

Internationalized Domain Names Expedited Policy Development Process

Administrative Updates; Phase 2 Charter Question Review



IDN-EPDP Team Meeting #76 | 03 April 2023

Agenda

1. Roll Call and SOI Updates (2 mins)
2. Welcome and Chair Updates (10 mins)
 - a. Public Comment Proceeding
 - b. Outreach (Community Webinar, SSAC, GAC)
 - c. ICANN77 Sessions
 - d. Membership Refresh
3. Review of Phase 2 Charter Questions (105 mins)
6. AOB (3 mins)

Welcome and Chair Updates

April 2023

Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	3 Meeting #76	4	5 EPDP Team starts final review of full P1 Initial Report & PC materials	6	7	8
9	10	11 EPDP Team approves full draft P1 Initial Report & PC materials	12 Send Public Comment material to Exec, Legal & Comms Teams	13	14 Request Public Comment open, ticket includes all PC materials	15
16	17	18	19	20 Meeting #79 	21	22
23	24 Publish Phase 1 Initial Report for Public Comment	25	26	27 Meeting #80	28	29

May 2023

Sun	Mon	Tue	Wed	Thu	Fri	Sat
30	1	2	3	4 Meeting #81 (cancellation)	5	6
7	8	9	10	11 Meeting #82	12	13
14	15	16 Community Webinar (option 1) (11:00-12:30 UTC)	17 Community Webinar (option 2) (11:00-12:30 UTC)	18 Meeting #83 Engage SSAC (option 1)	19	20
21	22	23	24	25 - GNSO Council - Meeting #84 Engage SSAC (option 2)	26	27
28	29	30	31			

June 2023

Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1 Meeting #85	2	3
4	5 Last Day of Public Comment 42 calendar days	6	7	8 Meeting #86 (cancellation)	9	10
11	12 ICANN77 Session 1: 13:45-15:00	13 ICANN77 Session 2: 15:30-17:00	14 ICANN77 Session 3: 10:45-12:15	15 ICANN77 Session 4: 09:00-10:15	16	17
18	19	20	21	22	23	24
25	26 [If Extended] Last Day of PC 63 calendar days	27	28	29	30	

Current Members & Participants

Members
At-Large Advisory Committee (ALAC)
Satish Babu
Abdulkarim Oloyede
Hadia Elminiawi
GNSO Council
Donna Austin (Chair)
Ekue Farell Folly (GNSO Council Liaison)
Intellectual Property Constituency (IPC)
Jeffrey Neuman
Non-Commercial Stakeholder Group (NCSG)
Akinremi Peter Taiwo
Emmanuel Vitus Agbenonwossi
Registrar Stakeholder Group (RrSG)
Michael Bauland
Zhang Zuan
Registry Stakeholder Group (RySG)
Maxim Alzoba
Dennis Tan Tanaka
Joseph Chiu-Kit Yee
Governmental Advisory Committee (GAC)
T. Santhosh
Nigel Hickson

Participants
At-Large Advisory Committee (ALAC)
Justine Chew (Vice Chair)
Independent
Abdalmonem Galila
Gao Lei
Nabil Benamar
Lisa Liang
ANIL JAIN
Quoc Pham
Imran Hossen
Wael Nasr
Internet Service Providers and Connectivity Providers Constituency (ISPCP)
Christian Dawson
Registry Stakeholder Group (RySG)
Jennifer Chung
Jerry Sen
Wei (Wesley) Wang
Governmental Advisory Committee (GAC)
Hamza Onoruoiza Salami

Review of Phase 2 Charter Questions

Board Resolution on 16 March 2023

Whereas, the Board understands that the delivery of the Implementation Plan no later than 1 August 2023 requires the satisfactory completion of the following four deliverables (the Deliverables) **by the last day of the ICANN77 Public Meeting (15 June 2023)**:

4. **A project plan** from the GNSO Internationalized Domain Names (IDNs) Expedited Policy Development Process (EPDP) Working Group (WG) **identifying all charter questions that will impact the next Applicant Guidebook**, along with considerations to ensure a consistent solution on IDN Variant TLDs with the ccPDP4 on IDN ccTLDs (in accordance with prior Board [Resolution 2019.03.14.09](#)), and **a timeline by when the IDNs EPDP WG will deliver relevant recommendations to the GNSO Council.**

Discussion

To inform the development of “a project plan...and a timeline by when the IDNs EPDP WG will deliver relevant recommendations to the GNSO Council”, the EPDP Team to discuss the following for each Phase 2 charter question:

1. What data is potentially needed

2. What potential outcomes may look like



3. How long it may take to deliberate the question

Staff proposed an “interpretation” of each charter question and some preliminary considerations for the above items to kick off EPDP Team’s discussion...

* Re Q3, a guesstimate is provided based on background / context, potential data need, and experience in Phase 1 deliberation

Summary of “Length” Guesstimate

C1	4 meetings	D6	2 meetings
C2	4 meetings	D6a	2 meetings
C3	4 meetings	D7	2 meetings
C3a	2 meetings	D7a	2 meetings
C4	4 meetings	D8	3 meetings
C4a	1 meeting	F1	2 meetings
C5	3 meetings	F2	1 meeting
C6	2 meetings	G1	4 meetings
D4	3 meetings	G2	2 meetings
D5	1 meeting	Contingency Buffer	12 meetings
Total: 60 meetings			

c1) Both the SubPro PDP and the Staff Paper recommend that: 1) a given second-level label beneath each allocated variant TLD must have the “same entity”; and 2) all allocatable second-level IDN variant labels that arise from a registration based on a second-level IDN table must have the “same entity”. Should this recommendation be extended to existing second-level labels?

