Internationalized Domain Names Expedited Policy Development Process

E3a, E4

ICANN

IDN-EPDP Team Meeting #65 | 12 January 2023

Agenda

1. Roll Call and SOI Updates (2 mins)

2. Welcome and Chair Updates (5 min)

3. Deliberate on Charter Question E4 (40 min)

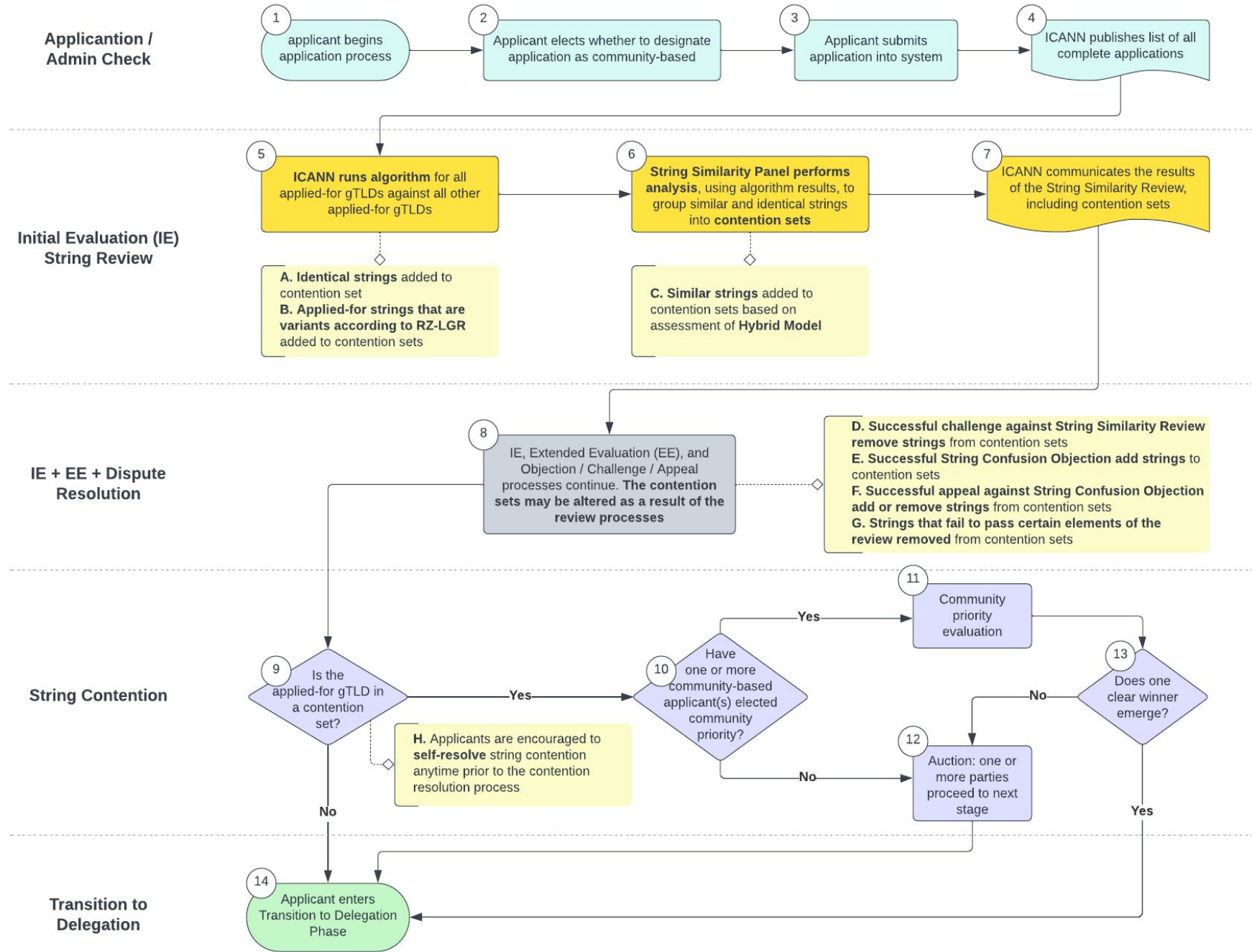4. Deliberate on Charter Question E3a (40 min)

5. AOB (3 mins)

E4

Charter Question E4 & Background

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.

Background:

- String contention occurs when either:
  - Two or more applicants for an **identical gTLD string** (i.e., exact matches) successfully complete all previous stages of the evaluation and dispute resolution processes; or
  - Two or more applicants for **similar gTLD strings** successfully complete all previous stages of the evaluation and dispute resolution processes, and the similarity of the strings is identified as creating a probability of user confusion if more than one of the strings is delegated.

- In 2012 Round, two or more applicants whose applied-for IDN gTLD strings are **variant strings according to an IDN table submitted to ICANN would be considered in contention with one another.**

- SubPro PDP has affirmed the 2012 Round string contention resolution mechanism, which includes components such as a **settlement between the parties**, **a community priority evaluation** (if a community-based applicant in a contention set elects this option), or **auction**.

