Internationalized Domain Names Expedited Policy Development Process

E3, E1 (Part 1), E3a, E5

IDN-EPDP Team Meeting #31 | 28 April 2022

Agenda

1. Roll Call & SOI (2 min)
2. Welcome & Chair Updates (5 min)
3. E3, E1(part 1), E3a – Continued Discussion of the Three Levels (50 min)
4. E5 – Continued Discussion of Reserved Names and Strings Ineligible for Delegation (30 min)
5. AOB (3 min)

E3, E1(part 1), E3a
Continued Discussion of the Three Levels

Charter Question E3, E1 (Part 1), E3a

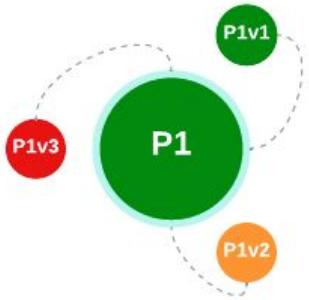
E3: The WG and the SubPro IRT to coordinate to **ensure consistency in the implementation of the string similarity review procedure for variant label applications of existing and future gTLDs**.

E1 (Part 1): What role, if any, do TLD labels “withheld for possible allocation” or “withheld for the same entity” play vis-a-vis string similarity review process?

E3a: After a requested variant string is rejected as a result of a string similarity review, **should the other variant strings in the same variant set remain allocatable**? Should individual labels be allowed to have different outcomes/actions (e.g., some labels be blocked and some be allowed to continue with an application process)?

Comparison Matrix - Explanatory Notes

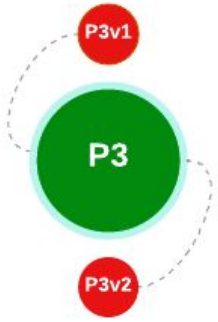
Applied-for TLD string:



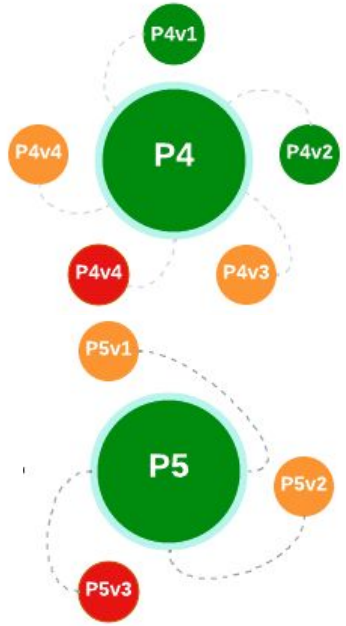
- P: “primary”
- v: “variant”
- P1: applied-for primary gTLD 1
- P1 has three variant labels:
  - P1v1: allocatable and requested for activation
  - P1v2: allocatable but not requested
  - P1v3: blocked

Compared against the following types of existing or applied-for TLDs:

