

Internationalized Domain Names Expedited Policy Development Process

E5, E2, E1 (Part 2)



IDN-EPDP Team Meeting #32 | 5 May 2022

Agenda

1. Roll Call & SOI (2 minutes) Welcome & Chair Updates (5 mins)
2. Continue discussion of charter question e5, including review of data collected by ICANN org (50 minutes)
3. Begin review of charter questions e2 and e1 (part 2) (30 mins)
4. Introduction to charter question e4 (time permitting)
5. AOB (3 mins)

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?

- **Opinions for Including Variants:**
 - It is a more conservative approach to preserve the atomicity of variants
 - The number of variants does not matter as long as they are blocked
- **Opinions 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 burden 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 Delegation

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 Delegation (Cont.)

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

- **Opinions 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
- **Opinions for NOT Extending Preventative Protections for Variants:**
 - It is very unlikely that someone may accidentally apply for a variant of certain protected string
 - The number of variants for those strings will be extraordinarily large, adding unnecessary burden to the evaluation process
 - 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 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

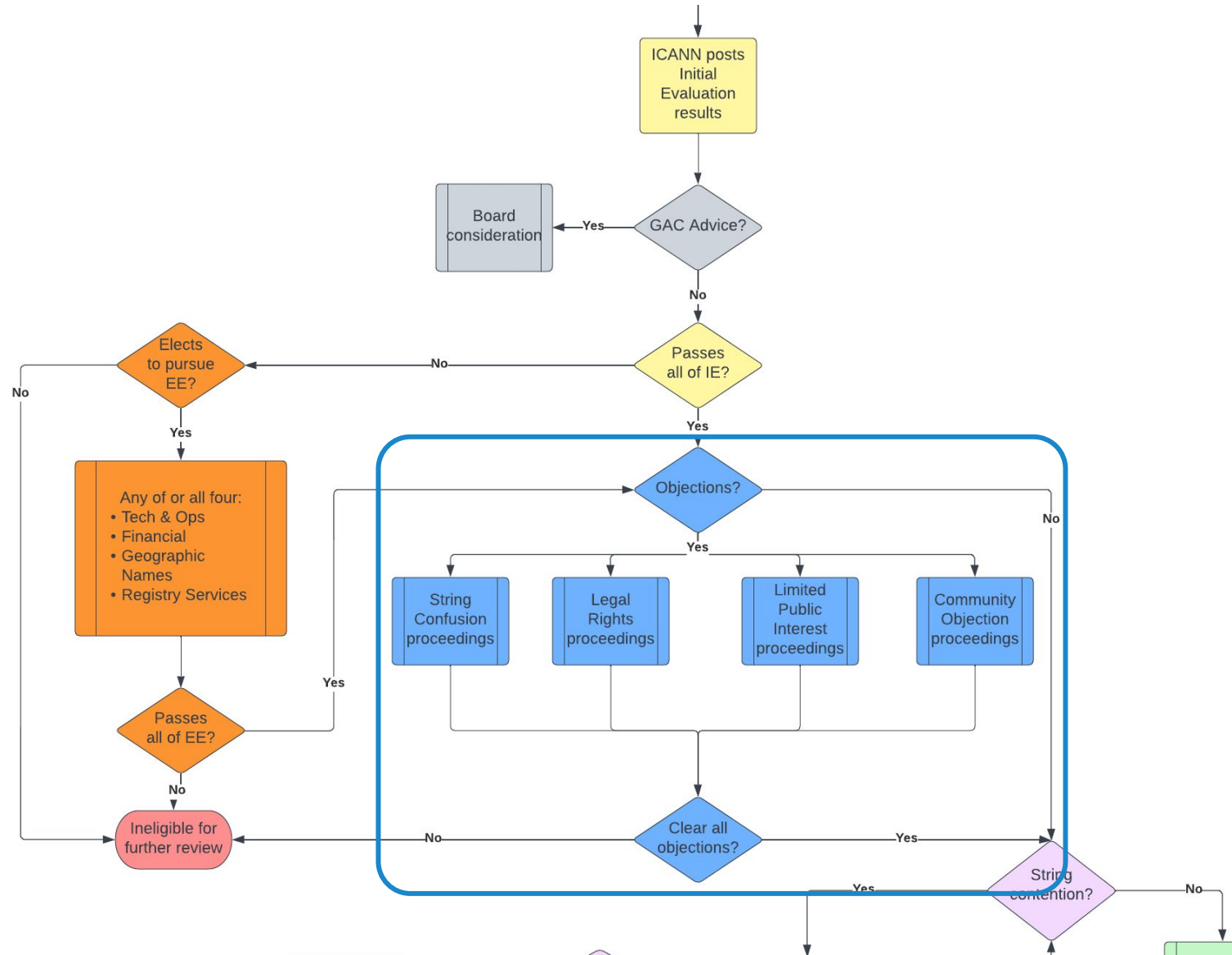
E2, E1 (Part 2) - Begin Reviewing Charter Questions on Objection Process

