ICANN Prague Meeting
IRTP C update - TRANSCRIPTION
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Stephane Van Gelder: Okay everyone can I ask GNSO councilors to come back to the table please. Come back to the table and we'll begin. Our next session which is on the Inter-Registrar Transfer Policy proxy have a presentation of the initial report from that group. Thank you.

Okay we'll. Hello, is this working? Can we start again please? Will those GNSO councilors that are in the room please come to the table. We have James Bladel here to give us a status update on the IRTP part C.

And you'll recall that the GNSO has initiated a five part working group on Inter-Registrar Transfer Policy we have done part A and part B. Part C is currently ongoing. And the co-chair of that working group -- James Bladel -- has very kindly volunteered to give us an update on the presentation.

I have to disappear for 10 minutes but I will be back. So James will lead this session in my (unintelligible) and I'll be back to help out. But James, over to you.

James Bladel: Thanks Stephane. And I hope that works out for you. I know you have urgent matters you need to look into. So thank you, and welcome everyone. And I appreciate your interest in this topic. I'm going to try down list it just a little bit.

So the Inter-Registrar Transfer Policy is as Stephane mentioned is undergoing comprehensive review through five (PDP)s, this is part C the zero to five. And we're very mindful that this is almost like building a cathedral where we if we're not careful this could drag onto the point where our grandchildren are finishing the last (PDP). And we don't want to let things drag onto that degree. So we are aggressively trying to move this (unintelligible) as we're cognizant that there are two more on deck after this (PDP).

So let's take it up here. So as Stephane mentioned I am one of the co-chairs of this working group. My colleague co-chair Avri Doria is across from me on the other side of the table. Hello Avri.

The background - the Inter-Registrar Transfer Policy for those who do not have their acronym decoder ring handy, IRTP is the mechanism by which a domain name can transfer from sponsorship from one registrar to another. And it's a very important component of the competitive marketplace. It is a coordinating policy by which entities that would normally not play nicely with one another are forced to cooperate and coordinate both on the technical and operational level.

I'm not sure when this was kicked off the (unintelligible) but I think it was 2006, 2007, sure let's go with that. And then the first IRTP, IRTP A was in 2009, wrapped up in 2010. IRTP B concluded, I want to believe about this time last year. And then IRTP C, this instance started late last year with the goal of producing its final report with recommendations by Toronto. So we are moving very aggressively and very mindful of the calendar.

So here's just sort of a recap slide of some of the things I just presented. I think that one of the (unintelligible) takeaways of this slide is that transfer issues are far and away the largest area of complaints for ICANN compliance and in general just complaints from registrants. I think that we in the course of our work we looked at the various transfer procedures and realized that there is a significant source of consumer confusion around (unintelligible). And often they reach out to their registrars, probably occasionally registries, and definitely to ICANN in an attempt to resolve that confusion.

The working group - this instance of this working group -- the PDP -- was tasked with examining three questions in its charter. The first is whether or not a change of control function would be beneficial and what that might look like. There is a component of the transfer process called a form of authorization or FOA.

We are examining the impact of requiring that FOA to be a time limited document, and then finally the use of GTLD registries. IANA IDs versus using proprietary IDs when identifying registrars. And that's kind of an inside baseball thing but you know it does have some considerations for us operationally.

As part of the work we conduct a data gathering survey. There were numerous responses from registries, registrars, and other areas of the community. We have weekly conference calls, numerous healthy exchanges on the e-mail list. We have broken into I believe a couple of sub-teams to address specific tasks or specific issues, then come back and educate the team.

We had really fantastic interactions with the ccNSO to cover their change of control practices. And that was in Costa Rica, and I believe that was the first time in the history of ICANN that the (PDP) has gone to the ccNSO for systems and advised. And we boiled all of that down into our initial report which was published the beginning of this month.

Initial report contains some important recommendations, and we'll go through these by charter question. And then at the end we'll address - we'll just kind of open that up for Q&A.

The first is this concept of change of control. As we mentioned the transfer process as it was originally intended was to permit a registrant to vote with their feet. I don't like my registrar A, I'm unhappy, I'm going to take my business to registrar B.