TLD with no variants

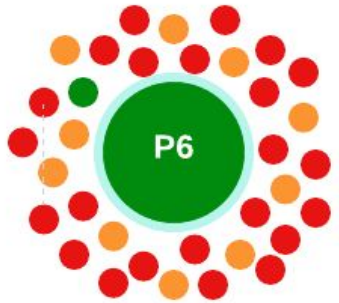


TLD with only blocked variants



TLD with allocatable variants, some of which are requested for activation

TLD with allocatable variants but none is requested for activation

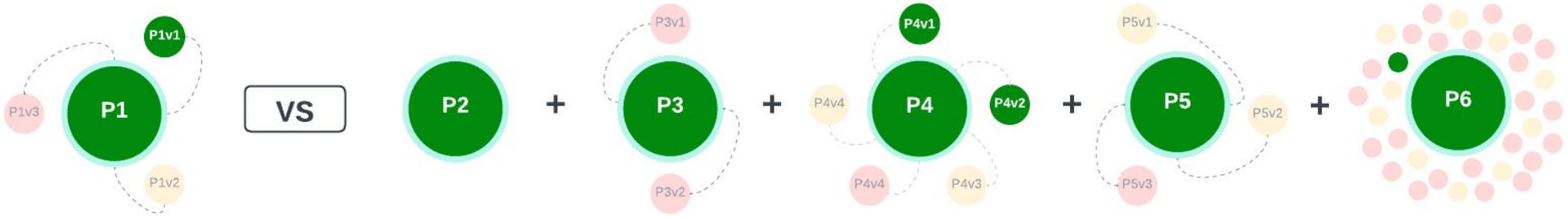


TLD with extremely large number of allocatable and blocked variants (e.g., certain Arabic TLD)

