

Overview of the Confusing Similarity sections in the FIP and the related Guidelines

FIP 4.1 String Evaluation

The role and responsibility of the DNS Stability Evaluation is to provide external and independent advice to the ICANN Board about whether a selected string meets the required technical criteria and is not confusingly similar to any combination of two ISO 646 Basic Version (ISO 646-BV) characters³ (letter [a-z] codes or other existing or applied for TLDs. If according to the DNS Stability Evaluation the selected string does not meet one or more of the technical criteria or is considered confusingly similar to another string, the request for the IDN ccTLD with that particular selected string is not eligible under the Fast Track Process. The DNS Stability Evaluation includes the following evaluations:

- To evaluate a string for compliance with technical requirements, an external and independent “Technical Panel” conducts a technical review of the requested IDN ccTLD string.
- To evaluate a string for string similarity, an external and independent “Similarity Review Panel” conducts a review of the requested IDN ccTLD string.
- To evaluate a string for string similarity if found to be confusingly similar by the “Similarity Review Panel” and using a different framework, an external and independent “Extended Process Similarity Review Panel” (hereafter: EPSRP) conducts a review of the requested IDN ccTLD string, only if so requested by the requester.

The “Technical Panel” and “Similarity Review Panel” evaluations are currently combined under the function of the DNS Stability Panel.

The DNS Stability Panel will conduct the review of requested strings in the Fast Track Process for conformity with the TLD String Criteria. The Panel will also review requested strings for confusing similarity with existing TLDs, other TLDs requested in the IDN ccTLD Fast Track Process, and applied-for strings in the new gTLD Program.

If the DNS Stability Panel, in performance of its string similarity review function, deems the requested string as invalid, the EPSRP evaluation may be requested by the requester, to allow for a final string similarity review. The requester will have three months to notify ICANN of its request to invoke the EPSRP. If used, the EPSRP conducts a second and final evaluation of the string, based on the methodology and criteria defined for the panel in section 4.3, and may ask clarification questions through ICANN staff.

If the requester seeks review by the EPSRP within the appropriate timeframe, ICANN will request an external and independent review by the EPSRP. The EPSRP takes into account all the related documentation from the requester, including submitted additional documentation, IDN tables available, and the findings of the DNS Stability Panel.

The findings of the EPSRP are reported to ICANN staff and will be publicly announced on the ICANN website. If the EPSRP does not consider the string to be confusingly similar, the requested IDN ccTLD string is deemed valid for string similarity purposes.

The EPSRP includes, at a minimum, specialists from character recognition areas of study.

The DNS Stability evaluation process and procedures are described in more detail in Module 5, section 5.6.3

FIP 4.2 DNS Stability Panel Function

A core piece of the IDNC WG Final Report is technical recommendations to ensure stable and secure operations of the DNS. These technical requirements are outlined in Module 3. All requests in the Fast Track Process must successfully pass a DNS Stability Review for the requested IDN ccTLD string to continue through the Fast Track Process.

The DNS Stability Panel conducts an initial evaluation on all strings submitted in the Fast Track Process.

ICANN has contracted with Interisle Consulting Group (<http://www.interisle.net/>) to coordinate the DNS Stability Panel. This Panel consists of six experts, with the ability of the Panel to call upon linguistic expertise in consultation with ICANN.

Members of the DNS Stability Panel are experts in the design, management and implementation of complex systems and standard-protocols utilized in Internet infrastructure and DNS. Panel members have expertise in the technology and practical implementation and deployment of the DNS, and knowledge of Internationalized Domain Names and IDNA Protocol.

ICANN creates batches of strings received for the Fast Track Process on a monthly basis and submits the batches to the DNS Stability Panel for review.

If the Panel identifies that a requested string may raise significant security and stability issues, or is confusingly similar to an existing TLD or applied-for TLD, a three- member extended review team (RT) may be created to conduct a more detailed evaluation of the string. Such detailed review may be conducted when the entire Panel lacks sufficient expertise to determine whether the requested string raises significant security and stability issues, but this is expected to be a rare occurrence. The RT may decide the need for additional expertise and may select a new individual expert to take part in the extended review.

None of the RT members shall have an existing competitive, financial, or legal conflict of interest, and members shall be selected with due regard to the particular technical issue raised y the referral.

In the event that a need for linguistic expertise is identified, the Panel will consult with ICANN staff on linguistic resources.

Usually the Panel will conduct its review within 30 days and deliver a report to ICANN staff.