But you know as often the case an entire ecosystem has innovated around that with this concept of domain name marketplaces. Where registrations are bought and sold or auctioned, and these will require parties who may not necessarily be in contact to tran back the domain names. And that there's not really a g good function for that. And so we notice that there is really no governing policy there in the GTLDs.

So you know and the ccTLDs as we mentioned are a little bit further ahead here. A lot of them will have what they call a trade function, or I think (unintelligible) called the changing tags or something. Anyway there's other types of procedures in the country code space that are put (unintelligible).

And as part of our recommendations we are recommending that GTLDs adopt a standardized change of registrant policy. The new policy was discussed and debated at length. Just a moment here, there we go. And we came up with what would call an ideal policy or a model process that contains a few important elements.

First of that the both the sides, the new and the old registrant -- and those terms I think are a little loaded I think we were saying previous and (unintelligible) or whatever the terms were -- would both have to be aware of and approve the change. And that we would have to be - it would have to be

somewhat standardized across all registrars so that the user experience is consistent.

Maybe a few open questions. Yes we really wanted to hold questions for the end because I know change of control we can probably talk about this for the rest of the hour, but if it's - go ahead Wendy.

Wendy Seltzer: Quick question. On the second bullet you said change of registrar had to happen before change of registrant. And I'm happy to hear the answer later why that…

((Crosstalk))

James Bladel: Right and I'm going to have to test my memory here a little bit. But I think that the concern was that if the change of registrant was occurring in conjunction with the change or registrar then the sequence was important because we were concerned that only the existing or the new registrar would be aware of both, one registrar would not have visibility to both parties. So and I think we go into a little bit more detail into this. But Mikey I'm going to keep going here and we can come back and circle back on this at the end.

Mikey O'Conner: Okay.

Wendy Seltzer: Thanks, I'll look into it further.

James Bladel: We have some specific open questions or blanks that need to be filled in as we go forward with this. And we're directing comments and our workshop I believe on Wednesday to help us answer some of these questions. The first is should there be any consideration or restrictions for change of control that would lock a domain name? Now currently domain names are locked against transfers that they're 60 days from their creation date or 60 days from a previous transfer.

And does this warrant the same level of protection? What qualifies as a change of registrants versus a routine registrant data update is changing a name from James to Jim, change of registrants, you know, if we're just making corrections or typos. So it's a bit of a fuzzy logic program, problem that needs to be explained as well.

And should this policy that we're discussing be a part of the transfer policy or should it be its own separate animal? I think that was another lively discussion that we had. And what are the downstream consequences and impacts of this specifically to the competitive marketplace and to domain name after markets?

(Unintelligible) question B notes that there are no time limits related to the form of authorization. So that when it registrar team authorization from a registrant to transfer a domain name, depending on the circumstances they could keep that authorization in their pocket forever. And we looked at a number of scenarios where that could pose a problem, if the domain names had expired, or if there was a change of registrant, or the domain name had already transferred, then the old transfer should no longer be considered valid, the previous authorization.

We did conduct a survey that found for the most part respondents do treat this as a temporary situation this authorization, and would go out and reauthorize in some of those situations. We really have not been able to uncover any systemic problems coming from the fact that these do not have a time limit. But neither could we -I think that there were going to be significant harms from formally declaring that these had - the FOAs had a time limit.

So here are our recommendations here. FOA is valid, or some fixed amount of time, or until one of these specific events occurs, and that all of those things would require the registrar to reauthorize the transfer. And finally moving on to - I'm sorry one last side on this topic is that we also had some open questions here. How long should that fixed time period be? And what

other downstream consequences or implications would be the result of limiting FOAs?

And finally charter question Canada I don't know if it's widely understood, but registrars all have a unique identifying number that is registered with ICANN. And when we go then and sign up with a specific registry like .com, or .bs, or .info, we would be assigned another identifier that is specific to that registry. And there's some various scenarios where, or situations where those IDs would be used. One would be preferred over another.

And while we - I think we reached out to discuss this to registrars, and the general consensus amongst registrars was that this is not really a problem at this time but it is going to be when this new tsunami of GTLD registries washes up on shore, and we all want to take advantage and add all of those to our offering. You know it's going to become difficult to mange that database of identifiers. And - yes Jeff.