Comparison Matrix - Consolidated View

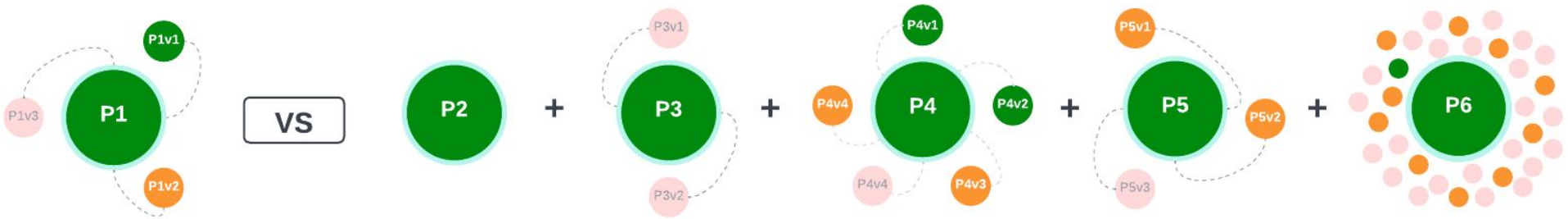
Level 1

Primary + ONLY Requested Allocatable Variants



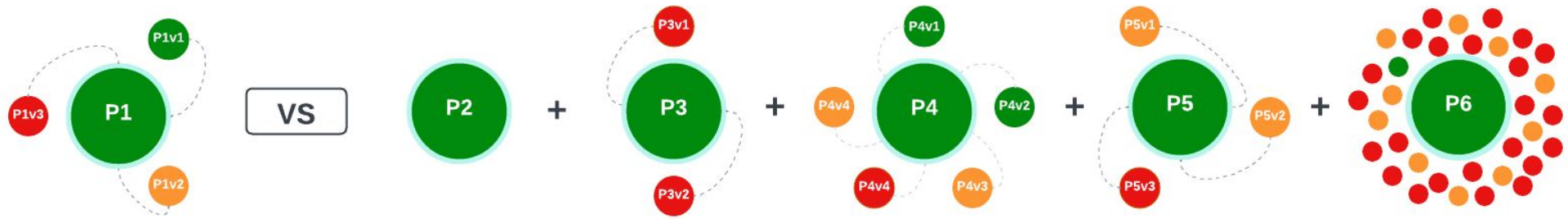
Level 2

Primary + ALL Allocatable Variants



Level 3

Primary + ALL Allocatable and Blocked Variants



Requested Allocatable Label

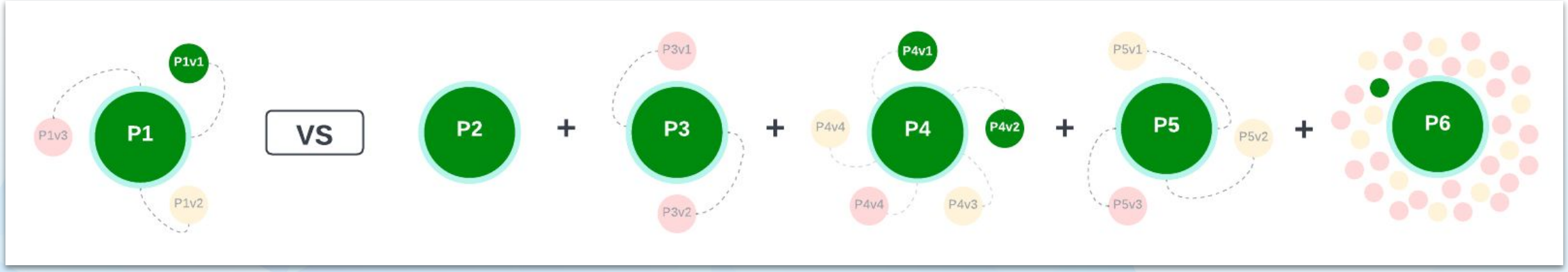
Non-Requested Allocatable Label

Blocked Label

Comparison Matrix - Factors for Consideration

	Compared Against	Impact on Review	Potential Consequences
Level 1: **Primary + ONLY Requested Allocatable Variants**	• Reserved Names • Existing TLDs + **only requested allocatable variants** • Strings requested as IDN ccTLDs + **only requested allocatable variants** • Other applied-for gTLDs + **only requested allocatable variants**	• **Limited pool** of labels for comparison • **Simplest, fastest & least expensive** to conduct the review	• May potentially allow **delegation of a string visually confusable to an allocatable variant** that may be requested in the future • May potentially allow **delegation of a string visually confusable to a blocked variant** of another string
Level 2: **Primary + ALL Allocatable Variants**	• Reserved Names • Existing TLDs + **ALL allocatable variants** • Strings requested as IDN ccTLDs + **ALL allocatable variants** • Other applied-for gTLDs + **ALL allocatable variants**	• **More conservative yet practical** approach • **Relatively manageable pool** of labels for comparison, **except** for certain TLDs in **Arabic** • **Certain TLDs in Arabic** may have extremely large number of allocatable variants	• May reduce the possibility of visual confusability among **all allocatable variants in the same round** • May **simplify the evaluation process for allocatable variants** requested by existing ROs between application rounds
Level 3: **Primary + ALL Variants (Blocked & Allocatable)**	• Reserved Names • Existing TLDs + **ALL variants** • Strings requested as IDN ccTLDs + **ALL variants** • Other applied-for gTLDs + **ALL variants**	• **Maximally conservative** approach • **21 scripts** in RZ-LGR-5 have variants; **certain TLDs in Arabic, Cyrillic & Latin** may have extremely large number of **blocked variants** • **Slowest, most complicated & expensive** to conduct the review	• May reduce the possibility of visual confusability among **all valid labels in the same round** • May **reject strings** due to conflict with **blocked variants that will never be delegated**

Level 1: Primary + ONLY Requested Allocatable Variants



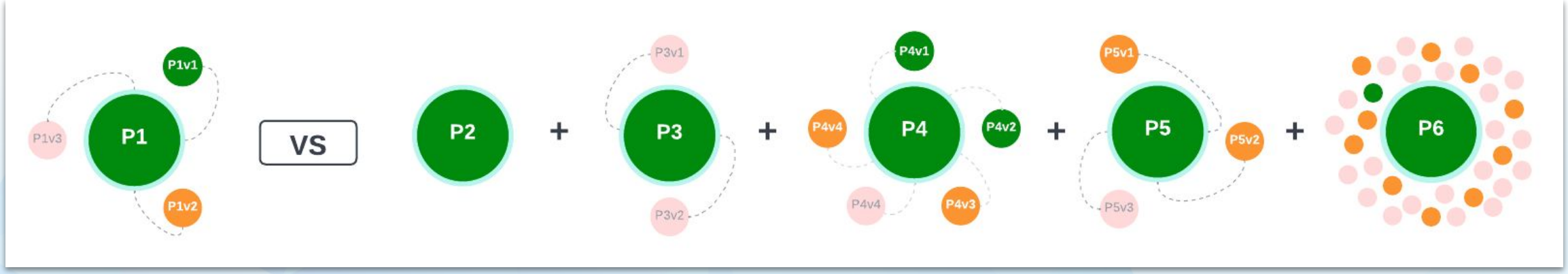
Michael B.

