registrar or moves to a different registrar as part of that process.

That was something this Working Group took on, and it actually snowballed and became a much bigger process, because it was a completely different concept that was operating. In many respects it was outside of ICANN policy. We developed a couple of different ideas and recommendations, based on the idea that a registrant should change in a standard, reliable and predictable way, but also perhaps another thing that was occurring was to ensure that if someone receives a domain name, that they're aware of it.

We had this other scenario that was also fairly commonplace, and that was that individuals were listed as a registrant without their knowledge. We had those two scenarios, obviously the much bigger one being this transacting of control of a domain name, but also, as a side benefit, making sure we picked up that other scenario.

I'm just putting that out there, of why we're even talking about this. I know the Working Group ended months ago, and we are now trying to take a look at this. These are tough questions, and registrars, I think individual ones, the large ones, have internal policies to address it. What we're trying to do is elevate that to an industry standard.

CAITLIN TUBERGEN: Thank you James. I really appreciate that background. Go ahead, Theo.

[THEO]:   Hi. James, looking back at it now, when you were part of the Working Group and leading the Working Group, and now that we have the verification system for the RA 2013, do you think anything has changed within the scope of this Working Group? Are all the parts that are on the table still relevant? Or how do you see that? Do you give it any thought? It just popped up in my head. I thought it was a long time ago, things have changed.

JAMES BLADEL: It's a good point, Theo. I think they are still relevant, and I think that if we create this process correctly, it can kill two birds with one stone and actually cover the verification process as part of this change in registrant process, because the recommendations do require a positive confirmation of the receiving registrant, similar to an FOA. Like what we're doing with transfers is we're saying, "Hey, transfers are verified, because I had to go and get their authorization." I think we can do the same thing here.

CAITLIN TUBERGEN: Thank you gentlemen. The slide up on the screen and in the remote room shows the overview of the change of registrant process, which was described in the Final Report. I'm going to go through what I saw in the Final Report and see if anything big was missed or misunderstood. The Report defines a change of registrant as any material change to registrant name, registrant organization, or the primary contact method.

Only the prior registrant or authorized representative can request the change of registrant. In order to proceed with the change of registrant, the registration cannot be subject to a UDRP locked by the registrar, with the clear mechanism for removing the lock, or an expired registration. The prior registrant and the new registrant must both authorize the change of registrant.

There is a 60-day registrar lock following the change, with an opt-out option, which means that once the change of registrant goes through, there's an inter-registrar transfer lock. James?

JAMES BLADEL: I'm sorry, can we go back one slide where we talked about the names that wouldn't be eligible for change of registrant? When we said "expired" – and I'll have to check with the Report – but I think that we did not exclude names that were in the auto-renew grace period, which is very common for those to change registrants.

We were speaking of names that had specifically expired and were in either a pending delete or redemption grace period. I just wanted to clarify, when we say "expired" because there are multiple flavors of expired, and some were and some were not eligible.

CAITLIN TUBERGEN: Thank you James. On the next slide, the Working Group recommended that if a registrant wants to change their registrar and their registrant, simultaneously, that the change of registrant is recommended to be first. That was so that the 60-day lock would not be triggered. Now I'd

like to go through the flowcharts and see if what we have documented here is indeed what the Working Group intended.

We can begin with the first handout, which is the Working Group Recommended Change of Registrant, or Push Between Accounts Process. Step one is that the prior registrant wants to change the registrant of record to the new registrant. The new registrant requests a change of registrant key from the registrar. The registrar then provides the registrant key to the account holder, through some sort of c-panel or through email.

Then the prior registrant, via the account holder, receives the change of registrant key from the registrar, and provides the key to the new registrant. The new registrant provides the key to the registrar, updates the WHOIS data, and enters into the Registration Agreement with the registrar.

Step five would be the registrar validates the key, pushes the domain into the new registrant's account, and sends a notice of change to the prior registrant and advises of the 60-day inter-registrar transfer lock with the opt-out option. Then the prior registrant would receive the notice and may optionally decline the lock.

MIKE ZUPKE: Hey Caitlin. This is Mike Zupke from ICANN staff. I just wanted to add one clarification on this. I think Caitlin has already explained that this was our best effort to interpret what the Working Group gave us. In some places we attempted to fill in what we saw as maybe a gap, where there was one logical explanation.

As an example, where you see this reference to a key, the Working Group used the term "credential" and so the key is still an ambiguous term. We realize that might be something like an auth-code, which is what the Working Group suggested as an example. We're aware there could be other sorts of ways of doing that.

I can see one of the first questions being, "What is this key?" and so it is still a little ambiguous, but we're in our minds thinking of it as the auth-code, as the Working Group suggested.

SIMONETTA BATTEIGER: Hi. This is Simonetta from [C Dau? 00:09:33]. When we said we wanted to have an opt-out option, and also this key I see here, one of the ideas that we intended to have was that someone who was active in trading domain names would be able to indicate to the registrar, at any given point in time, that they are fine with a domain name moving from A to B, and that they're also fine with the fact that they do not intend to have this lock.

What they could do is list their domain names for sale, at some point in time, and pre-authorize this for the future. This flowchart suggests that this handling of this key information needs to happen at the point in time when the ownership change happens, and this wasn't our intent.