The Panel may seek clarification from the requester through ICANN staff if necessary. A more detailed review is likely not to be necessary for a string that fully complies with the string requirements referenced in Module 3. However, the string review process provides an additional safeguard if unanticipated security or stability issues arise concerning a requested IDN ccTLD string.

If the Panel determines that the requested string does not comply with relevant standards or creates a condition that may adversely affect the throughput, response time, consistency or coherence of responses to Internet servers or end systems, then the findings will be communicated to ICANN staff and from ICANN to the requester.

The request for an IDN ccTLD cannot proceed through the Fast Track Process if, as part of the technical review process, the Panel identifies that a requested string raises significant security and stability issues.

If, as a result of the string similarity review, the DNS Stability Panel deems the string to be invalid, the request cannot proceed through the Fast Track Process, unless the requester initiates the EPSRP evaluation within three months following ICANN's notification to the requester of the DNS Stability Panel's string similarity determination.

FIP 4.3 Extended Process Similarity Review Panel Function

The Extended Process Similarity Review Panel (EPSRP) can be called on to perform a second and final confusing similarity assessment of the requested IDN ccTLD string if: (1) The DNS Stability Panel, in performing its string similarity review, deems the string to be invalid; and (2) if the requester seeks review by the EPSRP within three months of ICANN's notification of the DNS Stability Panel's determination.

The EPSRP shall review the requested string(s) on the basis of the framework described in the '[Guidelines for the Extended Process Similarity Review Panel](#)', with a clear focus on the overarching principle to preserve and ensure the security, stability and interoperability of the DNS.

This methodology represents a significantly different approach for the confusing similarity evaluation and is likely to be more time consuming than the first review and to require additional resources. As such, it will only be used when requested by the requester, after the DNS Stability Panel has completed its assessment and ICANN has notified the requester of evaluation results.

The EPSRP 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.

The EPSRP includes at a minimum one highly regarded specialists in neuropsychological or neurophysiological research in character recognition, shall use the evaluation results of an appropriate research group, and shall take into account all the related documentation provided by the requester, including submitted additional documentation, IDN tables and the findings of the String Similarity Panel.

The report of the EPSRP shall include documentation of evaluation method used, its findings and in the case that the EPSRP finds there to be confusing similarity, a reference to the strings that are considered confusingly similar and to examples where the panel observed this similarity.. The findings of the EPSRP shall be reported to ICANN staff and will be publicly announced on the ICANN website.

FIP 4.3.1 EPSRP Framework

Scientific evaluation refers to using formal experimental techniques and the latest results from the research of the scientific community concerned with perception of writing and character recognition. In principle, the EPSRP should provide a scientifically founded, detailed and documented basis for conclusions regarding the potential for confusion.

Many areas of science, which focus on the brain, such as psychology and neuro- physiology, have focused attention on trying to understand how the brain processes written communications.

The latest results from this research community confirm that large-scale subjective evaluation, using a formal framework, is a preferred method for scientifically determining the potential for confusion between characters or strings of characters.

The methodology requires several hundred evaluators, is independent of script, and can easily be adapted to take into consideration the impact of character fonts and size.

For further details on the framework, see the '[Guidelines for the Extended Process Similarity Review Panel](#)'.

FIP 5.5 String Confusion and Contention

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. Mere association, in the sense that the string brings another string to mind, is insufficient to find a likelihood of confusion.

String confusion issues can involve two or more strings that are identical or are so confusingly similar that they cannot coexist in the DNS, such as:

- Requested IDN ccTLD strings against existing TLDs and reserved names;
- Requested IDN ccTLD strings against other requested IDN ccTLD strings;

and

- Requested IDN ccTLD strings against applied-for gTLD strings.

Contention situations between Fast Track requests and new gTLD applications are considered unlikely to occur. Assessments of whether strings are considered in conflict with existing or applied-for new gTLD strings are made during the DNS Stability Evaluation for Fast Track requests and in the Initial Evaluation step for [new gTLD applications](#). The following supplemental rules provide the thresholds for solving any identified contention issues:

- A. A gTLD application that is approved by the ICANN Board will be considered an existing TLD in inter-process contention unless it is withdrawn. Therefore, any other later application for the same string will be denied.
- B. A validated request for an IDN ccTLD will be considered an existing TLD in inter-process contention unless it is withdrawn. Therefore, any other later application for the same string will be denied.