Jeff Neuman: Yes I just wanted to make it clear as to why that's the case. I mean because I've seen - you gave this presentation once before, I saw some version of this. And the reasons (Newstar) for example -- and it think (Affiliates) is the other one -- do not use the IANA IDs is because taken outside of GTLD context you have ccTLDs, and not every registrar that's accredited to do business in ccTLDs actually is an ICANN accredited registrar that's got an IANA ID.

So we need a common mechanism for us to be able to assign numbers to all registrars whether or not they're ICANN accredited. Or for our ccTLD operations we need to be able to service them. So I understand why all ICANN accredited registrars would want the same number and we still can accommodate that. If there is actually a reason, it's not that we just decided to be kind of arbitrary create our own numbers. So I just want everyone to understand that the registries actually, how they seen reason as to why we don't use the IANA ID.

James Bladel: Will I think we discussed at length that registries who were doing this just to frustrate us.

Jeff Neuman: Yes well I mean (unintelligible) and that's like a good byproduct.

James Bladel: No. I think we appreciate that there are reasons why this was done. And certainly lat the time limited GTLDs it probably made more sense than it does now or then it will soon. So I think that we are just looking for ways to standardize a little bit so that the registrars when communicating with the registries or communicating with each other know exactly who their speaking with. For example processing a transaction if I get an ID number back that says the current registrar is 123456, I want to be able to go to a public data source and figure out which registrar is represented by that ID and currently it's not always possible.

Jeff Neuman: Well I think that's a separate (unintelligible), we could deal with that. I mean if it's (unintelligible) publishing a list of all of our numbers and who they are we can do that. I don't think that's your real goal. But then again there may not be a reason to use the IANA ID, maybe create a whole new ID that everybody uses. I understand for GTLDs it's very convenient to use IANA because the ICANN accredited (unintelligible) the IANA ID. I think there are solutions and there are ways to do it. I can criticize two numbers right.

James Bladel: Yes. And as you'll see in our recommendations in the next slide that that's.

Jeff Neuman: We just need to consider the ramifications. I just want everyone to understand there's actually a rationale for why we had that.

James Bladel: At ICANN there's always a rationale, usually several. So here are the recommendations Jeff which is the GLTD registry would require - would be required to publish the Iana ID in the TLDs who is record in addition to their

proprietary IDs. But new GLTDs would be recommended to use, be exclusively.

You had some other ideas so I think you know we'd love to see (Newstar)'s comments on this. We'll open the workshop then to be and to be - and to the forum. And, you know, there are a couple of registry representatives inkling one from (Newstar) on this working group. So we would love to get that fed back into this recommendation. Yes go ahead.

Woman: Just maybe clarify, because I think you were saying that new detail the registries would be required to only use IANA ID. I don't think that's what we're saying, we're just saying everyone needed to publish in the (unintelligible), the IANA ID, but if we chose to do it for other purposes (unintelligible) operate it could also have proprietary.

Man: Okay and even the new ones.

Woman: Yes because they will become, if it's a (unintelligible). I think (unintelligible) that's what I understood...

Man: I'd have to go back and look at the report.

Woman: ..what the working group discussed because (unintelligible) we have unfair situation or someday you said - I think what I understood the working group saying is that as long as it's in the thick who is for everyone, you know, if they're all (unintelligible) and they want to use proprietary ID's it shouldn't matter.

James Bladel: Right but everyone should publish and make it publicly available…

((Crosstalk))

Woman: Exactly.

((Crosstalk))

Woman: …the issue was they all could, it's just that on a recommendation if you were building a registry just now perhaps consider using just one, but they could and so it was a recommendation not a force.

James Bladel: Thanks for the clarifications. Any unforeseen impacts of the proposed recommendation? We would love to

Man: Well I don't think it's unforeseen. I think we foresee the costs involved. (Unintelligible) scope it out. I think in coming up with this -- and you worked with Paul Diaz (unintelligible) was involved, and (unintelligible). I think this (unintelligible).

Man: I don't need to - they're the ones working on it. So it's if they're satisfied with it then I'm satisfied because they checked with the right people so.

James Bladel: So as mentioned the initial report was published earlier this month. The public comment forum is open until just about the time everyone gets back. And then we have the reply period open until the 25.

