**Working Document**

Topic B: “Same entity” at the top-level

| **CHARTER QUESTIONS** |
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| **b1)** Both the SubPro PDP and the Staff Paper recommend that variant TLDs that ICANN delegates must have the “same entity” as the sponsoring organization and the “Registry Operator” be used as the definition of the “same entity” at the top-level.[[1]](#footnote-0)  Should this recommendation be extended to existing TLDs? |
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High-level notes:

* In the framework for managing variant labels, variants are labels that are deemed to be the same. The goal of “same entity” principle is to protect against denial of service and misconnection. Denial of service means that you do not get to the resource at all. Misconnection means that you think you are going to website A but you go to website B instead. With variants, there is an expectation of the same behavior and the same experience, and therefore there is the idea that variants should be managed by the same entity.
* SSAC members stressed the fact that there is no technical solution for synchronization. It is up to the registrant that sets up websites, services, and other elements that ensure equivalent behavior. At the top-level, the registry operator is far away from that experience. If the labels are delegated to the same entity, the Registry Operator still cannot guarantee the same experience because it is so far removed from the end user.
* There was some discussion about whether “sponsoring organization” and “registry operator” mean the same thing. In the gTLD world, the term “Registry Operator” is used to refer to the entity that manages the gTLD. There is a suggestion of using “TLD manager” (as defined in the IANA database) rather than “Registry Operator” in response to this charter question.
* The EPDP Team supports extending the SubPro and Staff Paper recommendations to existing gTLDs.

| **b2)** Both the SubPro PDP and the Staff Paper recommend that variant TLDs be operated by the same back-end registry service provider, the organization providing one or more registry services (e.g., DNS, DNSSEC, RDDS, EPP) for a registry operator.[[2]](#footnote-1)  Should this recommendation be extended to existing TLDs and their variant TLD labels? |
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High-level Notes:

* As B1 and B2 are interrelated, the discussion for these two charter questions was combined, with the deliberations captured under B1 above.
* The EPDP Team supports extending the SubPro and Staff Paper recommendations to existing gTLDs and their variant gTLD labels.

| **b3)** Beyond having the same Registry Operator and same back-end registry service provider, as referenced in b1) and b2), is there a need for additional constraints for the same entity requirement for the top-level ?[[3]](#footnote-2) If so, the rationale must be clearly stated. |
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| **b4)** The policy recommendation advises that variant TLD labels be allocated to the same entity, however a process to apply for a variant TLD does not exist. The WG and the SubPro IRT to coordinate and consider the following questions in order to develop a consistent solution: what should an application process look like in terms of timing and sequence for an existing and future Registry Operator with respect to applying or activating their allocatable variant TLD labels? |
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| **b4a)** For the variant labels with status “withheld for the same entity” (i.e. not requested for allocation in the application process), what role do they play? |
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| **b5)** Do restrictions that apply to a TLD (e.g., community TLDs, dot brand TLDs) also apply to its variants? Are these labels equally treated as different versions of the same string, or completely independent strings not bound by the same restrictions? |
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1. See Recommendation 25.5 in the SubPro PDP Final Report, p.115: <https://gnso.icann.org/sites/default/files/file/field-file-attach/final-report-newgtld-subsequent-procedures-pdp-02feb21-en.pdf#page=115>; Recommendation 2 in the Staff Paper, p.3: <https://www.icann.org/en/system/files/files/idn-variant-tld-recommendations-analysis-25jan19-en.pdf#page=3>; rationale for Recommendation 25.5 in the SubPro PDP Final Report, p.117: <https://gnso.icann.org/sites/default/files/file/field-file-attach/final-report-newgtld-subsequent-procedures-pdp-02feb21-en.pdf#page=117>; Section 3.2 in the Staff Paper, pp.6-7: <https://www.icann.org/en/system/files/files/idn-variant-tld-recommendations-analysis-25jan19-en.pdf#page=6> [↑](#footnote-ref-0)
2. See Recommendation 25.5 in the SubPro PDP Final Report, p.115: <https://gnso.icann.org/sites/default/files/file/field-file-attach/final-report-newgtld-subsequent-procedures-pdp-02feb21-en.pdf#page=115>; Recommendation 7 in the Staff Paper, p.4: <https://www.icann.org/en/system/files/files/idn-variant-tld-recommendations-analysis-25jan19-en.pdf#page=4> [↑](#footnote-ref-1)
3. The initial set of IDN variant TLD management recommendations proposed for public comment also required that the IDN variant TLDs be implemented using the same nameservers, unless otherwise justified. However, that recommendation is now removed based on the feedback received by the community asking for more operational flexibility in the implementation of IDN variant TLDs. [↑](#footnote-ref-2)