For the purpose of the above contention rules, an IDN ccTLD string request is regarded as validated once it is confirmed that the string is a meaningful representation of the country or territory and that the string has passed the DNS Stability Evaluation as described in Module 4.

FIP 5.6.3 DNS Stability Evaluation

The DNS Stability Evaluation Sub-Processes are graphically described in Figure 5.4, 5.5 and 5.6.

The request and associated material will be provided to the DNS Stability Panel (see Module 4 for details) and the string evaluation will begin. This evaluation consists of two main components:

- i. a detailed technical check in which compliance with all the technical string requirements referenced in Module 3 is verified, and
- ii. an evaluation of confusability with any Reserved Name, existing TLDs (both ccTLDs and gTLDs), or potential future TLDs.

If the DNS Stability Panel finds that additional linguistic expertise is necessary to satisfy the latter component of the evaluation, such can be requested through ICANN. ICANN will in return request assistance, specific information, or a full confusability review. The specific expertise needed will partly depend on the actual string in question.

If any issues with the selected string are discovered in this review, the DNS Stability Panel can request clarification from the requester through ICANN.

The DNS Stability Panel will usually conduct its review within 30 days, unless it informs ICANN staff otherwise, and delivers its report to ICANN staff, who communicates the findings to the requester.

In the event that the DNS Stability Panel determines a requested IDN ccTLD string is confusingly similar to any other than the existing two-letter ASCII ccTLD string corresponding to the same country or territory the IDN ccTLD string is requested for and the requester has been informed as such by ICANN, the requester may call for the second and final Extended Process Similarity Review and provide additional documentation and clarification referring to aspects in the report of the DNS Stability Panel. The requester should notify ICANN within three (3) calendar months after the date of notification by ICANN that a review by the EPSRP is requested, and include any additional documentation, if any. Additional documentation includes any supporting technical or linguistic materials the requester may want the panel to take into consideration when reviewing the string. After receiving the notification from the requester, ICANN shall call on the EPSRP.

The EPSRP conducts its evaluation of the string based on the methodology and criteria developed for it, as described in Module 4.3, and, taking into account, but not limited to, all the related documentation from the requester, including submitted additional documentation, IDN tables and the findings of the DNS Stability Panel. The EPSRP may seek further clarification from the requester through ICANN staff, if necessary.

The findings of the EPSRP shall be reported to ICANN and will be publicly announced on the ICANN website. This report shall include and document the findings of the EPSRP, including the rationale for the final decision and, in case of string similarity findings, a reference to the strings that are considered confusingly similar and examples where the panel observed this similarity.

If the requester has not notified ICANN within three (3) calendar months after the date of notification by ICANN of DNS Stability Panel findings, the Termination Process will be initiated. See section 5.4.

If according to the EPSRP the requested string should not be considered confusingly similar, the requested IDN ccTLD string is valid on string similarity grounds.

If the DNS Stability Evaluation reveals no issues the requester is notified that the DNS Stability Evaluation has successfully been completed and that the requested string(s) will be queued for public posting.

In the event that the DNS Stability Panel or the EPSRP determines a requested IDN ccTLD string is confusingly similar to an existing two-letter ASCII ccTLD corresponding to the same country or territory as the requesting country or territory entity, the DNS Stability Panel or the EPSRP shall document this in its report to ICANN.

If, at the time of the request or within two months after receiving the notification of the findings of the DNS Stability Panel, the requester, and, if considered necessary by ICANN, the relevant public authority, provide(s) a clarification that documents and demonstrates to ICANN that:

1. The intended manager for the requested IDN ccTLD and the manager for the existing two-letter ASCII ccTLD are one and the same entity; and
2. The intended manager shall request the delegation for the IDN ccTLD string if validated; and
3. The IDN ccTLD and ccTLD shall remain to be managed by one and the same entity, and
4. The intended manager shall agree to specific and pre-arranged conditions with the goal to mitigate the risk of user confusion as of the moment the IDN ccTLD becomes operational,

then the requested string is deemed to have passed the DNS Stability Panel evaluation.

If clarifications are insufficient or cannot be provided, the Termination Process will be initiated. See section 5.4.

Further, in the event that the DNS Stability Panel and/or EPSRP determines a requested IDN ccTLD string is confusingly similar to an existing TLD the DNS Stability Panel and/or the EPSRP shall document this finding in its report to ICANN.

