Internationalized Domain Names Expedited Policy Development Process

ICANN Org Input Review

ICANN

IDN-EPDP Team Meeting #67 | 26 January 2023
IDN-EPDP Team Meeting #68 | 2 February 2023

Agenda

1. Roll Call and SOI Updates (2 mins)

2. Welcome and Chair Updates (5 min)

3. Review spreadsheet of ICANN org input and staff assessment of "low-hanging fruit" (110 minutes)

4. AOB (3 mins)

Review of ICANN org for Draft Recommendations

Overview

- ICANN Org provided input on a subsect of stable recommendations that were available for review in September 2022
  - A1- Rec 1.1
  - A3 - Rec 1.2, IG 1.3
  - A4 - Draft Answer
  - A5 - Rec 1.4, **Rec 1.5**, IG 1.6
  - A6 - Rec 1.7, Rec 1.8, Rec 1.9, IG 1.10
  - A7 - Rec 1.11
  - A9 - **Rec 1.12**
  - A10 - **Rec 1.13**
  - B1 - **Rec 2.1**
  - B2 - **Rec 2.2, Rec 2.3**
  - B3 - Draft Answer
  - D1a - **Rec 2.4 (EPDP Team already reviewed)**
  - D1b - Rec 2.5, **Rec 2.6,** Rec 2.7
  - B5 - **Rec 2.8**
  - E2 - Rec 3.1
  - E5 - Rec 3.2, Rec 3.3

- Input was still provided for a couple of items that had ongoing discussions **(EPDP Team already reviewed)**
  - E2 - Objection Processes
  - E3 - String Similarity Review Hybrid Model

- Based on the leadership team and staff's review, a majority of the ICANN org input may not require further discussions by the EPDP Team; the in-depth review may focus on a handful of input **(highlighted in red above)**

Input May Not Require Discussion

Charter Q / Rec No.	Input Summary
A4	Update reference to "RZ-LGR-4" to "RZ-LGR-5" or later developed version when applicable
Rec 1.1	Add definition of "disposition values" in glossary
IG 1.3	Explicitly note that a string that does not comply with RZ-LGR can be submitted; clarify a string that does not conform to mandatory string requirements will be stopped by the application submission system
Rec 1.4, 1.5, 2.5, 2.6, 3.1, Objections	Change "activate / activating / activation" to "apply / applying / application"
Rec 1.7	Clarify in the rationale that the "latest" RZ-LGR refers to the RZ-LGR version when the AGB is finalized, rather than the RZ-LGR version when a round closes
Rec 1.12, 2.1, 2.2, 2.3, 2.4, 2.5, 2.6, 2.7, 3.2	Use consistent terminology (e.g., variant labels vs. variant gTLD labels, IDN gTLD vs. gTLD) and mirror relevant terms used in SubPro Final Report
Rec 1.11, 2.2, 2.3	Explicitly state EPDP rec is consistent with applicable SubPro rec
Rec 1.13	Pull out relevant content in the rationale and re-categorize it as Implementation Guidance
Rec 3.2, 3.3, String Similarity	Change "blocked variants" to "blocked variant labels"
E2	Be intentional and precise when using terms such as "should" or "must"; align the proposed recommendation for String Confusion Objection closely with the language for String Similarity Review hybrid model

Input for A5 - Rec 1.5

Charter Question A5: *Should there be a ceiling value or other mechanism to ensure that the number of delegated top-level variant labels remains small, understanding that variant labels in the second level may compound the situation? Should additional security and stability guidelines be developed to make variant domains manageable at the registry, registrar, and registrant levels?*

Rec 1.5: **Best practice guidelines be developed for the management of a gTLD and its variant labels by registries and registrars with a view to ensuring a consistent user experience.**

1. The Rationale for Recommendation 1.5 says "the EPDP Team agreed that the IRT would be responsible for developing the preliminary best practice guidelines." ICANN org would like to remind the EPDP Team that an IRT is tasked with reviewing implementation plans, while ownership of the policy implementation process still resides with ICANN org.This recommendation seems to imply that ICANN is handing over responsibility to the IRT, which goes against IRT guidelines. ICANN org suggests noting in the rationale that the preliminary best practice guidelines would be developed during implementation. ICANN org would also like to note that the EPDP Team should make clear whether "best practice guidelines" should be updated over time and how org is responsible for conducting periodic checks and managing the updates."