- ***Support – if variants can only be requested inside application rounds***
- It reduces the effort to a minimum. There's no need to compare any allocatable variant that has not been requested so far. Possibility is high that it never will be requested. If such a variant does get requested in a later round, that's like a new application and it has to compete with all existing ones on a first-come first-serve basis.

ALAC

- ***Support – depends on other elements, e.g., cost associated with each string applied for, when a string could be applied***
- allows entities to ensure strings that they would either use now or intend to use in the future while giving room to future labels that could have been blocked due to similarity/confusability with some of the variants that the entity would have never used anyway. This option entails the least similarity work and cost.

Level 2: Primary + ALL Allocatable Variants



Michael B.

- ***Support – if variants can be requested outside of application rounds***
- String similarity review process should not be conducted every time a TLD operator wants to add another variant. Late addition of variants must be as smooth and simple as possible. Any checks/validations that can be executed beforehand should be executed. It would prevent user confusing, because any delegated string would undergo the string similarity review process.

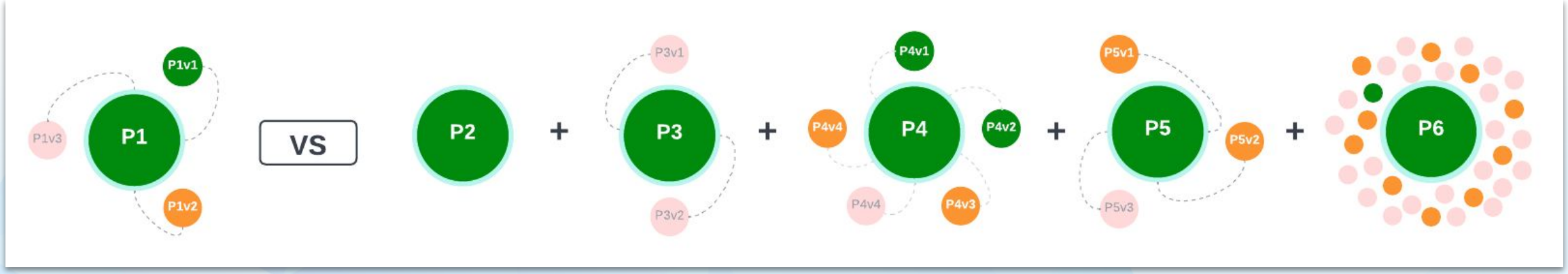
Tomslin S.

- ***Support –*** It offers the opportunity to narrow the chances of any confusability strings in the same round, which improves predictability in my mind. And cost-wise, it presents a good balance between the 3 options.

Nigel H.

- ***Support –*** seem to give a level of flexibility and opportunity while ensuring a degree of protection against confusability.

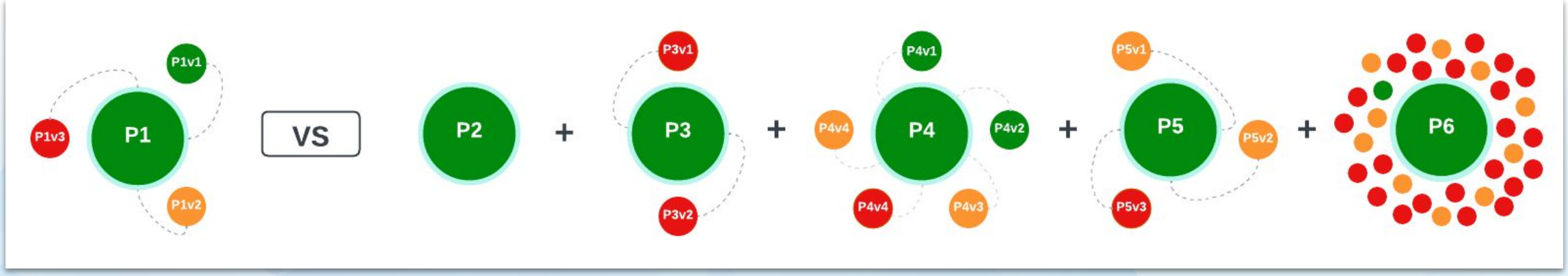
Level 2: Primary + ALL Allocatable Variants (Cont.)