String Contention Flow

Applicantion / Admin Check

1. applicant begins application process
2. Applicant elects whether to designate application as community-based
3. Applicant submits application into system
4. ICANN publishes list of all complete applications

Initial Evaluation (IE) String Review

5. **ICANN runs algorithm** for all applied-for gTLDs against all other applied-for gTLDs
6. **String Similarity Panel performs analysis**, using algorithm results, to group similar and identical strings into **contention sets**
7. ICANN communicates the results of the String Similarity Review, including contention sets

A. **Identical strings** added to contention set
B. **Applied-for strings that are variants according to RZ-LGR** added to contention sets

C. **Similar strings** added to contention sets based on assessment of **Hybrid Model**

IE + EE + Dispute Resolution

8. IE, Extended Evaluation (EE), and Objection / Challenge / Appeal processes continue. **The contention sets may be altered as a result of the review processes**

D. **Successful challenge against String Similarity Review remove strings** from contention sets
E. **Successful String Confusion Objection add strings** to contention sets
F. **Successful appeal against String Confusion Objection add or remove strings** from contention sets
G. **Strings that fail to pass certain elements of the review removed** from contention sets

String Contention

9. Is the applied-for gTLD in a contention set?

H. Applicants are encouraged to **self-resolve** string contention anytime prior to the contention resolution process

10. Have one or more community-based applicant(s) elected community priority? — Yes → 11. Community priority evaluation — No → 12. Auction: one or more parties proceed to next stage

11. Community priority evaluation → 13. Does one clear winner emerge? — No → 12 — Yes →

Transition to Delegation

14. Applicant enters Transition to Delegation Phase

Questions for Consideration

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.**

Q1: Should a recommendation be developed to explicitly specify that two applied-for strings that are each other's variant according to the RZ-LGR must be placed in a contention set? (e.g., applicant A applies for 滙豐, and applicant B applies for 汇丰)

Q2: In the contention set, if one of the labels is already allocated, should the contention be resolved in favor of the entity that possesses the already-allocated label?

Q3: Should the **entire** variant label set (including all allocatable and blocked variants) be processed in the contention set, as opposed to the only applied-for strings?

E3a

Charter Question E3a & Context

e3a) After a requested variant string is rejected as a result of a string similarity review, should the other variant strings in the same variant set remain allocatable? Should individual labels be allowed to have different outcomes/actions (e.g., some labels be blocked and some be allowed to continue with an application process)?
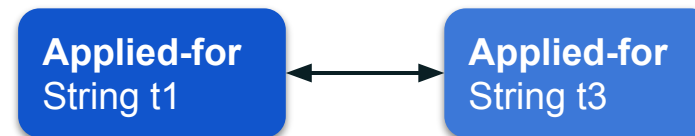
In the 2012 round, the String Similarity Review may result in two scenarios:

Scenario 1: An applied-for string is found confusingly similar to an **existing** TLD

| Applied-for String t1 | ←→ | Existing String t2 |

Consequence: String t1 is ineligible to proceed in the application process

Scenario 2: Two or more **applied-for strings** are found confusingly similar

| Applied-for String t1 | ←→ | Applied-for String t3 |

Consequence: String t1 and String t3 added to a contention set

When the Variant Set is Considered in String Similarity Review…

If one label in the variant set is found confusingly similar, what should be the consequence for that label and the other labels in the variant set?

- **Variant Set = Primary String + All Allocatable Variants + All Blocked Variants**

In answering this question, there may be two camps of thought…

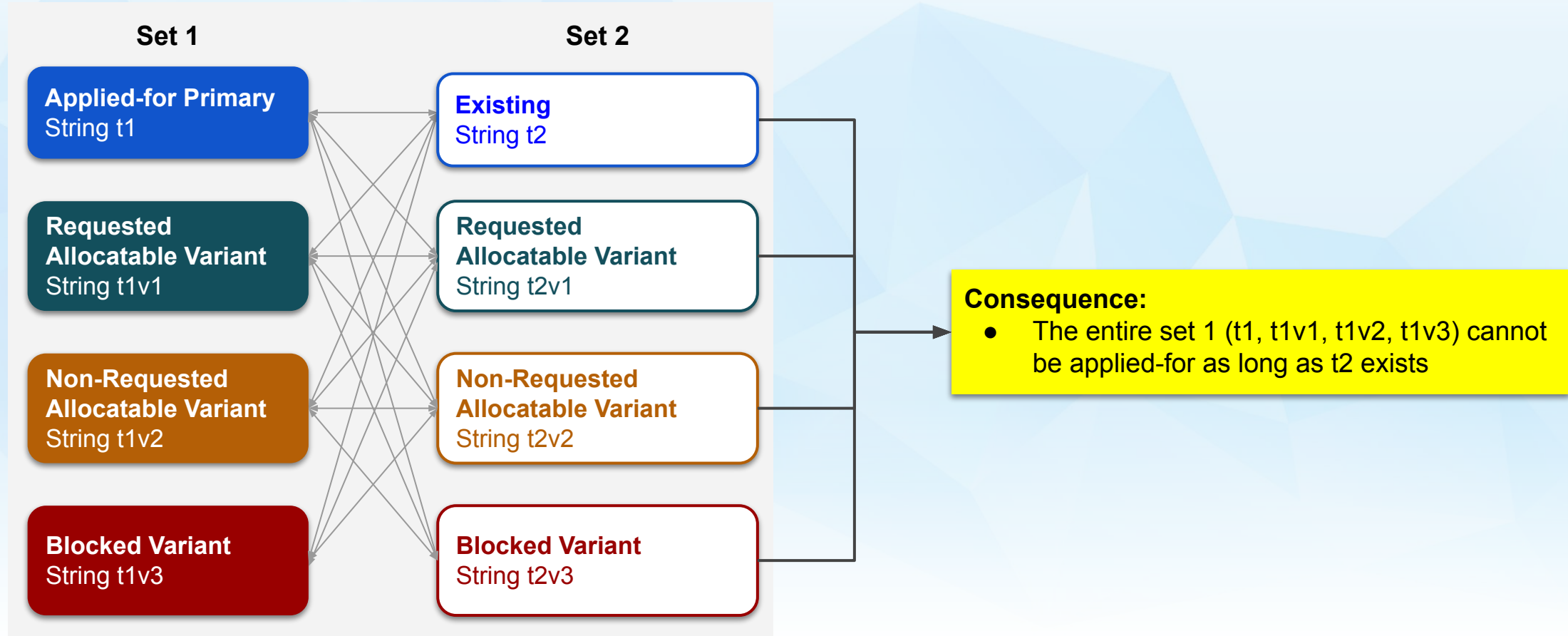|	Thought 1	Thought 2
Description	**The variant set should be treated as one unit and all labels in the set should face the same consequence of String Similarity Review**	**The labels in the variant set should be treated as individual labels and could face different consequences**
Possible Rationale	- The hybrid model for String Similarity Review follows the principle of conservatism to avoid introducing variants of IDN gTLDs in a manner that would adversely impact the DNS. - The goal of the hybrid model is to mitigate the no-connection and misconnection risks potentially caused by confusing similarity among applied-for/existing strings and their variant labels. - If one label in the set has confusion risk, the other labels in the set equally have confusion risks by association, disregard whether they are being applied-for, as variants are regarded the "same". - The purpose of hybrid model does not stop when the confusingly similar variant sets are identified. The entire set must face the same consequence to effectively mitigate the confusion risks. - Allowing different consequences for different labels in the set could perpetuate the risk of confusion and contradict the goal of hybrid model.	- The labels in a set, disregard their relationship as variants, are individual labels that can exist in their own right as long as they are valid according to the RZ-LGR. - The disposition value of a label may not be permanent and may change depends on which primary label is chosen. - If a label is not applied-for or cannot be applied-for, it won't have potential for confusion risks. - If confusion risks exist for a certain label, only that label should face the consequences of String Similarity Review in order to remove that risk. - The other labels in the set that do not have confusion risks should not be adversely affected.

