

Internationalized Domain Names Expedited Policy Development Process

E2, E6



IDN-EPDP Team Meeting #57 | 10 November 2022

Agenda

1. Roll Call and SOI Updates (2 mins)
2. Welcome and Chair Updates (5 min)
 - a. Joint Call with ccPDP4 on Tuesday, 29 Nov 14:00-15:30 UTC
 - b. Schedule Adjustment (1 Dec, 22 Dec)
3. Continued Discussion of E2 - Options for Legal Rights and Community Objections (40 min)
4. Continued Discussion of E6 (40 min)
5. AOB (3 mins)

Continued Discussion of E2

Legal Rights Objection Recommendation

OPTION 1

Legal Rights objection **CAN** be filed against:

1. **Primary applied-for string**
2. **Requested allocatable variants**

Legal Rights objection **SHOULD NOT** be filed against:

1. **Non-requested allocatable variants**
 - a. However, IF variants are allowed to be activated between rounds, objection **CAN** also be filed against **non-requested allocatable variants** in the same round as the primary string
2. **Blocked variants**

OPTION 2

Legal Rights objection **CAN** be filed against:

1. **Primary applied-for string**
2. **ALL allocatable variants**
3. **ALL blocked variants**

Legal Rights Objection: Option 2 Rationale & Example

Rationale:

1. Help prevent the event where a delegated string may block the chance for a rightsholder to apply for another string that is the same or similar to any valid variant of the already delegated string
2. If the objection is filed against a non-requested allocatable or a blocked variant, **it needs to meet a higher bar to prevail** (e.g., the objector needs to demonstrate how an unapplied-for/undelegated string will infringe the existing legal rights of the rightsholder)

华鸟 (A1)

- A1 is a trademark and the only applied-for string in New gTLD Application **Round 1**

華鳥 (A2)

- If Legal Rights objection option 1 is adopted:

- Objection can only be filed against A1
- Objection cannot be filed against non-requested allocatable variant A2 and blocked variants A3-A6

- A1 passed evaluation and got delegated to the rootzone

華島 (B2)

- B2 is another trademark
- Rightsholder of B2, who did not submit an application during Round 1, would like to apply for a string in **Round 2**
- If Legal Rights objection option 1 is adopted, B2 may not pass the string similarity review in Round 2, because it is confusingly similar to A2 and A4, variants of the already delegated A1
- If Legal Rights objection option 2 is adopted:
 - Rightsholder of B2 CAN object to A1 by arguing that its variants A2 and A4 are similar to its existing mark B2
 - If objection prevails, application for A1 may be ineligible to proceed in Round 1, and B2 may have a chance to be delegated in Round 2

Community Objection Recommendation

OPTION 1

Community objection **CAN** be filed against:

1. **Primary applied-for string**
2. **Requested allocatable variants**

Community objection **SHOULD NOT** be filed against:

1. **Non-requested allocatable variants**
 - a. However, IF variants are allowed to be activated between rounds, objection **CAN** also be filed against **non-requested allocatable variants** in the same round as the primary string
2. **Blocked variants**

OPTION 2

Community objection **CAN** be filed against:

1. **Primary applied-for string**
2. **ALL allocatable variants**
3. **ALL blocked variants**

Community Objection: Option 2 - Rationale & Example

Rationale:

1. Help prevent the event where a delegated string may block the chance for a community to apply for another string that is the same or similar to any valid variant of the already delegated string
2. If the objection is filed against a non-requested allocatable or a blocked variant, **it needs to meet a higher bar to prevail** (e.g., the objector needs to demonstrate how an unapplied-for/undelegated string will encounter substantial opposition from the community)

华鸟 (A1)

- A1 is the only applied-for string in New gTLD Application **Round 1**
- If Community objection recommendation option 1 is adopted:
 - Objection can only be filed against A1
 - Objection cannot be filed against non-requested allocatable variant A2 and blocked variants A3-A6
- A1 passed evaluation and got delegated to the rootzone

華鳥 (A2)

华鳥 (A3)

華鳥 (A4)

華鳥 (A5)

華鳥 (A6)

華島 (B2)

- A community, who did not submit an application during Round 1, would like to apply for B2 in **Round 2** as a community TLD
- If Community objection option 1 is adopted, B2 may not pass the string similarity review in Round 2, because it is confusingly similar to A2 and A4, variants of the already delegated A1
- If Community objection option 2 is adopted:
 - The community **CAN** object to A1 by arguing that its variants A2 and A4 are similar to B2 and have substantial opposition from the community
 - If objection prevails, application for A1 may be ineligible to proceed in Round 1, and B2 may have a chance to be delegated in Round 2

Continued Discussion of E6

Charter Question E6

Is there any reason to permit the registration of gTLDs consisting of decorated two-character Latin labels which are not variant labels of any two-letter ASCII labels? If so, rationale must be clearly stated.

