

2023-04-18 Transfer Policy Review PDP WG Call

The call for the Transfer Policy Review PDP Working Group will take place on **Tuesday, 18 April 2023 at 16:00 UTC for 90 minutes.**

For other places see: <https://tinyurl.com/2tztvfuz>



PROPOSED AGENDA

1. Roll Call & SOI updates
2. Welcome and Chair Updates
3. Continuation of Gap Analysis Discussion – Focus on Fast Undo (see section I.C. of the [working document \[docs.google.com\]](#))
4. AOB

BACKGROUND DOCUMENTS



PARTICIPATION

Apologies: Raoul Plommer (NCSG), Crystal Ondo (RrSG), John Woodworth (ISPCP)

Alternates: Juan Manuel Rojas (NCSG), Jothan Frakes (RrSG)

[Attendance](#)



RECORDINGS

[Audio Recording](#)

[Zoom Recording](#)

GNSO transcripts are located on the [GNSO Calendar](#)



Notes/ Action Items

ACTION ITEMS/HOMEWORK:

1. Interested supporting registrars should provide a proposal in writing for a fast/gap undo in between the informal process and the TDRP/courts by next Tuesday, 25 April.
2. *Ongoing* -- Small Team to develop a proposal/language to codify the informal transfer resolution process is continuing its work. Volunteers: Jody Kolker, Rich Brown, Owen Smigelski Juan Manuel Rojas, Zak Muscovitch and Jothan Frakes.

Notes:

1. Roll Call & SOI updates

2. Welcome and Chair Updates

- Reminder to WG members about the deadline for early input and that they are responsible for reading all the comments.
- Small Team looking at codifying the current informal transfer dispute resolution process is meeting later today; reminder that the small team is expected to be short lived and focused only on codifying existing process.
- Project Work Plan: One open action item to start up the Small Team – close that off today; focus on fast undo in the gap analysis document; then back to TEAC/TDRP charter questions and early input – but everyone should also be reading the input, and those whose groups provided input should speak up as it is addressed. Aiming to finish up by ICANN77.

3. Continuation of Gap Analysis Discussion – Focus on Fast Undo (see section I.C. of the [working document \[docs.google.com\]](#))

I.C. Additional Element for consideration: Fast Undo

Introduction:

- Fast undo is not new – it was introduced as a proposal during the IRTP discussions, but was rejected.
- Has anything changed to make it more suitable?
- Give everyone who has a perspective on this has a chance to speak to it.

Early Input:

- Rick Wilhelm, RySG: SAC007 on hijacking; fast undo was brought to solve a problem that is very different today; skeptical that we can come up with something that doesn't have the downsides that the previous proposal had.
- Zak Muscovitch, BC: TEAC came out from IRTP B Final Report – ETRP was under consideration that was rejected. *"The dangers of a 'quick undo' have been extensively canvassed previously and there is no practical solution beyond what current exists."*

Discussion:

- Question: Are we thinking about moving the reversal from a non-TEAC situation? Answer: It's beyond a DNS reversal – it is getting a domain back into the original registrant's hands from the new registrant; it may not be TEAC initiated, it is beyond that.
- There have been some changes since then in new technology, but the question is whether we want to go down that rabbit hole?
- Hijacking still occurs but probably isn't as relevant. And we do have a fast undo as part of the TEAC --- if the gaining registrar doesn't respond the registrant can request that the name should be transferred back.
- For those interested in understanding more of the history, the original proposal for Fast Undo (Expedited Transfer Reversal Procedure) appears in the IRTP WB B Initial Report (https://gnso.icann.org/sites/default/files/filefield_12531/irtp-b-initial-report-29may10-en.pdf). After substantial public comments were critical of this proposal, the WG put out a Proposed Final Report with questions for the community (https://gnso.icann.org/sites/default/files/filefield_22303/irtp-b-proposed-final-report-21feb11-en.pdf), and ultimately recommended the TEAC in its Final Report. For those advocating for a fast undo, we would recommend you familiarize yourselves with the previously-noted pitfalls and criticisms so that we avoid rehashing these conversations.
- We need a reversal process but not sure it needs to be fast. We've agreed to a Small Team to codifying the informal reversal process, don't think it makes sense to look at ETRP and I feel like we've decided not to look at a fast undo.
- TDRP is technically a reversal process, but maybe we are talking about something in between – everyone agrees and TDRP. On "automatic" reversal becomes a concern.
- Note the Small Team is focusing on the friendly path to a reversal.
- Either they come to agreement or someone is not responding – this discussion is whether there is something in between.
- In the case of a gaining registrar not responding the losing registrar can go to ICANN Compliance. The Small Team is only looking at the friendly resolution, not if the gaining registrar is non-responsive.
- We are trying to define is the solution of undoing the transfer.
- Small Team should suggest a timeframe for response – a week would be good.
- Timeline could be multi-factor.
- If the happy path is no longer happy, we move on to something else.
- A codification of the informal process would not contain a trigger to compliance because the current process doesn't. It would be a variance. The Small Team could discuss it.
- What we need to focus on – don't hear an appetite for an automatic undo of a transfer outside of the codification of the "happy path", and the TEAC/courts.

Informal poll:

- **If you support an undo process between the informal process and TDRP/court order: ~10**
- **If do not support: 4 (3 with 1 alternate)**

- Could be a need for a registrant-initiated dispute process.
- Think what we are hearing is a break-glass situation – whatever we do it seems we need an emergency solution.
- Seems like the emergency thinks need time to work out and the fast undo doesn't allow that.
- When we think about this, it would mean disagreement or non-response – if a disagreement then it's a dispute process.
- It's a dispute between registrants.
- There's not going to be consensus on fast undo.
- Maybe a rollback would be better.
- If they aren't agreeing that falls out of what the Small Team is working on.
- According to the poll there is support for a fast undo process between the Small Team codification of the informal process and the TDRP/courts. We need proposals from those supporters. Any proposal should address how to manage the pain points.

ACTION ITEM: Interested supporting registrars should provide a proposal in writing for a fast/gap undo in between the informal process and the TDRP/courts by next Tuesday, 25 April.