Our intent was that we were saying that we want to be able to give someone who knows what they're doing the opportunity to say, up-front to their registrar, "I'm trading and I want to make it easy down the road, if some ownership should occur, that it can happen." I don't know how this is reflected here, because it doesn't really give a time, but this

flowchart seems to suggest that this handing over of credentials only happens at a point in time when the actual ownership change happens.

I don't know how you were envisioning this, but this doesn't seem to quite line up with what we were talking about back then. Do you disagree, James?

JAMES BLADEL: I think that yes, this needs to be clarified in this diagram. For example, in the step five box it could say, instead of advising the registrant of the change and the 60-day lock and soliciting their opt-out at that point, it could be checking to see whether they had previously authorized that opt-out and that there was a standing opt-out associated with that account.

I think that's what you were getting at, and I don't think it's incompatible with this, we just need to clean it up a little bit and make it explicit. Two other points – one is that we did mention the auth info-code would be used for this. I don't want to make this more complicated than it is, particularly as a registrar that has many millions of domain names.

One concern that a number of folks raised during the Working Group is that this now means that the auth info-code is quickly becoming a general purpose token of control for a domain name – whether it's used for transfer or change of registrant. Perhaps we should consider a second unique identifier or key code that's associated. One is for transfer… I understand there are some security concerns about what they call an overloaded token, which is used for too many things.

I just wanted to put that into the thing, as to whether or not the key is actually the auth info-code, and not something else. Thirdly, I think that this diagram might benefit from a failure state down at the bottom, so that if each of these steps either fail to occur or are terminated by one of the parties, or authorization is rejected, would drop down to a red version of this chart at each of these steps to indicate what happens next and how the process would continue.

I think this is the pristine path through this process, but there are certainly a number of steps along the way that could derail this.

CAITLIN TUBERGEN: Thank you James. Regarding the change of registrant "key", the reason why we chose to use that terminology is because the Final Report did indeed state several reasons why perhaps we shouldn't be using the auth info-code, so we just used that terminology.

STAFF: I have a question from a remote participant, [Jody Kolker 00:14:11]. The question is: "What is meant by primary contact method? Does this mean an email or an address change?"

CAITLIN TUBERGEN: Thank you. Simonetta?

SIMONETTA BATTEIGER: If I remember rightly from the Working Group sessions, what we meant was either the email address or the telephone number, not the address. There was a big discussion about this.

JAMES BLADEL: I think that's right, but I think we also included name and organization, email and telephone. I'm wondering, did we talk about telephone? We also talked about some of those being more routine than others, but we definitely left out postal address.

SIMONETTA BATTEIGER: I agree we left out postal address. I'm not sure about the telephone. We'd have to go back into the meeting notes. Email for sure. Telephone maybe. Postal address no.

JAMES BLADEL: The thinking there was that email would be how other tokens, including this key or auth info-code is distributed in some cases. Clearly that had to be a protected field, because if you didn't cover that in this process then someone would just change that field and then invoke this process on some spam email address.

MARIKA KONINGS: This is Marika. I just looked up the Report. We actually had "Primary contact method (registrant and/or administrative contact email address)". That was what was intended with that.

CAITLIN TUBERGEN:	Thanks Marika. Did anyone else have any other thoughts, whether in the room or in the Adobe room, on the first flowchart for Push Between Accounts? Go ahead, James.
JAMES BLADEL:	The only thought here – and we're trying to create a standard where registrars may not have similar understanding or definition of what it means to have an account with them – is that for the majority of most registrars, and certainly the larger ones, this is understood. I think we may, as an implementation team, may need to do some definitional legwork there.
	We notice control panel and stuff like that, and I admit that they should have a good handle on that. At this stage in the game the industry is mature enough that that should be understood, but I would submit to you that there are probably some out there that still don't have that.
CAITLIN TUBERGEN:	I believe "account holder" is defined in the 2013 RAA. Would that be useful for these purposes?
JAMES BLADEL:	I think so. That might be a good jumping-off point.
CAITLIN TUBERGEN:	Okay. Did anyone else have any feedback on the first flowchart? Simonetta?

SIMONETTA BATTEIGER: Maybe one little thing really, but it's just wording. I wouldn't necessarily use "c-panel", maybe some other word.

JAMES BLADEL: Yes, that's a product, isn't it?

CAITLIN TUBERGEN: I'm sorry for the inadvertent trademark violation. This is step two. Did anybody have any alternate wording or any other way that perhaps we didn't capture here, that the registrar could provide some sort of change of registrant key to the prior and new registrant?

SIMONETTA BATTEIGER: Maybe account interface or web interface, or actually writing out "control panel" would be better wording.

JAMES BLADEL: SMS.

CAITLIN TUBERGEN: Okay.

SIMONETTA BATTEIGER: Actually, I don't think it was our intent to define in what way this information needs to be conveyed. I don't think we intended having to say that you can only retrieve this token via the website, in any way, shape or form.   Like this SMS point, or telephone, or whatever communication method, to pass the token on, should not be restricted.

MIKE ZUPKE: I think when we were thinking this through we were thinking similar to what the comments we heard earlier were, and that was that if the email address is locked down, then that makes it a little more of a secure channel, and the control panel is locked down by a password. I don't think staff is fixed on that position, but that was our thinking.

