

Internationalized Domain Names Expedited Policy Development Process

Close Loop & Public Comment Prep



IDN-EPDP Team Meeting #72 | 02 March 2023

Agenda

1. Roll Call and SOI Updates (2 mins)
2. Welcome and Chair Updates (5 min)
3. Discuss Draft Recommendations with Potential Gaps (70 mins)
4. Phase 1 Initial Report: Proposed Structure (10 mins)
5. Public Comment Timeline (30 mins)
6. AOB (3 mins)

Remaining Work Leading Up to Publishing Phase 1 Initial Report

Revised Target: Publish Phase 1 Initial Report by **Monday, 24 April 2023**

Time Remaining: **7 Weeks** (including ICANN76)

1. Review Draft Text: E3 **[In Progress]**
2. Review Draft Text: A8, B4a, E1, E2, E3a, E4, E7/B5 **[In Progress]**
3. Review Revised Draft Text: Incorporating ICANN org Input
 - a. Substantive **[In Progress]**
 - b. Editorial
4. Review Draft Text: Revised or New Recommendations Due to Gaps Identified
5. Consolidate Phase 1 Preliminary Recommendations
6. Review Draft Phase 1 Initial Report: Selected Sections
7. Approve Full Draft Phase 1 Initial Report
8. Confirm Public Comment Approach (e.g., public comment input form)

Discuss Draft Recommendations with Potential Gaps

D1b - Rec 2.7

[Charter Question] D1b) 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?

[Original] Recommendation 2.7: The fee structure associated with future IDN gTLD applications that include variant label(s), as well as applications for allocatable variant label(s) of existing IDN gTLDs from the 2012 round, must be consistent with the principle of cost recovery reflected in the 2012 Applicant Guidebook and affirmed by the New gTLD Subsequent Procedures PDP.

[EPDP Leadership Question] Given our recommendations for a 'single application' and a 'single registry agreement' do we need to reconsider recommendation 2.7; and to what extent do we need to take into account the priority and importance that the ICANN Board and Org have placed on IDNs for future new gTLD programs?

[New] Recommendation 2.24: For new IDN applicants and registry operators:

- An IDN gTLD application that includes variant labels will incur a single application fee.
- An IDN gTLD registry operator that has one registry agreement covering for primary and allocatable variant labels will incur the same registry fees as a single gTLD registry operator.

Registry-Level Fees

Article 6, Section 6.1 of Registry Agreement

(a) Registry Operator shall pay ICANN a registry-level fee equal to (i) the registry fixed fee of US\$6,250 per calendar quarter and (ii) the registry-level transaction fee (collectively, the “Registry-Level Fees”). The registry-level transaction fee will be equal to the number of annual increments of an initial or renewal domain name registration (at one or more levels, and including renewals associated with transfers from one ICANN-accredited registrar to another, each a “Transaction”), during the applicable calendar quarter multiplied by US\$0.25; provided, however that the registry-level transaction fee shall not apply until and unless more than 50,000 Transactions have occurred in the TLD during any calendar quarter or any consecutive four calendar quarter period in the aggregate (the “Transaction Threshold”) and shall apply to each Transaction that occurred during each quarter in which the Transaction Threshold has been met, but shall not apply to each quarter in which the Transaction Threshold has not been met. Registry Operator’s obligation to pay the quarterly registry-level fixed fee will begin on the date on which the TLD is delegated in the DNS to Registry Operator. The first quarterly payment of the registry-level fixed fee will be prorated based on the number of calendar days between the delegation date and the end of the calendar quarter in which the delegation date falls.

E5 - Rec 3.2-3.3

[Original] Recommendation 3.2: The Reserved Names list should not be expanded to include variants.

[Original] Recommendation 3.3: No application for a variant of a Reserved Name is allowed.

[Staff Question] Can a gTLD visually similar to a variant of the Reserved Name be applied for? If so, is there any existing mechanism to catch such an application?

[Dennis Tan's Input] We may need to revisit this part of the rationale since it argues for a practical solution since blocked variants can never be delegated and they don't need be part of the string similarity process — It argues against the Hybrid Model

“...The EPDP Team recognized that if the Reserved Names list were to expand by including the variants, all of the added variants (almost all of which are blocked and can never be delegated to the rootzone) also need to be checked against during the String Similarity Review. It means that every applied-for gTLD string would have been compared against an enormous pool of Reserved Names. Therefore, the EPDP Team agreed that the Reserved Names list should stay as is and no variants should be added. The implementation complexity of adding variants to the Reserved Names list would have outweighed the potential security and stability benefits, if any.”

D8 - Org Input on “Revoked”

- Interpreting “revoked” as “un-delegated” may create ambiguity as “un-delegated” describes more than one state in the lifecycle of a TLD
- “Revoked” would be the more precise terminology in this instance as it is specific to removal of a delegated gTLD from the root zone, whereas “un-delegated” could refer to revocation as well as a gTLD string that has “never been delegated”
- Revocation has been part of the registry agreement termination process for those TLDs which have been previously delegated. Those terminations have been triggered by RA Section 4.3a (Termination by ICANN, failure to cure breach) or RA 4.4b (Termination by Registry Operator, any reason).
- Examples of historical use of “revoked” at ICANN.org:
 - According to the Centralized Zone Data System: Revoked refers to any “rescinded TLD requests” (<https://czds.icann.org/help>)
 - ccNSO Framework of Interpretation Working Group (Fol WG)’s Interim Report on “Revocation”:
 - “Revocation” refers to the process by which the IANA Operator rescinds responsibility for management of a ccTLD from a manager. (https://ccnso.icann.org/sites/default/files/filefield_42427/foi-interim-28oct13-en.pdf)
 - Various reports on revocation from IANA:
 - As this involves revoking a delegation, and there are no affected parties, there is little to consider. The removal has the consent of the current operator. The removal would not preclude any future operation of the domain that meets the standard ccTLD delegation criteria. IANA recommends that (xx) be returned to unallocated status, and removed from the DNS root zone.” (<https://www.iana.org/reports/2007/um-report-10jan2007.html>)
 - (<https://www.icann.org/resources/pages/gtld-registry-agreement-termination-2015-10-09-en>)