ALAC

- ***Support – depends on other elements, e.g., cost associated with each string applied for, when a string could be applied***
- Allows entities to ensure all their allocatable strings and all other possible future similar strings would be blocked. This option gives full future predictability.
- A middle ground option associated with more costs and work than level 1 but less than level 3.

Level 3: Primary + ALL Variants (Blocked & Allocatable)



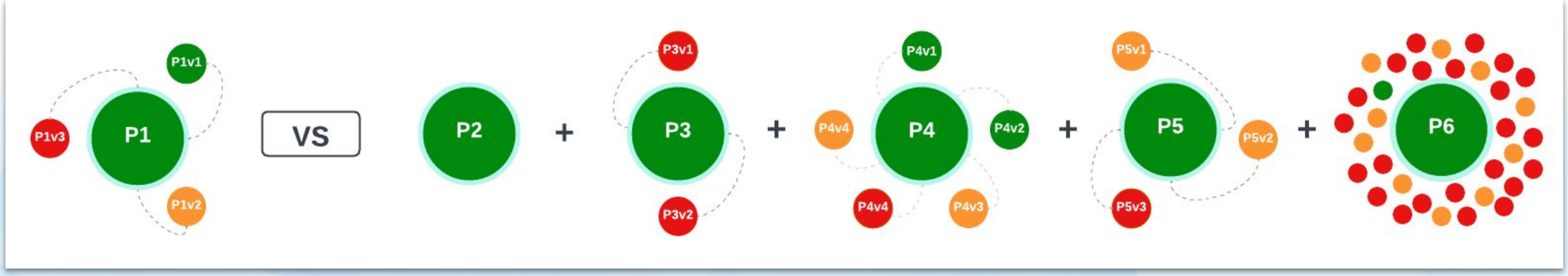
Anil J.

- ***Support*** – with continuous technological improvements in reducing Risk Evaluation time of assessment.

T. Santhosh

- ***Support*** – All ready lots of complaints are been raised on the misuse of domains (mainly on BRANDs). String similarity can raise more issues. A well defined process should established. Registrars should do full proof checking while providing domains.

Level 3: Primary + ALL Variants (Blocked & Allocatable) (Cont.)



Michael B.

- ***Object –*** It's a lot of additional effort, but it is not really giving important input.
- There's no benefit in comparing strings that will never be delegated (i.e., visible in the DNS). Just because a non-delegated variant of an existing TLD is confusingly similar to another TLD shouldn't cause those TLDs themselves to be blocking each other. They are *not* confusingly similar to each other.

ALAC

- ***Object –*** Would unnecessary block possible future strings that are similar to blocked strings. Blocked strings will in all cases never be delegated. Entailing unnecessary, unjustified, complex, and costly similarity review work.

E5 – Continued Discussion of Reserved Names and Strings Ineligible for Delegation

Charter Question E5 & Context

e5) Should the reserved strings ineligible for delegation for existing and future gTLDs be updated to include any possible variant labels? Consider this question by taking into account the data to be collected in the "Data and Metric Requirements" section of this charter.

- Data and Metric Requirements: Using the latest version of the RZ-LGR to determine the variant labels, if any, of all ICANN reserved TLD labels. Determine whether the calculation is consistent with reality or whether any exceptions need to be considered

Staff Paper Context:

- If any subsequent gTLD application process takes the current applicant guidebook as the starting point, then the process and guidebook should be updated…Specifically: **reserved names** and the **strings ineligible for delegation** should be revisited to include any possible variant labels.
- There are additional considerations around **manageability and usability** which still remain applicable to the **TLD application review process**, especially in cases where **large number of allocatable variant labels may be allocated**.