Example Strings

Set 1

Applied-for Primary
String t1

Requested Allocatable Variant
String t1v1

Non-Requested Allocatable Variant
String t1v2

Blocked Variant
String t1v3

Set 2

Existing
String t2

Requested Allocatable Variant
String t2v1

Non-Requested Allocatable Variant
String t2v2

Blocked Variant
String t2v3

Set 3

Applied-for Primary
String t3

Requested Allocatable Variant
String t3v1

Non-Requested Allocatable Variant
String t3v2

Blocked Variant
String t3v3

If Thought 1 is supported…Consequence of Scenario 1

Scenario 1: An applied-for string or its variant label is found confusingly similar to an existing TLD or its variant label
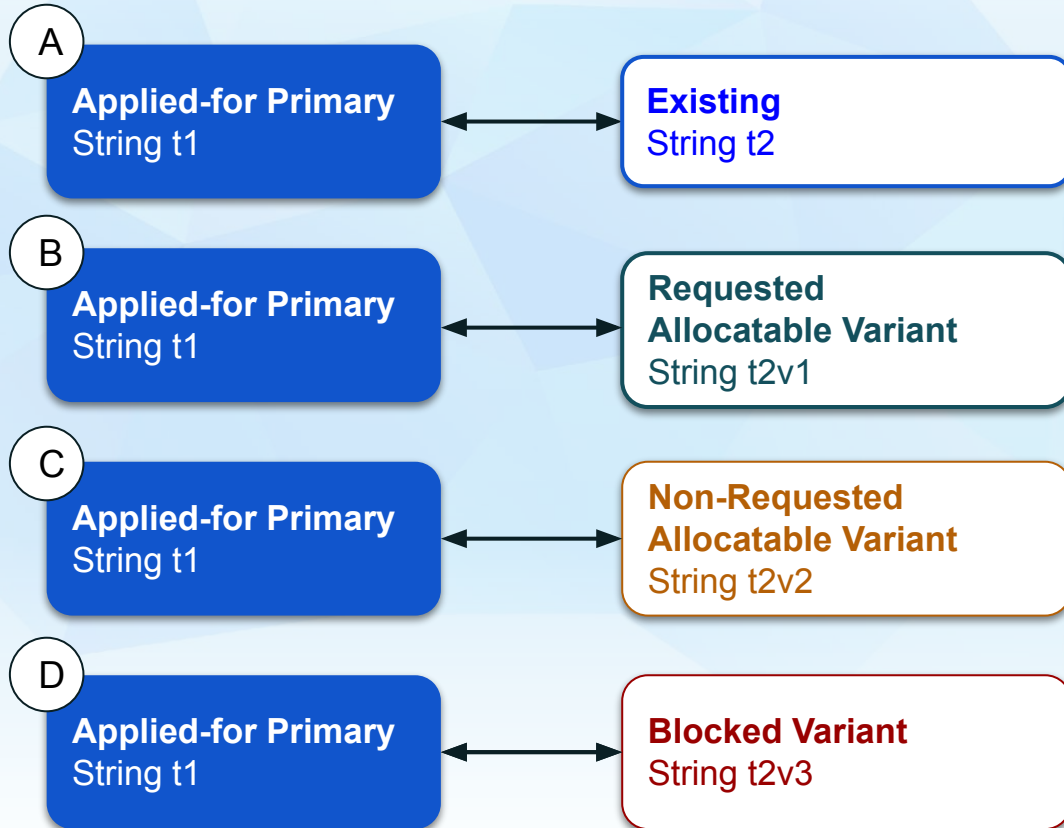
Thought 1 Consequence: The entire set of the applied-for string cannot proceed in the application process

Set 1

Set 2

Applied-for Primary
String t1

Existing
String t2

Requested Allocatable Variant
String t1v1

Requested Allocatable Variant
String t2v1

Non-Requested Allocatable Variant
String t1v2

Non-Requested Allocatable Variant
String t2v2

Blocked Variant
String t1v3

Blocked Variant
String t2v3

Consequence:
- The entire set 1 (t1, t1v1, t1v2, t1v3) cannot be applied-for as long as t2 exists

Scenario 1: An applied-for string or its variant label is found confusingly similar to an existing TLD or its variant label

Thought 2 Consequence: Only the label with the confusion risk cannot proceed, the other labels may or may not be affected