If, at the time of the request or within three months after receiving the notification of the findings of the DNS Stability Panel or the EPSRP, the requestor, and, if considered necessary by ICANN, the relevant public authority, provide(s) a clarification that documents and demonstrates to ICANN that:

- The intended manager shall propose, agree upon and implement adequate pre-arranged risk mitigation measures with the goal to reduce the potential risk of user confusion as of the moment the IDN ccTLD becomes operational, including specific consideration of confusability from the perspective that any domain name may be displayed in any case (lower- or upper-case), depending on the software application and regardless of the user's familiarity with the language or script
- These measures are agreed upon by the time the delegation request of the IDN ccTLD string is submitted then the requested string is deemed to have passed the DNS Stability Panel and/or the EPSRP string evaluation.

If the intended IDN ccTLD manager does not propose mitigation measures or does not implement the agreed upon risk mitigation measures sufficiently within the timeline described above, the Termination Process will be initiated. See section 5.4.

To 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. The proposed measures are to be evaluated together with the finding of the confusability evaluation. The process is given in the [Guideline for Risk Mitigation Measures Evaluation](#).

[4 December 2013]

Guidelines for the Extended Process Similarity Review Panel (EPSRP) for the IDN ccTLD Fast Track Process

The following provides guidelines to implement the EPSRP Framework described in section 4.3.1 of the [Final Implementation Plan for IDN ccTLD Fast Track Process](#) (as revised on 5 November 2013).

Introduction

One of the functions of the DNS Stability Evaluation in the IDN ccTLD Fast Track process¹, as described in the [Final Implementation Plan for IDN ccTLD Fast Track Process](#), is to provide external and independent advice to evaluate whether a selected string is confusingly similar to other existing or applied-for TLDs. If the results of the DNS Stability Evaluation are that the selected string is considered confusingly similar to another string, the request for the IDN ccTLD selected string is not eligible to proceed further under the Fast Track Process.

To evaluate potential similarity, the DNS Stability Evaluation includes the following evaluation Panels:

- An external and independent DNS Stability Panel that conducts the initial DNS Stability Evaluation, which includes a string similarity review of the requested IDN ccTLD string.
- In the event a requested string is found to be confusingly similar by the DNS Stability Panel, an external and independent Extended Process Similarity Review Panel (“EPSRP”) conducts a review of the requested IDN ccTLD string, using a different framework from the DNS Stability Panel, and, only upon request of the applicant.

The EPSRP shall review the requested string(s) on the basis of the framework described below, with a clear focus on the overarching principle of preserving and ensuring the security, stability and interoperability of the DNS.

Methodology and criteria

A selected IDN ccTLD string should not be confusingly similar with:

- Any combination of two ISO 646 Basic Version (ISO 646-BV) characters² (letter [a- z] codes), nor
- Existing TLDs or reserved names.

¹ Internationalized country-code Top Level Domain Fast Track process:
<http://www.icann.org/en/resources/idn/fast-track>

² International Organization for Standardization, "Information Technology – ISO 7-bit coded character set for information interchange," ISO Standard 646, 1991

The EPSRP procedure is based on the proposed IDN ccTLD policy and the rule for confusing similarity contained in this proposed policy³. 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 other⁴.

In order to determine whether this is the case – in particular for the two-letter codes under the Fast Track Process – the EPSRP will establish whether a requested IDN ccTLD string is too similar to another based on a behavioral metric that objectively measures the visual similarity of a candidate string to other letter strings. The behavioral metric provides quantitative and statistical evidence about the likelihood of confusing two possible strings and its methods are open and repeatable to enable replication by third parties⁵. If the string is deemed too similar through this review, the EPSRP will not recommend acceptance of the string.

An external and independent research team (Research Team) will provide the behavioral metrics to the EPSRP. These behavioral metrics are related to the selected IDN ccTLD string under evaluation by the EPSRP, and are derived from three different measuring methods (tests) to assess similarity. These tests are designed in such a manner that the tasks in the tests are performed by multiple participants/volunteers to allow for repetition (both by the same participant and across different participants) and performance of the tasks does not require prior knowledge of the related scripts. The participants/volunteers are independent of the Research Team and the EPSRP. The tests are:

- Subjective Rating Task: Participants judge on a multi-point scale the visual similarity of two-letter strings. Although this is necessarily a subjective measure, the outcomes

³ <http://ccnso.icann.org/workinggroups/idn-ccdp-board-26sep13-en.pdf>

⁴ Based on Unicode Technical Report #36, Section 2: Visual Security Issues

⁵ This takes into account the latest results of the academic research in the study of letter recognition, neuropsychology and cognition, for example:

A letter visual-similarity matrix for Latin-based alphabets,
Simpson, Ian; Mousikou, Petroula; Montoya, Juan; Defior, Sylvia,

Behavior Research Methods; June 2013, Vol. 45 Issue 2, p431

Alphabetic letter identification: Effects of perceivability, similarity, and bias. Shane Mueller, Cristoph Weidemann, *Acta Psychologica* 139, (2012)

Additional results based on the 2012 overview:

https://www.researchgate.net/publication/51755941_Alphabetic_letter_identification_Effects_of_perceivability_similarity_and_bias

from such ratings can be very reliable within and between raters, and this can easily be translated to a numerical scale.