What is the question asking:

1. Can a two-letter gTLD label in the Latin script be applied for?
2. Can a two-character IDN gTLD label in the Latin script be applied for?
3. Can a two-character IDN gTLD label in the Latin script that is not a variant of any two-letter ASCII label be applied for?

- Two-letter ASCII labels are country code top level domains. The two-letter labels are derived from the ISO 3166-1 list that allocates two and three letter alphabetic codes, among other things, to represent countries.
 - ISO 3166-1 is an external standard
 - Two-letter ASCII country codes are not only used in the DNS, but also in other realms (e.g., passports, currency, transportation)
 - Very limited number of two-letter ASCII codes are NOT in use
- In order to ensure no conflicts with **future ISO country name assignments**, **ICANN maintains a restriction on the use of two-letter TLDs.**
- Currently all two-letter ccTLD labels in the Latin script are ASCII labels and there are **no IDN ccTLD labels in the Latin script** (i.e., “decorated” ISO 3166 two-character codes).
- There is a presumption in the ccNSO that two-letter Latin codes are excluded from gTLD applications
 - Some CCs are defensive about potential confusion between country codes and two-character combinations
 - Beyond Latin script, Cyrillic, Greek, and some other script may potentially cause confusion

What Happened in 2012 Round

Can a New gTLD string be 2 letters?

1. **Two-letter ASCII strings were not permitted**, to avoid conflict with current and future country-codes based on the ISO 3166-1 standard.
2. An applied-for **two-character IDN string was reviewed for visual similarity to any possible two-character ASCII combination to protect possible future ccTLD delegations**. An applied-for gTLD string that was found to be too similar to any possible two-character ASCII combination would not pass this review.
3. Applications for **two-character IDN strings were allowed**:
 - a. **Two-character IDN strings in non-Latin script** applications were received (e.g., コム, 中信, 世界)
 - b. Applications for **two-character IDN strings in the Latin script** were not received (i.e., the only applied-for IDN strings in Latin script were “.vermögensberater” and “.vermögensberatung”). **If such applications were received, it would be considered unlikely that they would have passed the String Similarity Review as they would likely be considered similar to two-character ASCII strings**

Analyze the Question

1. Can a two-letter gTLD label in the Latin script be applied-for?
 - Applications for two-letter ASCII labels were not allowed in 2012, and will not be allowed in future round(s)
 - There is currently no restrictions on applications for two-letter IDN gTLD labels in Latin script. Delegation will be subject to successful evaluation of the application, including string similarity review.

2. Can a two-character IDN gTLD label in the Latin script be applied-for?
 - An application for a two-character IDN gTLD label in the Latin script is allowed, but it will be extremely unlikely that such an application would pass the String Similarity Review.
 - According to the Hybrid model, such an applied-for string will be compared for visual similarity against not only any two-letter ASCII combinations, but also the blocked and allocatable variant labels of those combinations, which may include decorated two-character Latin labels

3. Can a two-character IDN gTLD label in the Latin script that is not a variant of any two-letter ASCII label be applied-for?
 - It is extremely unlikely that a two-character IDN label in the Latin script is NOT a variant of a certain two-letter ASCII combination
 - If such a label is a variant of a two-letter ASCII label, its application would not pass the String Similarity Review

Question for EPDP Team

Drawing on the analysis, should a recommendation be developed to explicitly prohibit application for any two-letter gTLD string in the Latin script?

Jeff's Proposal

Proposal: Adopt a similar recommendation as SubPro Recommendation 25.4 for Single Characters

Recommendation 25.4: Single character tlds may be allowed for limited script/language combinations where a character is an ideograph (or ideogram) and do not introduce confusion risks that rise above commonplace similarities, consistent with SSAC171 and Joint ccNSO-GNSO IDN Workgroup (JIG) reports.

Rationale:

This would prevent **two-character combinations not just in the Latin script**, examples include but not limited to:

- **Cyrillic Script** (e.g., “ав”, “ек”, “рш”, “ћс”)
- **Malayalam Script** (e.g., “0s”)
- **Hebrew Script** (e.g., “o v”)
- **Ethiopic Script** (e.g., “Uγ” or “ጠጥ”)
- **Gujarati script** (e.g., “s α”)