A

Applied-for Primary
String t1

↔

Existing
String t2

B

Applied-for Primary
String t1

↔

**Requested
Allocatable Variant**
String t2v1

C

Applied-for Primary
String t1

↔

**Non-Requested
Allocatable Variant**
String t2v2

D

Applied-for Primary
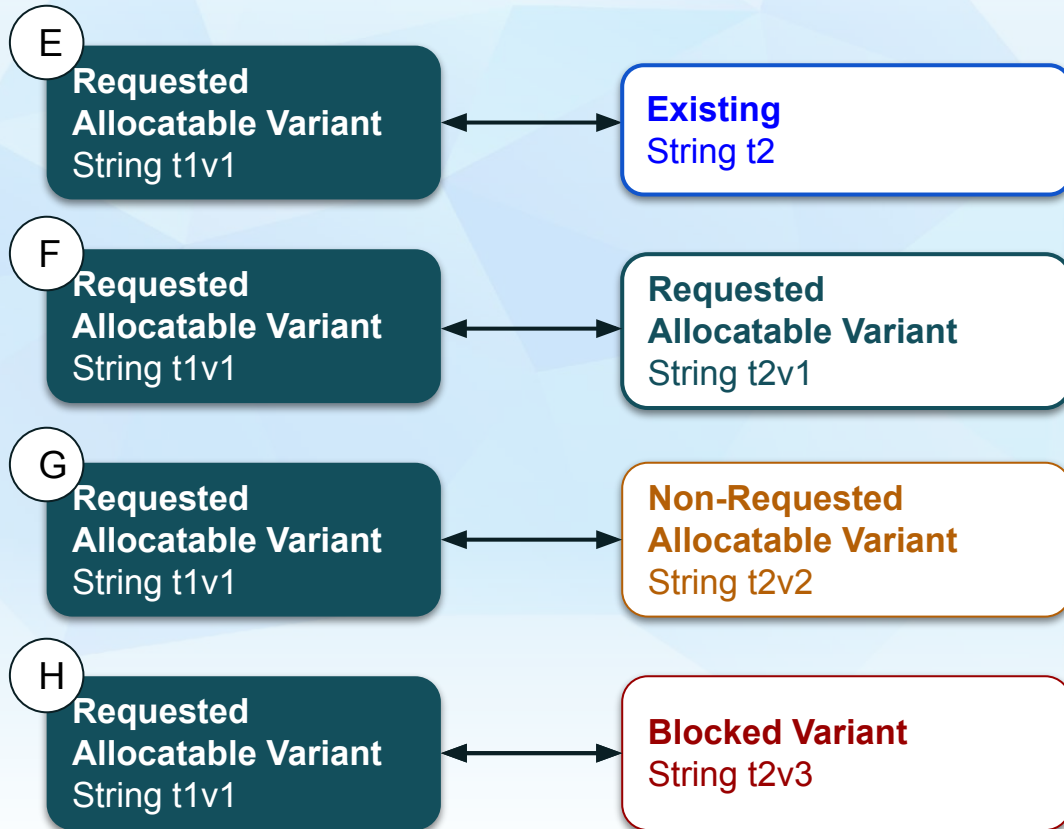String t1

↔

Blocked Variant
String t2v3

Assumption: for simplicity purpose, assume in each situation no other labels in Set 1 and Set 2 have confusion risks

Question: In each situation, what would be the specific consequences of the confusingly similar labels in Set 1 and Set 2 and the remaining labels?

If Thought 2 is supported…Consequence of Scenario 1 (Cont.)

Scenario 1: An applied-for string or its variant label is found confusingly similar to an existing TLD or its variant label

Thought 2 Consequence: Only the label with the confusion risk cannot proceed, the other labels may or may not be affected

E

Requested Allocatable Variant
String t1v1

↔

Existing
String t2

F

Requested Allocatable Variant
String t1v1

↔

Requested Allocatable Variant
String t2v1

G

Requested Allocatable Variant
String t1v1

↔

Non-Requested Allocatable Variant
String t2v2

H

Requested Allocatable Variant
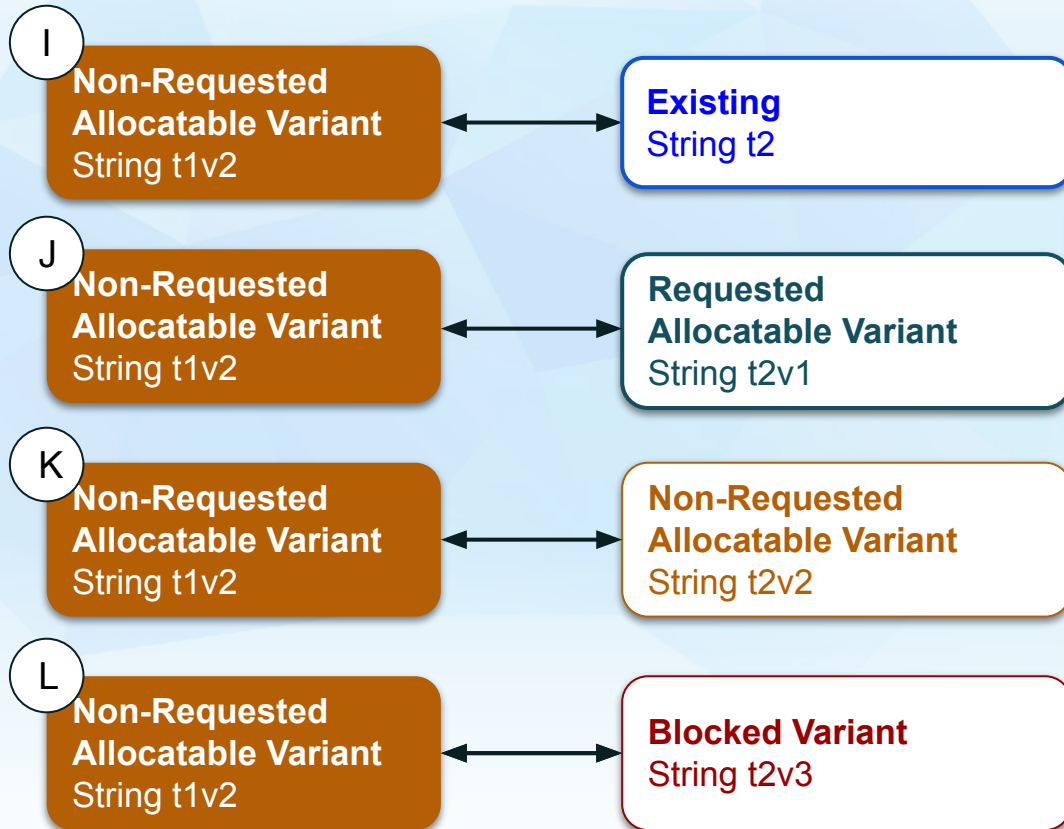String t1v1