- Delayed Match to Sample: Participants in the test are shown a stimulus, which later must be selected from a set of options. In this case, when only two options are given, this is sometimes referred to as a two-alternative forced choice (2- AFC) task.
- Visual Search Task: Participants search for and identify a stimulus either by matching a target or mismatching the rest of the stimuli in a field of text strings.

Extended Process Similarity Review Panel Procedure

An IDN ccTLD Fast Track applicant may ask for the EPSRP to conduct a second and final confusing similarity assessment of the requested IDN ccTLD string if:

1. The DNS Stability Panel, in performing its string similarity review, deems the string to be invalid;
2. The EPSRP assessment is requested within 90 days of ICANN's notification to the applicant of the DNS Stability Panel evaluation results.

Transitional arrangement: If an IDN ccTLD string request submitted under the Fast Track Process is still in process or has been terminated due to non-validation of the string per confusing similarity criteria, the requester has the option to request a second and final validation review by the EPSRP. This option is available to the requester within 90 days of the date when the EPSRP is appointed and ICANN provides the eligible requesters notice of the appointment.

To initiate the second and final EPSRP, the requester of the selected string should respond to the notification received from ICANN through the Fast Track Ticketing System. The requester may provide additional documentation and clarification related to aspects in the report of the DNS Stability Panel, and the requester considers relevant for the EPSRP to take into account. Providing additional documentation is optional. The additional materials, if any, should be sent to the Fast Track Ticketing System: idnft@icann.org, while ensuring that the subject line of the email stays intact per previous exchanges so that the system can capture the reply. The requester may submit the additional material up to 30 days after requesting the Extended Process Similarity Review Procedure.

If the requester has not notified ICANN within 90 days after the date of notification by ICANN of DNS Stability Panel findings, or, in the event the transitional arrangement is applicable, 90 days of the date the EPSRP is appointed, the Fast Track Termination Process will be initiated (See section 5.4. of the Implementation Plan).

After receiving the notification and additional material (if any) from the requester, ICANN shall forward the issue to the EPSRP, within seven days after receiving the material or, in the event the requester indicates no additional material will be provided, within seven days after receiving the requester's confirmation of no additional materials. In all events, the issue is expected to be forwarded to the EPSRP within seven days of the end of the 30-day period for submission of documentation as stated above.

After receiving the notification from ICANN staff, the EPSRP will define the parameters for the measuring methods/tests based on the rule for confusing similarity as described above, taking into account the relevant documentation provided by the requester, if any, and request the external Research Team to measure the similarity and confusability of the selected IDN ccTLD string(s) to similar and dissimilar comparison strings. The request to the Research Team will include, at a minimum, the strings considered to be confusingly similar as well as font and font size conditions to be used.

Once the EPSRP has received the report from the Research Team, the EPSRP evaluates the findings of the Research team, taking into account, but not limited to:

- All the related documentation, if any, from the requester,
 - The findings of the DNS Stability Panel.
- During the evaluation process, the EPSRP may seek further clarification from the requester through ICANN staff, if the EPSRP deems this necessary. The EPSRP is not required to seek any further clarification.

As soon as possible, the findings of the EPSRP shall be reported to ICANN and will be publicly announced on the ICANN website. This Report shall document the findings of the EPSRP, and shall include:

- The final decision,
 - The rationale for the final decision.
 - Report of the external Research Team.
- In the event that the string is deemed to be invalid, the EPSRP Report shall also include:
- A reference to the strings that are considered confusingly similar,
 - Examples where confusing similarity was noted.

The Report of the EPSRP is expected to be queued for public posting within one (1) week of ICANN's receipt of the Report. ICANN is also expected to inform the requester of the findings of the EPSRP prior to posting.