It seemed the intent to create the secure process where your useful or meaningful data for accessing and changing your registration details couldn't be changed, generally, without your consent, or without your control. I don't know if that's something that the Working Group had discussed or not, but I'd be interested if anybody knows the thoughts on that.

SIMONETTA BATTEIGER: I don't recall this particular detail. I do think that we did mean to have this as a secure process. However, there was no intent to say it must be done one particular way.

CAITLIN TUBERGEN: I just wanted to mention that when staff comes through with a draft policy, that it will go through public comment, so registrars and anyone from the community can comment on what we do propose. Any other comments on the Working Group recommended change of registrant push between accounts? Okay.

On page two of the handouts you'll see the Working Group recommended change of registrant contact update. Let's go ahead and

go through that one. Step one of the process is the account holder or registrant request the registrar to change the registrant's name, organization and/or email address. Then we have a question of if the request was initiated by an authenticated account holder.

If the answer is yes, the registrar would allow the authenticated account holder to make changes to the registrant name, organization and email address through a control panel or other verifiable means. There's no need to exchange the change of registrant key, since the account holder will remain the account holder. Then the notice of change would be sent to the prior registrant, at the old email address, informing them of the 60-day lock with the opt-out option.

If the request is not initiated by an authenticated account holder the registrar would transmit the change of registrant key to the account holder or registrant, using the contact details on file. The registrant would transmit the change of registrant key back to the registrar. The registrar would validate the change of registrant key and allow the registrant to make changes to the name, organization, or email address.

Then the registrar would send the notice of change to the prior registrant's old email address, and again inform of the 60-day inter-registrar lock. Any comments on this flowchart? Go ahead, Simonetta.

SIMONETTA BATTEIGER: I'm not sure I understand how one and two are different, because I think we want it to say that if you change the registrant name or registrant organization or email address on the thing, you're basically making a

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material change to who the account holder is. I don't now where you see the difference between the yes and no on the flowchart.

MIKE ZUPKE: They're the same, but for the purpose of trying to talk about this and understand it as a group, we wanted to map out how it might appear to the registrants. In the case of changing your WHOIS data, if you log into your control panel as the registrant and you want to change your registrant name, practically speaking, since the registrar can give you the key through your control panel, they don't really need to give you the key, because you'd take it and give it back in that same session.

What we've tried to do is show at least the logical flow from the customer's point of view, and that's that they would log in and they'd just change the data. The steps are all generally the same, except that that key exchange happens invisibly, or doesn't really need to happen. I got an unsatisfied look. Was it a bad explanation, or are you just processing?

SIMONETTA BATTEIGER: I honestly don't understand.

MIKE ZUPKE: We looked at this. We spend I don't now how many hours in front of a whiteboard, trying to think about how we best visualize this and then trying to depict it, and then give the IRT something to poke at and help us make better, so that we can eventually have educational materials for registrants, registrars, and other stakeholders in this process.

The idea behind both of them is the same. There needs to be this secure process for changing the registrant – whether it's through a push, or whether you just log in and say, "The new registrant is this, but I'm keeping it in my account." The one real difference is that in one case the account holder is going to be different, or could potentially be different. That's why there needs to be that change of key, from one account holder to another.

It's just as a practical matter, because you have to log in separately for just about every registrar, if you have a separate account, or at least theoretically. Our attempt here was to have the same process, but to explain that when the account holder doesn't change, the key exchange becomes unnecessary, since we allow that to happen through the control panel.

SIMONETTA BATTEIGER: Your definition of account holder change would be they change any field but the registrant name, the organization name, and the primary contact method? Or what is your definition of account holder change here?

MIKE ZUPKE: The account holder will be the definition that's in the latest RAA, but it's generally more intuitive than what you just described. It's the person who has access to control of a domain name, practically. The person who has the log-in credentials, who's paying for the domain name, that sort of thing. I'm probably not explaining this 100% in line with what the Agreement says, but that was the intent.

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It's truly the account holder person at the registrar who manages the account – not necessarily the registered name holder of record. It's not necessarily the admin C or the tech C or the billing C, it's really the person who has the account. It's not that the other WHOIS data would be changed, it's really in most cases the push. When you have two separate accounts you're likely to have two separate account holders, or you might, anyway. Our takeaway is this is a confusing way to depict this.

SIMONETTA BATTEIGER: If this is the push, then what is different about this chart, versus the first chart we looked at?

MIKE ZUPKE: This one is not the push, this is just logging in and changing your registrant or record.

SIMONETTA BATTEIGER: Okay, so you're saying this is a change of registrant, without changing the account?

MIKE ZUPKE: Yes. The notion of pushing between accounts might not even exist in all registrars, but this would generally be the idea of updating your contact data. There's no change of account, no change of control.

SIMONETTA BATTEIGER: What you want to see then when that happens is that there is a notification sent to whatever the previous contact details were, so they have to confirm this.

MIKE ZUPKE: That's correct. They don't have to confirm it. The account holder can log in and make the changes, but they will at least receive notice at the end of the process. The previous registrant will be informed what change has happened, whether the opt-out might be available. You might have already opted out, or whatever.

SIMONETTA BATTEIGER: When the previous registrant gets the opportunity to opt-out, that doesn't really address that the person who tried to make the update would also want to be able to say, "I'd like to pre-authorize moves of this domain name in the future and opt-out of any locking situation." That should really be the entity who should be able to make this determination, because whoever that new owner is might be the one that would want to sell these names, move these names, and not have them locked down simply because they changed the detail on their WHOIS information.