Charter Questions E2 & E1 (Part 2)

E2: The WG and the SubPro IRT to coordinate to **ensure consistency in the implementation of the objection process for variant label applications of existing and future gTLDs.**

E1 (Part 2): What role, if any, do TLD labels “withheld for possible allocation” or “withheld for the same entity” play vis-a-vis objection process?

Objections - Application Process Flow in 2012 Round



Objection Process in 2012 Round

What: A formal objection intended to afford businesses, individuals, governmental entities, and communities an opportunity to advance arguments against introducing certain new gTLDs into the domain name system

When: Occurs after the successful completion of the Initial Evaluation

Why: To allow a full and fair consideration of objections based on certain limited grounds outside ICANN's evaluation of applications on their merits

Who: Parties with standing could file formal objections with designated third-party dispute resolution providers on specific applications

How: A formal objection may be filed on any one of the following four grounds:

- **String Confusion Objections:** the applied-for gTLD string is confusingly similar to an existing TLD or to another applied-for gTLD string in the same round of applications (standing: existing TLD operators or gTLD applicants in the same round)
- **Legal Rights Objections:** the applied-for string infringes the existing legal rights of the objector (standing: rights holder)
- **Limited Public Interest Objections:** the applied-for string contradicts generally accepted legal norms of morality and public order recognized under principles of international law (standing: anyone; Independent Objector)
- **Community Objections:** substantial opposition to the applied-for string exists from a significant portion of the community that the gTLD string targets (standing: established institutions associated with a clearly defined community; Independent Objector)

Discussion

Staff Paper Context

Under the rules of the most recent gTLD application round, there are four criteria for objections to a string (see “gTLD Applicant Guidebook”, version 2012-06-04, section 3.2.1). Under the recommendations of this report, **there is no need to adjust those criteria, because each possible variant to be actually allocated is a separate application.** Therefore, each such application is subject to the same rules.

Scope of Discussion

- Future new gTLD aspect only
- SubPro PDP has affirmed the continuation of the four criteria for objections, while proposing recommendations and implementation guidance to enhance these criteria