If, as a result of the EPSRP Report the requested string(s) is/are valid, and all other portions of the Fast Track process are also successfully completed by the requester, the requested string(s) will be queued for public posting, in accordance with section 5.6.4 of the Final Implementation Plan for IDN ccTLD Fast Track Process.

If the requested string is not considered valid as a result of the EPSRP Report, the Fast Track Termination Process will be initiated (See section 5.4. of the Implementation Plan).

Extended Process Similarity Review Panel:

Dr. Max Coltheart (chair), Emeritus Professor Department of Cognitive Science, Macquarie University Australia

Dr. Jonathan Grainger, Directeur de recherches au CNRS Aix-Marseille Université
France

Dr. Kevin Larson United States

Research Institute:

Department of Cognitive and Learning Sciences, Michigan Technological University United
States

Leader of the research team: Professor Dr. Shane T. Mueller

Guideline Risk Appraisal

1 Introduction

As per IDN ccTLD Fast Track Process Implementation Plan (hereafter: FIP), a selected IDN ccTLD string should not be confusingly similar with (i) any combination of two ISO 646 Basic Version (ISO 646-BV) characters (letter [a-z] codes), nor (ii) existing TLDs or reserved names.

To evaluate possible confusing similarity in the IDN ccTLD Fast Track process, ICANN organization has appointed the following two panels:

- **DNS Stability Panel (DSP).** The DSP conducts the initial DNS Stability Evaluation, which includes a string similarity review of the requested IDN ccTLD string.
- **Extended Process Similarity Review Panel (EPSRP).** The EPSRP conducts a review of the requested IDN ccTLD string for contention cases identified by DSP upon the request of the requester, using the same criteria but with a different methodology from DSP⁶.

In 2019 Section 5.6.3 of the FIP has been updated to introduce the evaluation of mitigation measures to reduce risks associated with confusingly similarity of TLD strings. This describes the process on how to propose and review mitigation measures.

2 High Level Overview Risk Treatment Appraisal Process

At the request of the requester of an IDN ccTLD string and under the eligibility conditions of this guideline, the Risk Treatment Appraisal Process Panel (RTAP Panel) will need to be satisfied that the proposed risk mitigation measures are adequate and the requester has followed an appropriate risk management process.

Should the RTAP Panel have concerns as to the adequacy of the proposed mitigation measures or the proposed risk management process, the RTAP Panel will communicate with ICANN and the requester during the process to understand the objective and the Risk Mitigation Proposal (RMP), and the requester may provide additional information and clarification.

Based on the inputs and analysis, RTAP Panel will determine whether the proposed risk mitigation measures are adequate.

⁶ Following the methodology in its guidelines, for the scripts which are bicameral the EPSRP provides separate recommendations for uppercase and lowercase versions of the requested IDN ccTLD strings given that from a visual similarity point of view, uppercase and lowercase characters of the same letter are distinct entities (see for example: <https://www.icann.org/en/system/files/files/epsrp-greece-30sep14-en.pdf>).

3 Conditions for Applying these Guidelines

In accordance with section 5.6.3 of FIP and under the following limited set of conditions, a requester is eligible to propose measures to mitigate the risk associated with confusing similarity:

- If the DSP or EPSRP evaluation has determined that the requested string is confusingly similar in uppercase only (and not in lowercase).
- The requester has filed a request for a review of its proposed mitigation measures within three months from the date the results from the DSP and/or EPSRP have been communicated to the requester or, if at a later date, within 3 months after the date at which this guideline becomes effective.
- In the request for a review of proposed mitigation measures, the requester has included, at a minimum, proposed mitigation measures and a reference to the proposed, internationally recognized and appropriate risk management and mitigation process the requester intends to use.
- The requester commits to implement the proposed and agreed upon mitigation measures as of the moment the IND ccTLD becomes operational.

If the above conditions are met, the review and evaluation of the proposed mitigation measures and methodology shall be undertaken by an independent panel (the RTAP Panel), appointed by ICANN.

The RTAP Panel shall evaluate the proposed risk mitigation measures and the risk management process to assess whether the risk of confusing similarity identified by the DSP or the EPSRP evaluations has been mitigated.

4 Objective and Criteria of Review of Risk Mitigation Measures

The mitigation measures proposed in the RMP should meet the objective of Risk Mitigation Measures and the criteria for review of Risk Mitigation Proposal.

The requester should make clear how the risk management process and proposed mitigation measures contained in the RMP meet the objective and criteria and should be evaluated together with the confusability findings.