If this option of the opt-out is only given to the previous contact details, it doesn't really achieve what we meant, with the person who wants to trade their names is able to say, "I understand that yes, this name might move quickly, and I don't want it locked out for two months."

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MIKE ZUPKE: I think that's a good point. In my head, as a practical matter, because the account holder isn't changing, I'm imagining a world where the registrar has the account holder set this flag that says, "I opt out of the transfer restriction." If the registrar was doing it another way, where they're actually keying it to the registered name holder field, or the registered name holder's email address, the registrar could also have the option – if the first registrant has opted out, the second one could do it too.

I think if the first registrant does not opt out, that's their protection mechanisms against this having been a bad transfer in the first place.

SIMONETTA BATTEIGER: Right. I agree with this idea that there is a notification sent to whoever used to be there, because that's really a security feature, but that last piece of how maybe this could be set at the account level should probably get updated in a new version of this flowchart.

MIKE ZUPKE: That's a good point. I don't think we thought down to that detail. I don't know if we have to set it, or if we can give some advice that says the registrar has the option to allow their customer to set it at the account level, or they can key it specifically to the registrant. In my mind, I think the registrar can decide that based on what's most feasible for their implementation, unless you have another idea. It's not my decision to make.

SIMONETTA BATTEIGER: That's fine. I think that's capturing the intent of what we wanted to have. It's just not reflected in this specific wording right now.

CAITLIN TUBERGEN: Thank you Simonetta.   Did anyone else have any feedback on the recommended change of registrant contact update chart?   No comments from remote participants? Okay. The final two pages depict what we believe to be the process for an inter-registrar transfer and change of registrant process at the same time.

Step one would be that the prior registrant informs the losing registrar that they intend to change the registrant, and the losing registrar advises the prior registrant of the 60-day inter-registrar transfer lock following the change, including the opt-out option. We assume at that point that the prior registrant will go ahead and transfer the registrars before changing the registrant, after being informed.

The prior registrant asks the losing registrar for the auth code, and to unlock the domain name. Step four is the losing registrar unlocks the name and provides the auth code. They may have to set or retrieve the auth code at the registry. Step five, the prior registrant notifies the gaining registrar that it wants to transfer the domain name to the gaining registrar.

Then the gaining registrar asks the prior registrant for the auth code, plus sends the FOA to the transfer contact. The prior registrant provides auth code to gaining registrar, plus acknowledges the FOA to the gaining registrar. Then the gaining registrar initiates the transfer at the registry. The registry then notifies the losing registrar and sets five-day clock,

during which the losing registrar can acknowledge or not acknowledge the transfer.

The losing registrar then sends the FOA labeled confirmation of registrar transfer request to the registered name holder. After five days, or upon acknowledgement from the losing transfer, if the transfer is not acknowledged, the registry transfers the name to the gaining registrar. The gaining registrar receives the domain and then the change of registrant can begin.

MIKE ZUPKE: Simonetta is probably going to pick this one apart too. I think we could probably spend an hour on this scenario, where we're changing both simultaneously.   I think there's some concern, at least from my perspective, that I appreciate what staff has done trying to help us crystalize our thinking, but I think we may actually have to go back to the recommendations on this particular point.   I'm already thinking of dependencies.

If you don't acknowledge the inter-registrar transfer policy, what happens to the inter-registrant transfer? Does that still happen or not? What's the expectation that we're setting, or does the whole thing cancel as a package? We may want to consider defining them atomically as a change of registrant process and a change of registrar process, and then having them be invoked separately.

I think when we start to blend those two – and this is particularly true of THIN registries, when the gaining registrar really doesn't have any history with the contacts that are being provided, as a part of the

incoming transfer of the domain name. I think we need to tread very carefully in this scenario.

SIMONETTA BATTEIGER: From the perspective of someone who handles a ton of transfers, there's a bit of a logical flaw in here, in the sense that in most cases, the way the transfer actually happens today, where we don't have any policy piece around this really, is that someone [unclear 00:36:11] domain name and sells it. What they do at the beginning is correctly depicted here. They have to unlock the domain name and retrieve and auth code, and then pass this to somebody else.

This auth code is now used by someone else. It's no longer the previous registrant that makes use of this thing. What gets entered with the gaining side registrar is an action that happens by the new entity. There's no involvement of that seller on the gaining side whatsoever, usually, especially not in the case of a distributed system like our MLS system or the DLS system that the GoDaddy folks are operating, or other competitors out there.

The way it's handled is that this auth code token is given to the gaining side by your entity, and used there, and that starts a transfer process that needs to be acknowledged from the other side, however, this gaining side has zero interaction with the previous registrant. That is not at all reflected here.

The intent was that someone can go and say, "I'd like to list my names for sale. I pre-authorized you to automatically give out an auth code and unlock this domain name in the case of a sale, and then when this ping

happens, okay, we have a sale." The previous registrant would have already given their consent to the trade, and the other side is able to take this auth code and use it right away.

Because of the way this transfer happens, there is a notification to the losing side, between the registry and the losing side. They'd be able to immediately acknowledge, because they've been giving this pre-authorization at the very beginning. That was what we were intending to capture, and I don't see it here.