                I don't know if we mentioned there is a workshop here in Prague on Wednesday morning. So we're really looking for a good attendance and lively discussion at that workshop. Once we get this back we will review all of the public comments received both at the workshop and through the comments forum, incorporate those into our report if necessary. And publish the final report and final recommendations for discussion and submission to the GNSO council by Toronto. That is all I have so let's start with (unintelligible).

Man: I don't know if I mentioned it on the slide but in the change of control section, the proposed change in control process there are three options that are listed

in the report. And I wasn't sure whether we sort of mentioned that on the slide, we got three different possibilities.

James Bladel: No we kind of white washed over those but (unintelligible).

Man: Okay I thought it may be helpful because it was helpful for me to understand them as well so, 60 days…

((Crosstalk))

Stephane Van Gelder: Any further question?

James Bladel: Jeff.

((Crosstalk))

Jeff Neuman: …one of the questions you put out for comments would actually be 45 or 60, (unintelligible) you go back and I read the report, but do you go with the background as to where the pros and cons of either one. I mean does it really make a difference? Is it pretty much the same and if so why would you just pick one (unintelligible).

James Bladel: I don't know that it was necessarily a contentious point. The 60 day time frame -- and I'm just shooting from the hip here, 60 day time frame -- comes up at least three or four other times in the IRTP so it seemed like it would be a nice standard number.

I think that we had some concerns that that might be too long. That that would allow some of those scenarios that we discussed about expiry or other changes to control things to kind of creep in. the larger that window was open. So I think we're just kind of looking for feedback right now. The length of time is probably less of a concern than the concept that there should be

one. Okay you want to run the queue now Stephane that you're back and your urgent business has been resolved?

Man: He's not happy about his urgent business.

James Bladel: No, it didn't work out?

Stephane Van Gelder: Just trying to be nice James. Joi?

Joi White: I think Wendy was before me.

Stephane Van Gelder: Oh sorry, Wendy.

Wendy Seltzer: Sure. So I've gone and read into the report some (unintelligible) process for change of registrants simultaneous to change of registrar or as near as simultaneous as you can be. And I'm wondering - it appears that that can't be made an atomic operation where you change them both simultaneously or that (unintelligible) appears in the report .. I would be interested to know why (unintelligible). I'm asking because for many registrants it would seem to be of most interest them immediately to be named as registrants and then also convenient to be at the registrar where they already have accounts.

James Bladel: One of the concepts that we continue to wrestle with -- both in this transfer working group and in previous ones -- is this interplay between domain security and domain portability, and the ability to transact it quickly between registrants and between registrars. Versus that whatever is put out there can be, and is very frequently as represented a very large registrar very frequently exploited by bad people who want to take domain names from folks who had no interest in participating in (unintelligible) market

So we're trying to build in an appropriate level of controls while not significantly impacting or unconvincing those folks. So and there's a - I mean this is something we spent quite a bit of time on and I probably feel like I'm

not doing justice to your question. But it would be desirable to have a perfectly secure process that does exactly what you described. And I think what we're saying is that we haven't been able to find that mix yet. So we got.

Stephane Van Gelder: So we've got.

James Bladel: Stephane's running the queue guys.

Wendy Seltzer: Thanks, maybe I'll just put in a comment suggesting, a footnote explain that (unintelligible) challenge.

Stephane Van Gelder: Mikey I've you. We've got Joi, then Chuck, then Mikey. Joi.

Chuck Gomes: Stephen before I - could I respond to that and to Wendy's question?

Stephan Van Gelder: Yes.

Chuck Gomes: That's not why I first came up here. Another thing to keep in mind with doing the two simultaneously. One of them is a registry operation, one of them is a registrar operation. That seriously complicates things.

Stephan Van Gelder: Thanks Chuck, Joi.

Joi White: Thank you. I just wanted to, you know, thank the (unintelligible) group for the work on this, I do think it is really important piece of work. And particularly, you know from a registrant and the non-commercial users group, you know, point of view, the ability to move easily and quickly. You know (unintelligible) in competitive market is critical. And so I do think this work as well thought through (unintelligible).

Just one tradition you each met a number of ccTLDs through here and to change the policies. I know that in (unintelligible) we've got quite a few details. The registrars who registered (unintelligible) and who work easily and

well with the (unintelligible) policy then it might be worthwhile talking amongst those registrars that are registered at ccTLD (unintelligible) about any of those (unintelligible) that they might have faced with a (unintelligible) changes I know and the (unintelligible) in a very small way it certainly becomes a point of differentiation amongst registrants, registrars who can do this easily and well.