↔

Blocked Variant
String t2v3

Assumption: for simplicity purpose, assume in each situation no other labels in Set 1 and Set 2 have confusion risks

Question: In each situation, what would be the specific consequences of the confusingly similar labels in Set 1 and Set 2 and the remaining labels?

If Thought 2 is supported…Consequence of Scenario 1 (Cont.)

Scenario 1: An applied-for string or its variant label is found confusingly similar to an existing TLD or its variant label

Thought 2 Consequence: Only the label with the confusion risk cannot proceed, the other labels may or may not be affected

I

Non-Requested Allocatable Variant
String t1v2

⟷

Existing
String t2

J

Non-Requested Allocatable Variant
String t1v2

⟷

Requested Allocatable Variant
String t2v1

K

Non-Requested Allocatable Variant
String t1v2

⟷

Non-Requested Allocatable Variant
String t2v2

L

Non-Requested Allocatable Variant
String t1v2
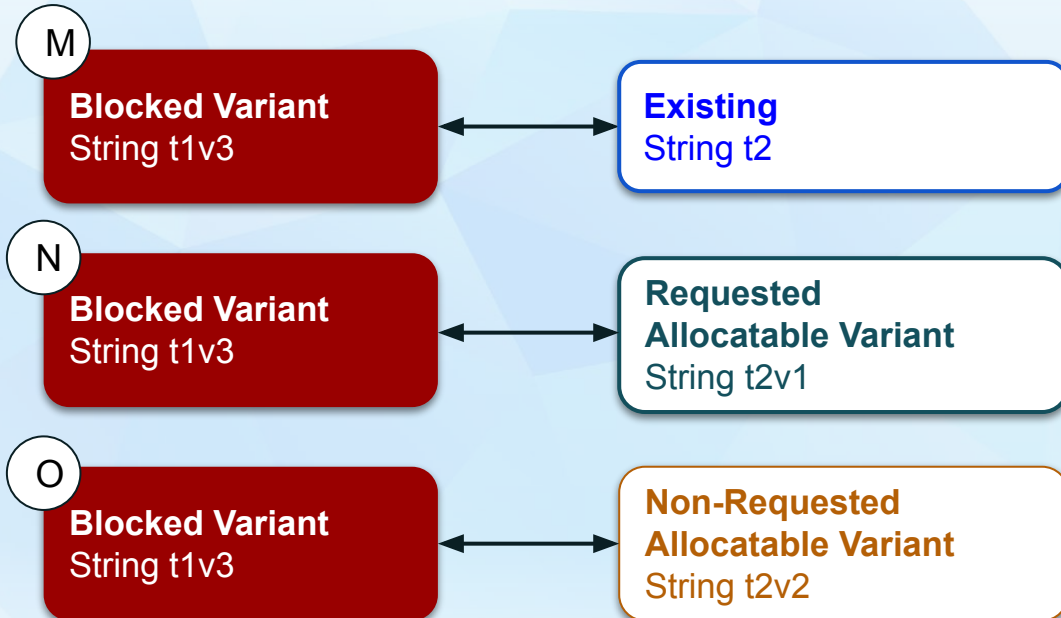
⟷

Blocked Variant
String t2v3

Assumption: for simplicity purpose, assume in each situation no other labels in Set 1 and Set 2 have confusion risks

Question: In each situation, what would be the specific consequences of the confusingly similar labels in Set 1 and Set 2 and the remaining labels?

If Thought 2 is supported…Consequence of Scenario 1 (Cont.)

Scenario 1: An applied-for string or its variant label is found confusingly similar to an existing TLD or its variant label

Thought 2 Consequence: Only the label with the confusion risk cannot proceed, the other labels may or may not be affected

(M)

Blocked Variant
String t1v3

⟷

Existing
String t2

(N)

Blocked Variant
String t1v3

⟷

Requested Allocatable Variant
String t2v1

(O)