MIKE ZUPKE: We probably should have prefaced this by saying if you cut off this first step where it says, "The prior registrant says I want to change my WHOIS data," what we really tried to do was this is what we think the transfer policy was originally intended to function to do. Before we were thinking, "How does the secondary market fit into this?" so we spent a lot of time on the whiteboard saying, "How do we think this really happens on the secondary market?"

We came up with all of these scenarios, because for us it's not all known exactly what happens in the background. We spent most of our time thinking about the secondary market. We were hoping this could be an all-day session and we'd be able to go through some of those things. We weren't able to get that time, given the gNSO's other obligations during ICANN Meetings.

We definitely want to make sure that what we end up with is compatible with the general marketplace expectation for how the transfer policy will work. I don't want you to think that we were disregarding entirely

that business. This was like our starting point. We were hoping also that you could help us by giving us those sorts of details about what's happening in the real world.

I think what you're saying is right. So many of the transfers are happening as a result of secondary market transactions. Anyway, I want you to know we didn't intentionally… We did intentionally not put that in the flowchart, but mostly because we're trying to understand it better. We have been thinking about that a lot.

SIMONETTA BATTEIGER: I did not mean to express that I think you have this intent. I understand that if you're not dealing with this on a day-to-day basis, it's probably almost impossible to come up with something that captures what the Working Group has discussed in months and months of time. I do think that maybe we do need another session specifically to inform you more about how things happen in the secondary market.

I'm sure we can find volunteers from the Working Group that help give you more detail. All I meant to say is what I see here is not capturing what we spoke about. I'm sure we could fix it.

JAMES BLADEL: I just want to point out that while the secondary market probably constitutes the highest volume of transactions, we should build this as generically as possible, to account for things like UDRP enforcement and other types of situations that might not necessarily be secondary markets. I take your point.

MIKE ZUPKE: Thanks James. I think that's why when we finally settled on what we were going to bring to this session, we settled on this is the original transfer policy vision. I think that's why you see what we ended up with here.

SIMONETTA BATTEIGER: I want to add one more point and repeat what James said at the very beginning of this session. When this Working Group started to work on this, we very quickly came up with the realization that the existing policy does not at all address this particular use case, which is quite common.

When you conceptually start with the existing policy, which is what you said you did, and you were trying to map it to that, then you cannot possibly come up with something that reflects what we discussed in the Working Group. We went back and forth to say can this even fit in the existing policy?   Does this require a completely new type of policy writing?

Then we came up with these recommendations to point out specifically this [unclear 00:42:16] case of registrar change with simultaneous registrant change is not at all reflected in the existing policy. This is really new. The secondary market and other players in the field have basically just improvised around it. It's gotten to the point that this [use case] has become so massive that it requires a look at this.

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MIKE ZUPKE: Thanks for that. That's a really good point, and it's one that we actually spent a lot of time thinking about too.   If you look at the recommendations that came from the Working Group, in the text of it there's not much mention of secondary market. It's really about this change of registrant thing, and there's the 60-day FOA expiration issue.

We're looking at this and saying it seems to us that maybe there's actually a lot of things that might have been included, that would better address the needs of the secondary market, than just saying, "We want a change of registrant and a 60-day FOA expiration." I wasn't there. I know there was a robust discussion over this. It's not to say that nobody thought of it.

It almost seems to me that the comment that you made is that the transfer policy framework itself is problematic for the current state of the market. I'm not sure if this entirely addresses all the things that you're saying.   Just to give an example, during some of the calls, participants mentioned that there are sometimes multiple FOAs for one domain to be transferred. That's probably not something that was envisioned in the original creation of the transfer policy.

I think I understand why that might happen in the marketplace. Is that a situation that we could improve on? Rather than say, "FOAs will expire in 60 days," should we be thinking about, "Why are there so many FOAs going for one transfer?" I'm just using that as an example. I didn't mean to start a discussion on that particular topic. I don't know. I think what you're identifying is something that we've also been thinking about.

Is this really addressing the concern that many people in the Working Group have? I think this seems to be one of the Working Groups that

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had some of the most active participation by people in the secondary marketplace – they were well represented there. I don't now.

I'm not saying there should be an IRTP-E Working Group, I'm just putting out there that what you're saying is very much in-line with the way we've been thinking.   We're looking at our Mandate somewhat narrowly, in that we're giving this change of registrant thing.   We understand the context was there's often a change of registrant at the same time as there's a transfer of registrar. That often happens on the secondary marketplace.

I think that's maybe one friction point in the process, that we might be looking at. I don't know if this is the opportunity to shed more light on other areas that could possibly benefit from review. I'm putting it out there today. Sorry I've talked so long. I know we only have another half hour here.

SIMONETTA BATTEIGER: Back to your point about why is there no mention that this is so relevant to the secondary market, we did speak about this and we did realize that there are [use cases 00:45:52] out there that have nothing to do with the secondary market. We wanted to make it generic. However, we wanted to not make things that currently work more challenging for people that are trading domain names.

There was a lively debate also about whether or not FOAs are still the thing that should be used in regards to authorizing a transfer or not. After lots of debate we shied away from making a change there. There's probably some merit to looking at this again, but if I think about why a

simultaneous change would happen between two registrars, with the person or entity changing their own domain names, the most likely case is the trade.

