Introducing Confusing Similarity

ccPDP4 Subgroup Confusing Similarity

Overview

- Fast Track Confusing Similar ccTLD Cases to date

- Board Report 2013 Proposal

- Current Fast Track Procedures

- Criteria Confusing Similarity Review

- Panels identified

Fast Track Confusing Similar ccTLD Cases to date

Country Code	Country /Territory	Requested String	String in English	Language	Script	EPSRP Findings Report/RTA Findings Report
BG	Bulgaria	xn--90ae 6г	bg	Bulgarian	Cyrillic	EPSRP-EvaluationReport-Bulgaria-Cyrillic
EU	European Union	xn--qxa6a ευ	eu	Greek	Greek	EPSRP-EvaluationReport-EU-Greek Risk Mitigation Assessment Cover Letter RTA Report for .ευ (.eu in Greek) EURid Risk Mitigation Plan
GR	Greece	xn--qxam ελ	el	Greek	Greek	EPSRP-EvaluationReport-Greece-Greek

Source: https://www.icann.org/resources/pages/epsrp-reports-2014-10-14-en

Board Report 2013 Proposal

- Board Report proposal developed in 2012, deal with issues identified in 2nd review Fast Track Process
  - Black box approach

- Extension Confusing similarity review with Extended Process Similarity Review Panel (EPSRP)

- Procedural changes Confusing Similarity review:
  - Publication results & rationale
  - Names of panelist
  - If confusingly similar:
    - include a reference to the string(s) to which the confusing similarity relates and
    - examples (in fonts) where the panel observed the similarity.

Current Fast Track Confusing Similarity Procedures (since 2019)

- DNS Stability Evaluation: External and independent advice to the ICANN Board about whether a selected string is not confusingly similar to any combination of two ISO 646 Basic Version (ISO 646-BV) characters (letter [a-z] codes or other existing or applied for TLDs (since 2009)

- EPSRP: perform a second and final confusing similarity assessment of the requested IDN ccTLD string (since 2013)

- Risk Mitigation Evaluation: Determine whether the proposed risk mitigation measures are adequate ICANN will consult experts in the area of relevant Risk Mitigation measures and the IDN ccTLD string requestor (since 2019)

Questions

- Is confusing similarity review needed/required?

- Rationale?

Basic Criteria Confusing Similarity

Underlying Principle

Need to preserve and ensure the security, stability and interoperability of the DNS

Criteria

String confusion exists where a string so nearly resembles another visually that it is likely to deceive or cause confusion.

For the likelihood of confusion to exist, it must be probable, not merely possible that confusion will arise in the mind of the average, reasonable Internet user.

Refinement with introduction of EPSRP (December 2013)

Criteria:

The rule is that if the appearance of the selected string, in upper or lower case, in common fonts in small sizes at typical screen resolutions, is sufficiently close to one or more other strings, it is probable that a reasonable Internet user who is unfamiliar with the script perceives the strings to be the same or confuses one for the other.

Method:

The evaluation shall be carried out by way of review and comparison of the requested string against:

- the ISO 646-BV two letter (a-z) codes and/or

- existing TLD strings and/or

- Reserved Names

that, according to the DNS Stability Panel findings, are considered to be confusingly similar

What should be basic criteria?

- When is a string considered to be confusingly similar?

If the appearance of the selected string, in upper or lower case, in common fonts in small sizes at typical screen resolutions, is sufficiently close to one or more other strings, it is probable that a reasonable Internet user who is unfamiliar with the script perceives the strings to be the same or confuses one for the other.

Base for comparison

Fast Track Process:

Review and comparison of the requested string against:

- the ISO 646-BV two letter (a-z) codes and/or (ASCII ccTLDs)

- existing TLD strings and/or (delegated gTLD and ccTLDs)

- Reserved Names (category listed under new gTLD process)

What should be base for comparison?

Review and comparison of the requested string against:
- the ISO 646-BV two letter (a-z) codes and/or (ASCII ccTLDs)
- existing TLD strings and/or (delegated gTLD and ccTLDs)
- Reserved Names (category listed under new gTLD process)

Should be extended to requested string and its variants?
If variants, only delegatable, or also all allocatable?

Also base for comparison: comparte against Variants?

Criteria Risk Mitigation Measures (see 2019 FIP Update & Guideline)

Mitigation measures need to be:

Proportionate: The mitigation measures will be in proportion to risks identified.

Adequate: For each of the case(s), the measures should reduce the risk of user confusion arising from the potential use of the applied-for TLD to an acceptable level.

Self-contained: The proposed mitigation measures can only apply to the registration policies of the applied-for TLD.

Global impact: The proposed mitigation measures must have global applicability, and not only apply to confusability within the intended user community.

Panels Fast Track Process (since 2019)

- "Technical Panel": External and independent. Conducts a technical review of the requested IDN ccTLD string
- "Similarity Review Panel": External and independent. Conducts confusing similarity review of the requested IDN ccTLD string
  - The "Technical Panel" and "Similarity Review Panel" evaluations are currently combined under the function of the DNS Stability Panel
- "Extended Process Similarity Review Panel" (EPSRP): External and independent. Conducts a similarity review upon request, using different framework the "Similarity Review Panel".

- "Risk Treatment Appraisal Process Panel" (RTAP Panel): External and Independent. Needs to be satisfied that the proposed risk mitigation measures are adequate and the requester has followed an appropriate risk management process.