4.1 The Objective of the Review of Risk Mitigation Measures

The objective of the review is to determine if the risk is effectively treated by the mitigation measures, as per the statement below:

If a requested string has been found to be confusingly similar with the uppercase version of other strings, the proposed mitigation measures should reduce the risks associated with the confusing similarity to an acceptable level or threshold. The proposed mitigation measures should be evaluated in relation to the strings identified by the relevant panel (DSP or EPSRP) as confusingly similar to the applied-for string. In accordance with the IDN ccTLD Implementation Plan, the RTAP Panel should consider the likelihood of confusing similarity with specific consideration of confusability from the perspective that any domain name may

be displayed in either upper- or lower-case, depending on the software application and regardless of the user's familiarity with the language or script. The residual level of risk, if any, due to the confusability of domain names is expected to be in the same range as which would occur by adding another IDN ccTLD which has not been found similar to existing or reserved TLD.

4.2 Criteria for Risk Treatment

The mitigation measures agreed by the applicant should be comprehensive, adequate, conservative and self-contained:

1. **Proportionate:** The mitigation measures will be in proportion to risks identified. The higher the risks, the greater the mitigation measures will be required; conversely, lower mitigation measures will be a proportionate response to risks that are identified as low severity or low likelihood.
2. **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. The residual level of risk, if any, due to the confusability of domain names is expected to be in the same range as which would occur by adding another IDN ccTLD which has not been found similar to existing or reserved TLD.
3. **Self-contained:** The proposed mitigation measures can only apply to the registration policies of the applied-for TLD and do not assume any restrictions on the availability or registration policies of other current or future TLD labels.
4. **Global impact:** The proposed mitigation measures must have global applicability, and not only apply to confusability within the intended user community.

5. Risk Treatment Appraisal Process Panel (RTAP Panel)

Effective risk analysis and mitigation require expertise in the area of risk management and risk management processes and procedures. To guide the discussion and coordinate the assessment work and given the paramount nature of this kind of expertise, at least one person on the panel should be a recognized expert in this area.

The team doing the risk analysis should also include persons who are considered experts in the area of internationalized domain names, how related registration policies are implemented by the registries (to review the practicality of implementing the RMP), how IDNs may be confusing, to what extent such confusion can cause harm and how such confusion and harm could be prevented.

Therefore, the RTAP Panel will have three (3) to five (5) members, ensuring all the following requirements/skill sets are represented:

- Expertise in and understanding of various risk mitigating processes and standards and risk mitigation practices.
- Expertise on IDN implementation by registries, good understanding of the implementation opportunities and challenges for different IDN policies at the second

and other levels, and knowledge of the relevant security and technical standards relating to IDNs.

- Expertise in brand protection, trade mark law and domain name disputes pertaining to the use of domain names as instruments for phishing and other sorts of abusive use, their impact and measures to address them.
- Expertise in the relevant language(s)/script(s).

ICANN [organization] convenes the RTAP Panel to review the anticipated RMP. The RTAP Panel members shall appoint one of their members to be the chair of the RTAP Panel.

The names of the members of the RTAP Panel will be listed on the ICANN website as soon as possible following their appointment and included in the report.

6 Risk Treatment Appraisal (RTA) Process

1. Requester submits the RMP within three (3) months after receiving the communication of the string similarity review decision⁷
2. ICANN organization convenes the RTAP Panel, and forwards RMP to RTAP Panel within one (1) week of the formation of the RTAP Panel
3. The RTAP Panel creates a review plan within three (3) weeks for the completion of the work, which includes at a minimum:
 - a. Tentative work plan and timeline
 - b. Request, if any, for additional information which may be needed or helpful
4. ICANN organization reviews the RTAP Panel's evaluation plan, and informs the requester of the timeline and any additional information needed
5. Requester considers the review plan and shares any feedback, and additional information requested with respect to the RMP, and any other information considered necessary and /or relevant as soon as possible and confirms whether to proceed with the RTA.
 - a. If the confirmation is not received within eight (8) weeks of receiving the review plan, the application is closed
6. ICANN organization forwards the updates with respect to the RMP, if any, to RTAP Panel, within one (1) week of receiving it
7. RTAP Panel undertakes analysis of the RMP. ICANN organization coordinates any additional interaction between RTAP Panel and requester with respect to any clarifying question RTAP Panel may have or additional information the requestor intends to provide with respect to the RMP
8. The RTAP Panel creates and hands over to ICANN organization a first RTA-Interim Report within eight (8) weeks of receiving the requester's confirmation to proceed with the RTAP

⁷ For applications in the process before the implementation of these guidelines, this period will start from the date of publishing of the announcement that these guidelines are applicable.