Otherwise, if someone wants to save some money and move their domain names from A to B, all you have is a registrar change, no registrant change. That's covered by the existing policy. Off the top of my head, I don't know of many [use] cases outside of the secondary market, where you change the registrar and you change the registrant at the same time. Help me James, I'm failing here.

JAMES BLADEL: Enforcement of court orders, or UDRP. Seizures

SIMONETTA BATTEIGER: True, but when you look at the amount of these transactions, versus secondary market trades, I would probably think it's a 95% to 5% ration or something.

JAMES BLADEL: I would say 80/20, just because when it happens it usually happens to entire portfolios.

SIMONETTA BATTEIGER: Okay. It could affect a large portfolio and that would skew the numbers, but if you just look at the instance that triggered it that it's far more likely that a sales situation triggers this than these other use cases. They

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are relevant and they're there. They should be somehow captured here as well.

SPEAKER: There's also the use case of single trader, single person registering domains as a person, and then over time their company develops and as they transfer the domains, to save money, they do provide their new company details. Those numbers, because they're obviously an SME, are quite significant numbers.

SIMONETTA BATTEIGER: Right, but in terms of how we envision this flow to work, I don't think there would be any change to how we wanted to do it. if you did that, and you moved from A to B, and in the process you also wanted to change the name, this whole process could still work the same way.

SPEAKER: I agree.

JAMES BLADEL: I also thought of another scenario, that's not currently using it, but if we do this right it could be very helpful for helping a reseller that has a large portfolio as a web designer, if they grow and become an accredited registrar, they would change to their own tag, as well as listing their customer as the registrant rather than themselves.   Again, that's something that's not common, but when we encounter it, maybe a few times a year, it does involve very large numbers.

SIMONETTA BATTEIGER: Do you see, for that use case, I think we would still be fine with the same process, right? What would you say is different about your use case? We need other framework to handle that?

JAMES BLADEL: The problem we encounter with that use case is that Section B of the IRTP, and the [unclear 00:49:52] process that's offered by some registries, often don't fit that scenario. I think that depending on the circumstances, this could fill that gap between those two processes.

SIMONETTA BATTEIGER: If the only way they could achieve this is by getting some authorization from the users about a problem, or should it be worded in a way that for the specific use case, that some reseller and registrar intends to change their accreditation details, blah blah, then that would not necessitate this?

JAMES BLADEL: I've lost a handle on where we were going with this. I think that the understanding is yes, the most common use of this process will be an after-market transaction. I think the question was can we think of other scenarios where this might fit.

I think we all agree that making this process as generically applicable as possible, to cover… It's not linked specifically to the after-market, because the after-market changes, and it may not look the same in five years. I wasn't sure where we were going with this anymore. I'm sorry.

SIMONETTA BATTEIGER: It went back to Mike's comment on should there be something specific to just after-market, and I think no, because we had said we wanted to keep it generic. Now we brought up some examples of use cases that are also applying.

JAMES BLADEL: Right, and I don't think we want to bake any industry practices, necessarily, into a policy of something that's evolving as quickly and as frequently as the after-market. That would definitely fit the bill.

MIKE ZUPKE: That wasn't the suggestion, that we should build a process specifically for the secondary market. I guess it's more that if there are pain points that are happening right now, the question is are we addressing it correctly?

The situation where I see this getting invoked, somewhat inadvertently, is if we're going to say that the admin-seized email address triggers the 60-day lock, it seems to be probably a somewhat common practice that before a person transfers a domain name they might change their admin email address.

That's where they'll receive the FOA. I imagine that to be a fairly common scenario. It's not necessarily even the case that if it's inaccurate WHOIS data it might be a preferred way to get the notice, and that sort of thing. That's where I see this being potentially problematic, for registrants who didn't realize they'd get caught up in what might be a 60-day lock.

SIMONETTA BATTEIGER: That was exactly our intent with giving an entity the opportunity to opt out of this lock, that this would not happen and lock the domain down.

MIKE ZUPKE: Right.   As I read the recommendations, it seemed to me that the Working Group was saying the option to offer the opt-out belongs to the registrar. Theoretically, a person could get locked in without the option to opt-out.   Maybe I'm misunderstanding the recommendations, but that was how I thought it was read.

SIMONETTA BATTEIGER: I think you misunderstood the recommendation there. The intent was to give the option to opt-out of the lock to the registrant, so they can say to the registrar, "I know what I'm doing. I don't want this lock to be there right now," and request that it be removed.

MIKE ZUPKE: Thank you. Just to make sure that I understand – all registrars would be required to offer the opt-out option, is that right?

SIMONETTA BATTEIGER: Yes.

MIKE ZUPKE: James, is that consistent with what you had understood too?

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JAMES BLADEL: Yes.

MIKE ZUPKE: Okay. Thanks. I'll sleep better now. [Laughter]

CAITLIN TUBERGEN: Steve?

STEVE: [00:53:55] I don't have a whole lot of context in this, but I'm looking at the Final Report and it says, "If a registrar chooses to offer an option for registrants to opt-out…" It's one line in the At-Large Report, but I don't have a whole lot of context on this.

JAMES BLADEL: I'm going to go ahead and go on the record, that's transcribed and translated, that I don't remember. It was a very long time ago.

CAITLIN TUBERGEN: We had a couple of open questions, after looking at the Report, and I wanted to get some feedback, if that's okay? Unless anyone had any other comments on the simultaneous change of registrant and registrar? Anyone? The change code security between the prior registrant and the new registrant, if there is any advice from the Working Group Members on how they envision that happening?