Blocked Variant
String t1v3

⟷

Non-Requested Allocatable Variant
String t2v2

Assumption: for simplicity purpose, assume in each situation no other labels in Set 1 and Set 2 have confusion risks
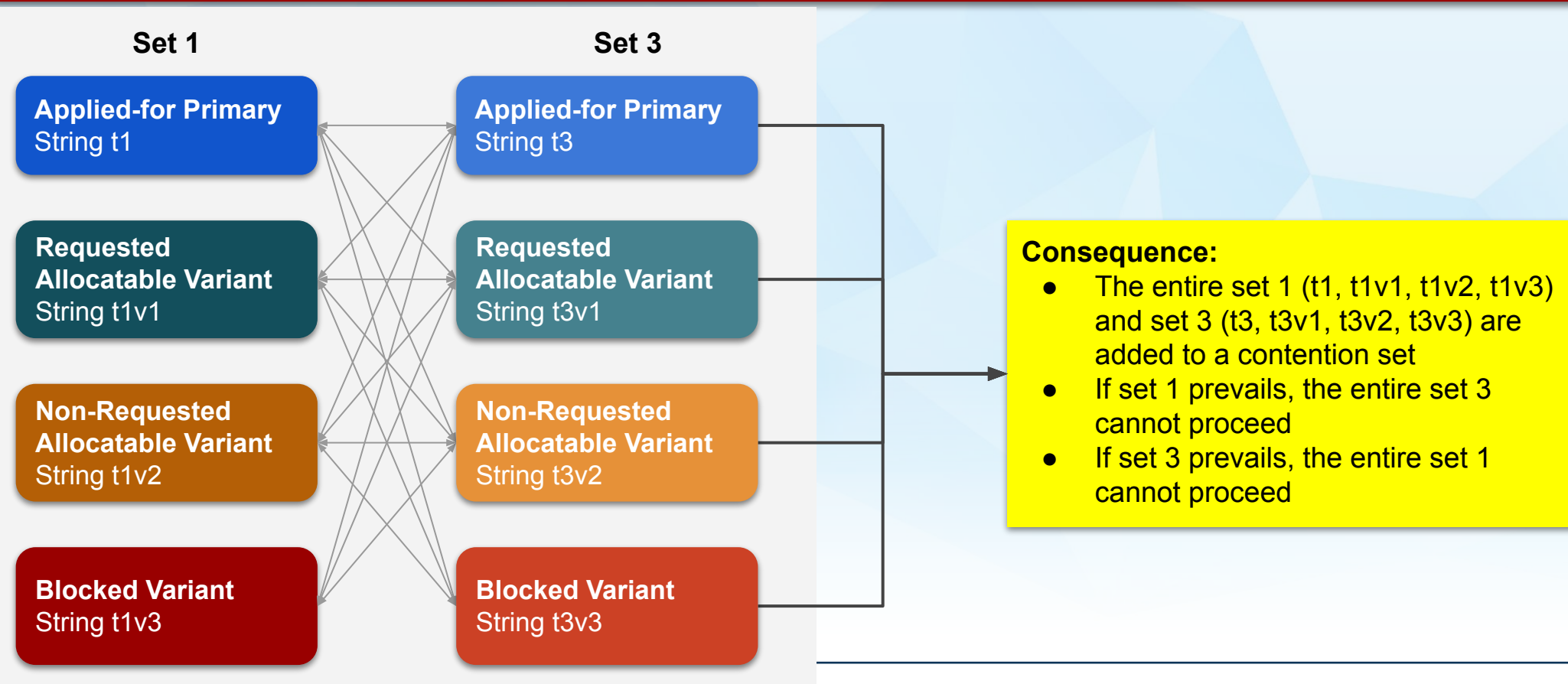
Question: In each situation, what would be the specific consequences of the confusingly similar labels in Set 1 and Set 2 and the remaining labels?

If Thought 1 is supported…Consequence of Scenario 2

Scenario 2: An applied-for string or its variant label is found confusingly similar to another applied-for string or its variant label
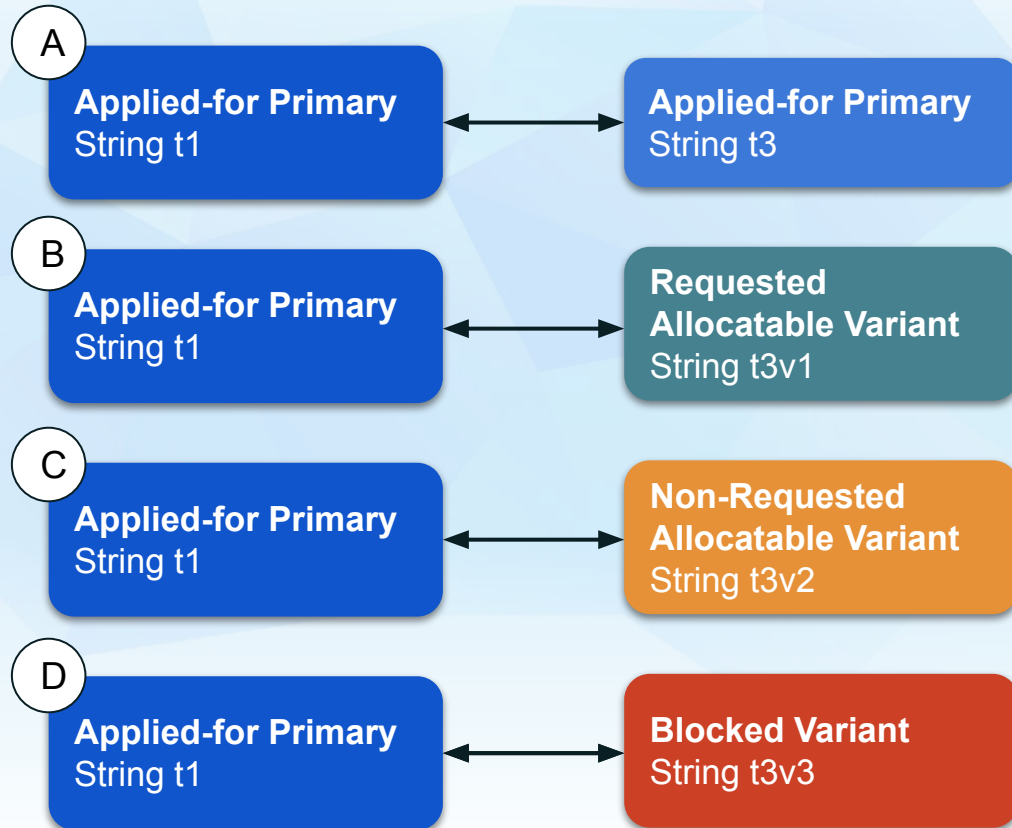
Thought 1 Consequence:

● The entire sets of the applied-for strings end up in a contention set. The prevailing applicant can proceed to the next stage of the application process and the non-prevailing applicant is ineligible to proceed. This means that the entire set of the non-prevailing applicant is ineligible to proceed.