Reserved Names

Background

- 2012 AGB - Section 2.2.1.2.1
- Purpose: to maintain the exclusive rights to the names of ICANN, its bodies, or essential related functions of ICANN and IANA
- ARE included in the String Similarity review

Recent Developments

SubPro considered the Reserved Names:

- Affirmed the Reserved Names
- Added “PTI” to the next version of AGB
- Details: pp.1-2 of the Google Doc

Summary of Discussion: Is there a need to update the Reserved Names to include any possible variant labels?

- **Rationale for Including Variants:**
  - It is a more conservative approach to preserve the atomicity of variants without negative effect on the gTLD market
  - The evaluation panel only needs to run the LGR tool to check if there is a variant relation between the applied-for label and the Reserved Names; the number of variants does not matter as long as they are blocked
- **Rationale for Not Including Variants:**
  - All Reserved Names (except for the 11 IDN “test” strings) are ASCII labels and all their variants are “blocked”
  - Blocked variants can be in the tens or hundreds of thousands; this may add unnecessary work to the evaluation process
  - There is a blank restriction against using translations of “TEST” or “EXAMPLE” in any language as a gTLD; their variants in an applicable language can be generated by ICANN on demand for testing purposes only
  - Adding variants would increase complexity of the string similarity review as well as other steps in the application process

Strings Ineligible for Evaluation

Background

- 2012 AGB - Section 2.2.1.2.3
- Purpose: to provide special protections at the top-level for the names and acronyms of IGOs and INGOs receiving protections under treaties and statutes under multiple jurisdictions, specifically including the Red Cross/Red Crescent Movement (RCRC) and the International Olympic Committee (IOC)
- Are NOT included in the String Similarity review

Recent Developments

Protection of IGO and INGO Identifiers in All gTLDs (IGO-INGO) PDP carefully considered the Strings Ineligible for Evaluation

- The following names are to be included in the next version of the AGB as Ineligible for Delegation:
  - "Red Cross", "Red Crescent", "Red Lion and Sun", "Red Crystal" *(UN6 languages)*
  - “Olympic”, “Olympiad” *(UN6 languages + German + Greek + Korean)*
  - Intergovernmental Organizations (IGOs) - *Exact Match & Full Name (up to two languages)*
  - International Non-Governmental Organizations (INGO) - *Exact Match & Full Name (English only)*
- Details: the Reserved Names list referenced in Specification 5 of the Registry Agreement provides the specific names (except for INGOs) that will eventually be included in the next version of the AGB
- There will be an exception procedure that would allow a party to apply for their own strings

Strings Ineligible for Evaluation (Cont.)

Summary of Discussion: Is extending preventative protections for variants within scope for the IDN-EPDP?

- **Rationale for Extending Preventative Protections for Variants:**
  - Variants of these strings need to be blocked to further protect these strings
  - If not protected, the first-come first-serve may not allow the IGOs and INGOs to access their variants
- **Rationale for NOT Extending Preventative Protections for Variants:**
  - Different treatment for these strings may be appropriate as they are distinct from Reserved Names
  - The preventive protections at the top-level are provided to a finite and specific list of strings limited to exact match, including additional languages where relevant, based on internationally recognized treaties (e.g., Geneva Convention, Article 6ter of the Paris Convention)
  - Given the sensitivities around this topic, deliberation on extending protections for variants of such strings would seem to circumvent the careful work of the IGO-INGO PDP and may extend rights beyond those that are expressly identified in relevant treaties
  - These strings are NOT part of the string similarity review and were not considered by the SubPro; this topic requires expertise and involvement of relevant parties outside the IDN-EPDP, which may not be in a position to extend these rights