JAMES BLADEL: I'm not sure what's covered by this, but my earlier statement… I think it's an open question of whether we use auth info-code for this or create a different code. I think we talked about how to distribute this, and we left it fairly open, but recognizing that email would probably be the most common email, or just displaying it on a screen and letting someone copy it to the clipboard, but we would open that up to other options as well.

It might be worthwhile to – maybe not now, but as we get further down the line on the process here – to have the SSAC weigh in on this. I know they've published several reports regarding domain name security, account security for registrars, and also domain name hijacking. I want to be sure that at a minimum that they're aware of this policy change.

It should be aligned with their previously published guidance on these issues, or if we invalidate some of their concerns by making some of their concerns and those attack vectors obsolete… it's a balance. We don't want to open the floodgates. The bad guys are probably already three steps ahead of us, and developing new ways to exploit this.

We have to make it sufficiently robust to deal with this, including, as what's coming out of IRTP-D, there's got to be a dispute… I think that's your second bullet point, so I'll stop talking.

SIMONETTA BATTEIGER: Is your question more about what should this code be, or is it about how it should go from A to B?

CAITLIN TUBERGEN: It was a little bit of both, because the Report left that completely open. The only guidance was there was a potential issue with having the code be the auth info-code, because of security issues.

SIMONETTA BATTEIGER: There is obviously an ease of use pro to using the auth code, and at the same time there is a security concern with this, or this overloading of one token concern. This would almost be something to go back to some of the registrars on and ask them, "What would that mean for your transfer systems?" All of them are currently able to handle this auth code thing.

Making them use something else means that every single registrar out there who does domain name transfer, and the involved registries, will have to be able to deal with one more token. It would be something, almost, to go back to them and ask them on their input for this as well. In terms of the communication method, I think James made this clear. We didn't mean to prescribe one particular method, but it would probably be smart to look at some best practices.

MIKE ZUPKE: I'm worried that the "them" that Simonetta referred to is actually us, you and me, and two other people, if we're going back to the Working Group or the registrars… That was my only thought there.

SIMONETTA BATTEIGER: Well, it's not just us. When you change something technical like this, for the entire community out there, it's more than one or two entities that

would be involved. Looking at what's happening with the Trademark Clearinghouse and little token issues there, I know that this is something that might create a headache for more than one entity. That was not our intent.

CAITLIN TUBERGEN: Going back to the simultaneous inter-registrar transfer and change of registrant, one issue that we noticed is that I understand that the reason that the Working Group proposed the inter-registrar to take place first was to avoid having that 60-day inter-registrar transfer lock, following the change of registrant. If the inter-registrar transfer is to take place first, it seems that there wouldn't be accurate WHOIS data, or any incentive to change the WHOIS data and make it accurate after the transfer.

SIMONETTA BATTEIGER: We spoke about this a lot as well, and we're struggling to come up with a sorting order here. Practically speaking, the way this works, the new registrar has absolutely no way to access the previous registrant's information. Nor would that previous registrant have any interest to confirm an agreement with the new registrar as to their policies, because they're really not interested in this name anymore. It's someone else who wants to have it now.

The gaining registrars would have a really hard time getting the previous registrant involved at all. This notion of this having a sorting order is a desirable idea, but practically probably not really there, because how this actually works is that currently… Let's say you want to sell to me,

you log in at GoDaddy. You unlock your domain name, you give me an auth code and send me an email.

Then I go to United Domains and log into my account there. I've agreed to their terms of use and their policies. I use that auth code and somehow that triggers a ping from United Domains to the registry, back to GoDaddy. They say, "Okay, we accept this auth token at the registry, because we know it's the right way." They can't really verify, in a THIN registry scenario, if my registrant details are what was there before. They have no way to know that.

I don't know if this sequencing idea is something that, in the real world, actually really exists. In the real world, this does happen simultaneously. I am now having my WHOIS data in this new account at United Domains. They send this to the registry and say, "Please update the ownership details," and they might not give my registrant details, or they may, in the case of a THICK registry.

They give this authorization token as the way to say, "Yes, this should be done." Then all of this gets updated at the same time, and it waits for a confirmation ping with an acknowledgement or a non-acknowledgement from either side. I don't know if the sequencing is actually really there.

ARTHUR ZONNENBERG: [01:02:21] If I can chime in from EPP Standard, the transfer command? I'm Arthur Zonnenberg.   [.registrar hostnet 01:02:27].   I'm now becoming a Member of the IRTP-D Group, not C, so I may be out of line here. The sequencing of events is that by default, in the RFC Standard 5730 through 5733, transfer EPP command creates an instance of the

domain name in the new account, which is actually the same object, because it has to be unique.

Then it creates the old previous registrant as a contact on the new account. It always copies all the existing previous data into the new registrar's account, who will then be burdened with updating the name servers, the technical contact, the billing contact, and the administrative and the owner contact as well.

SIMONETTA BATTEIGER: Okay, so you're saying they use two pings? They use a transfer ping and then they use an update of registrant ping to get the whole thing done?

ARTHUR ZONNENBERG: Those are two different commands in EPP. One is the domain transfer and the other is domain update.

SIMONETTA BATTEIGER: Okay.

