Internationalized Domain Names Expedited Policy Development Process

E5, E7

ICANN

IDN-EPDP Team Meeting #37 | 26 May 2022

Agenda

1. Roll Call & SOI (2 minutes)

2. Welcome & Chair Updates (5 mins)

3. Continue discussion of charter question e5 (Part 2) - Strings Ineligible for Delegation (50 minutes)

4. Begin discussion of charter question e7 - Strawman Process (30 mins)

5. AOB (3 mins)

E5 (Part 2) – Continued Discussion of Strings Ineligible for Delegation

Charter Question E5 (Part 2)

E5 (Part 2): Should the strings ineligible for delegation for existing and future gTLDs be updated to include any possible variant labels?

Context for Discussion

Outcome of IGO PDP:

- IGO PDP, which concluded in November 2013, recommends including a number of identifiers in the future version of AGB as Ineligible for Delegation

- A specific list of identifiers is to be granted protections on the basis of international treaties

- Identifiers on this list are unavailable to be applied for as gTLDs, with an exception procedure for the relevant protected organization to apply for their respective strings

- These identifiers are NOT included in the string similarity process

Implementation by ICANN org:

- ICANN org has NOT yet implemented this policy at the top-level, as there has been no New gTLD round

  - The top-level recommendations will be integrated into the Applicant Guidebook for the immediate next round of the program.

- ICANN org HAS implemented the recommendations for the second-level

- We already more or less know what top-level identifiers will need to be included in the AGB

  - International Olympic Committee, Red Cross & Red Crescent: Specific Designations protected under the 1949 Geneva Conventions and their Additional Protocols, Intergovernmental Organizations (IGO), and International Non Governmental Organizations (INGOs)

- The second-level policy has a change process for adding or deleting names from the Red Cross, IOC and IGO Identifier List

Key Points of Discussion So Far

Q: Should protection be extended to the variants of the identifiers on the Ineligible for Delegation list?	
Reasons to extend the protection to variants	**Reasons NOT to extend the protection to variants**

● An applicant may be able to apply for the variant of a protected string, which would prevent an IGO, INGO, etc. from getting the variant of their own string
 	
● There is a possibility that a variant is allocated to an entity that is different from the IGO or INGO, which breaks the same entity principle and is a significant change
 	
● The principle of atomicity needs to be upheld
	● IGO PDP (and second-level policy) already have both 1) a specific set of identifiers and 2) a change procedure to add or delete names
	
	    ○ Preventive protections are provided to a finite and specific list of strings limited to <u>exact match</u> based on internationally recognized treaties
	
	    ○ Careful deliberations of IGO PDP that took years to complete should not be modified
	
	● There are other measures in place (e.g., GAC Early Warning, GAC Advice, Objection process) to deter unrelated applicants from applying for the variant of a protected string
	
	● The number of variants for some strings will be extraordinarily large, adding unnecessary burden to the evaluation process

Possible Approach

Instead of adding any additional strings to the list of strings ineligible for delegation:

- Prevent applications for all variant labels of the strings ineligible for delegation, and link to a resource for calculating such variants;

- Variants can only be applied for by the relevant organizations AND as part of a 'set' that includes the string that appears on the list;

- Make clear that preventing variants of the strings ineligible for delegation is expressly NOT an expansion of rights for the list of strings ineligible for delegation.

Questions for Consideration:

- Would this approach be considered any different from the approach dealing with the variants of Reserved Names?

    - Interim outcome for variants of Reserved Names: nothing is added to the list but exact match variants are blocked

- Would this approach change any procedural steps (e.g, checking with Council, GAC) that may be necessary if names are added to the list?

- Would it be considered providing additional protections to the identifiers that may not otherwise be available via international law/treaties?

- Is the risk significant / likely enough that it warrants such an approach, which would potentially prevent application of millions of variant labels and may be construed as providing additional rights to the protected strings?

E7 - Begin Discussion of Strawman Process

Charter Question E7

E7: Besides the objection process, string similarity review, and string contention resolution, what other ICANN policies and procedures should be updated to enforce the "same entity" rule and the use of RZ-LGR as the sole source to calculate the variant Labels and disposition values? See the list of ICANN Consensus Policies here:

https://www.icann.org/resources/pages/registrars/consensus-policies-en

Strawman Process Introduction

Purpose:

With SubPro and IDN-EPDP coming to general agreement on 1) the requirement to rely on the RZ-LGR to determine valid gTLDs and 2) "same-entity" requirements for variant labels, it is important to consider what aspects of the New gTLD Program will be impacted by these in principle level recommendations.

Understanding **which** elements will be impacted is important for a number of reasons, including:
- Considering **how** program elements will need to be modified to accommodate variants labels.
- Better understanding approximate level of effort for evaluating variant labels, which is relevant to a cost-neutral approach for determining fees.
- *Better understanding the viability of a standalone round for variants of existing Arabic and Chinese gTLDs.*

Assumptions:

The next round of the New gTLD Program is expected to have relatively similar evaluation process elements as 2012, based on SubPro recommendations. Therefore, the strawman process is based on the 2012 process flow.

However, with the SubPro recommendations still being evaluated in the ODP and pending Board adoption, along with future implementation, the next round of the program is subject to change.

As this process flow is based on current expectations for the next round and preliminary outcomes of the EPDP, it is therefore a living document.

Strawman Process Introduction (Cont.)

Explanation of the Keys

Specific

Some elements of the program will require "Specific" consideration and modification of process to accommodate variant labels. For example, when submitting an application that also requests allocatable variant labels, there will presumably be additional application questions/responses and additional fees paid (based on preliminary outcomes). The process will need to be specifically designed to accommodate these changes.

Applicable

Some elements of the program will be largely un-impacted as a result of variant labels. For instance, in performing a completeness check, the variant label related questions will also be validated, but there is no specific change to the process envisioned.