Set 1

Applied-for Primary
String t1

Requested Allocatable Variant
String t1v1

Non-Requested Allocatable Variant
String t1v2

Blocked Variant
String t1v3

Set 3

Applied-for Primary
String t3

Requested Allocatable Variant
String t3v1

Non-Requested Allocatable Variant
String t3v2

Blocked Variant
String t3v3

Consequence:
● The entire set 1 (t1, t1v1, t1v2, t1v3) and set 3 (t3, t3v1, t3v2, t3v3) are added to a contention set
● If set 1 prevails, the entire set 3 cannot proceed
● If set 3 prevails, the entire set 1 cannot proceed

If Thought 2 is supported…Consequence of Scenario 2

Scenario 2: An applied-for string or its variant label is found confusingly similar to another applied-for string or its variant label

Thought 2 Consequence: Only the labels with the confusion risk may enter a contention set, the other labels may or may not be affected

A

| Applied-for Primary String t1 | ⟷ | Applied-for Primary String t3 |

B

| Applied-for Primary String t1 | ⟷ | Requested Allocatable Variant String t3v1 |

C

| Applied-for Primary String t1 | ⟷ | Non-Requested Allocatable Variant String t3v2 |

D

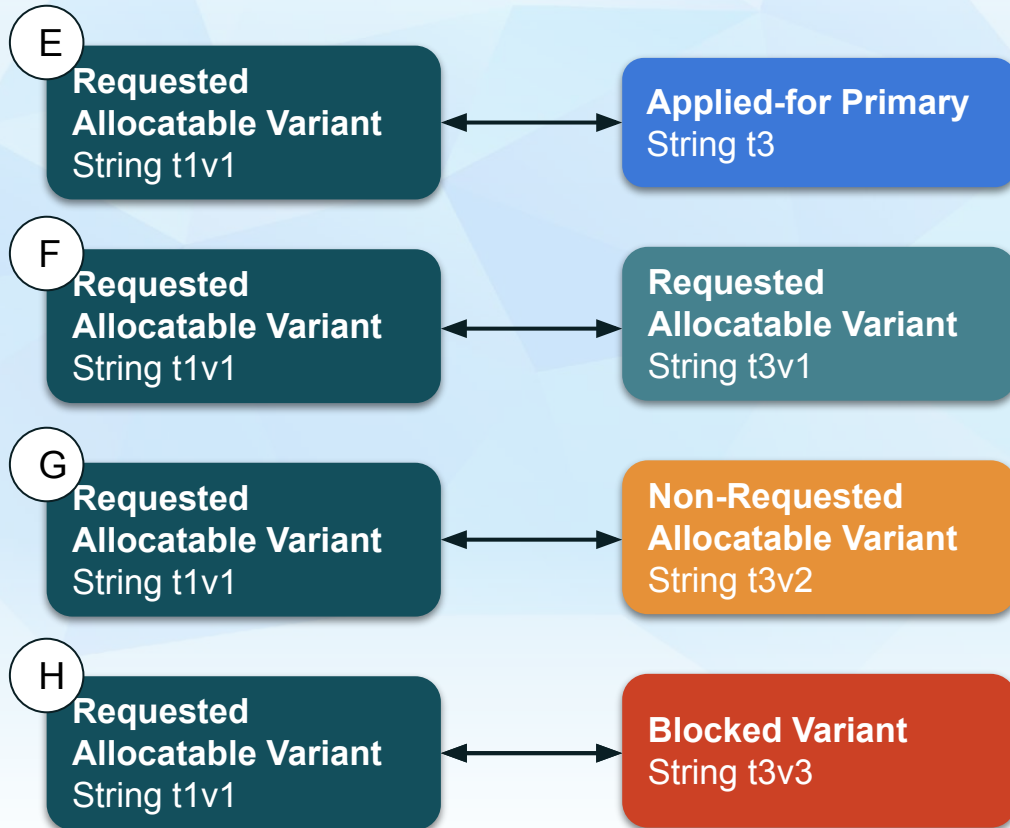| Applied-for Primary String t1 | ⟷ | Blocked Variant String t3v3 |

Assumption: for simplicity purpose, assume in each situation no other labels in Set 1 and Set 3 have confusion risks

Question: In each situation, what would be the specific consequences of the confusingly similar labels in Set 1 and Set 3 and the remaining labels?

Scenario 1: An applied-for string or its variant label is found confusingly similar to an existing TLD or its variant label

Thought 2 Consequence: Only the labels with the confusion risk may enter a contention set, the other labels may or may not be affected

(E)

| Requested Allocatable Variant String t1v1 | ⟷ | **Applied-for Primary** String t3 |

(F)

| Requested Allocatable Variant String t1v1 | ⟷ | **Requested Allocatable Variant** String t3v1 |

(G)

| Requested Allocatable Variant String t1v1 | ⟷ | **Non-Requested Allocatable Variant** String t3v2 |

(H)