James Bladel: Yes thank you, and we have reached out to registrars who specialize in the ccTLD space such as the gentleman to my right and a number of colleagues in that space, as well as the registries directly, the ccTLDs. And I think we - there is an appendix in our report that lays our findings in that area. And I think there was a lot to learn, a lot of really great information coming out of a number of ccTLDs, and I think (unintelligible) is highlighted as one of those as well.

Stephane Van Gelder: Thank you. So I have Chuck next.

Chuck Gomes: Thanks. And let me start off with a compliment I've given many before and - the IRTP iterations of this PDP, because a lot of the people that have been working on this have done it all the way through. Some aren't in the room, one of my colleagues in fact.

So what I wanted to point out too, another issue that comes up into play is it relates to the fact that registries provide the dispute resolution services for registrar transfers. And with regard to change of ownership, in other words change of registrant for a domain name in contrast to change of registrar.

When the re- it's not uncommon for the registrant to change in the middle of this process, and then when it comes back to the registries to resolve disputes it can be quite (unintelligible) to trace everything back and make all the approvals were correct in identifying the new registrant that was changed after the transfer occurred or vise versa and so forth.

So I think the group has done a good job on this. And there are some advantages from registry dispute resolution point of view to having the limitation on the change of registrant for 60 days or whatever. And I just point that out for those that may not understand that it can greatly complicate the dispute resolution process that registries have the obligation to perform.

Stephane Van Gelder: Thank you Chuck, Mikey.

Mikey O'Conner: This is Mike O'Conner for the transcript. Yes I'm going to jump right on to this same topic because I was deeply involved in this design. The way we thought of this is the (unintelligible) is one thing. IRTP is all about transfer between registrars.

Then there's the change of registrant. And the way to address the issues that Chuck just did is to make sure that the change of registrant happens within the same registrar. So if we want this to work well let's have the old registrant transfer first because everybody knows them, the trail is clear, and it's easy, it's not necessarily easy but it's at least accurate from the registry standpoint to see that transfer occur with the same registrant in place first.

And then if there needs to be a change of control let that happen within the registrar so that if there's a dispute there's only one registrar resolving it. If you have two registrars and two registrants it gets incredibly difficult to resolve, and this is also the place where by hoping very rapidly accords several registrars you can lose domain names. So it's very much a security thing and that was the rationale for doing it.

James Bladel: Thanks Mikey. Is this helping Wendy, I see your hand up.

Wendy Seltzer: Yes it's very helpful. One of the interesting issues that's coming up is there's a difference I think between some of the legal interests around transfer of control security and technical interests around transfer of control. So for example a (unintelligible) who was seeking a change in control because of a

legal ruling might feel more secure immediately having the name registered to him or her and then dealing with registrar issues later, because that registrant might feel I trust registrars more than I trust this other guy who has my domain name.

James Bladel: But registrars don't trust each other.

Wendy Seltzer: Right and - so I'm coming to see the value of your proposal. And I do appreciate all of the work that's gone in to this. Part of what I'm wondering is whether we can explain it more clearly so that when the lawyer or other professional has to explain to a registrant what's going on here they can make it clear why this sequence is happening. All I wanted to do was get this domain name.

James Bladel: Well and you know that's a good point because one of the things we uncovered was that this confusion is not helped by other policies. For example the UDRP lists transfer as one of the remedies. Well it doesn't help if it still doesn't change the registrants, if it just transfers, if it's still in the infringers name and a new registrar.

One person on the working group, it might have been Mike I think that raised the example of, you know, I think in the analog of a real estate environment, we're trying to maintain like a change of title here and we look for (unintelligible) where that can be broken. A domain name shows up at the new registrar with new registrants it looks like, it looks stolen. It looks exactly like a hijacked domain name. It'd be kind of like if I showed up at my local pawn shop with a hope diamond and said, yes no just trust me I came by this by legitimate means. There's not way to verify. Especially within registries we should probably add that wrinkle as well.

Wendy Seltzer: So I'll add one more note and then move to comments. But it almost sounds as though an (unintelligible) to this process is something like a written lean on

a domain name attached some place in the   DNS that says, no we don't want to be creating new instruments there but.