ARTHUR ZONNENBERG: Those commands cannot be executed at the same time in the current EPP standard used worldwide. Unless you create an extension on top of your [XSD 01:03:55] files, and VeriSign cooperates and develops a new automation, like eurid.eu has been doing, in the past. They are now abandoning that though.

SIMONETTA BATTEIGER: Okay, so then there is sequencing there. This makes it even more interesting. The gaining registrar basically has no choice, but for the short period of time where they've sent the transfer command, they basically have to accept registrant details with someone they have absolutely no relationship with. Then the beautiful responsibility to update this as quickly as possible.

Really, they're doing this as… There's a one second in between, and that one second violates all kinds of policies and no one cares?

ARTHUR ZONNENBERG: I'm afraid yes. Most ccTLD registries treat inter-registrar transfers… First they also change the registrant, preferably as a change of registrant, where the changing of the registrar is a side issue, because it has less legal implications. Change of registrant is fundamental for most legal contracts, but that assumes a legal contract between the registry and the registrant, which does not apply here.

The contract is between the registrant and registrar. It's a different world with the gTLDs and I have to get used to it as well. I'm just chiming in.

CAITLIN TUBERGEN: You're making it more complex!

ARTHUR ZONNEBERG: I'd like to apologize to James for stepping out of line yesterday.

JAMES BLADEL: That's not necessary. I have to leave because the gNSO Council Public Session is starting in a few minutes.

ARTHUR ZONNENBERG: My general concern is just from the perspective of the registered name holder, that we try to reduce the steps that are superfluous and not necessary, like the unlocking of your domain name, or the 60-day lock. I'm becoming more and more convinced that those are just nagging, teasing or playing the RNH to keep the domain name at the current registrar, rather than allowing an open and free market.

However, this is not in the charter questions, and therefore should be looking towards an IRTP-F or G. I don't know if there's an E yet. I see Caitlin having a spontaneous migraine.   They would address those questions. From my initial analysis I've found that the… I'm sorry. We'll talk later.

MIKE ZUPKE: I do have a real quick question in response to your view, from a technical perspective, of EPP, have you seen that in any flowcharting out there as well, instead of a standard text-based RFC? Has anybody put together [streamlined 01:07:13] views of when these commands are taken, or anything like that? It seems like it would benefit us at the policy level to understand what's going on at the technical level.

SIMONETTA BATTEIGER: I agree, and I think that should be done.

ARTHUR ZONNENBERG: Unfortunately, those flowcharts do not currently exist with the IETF or a standardized version. The guy, Scott, who develops the RFC Standard for EPP has admitted that there are some design oversights or limitations in the protocol itself, that would be great to solve at a basic RFC level, but then you're talking about years and years of drafting and technical implementation. It's perhaps not something that the IRTP-C would undertake to change.

SIMONETTA BATTEIGER: I have one final comment on this. We didn't care as much about the sequencing piece as we care about the fact that we do want to make the user experience one that works. If technically speaking one happens before the other, from a systems perspective, from what a user gets to see perspective, it feels seamless. That feel should be kept.

CAITLIN TUBERGEN: Thank you Simonetta. Did anyone have any final comments about any of these flowcharts, or the change of registrant process, more generally? Yes, Theo?

THEO [GERT]:   Just a quick comment. This is [Theo Gurt 01:09:11] for the record. Whatever you guys come up with, and whatever's going to be rolling towards us, make sure that the implementation time that we have for this PDP will be sufficient, because there is so much going on right now. If I look at the flowchart at the current level, setting up such a system is no big deal from a technical point of view.

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Making a smooth system for all the actors in the environment is a completely different thing. We need more time. Given the previous experience with the other PDPs, it's too short. I'd like to bring that out.

CAITLIN TUBERGEN: Thank you Theo. I think when we do post the draft policy for public comment, that could be something you note in the comments of implementation, timing, and what you think would be a good amount of time for this to be implemented. Did anyone have any comments on any recourse of if the transfer's made in error? The Final Report didn't give us any guidelines on that either. Simonetta?

SIMONETTA BATTEIGER: I think the intent was to wait for IRTP-D and basically push the recourse, to first of all try and resolve it with comment sense.   A customer care agent at one registrar speaks to customer care agent at the other, and they can maybe solve this between themselves. If that's not possible, then go to TDRP.

BARRY: With that, working on the Part D, the recommendation as it stands now is that it will stay at the registrar level, or registrants wouldn't have access to the TDRP. I think there's a footnote there that it depends on what the change of registrant looks like. It's chicken-egg-egg-chicken scenario. I suspect, although I can't predict the future, that what will probably happen is roll out change of registrant and see how good or bad it is.

Hopefully it would all be good and that we won't need to re-address TDRP access for registrants. I don't think we're at a stage where we could go ahead and just say, "Yes, let's open it up to registrants at this point in time." Especially since we have so few of them at this point. That's the main problem. Maybe it's a good thing, but I think we only had 27 or something like that that had ever been filed. That's where we stand there.

CAITLIN TUBERGEN: Thank you Barry. Thank you Simonetta. Seeing as there are no hands raised or no final comments, I propose that we close this session. I wanted to thank everyone for participating. Thank you.

SPEAKER: Thank you to your team here, guys. You did a really good job here in getting things started. I really appreciate it.

[END OF TRANSCRIPTION]