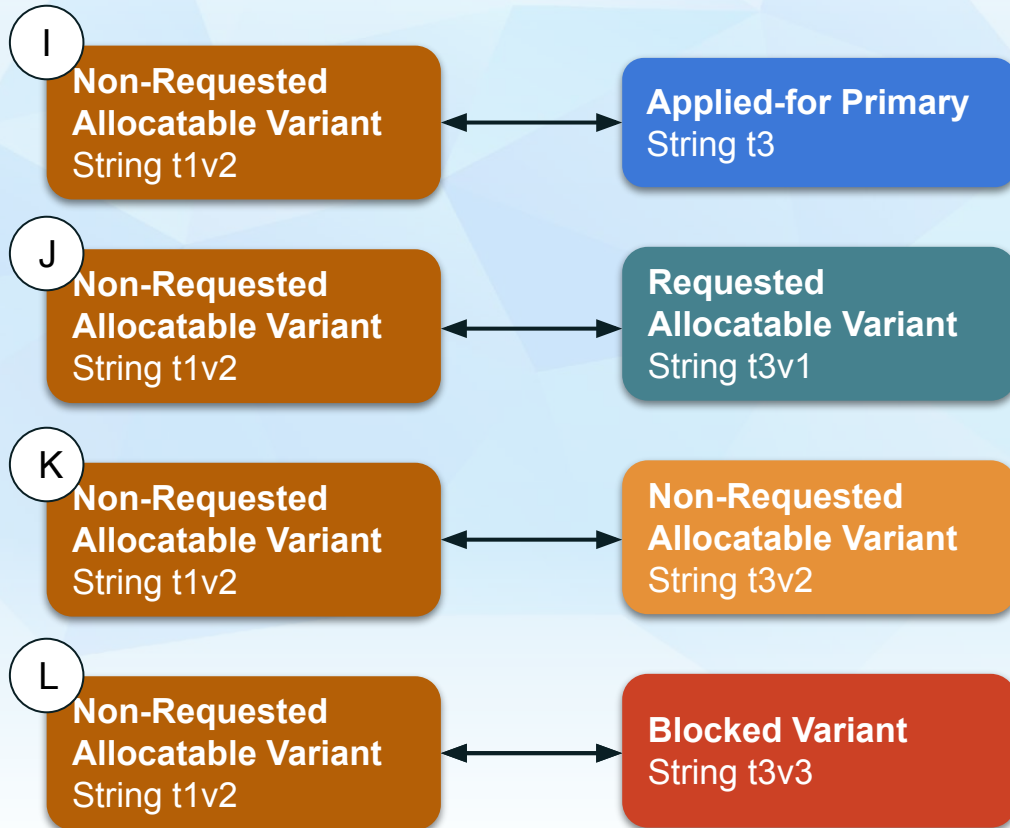| Requested Allocatable Variant String t1v1 | ⟷ | **Blocked Variant** String t3v3 |

Assumption: for simplicity purpose, assume in each situation no other labels in Set 1 and Set 3 have confusion risks

Question: In each situation, what would be the specific consequences of the confusingly similar labels in Set 1 and Set 3 and the remaining labels?

If Thought 2 is supported…Consequence of Scenario 2 (Cont.)

Scenario 1: An applied-for string or its variant label is found confusingly similar to an existing TLD or its variant label

Thought 2 Consequence: Only the labels with the confusion risk may enter a contention set, the other labels may or may not be affected

I

Non-Requested Allocatable Variant
String t1v2

↔

Applied-for Primary
String t3

J

Non-Requested Allocatable Variant
String t1v2

↔

Requested Allocatable Variant
String t3v1

K

Non-Requested Allocatable Variant
String t1v2

↔

Non-Requested Allocatable Variant
String t3v2

L

Non-Requested Allocatable Variant
String t1v2

↔

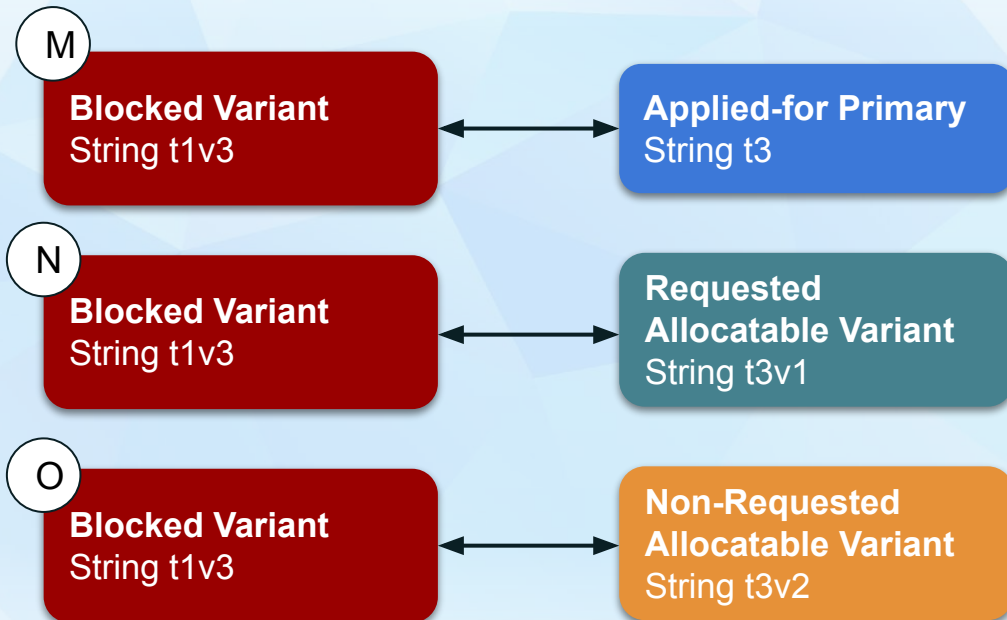**Blocked Variant**
String t3v3

Assumption: for simplicity purpose, assume in each situation no other labels in Set 1 and Set 3 have confusion risks

Question: In each situation, what would be the specific consequences of the confusingly similar labels in Set 1 and Set 3 and the remaining labels?

Scenario 1: An applied-for string or its variant label is found confusingly similar to an existing TLD or its variant label

Thought 2 Consequence: Only the labels with the confusion risk may enter a contention set, the other labels may or may not be affected

M

Blocked Variant
String t1v3

↔

Applied-for Primary
String t3

N

Blocked Variant
String t1v3

↔

Requested Allocatable Variant
String t3v1

O

Blocked Variant
String t1v3

↔

Non-Requested Allocatable Variant
String t3v2

Assumption: for simplicity purpose, assume in each situation no other labels in Set 1 and Set 3 have confusion risks

Question: In each situation, what would be the specific consequences of the confusingly similar labels in Set 1 and Set 3 and the remaining labels?