James Bladel: I see a lot of registrars around the table just they - their light bulbs went off, and they're going to run off now and design that.

Stephane Van Gelder: (Unintelligible) Marika please.

Marika Konings: This is Marika, I think just to clarify as well just because it says, you know, it cannot take place simultaneously doesn't mean that it cannot take place very quickly after each other. I think what the working group is trying to say if you wanted to do those two changes you should really consider first doing the transfer change of registrar and then you do the change of registrant. And that could be conducted in a quick timeframe. Because if you do the other way around the other discussion is if you first do a change of registrant then that should then be a prevention of changing registrants (unintelligible) timeframe. But that's (unintelligible) for input on.

I think that's a scenario where there might be impossible changes or chances of hijacking. Where someone would take over the name, change control, immediately moves to another registrar, and disappears and is very difficult to trace. That's something whether (unintelligible) specifically looking for input for input on.

And I think there are split views because some feel there should be (unintelligible) and very quick means of moving around, while others are saying, you know, what do you put in the balance with the securities. I think I would really encourage people to, you know, provide their input for the (unintelligible), who can take all the different views into consideration (unintelligible) continues it's discussion on those open items

Stephan Van Gelder: Thanks Marika. Do I have any further comments or questions?

Man: Thank you Stephane. (Unintelligible) miss you, we're so sad without you. I'm not, we'll that's debatable anyway. (Unintelligible) to Wendy's questions, I think this is something that can cause a bit of confusion. I think (unintelligible) has tried to address this.

Using a concrete example, let's say for example that Wendy do a bit of business together, so I sell her a domain name and it's with us, with us as a registrar. But you don't want you domain names with us because you have your (unintelligible) registrar that you deal with for all your other name. Okay?

So you have the choice, you can either ask me for the UPP key for the domain name. Say hey I'm transferring it to my favorite registrar, lets say (unintelligible) James, (unintelligible) James (unintelligible). So you then go to them try and think of a request to transfer the domain name, and I know it's (unintelligible) because you told me about it and I accept this, or you update the registrant details on my registrar, I put in a separate account or whatever, and then you initiate the transfer. So there's no reason why you can't do the two one straight after the other.

That's the thing that we're trying to say is that, you know, if you do it before then these are the consequences. If you do it after these are the consequences. But trying to do the two at exactly the same time would cause massive headaches because there's no kind of visibility on both sides of those. So if there is a dispute it becomes much more complicated. Does that kind of help you understand?

Wendy Seltzer: No, I understand the issues. And so it's partly trying to figure out how we can help explain this to people outside of this room who are going to be going through these change processes and wondering, well why can't I do this? And so spelling out some of these I think real security issue and interactions it helps.

James Bladel: So our registrar - this is slightly off topic but our registrar -- has a security practice that protects registrants from hijackers and from themselves. And I can tell you that we are never done explaining that. We, you know, it's one of those things where it is a tough concept. It's one of those things that only comes up occasionally if ever. And when people encounter it they want to know why it can't happen in a certain way for them individually without seeing the problems that it creates in the aggregate. And it is a tough message I agree with you.

Stephane Van Gelder: Thanks James. So perhaps we can bring this to a close now and use the remaining four minutes to pass onto the presentation that I believe (unintelligible) is going to give us on the locking of the domain name subject to UDRP. Working group, I want to thank you James for presenting to us and standing in for me while I had that urgent business to attend to, much appreciated. And thank you all for this discussion.

Also I've just got a few house keeping issues that I need to get to with the council. First of all I realize that I did not let the council know that we would not be having our planed discussion with the new ICANN CEO from 5:30 till 6, that is not happening. And so that is still on your schedules apologies for not letting you know earlier it just completely slipped my mind.

Also just to touch on the remaining proceedings for the day. That's all we have the IDM variant TLD program updates. And we will then go into a one hour discussion on outreach and that discussion will be chaired by Wolf who's leading that work. And that would be the end of our proceedings for the day.

And we will then go into the next meeting tomorrow which is the lunch time I believe, 12:30 till 2 ccNSO, GNSO joint meeting. And just to remind all of you that I sent a list of topics earlier to the council list and we can continue debating those topics there if we need to. So with that let me ask the operator to bring the session to a close and we'll…

END