9. ICANN organization passes RTA-Interim Report to the requester within one (1 week) of receiving it.
10. Requester submits its response and any additional information it considers relevant on the RTA-Interim Report and updated RMP (if at all) to ICANN organization within four (4) weeks of receiving the RTA-Interim Report
11. ICANN organization sends the response and updates of the RMP (if any) to RTAP from the requester. If requester has not submitted a response within four (4) weeks after receiving the Interim Report, ICANN will inform the RTAP Panel that they may continue to next steps
12. The RTAP Panel creates the RTA-Final Report and sends it to ICANN organization within (4) weeks of receiving the requester response on the RTA-Interim Report, or if no response is received within four (4) weeks of the expiry of the deadline for filing a response. ICANN organization coordinates any clarifying questions between RTAP Panel and the requester.
13. ICANN organization sends the RTA-Final Report to the requester and publishes it one (1) week after sending it to the requester

Closure of process

The end result of the review process is either of the following options:

- A documented and consolidated recommendation from the RTAP Panel, following consultations with the requester, confirming that:
 - The requester has adopted an appropriate risk management methodology and framework;
 - The mitigation measures are proportionate and adequate to treat the risk(s) identified by the DSP or EPSRP (as the case may be);
 - The requester/ IDN ccTLD operator has committed to implement the mitigation measures prior to or on launch of the IDN ccTLD string(s);
 - A documented and consolidated recommendation confirming the risk is not adequately treated, given the list of mitigation measures being proposed by the requester.

The end result of the review will be made public.

7 Risk Treatment Appraisal (RTA) Reports

There are two kind of reports generated by the panel. There is *RTA-Interim Report* which identifies gap(s) and (possibly) recommends any additional controls and solutions to mitigate risks identified. The second, the *RTA-Final Report* provides the final consolidated recommendation after evaluating the RMP by the requester. These reports would contain at least the following details.

7.1 RTA-Interim Report

1. *Objective and scope of the risk management process.*

2. *Summary of the external and internal context and how it relates to the system being assessed.*
3. *Summary of the methodology used for various stages of risk management.*
4. *Assessment of risk and breakdown of overall risk into its itemized component risks, with description of each component risk, the gap it causes, the end-user communities it impacts, and its evaluation.*
5. *Summary of the initial RMP by the requester, its break down into constituent controls, and how applicable constituent controls address each component risk.*
6. *Analysis of the degree (and description) of residual risk for each component risk after applying the proposed constituent controls.*
7. *For each component risk and in accordance with the objective and criteria set out in these guidelines, a detailed evaluation if the residual risk is still at significant level. Why? Why not?*
8. *Any suggestions, if available, for effectively addressing any of the residual risks which is still considered significant.*
9. *Based on the RMP, the residual risk for each component risk, what is the interim consolidated recommendation: is the cumulative risk effectively mitigated based on the RTA objective? Why? Why not?*

7.2 RTA-Final Report

1. *Objective and scope of the risk management process.*
2. *Summary of the external and internal context and how it relates to the system being assessed.*
3. *Summary of the methodology used for various stages of risk management.*
4. *Assessment of risk and breakdown of overall risk into its itemized component risks, with description of each component risk, the gap it causes, the end-user communities it impacts, and its evaluation.*
5. *Summary of the initial RMP, and any response or changes to the mitigation measures proposed by the requester in response to the RTA-Interim report,*
6. *Summary of the final RMP, its break down into constituent controls, and how applicable constituent controls address each component risk.*
7. *Analysis of the degree (and description) of residual risk for each component risk after applying the proposed constituent controls.*
8. *For each component risk, and in accordance with the objective and criteria set out in this guideline, a detailed evaluation if the residual risk is still at significant level. Why? Why not?*
9. *Based on the RMP, the residual risk for each component risk, what is the final consolidated recommendation: is the cumulative risk effectively mitigated based on the RTA objective? Why? Why not?*

Glossary

- Risk Mitigation Proposal, by the requester – RMP. The RMP should include at a minimum the proposed internationally recognized and appropriate risk management and mitigation process the requester has used and intends to use, and the proposed mitigation measures.

- Risk Treatment Appraisal - RTA
- Risk Treatment Appraisal process - RTAP
- Risk Treatment Appraisal Process Panel – RTAP Panel (none DRP EPSPR or ICANN employees or contractors)