Questions for Discussion

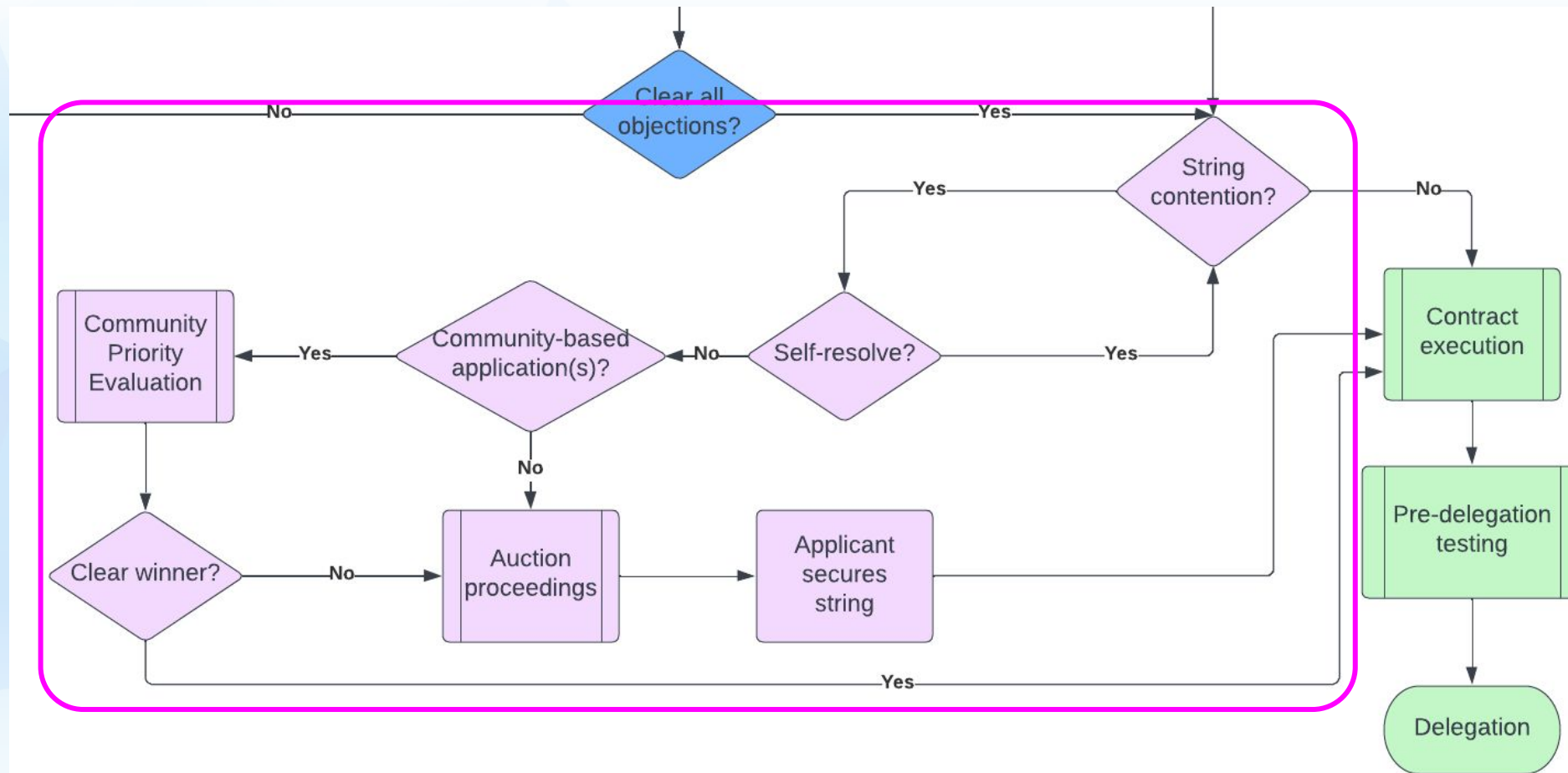
- Must all requested allocatable variant TLD labels be subject to the objection processes?
- Should the allocatable variant labels NOT requested by applicants be subject to the objection process?

E4 - Introduction to Charter Question Related to String Contention Resolution

Charter Question E4

E4: The WG and the SubPro IRT to coordinate to ensure consistency in the implementation of the string contention resolution mechanism for variant label applications of existing and future new gTLDs.

String Contention - Application Process Flow in 2012 Round



String Contention Resolution in 2012 Round

What: A procedure to resolve contention over applied-for gTLD strings that are identical or visually similar

When: Occurs after applicants for an identical gTLD string / applicants for similar gTLD strings successfully complete all previous stages of evaluation and dispute resolution processes (related to objections)

- String Confusion Objections - If the panel is in favor of the objector, the two applications will be placed in direct contention

Why: ICANN will not approve applications for proposed gTLD strings that are identical or that would result in user confusion

Who: Contention sets – groups of applications containing identical / similar applied-for gTLD strings; String Similarity Review panel will identify the preliminary contention sets among applications that have direct or indirect contention relationships with one another

- Applied-for strings that were variant strings according to an IDN table submitted to ICANN would be considered in direct contention

How: String Contention may be resolved via:

- Self-resolution: Applicants reach a settlement or agreement among themselves (e.g., withdraw applications, establish joint ventures)
- Community priority evaluation: If a community-based applicant in the content set selects this option
- Auction: Last resort, tie-breaker mechanism

Discussion

Staff Paper Context

- The entire set of variant labels gets processed as one contention set; If one of the labels in the set is already allocated, the contention is resolved in favor of the current operator
- Staff Paper Proposal based on the assumption that a separate application needs to be submitted for each requested variant label:
 - When the applied-for variant strings are placed in a contention set for later evaluation, the applicant is notified of the contention is and has the opportunity to establish that both applications are from the same entity
 - It may be more efficient to establish early on in the string similarity review that the applied-for variant strings are being requested by the same entity prior to reaching the contention phase

Scope of discussion

- Future new gTLD aspect only
- SubPro PDP has affirmed the string contention resolution mechanisms while proposing recommendations and implementation guidance to enhance them

Questions for Discussion

- When the applied-for variant label is placed in a contention set, should the other allocatable and blocked variant labels associated with the applied-for variant also be processed in the same contention set?
- Are there any special considerations for resolving string contention involving variant labels?