D8 - Proposed New Recommendations

[Charter Question] D8) What additional updates to the Registry Agreement are necessary to ensure the labels under variant TLDs follow the “same entity” rule?

[Revised] **Recommendation 2.16:** A primary IDN gTLD that is removed from the root zone, either voluntarily or involuntarily, will also require the removal of its delegated variant labels from the root zone.

[Revised] **Recommendation 2.17:** A delegated variant label that is voluntarily removed from the root zone will not require the removal of the associated primary IDN gTLD or its other delegated variant labels.

[Revised] **Recommendation 2.18:** In the event that a variant label is removed from the root zone because it has been found to be in breach of the Registry Agreement, the delegated primary IDN gTLD and its other delegated variant labels must also be removed from the root zone.

- *Note: implementation guidance may be needed because a breach of the RA doesn't always result in the removal of strings from the root zone, it could also mean that EBERO is implemented.*

A3 - Open Item

[Charter Question] A3) If an applied-for TLD label, whose script is supported by the RZ-LGR, is determined to be “invalid”, is there a reason NOT to use the evaluation challenge processes recommended by SubPro? If so, rationale must be clearly stated. If SubPro’s recommendation on the evaluation challenge process should be used, what are the criteria for filing such a challenge? Should any additional specific implementation guidance be provided, especially pertaining to the challenge to the LGR calculation as it can have a profound, decimating impact on the use of RZ-LGR?

Open Item:

The EPDP Team discussed the scenario where an applicant attempts to apply for a label that is subject to an ongoing RZ-LGR review request. The EPDP Team agreed to the following so far:

- Any ongoing processes pursuant to a RZ-LGR review request should not hold up any other new gTLD applications in the program from the same application round.
- A new application for a label that had been subject to a RZ-LGR review request may be submitted only if and when such a label is validated by the updated version of the RZ-LGR.

The EPDP Team suggested that if an applicant applies for a label that is subject to an ongoing RZ-LGR review request, the applicant should be notified at an early stage of the application process and the application should be removed from the program. However, the EPDP Team recognized that this potential recommendation may be contingent on the output of charter question a4) deliberations, hence the discussion of this item remains open.

A4 - Conclusion

[Charter Question] A4) Should the SubPro recommendation be extended to existing TLDs that apply for a variant TLD label whose script is not yet supported by the applicable version of the RZ-LGR?

Proposed Answer to A4 (text approved by EPDP Team):

The EPDP Team agreed that this charter question is moot as all scripts of all existing delegated gTLDs are already integrated into the RZ-LGR version 5, which was published on 26 May 2022. Hence no recommendation or implementation guidance is needed.

Phase 1 Initial Report: Proposed Structure

Proposed Table of Contents

- Section 1: Executive Summary
- Section 2: Working Group Approach
- Section 3: Glossary
- Section 4: Working Group Responses to Charter Questions and Preliminary Recommendations
- Section 5: Next Steps
- Annex A: String Similarity Review Hybrid Model Deliberation
- Annex B: Working Group Charter
- Annex C: Background
- Annex D: Working Group Membership and Attendance
- Annex E: Community Input

Public Comment Timeline

March 2023

Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2 Meeting #72 Close loop & Public Comment prep	3	4
5	6	7	8	9	10	11 ICANN76 Second reading & full view of all P1 draft recs
12 ICANN76	13 ICANN76	14 ICANN76	15 ICANN76	16 ICANN76	17	18
19	20	21	22	23 Meeting #73 Cancel?	24 Staff finish drafting P1 Initial Report & Public Comment material prep	25
26	27	28	29	30 Meeting #74 Discuss selected draft P1 Initial Report sections	31 EPDP Team starts final review of full P1 Initial Report & PC materials	

April 2023

Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	3	4	5	6 Meeting #75 Agenda TBD	7 EPDP Team approves full draft P1 Initial Report & PC materials	8
9	10 Send Public Comment material to Exec & Comms Teams	11 Send Public Comment material to ICANN Legal Team	12	13	13	15
16	17 Request Public Comment open, ticket includes all PC materials	18	19	20	21	22
23	24 Publish Phase 1 Initial Report for Public Comment	25	26	27	28	29

Guided Submission Form

See Transfer Policy PDP Phase 1a Initial Report Public Comment example:

<https://www.icann.org/en/public-comment/proceeding/initial-report-on-the-transfer-policy-review-21-06-2022>

- Note: ICANN org needs four (4) business days to build out the Guided Submission Form

June 2023 - When To Close Public Comment Period

Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	3
4	5 Option 1: 42 calendar days	6	7	8	9	10
11	12 ICANN77	13 ICANN77	14 ICANN77	15 ICANN77	16	17
18	19	20	21	22	23	24
25	26 Option 2: 63 calendar days	27	28	29	30	