2. In regard to "consistent user experience," ICANN org would also like more clarity on how the type of work created by this recommendation—whether a study or another type of report—would be scoped and who would be tasked with scoping such work?

3. In addition, ICANN org seeks clarity on whether a potential study would have a larger scope, incorporating Universal Acceptance related work, or if it would be more narrow, focusing only on registries/registrars.

4. ICANN org suggests changing Recommendation 1.5 to Implementation Guidance, as the phrasing of this recommendation seems to provide guidance rather than set a requirement.

Input for A9 - Rec 1.12

Charter Question A9: SA given label in an Internationalized Domain Label (IDL) set may be in one of the following non-exhaustive status: delegated, withheld-same-entity, blocked, allocated, rejected. The WG and the SubPro IRT to coordinate and develop a consistent definition of variant label status in the IDL set.

Rec 1.12: A given variant label may have one of the following label states: delegated, allocated, withheld-same-entity, blocked, or rejected. If the same terminology is used for certain label states and new gTLD application statuses, their respective definitions should be consistent.

1. Is the EPDP Team in agreement with ICANN org's assumption that Recommendation 1.12 implies that ICANN org would maintain at least some of these variant label states mentioned (excluding those that are blocked)?

If that's the case, then there needs to be a practical mechanism to record the variant label states over time. ICANN org also notes that Recommendation 1.13 below is an extension of this recommendation and that this assumption also applies to it.

Input for A10 - Rec 1.13

Charter Question A10: *What is the procedure to change the label status for individual variant labels?*

<u>Rec 1.13</u>: **A variant label may go through the following transitions:**
1. from "blocked" to "withheld-same-entity";
2. from "withheld-same-entity" to "blocked";
3. from "rejected" to "withheld-same-entity";
4. from "withheld-same-entity" to "allocated";
5. from "allocated" to "withheld-same-entity";
6. from "allocated" to "delegated"; and
7. from "delegated" to "allocated"

1. ICANN org notes that Recommendation 1.13 is an extension of Recommendation 1.12 and that the same assumption stated in the input above applies for both.

2. For every change to the lifecycle of a primary label does anything need to happen specifically for variants? Recommendation 1.13 discusses changes in variant label states; However if the primary gTLD is revoked, will the variants still need to be tracked and/or status maintained or will they be removed along with the primary label? Can the EPDP Team provide additional guidance? For example: If we're trying to track a primary label and all of its variant labels (the variant set), and if there is no primary label contracted or in the root zone, it seems that there is no set or label set to maintain because there is no longer a TLD.

Input for B1 - Rec 2.1

Charter Question B1: *Should the same entity principle at the top-level be extended to existing gTLDs?*

Rec 2.1: **Any allocatable variant label of an existing gTLD, as calculated by the RZ-LGR, can only be allocated to the registry operator of the existing gTLD or withheld for possible allocation only to that registry operator.**

1. ICANN org assumes that Recommendations 2.1, 2.2, and 2.3 would require implementation steps that include changes to the registry agreement and some elements that are incorporated by reference such as the registry transition process incorporated in Section 7.5.

The WG may want to consider the operational impacts of Recommendations 2.1-2.3. Updating the agreement for existing registry operators on the base agreement is a process subject to the global amendment process defined within Section 7.6 and 7.7. The process is limited in frequency and must be accepted by the registry operators on the base agreement per the applicable thresholds. Currently, there are no existing rules, processes, or procedures for allowing individual Registry Operators (ROs) to move between base versions of the Registry Agreements, as the scenario has never occurred. ICANN org also notes that not all existing registries are on the same registry agreement, which the EPDP Team may want to consider when drafting the outputs. An updated base registry agreement for future rounds will be developed during implementation of the outputs from the Final Report on the new gTLD Subsequent Procedures Policy Development Process.

Depending on the final recommendations from this EPDP, it is foreseeable in some circumstances that the current base agreement from 2017 may be insufficient in form and substance to address variant handling at the top level and may necessitate that the registry operator adopt a more current version. Accordingly, a process would need to be developed as only one base agreement currently exists."

Input for B2 - Rec 2.2 & Rec 2.3

Charter Question B2: Should the same back-end registry service provider recommendation be extended to existing gTLDs and their variant labels?

Rec 2.2: The registry operator of an existing IDN gTLD must use the same back-end registry service provider, the organization providing one or more registry services (e.g., DNS, DNSSEC, RDDS, EPP), for operating any additional delegated variant labels of that gTLD.

Rec 2.3: If the registry operator of an IDN gTLD changes its back-end registry service provider, that IDN gTLD and any additional delegated variant label(s) associated with that gTLD must simultaneously transition to the new back-end registry service provider.

1. See input for Rec 2.1

2. In addition, ICANN org suggests using the language, "all Critical Functions as defined by the base registry agreement for the TLD and its variant labels must be provided by the same service providers."

Input for D1b - Rec 2.6

Charter Question D1b*: What should be the process by which an existing registry operator could apply for, or be allocated, a variant for its existing gTLD? What should be the process by which an applicant applying for a new IDN gTLD could seek and obtain any allocatable variant(s)? What should be the associated fee(s), including the application fees and annual registration fees for variant TLDs? Should any specific implementation guidance be provided?*

Rec 2.6: The applicant will be required, as part of the application process, to explain the reason(s) why it needs to activate the applied-for variant label(s). In addition, the applicant will be required to demonstrate their ability to manage the primary IDN gTLD and the applied-for variant label(s) as a set from both a technical and operational perspective.

1. ICANN org suggests that the EPDP Team divide Recommendation 2.6 into two parts. The first part can focus on the "need" while the second part can focus on "demonstrating the ability." It would also be helpful if the EPDP Team can provide Implementation Guidance on both parts of this recommendation as it would be useful to provide more clarity on how ICANN org should evaluate applicants with regard to demonstrating "need" and what standards or tests should be used to allow applicants to demonstrate their ability to manage variants. This additional layer will assist org in implementing this recommendation more effectively.

2. One example that may be helpful in the instance of a gTLD that has a relevant community follows. We can look at "ıssız" and "issiz" as an example. The applicant for ıssız can be required to provide supporting documentation of the Turkish community demonstrating that not activating "issiz" would prevent a global customer (using a keyboard with only a regular i) from typing the TLD.

3. ICANN org acknowledges the wide breadth of knowledge within the EPDP Team that has helped inform the Outputs in the Initial Report. If the EPDP Team feels that the group lacks sufficient expertise and/or time to develop questions and the criteria by which they would be evaluated, there are several options.

The EPDP Team may consider requesting additional research be conducted to help supplement part two of the recommendation on "demonstrating the ability". This could be in the form of a recommendation as permitted by the Policy Development Process Manual, which states that PDP Teams may make recommendations to the GNSO Council regarding "Research or Surveys to be Conducted."

Input for B5 - Rec 2.8

Charter Question B5: *Do restrictions that apply to a TLD (e.g., community TLDs, dot brand TLDs) also apply to its variants? Are these labels equally treated as different versions of the same string, or completely independent strings not bound by the same restrictions?*

<u>Rec 2.8</u>: **In future new gTLD application processes, the primary applied-for gTLD and its allocatable variant labels requested by the applicant are to be treated as different versions of the same string and will be bound by the same restrictions.**

1. In Recommendation 2.8, the EPDP Team says: "labels requested by the applicant…will be bound by the same restrictions." ICANN org would like to note that the New gTLD program binds applicants, whereas the Registry Agreement (RA) binds Registry Operators (ROs). It would be helpful to note in the recommendation that the restriction mentioned is valid if reflected in the Registry Agreement.

2. ICANN org suggests changing the recommendation language by removing the phrase "are to be treated as different versions of the same string…" as it may be difficult to interpret this text but only seems to be an explanatory note.

The EPDP may consider the alternative wording for enhanced clarity: "In future new gTLD application processes, the primary applied-for gTLD and its allocatable variant labels requested by the applicant will be bound by the same restrictions."

3. While the EPDP Team lists the "restrictions" to which Recommendation 2.8 is referring in Charter Question b5, ICANN org suggests they also be listed in this recommendation in order to be more explicit and to reduce ambiguity.