Question Interpretation:

Should the “same entity” requirement be extended to existing variant domains?

** In this instance, the same entity requirement means that for a second-level primary label that arises from a registration based on a second-level IDN table, all of its allocatable labels must only be allocated to the same entity that registers the primary label or withheld for possible allocation only to that entity*

Data	Data from registrars regarding how variant domains are managed
Potential Outcome	<ul style="list-style-type: none"> - Yes, “same entity” required retrospectively - No, grandfather existing registrations
Length	4 Meetings

c2) Currently Registry Operators may activate the IDN variant labels at the second-level when requested by the sponsoring Registrar of the canonical name as described in the IDN Tables and IDN Registration Rules. Both the SubPro PDP and the Staff Paper recommend that at the second-level, the same entity definition can be achieved by ensuring that the registrant is the same. Should this recommendation be extended to the already activated IDN variant labels at the second-level? How does the “same entity” requirement impact the current rules for Registry Operators for activating IDN variant labels?

Question Interpretation:

Part 1: Should the “same registrant” requirement be extended to existing variant domains?

Part 2: Whether the current rules for activating variant domains should be updated?

Data	<ul style="list-style-type: none"> - Data from registrars regarding registrant situation of variant domains - Data from registries regarding their current practice activating variant domains
Potential Outcome	<p>Part 1:</p> <ul style="list-style-type: none"> - Yes, same registrant required for existing registrations retrospectively - No, grandfather existing registrations <p>Part 2:</p> <ul style="list-style-type: none"> - Follow the current rules for activating variant labels - Develop different rules for activating variant labels
Length	4 Meetings

c3) What is the appropriate mechanism to identify the registrant as the “same entity” at the second-level for future and existing labels? Is ROID a reasonable mechanism to determine the same registrant at the second-level for both future and existing labels? If not, what mechanism/functional definition can be used to ensure the second-level variant labels are allocated to the same entity for both current and future TLDs?

Question Interpretation:

Can ROID be used to identify the same registrant for both existing and future variant domains? If not, what other mechanisms, if any, exist to identify the same registrant?

Data	<ul style="list-style-type: none"> - Data from registrars regarding the mechanism(s) of identifying the same registrant - Basics of ROID
Potential Outcome	<p>For future registrations:</p> <ul style="list-style-type: none"> - Yes, use ROID to identify the same registrant - No, use a different mechanism to identify same registrant - No specific recommendation, let registrars determine the appropriate mechanism <p>For existing registrations:</p> <ul style="list-style-type: none"> - Yes, use ROID retrospectively - No, grandfather existing practices
Length	4 Meetings

c3a) If the Working Group determines to use ROID as the mechanism to identify the registrant as the “same entity” at the second-level, are there additional requirements to ensure the “same entity” principle is followed?

Question Interpretation:

Should additional requirements be developed if ROID is determined as the mechanism to identify the same registrant?

Data	Data from registrars regarding the mechanism(s) of identifying the same registrant
Potential Outcome	Depends on the answer to C3... <ul style="list-style-type: none">- Yes, develop additional requirements- No additional requirements from EPDP- No specific requirements, let registrars determine additional requirements if needed
Length	2 Meetings

c4) Should the second-level IDN tables offered under a TLD, including IDN variant TLDs, be required to be mutually coherent? If yes, how should existing registrations which may not meet the “mutually coherent” requirement of second-level IDN tables be addressed? Rationale must be clearly stated.

Question Interpretation:

Should IDN tables under a gTLD be mutually coherent for an existing gTLD or a future gTLD?

Data	<ul style="list-style-type: none"> - Explanation of “mutually coherent” - Data from registries regarding current practice of making IDN tables mutually coherent - Data from ICANN org’s IDN table update project
Potential Outcome	<p>For future IDN tables:</p> <ul style="list-style-type: none"> - Yes, IDN tables must be required to be mutually coherent - No, IDN tables do not need to be mutually coherent <p>For existing IDN tables:</p> <ul style="list-style-type: none"> - Yes, existing IDN tables must be required to be “mutually coherent” retrospectively and enforce compliance with existing registrations - No, grandfather existing IDN tables and existing registrations
Length	4 Meetings

c4a) Notwithstanding that IDN tables need to be mutually coherent, the SubPro PDP and the Staff Paper recommend that the set of allocatable or activated second-level variant labels may not be identical across the activated IDN variant TLDs. Meaning, their behavior/disposition can be different. Under the conditions above, may the set of allocatable or activated second-level variant labels not behave identically under an individual TLD, which does not have any variant TLD label?

Question Interpretation:

Should variant domains under a single TLD behave the same?

Data	SubPro PDP Recommendation 25.8: <i>Second-level labels derived from Recommendation 25.6 or Recommendation 25.7 are not required to act, behave, or be perceived as identical.</i>
Potential Outcome	Affirm SubPro PDP Recommendation 25.8, which has already addressed this question
Length	1 Meeting

c5) There is existing practice by registries to harmonize IDN tables, but there is no data on the various methods they may have used. The Staff Paper suggests maintaining a common set of harmonized second-level IDN tables for all IDN variant TLDs and then (a) choosing all these IDN tables to offer for all IDN variant TLDs, or (b) choosing a relevant different subset of IDN tables to offer for each different IDN variant TLD. The WG and the SubPro IRT to coordinate and consider the following question in order to develop a consistent solution: are the above suggested methods in the Staff Paper sufficient for IDN table harmonization purposes? Should any additional implementation guidance be provided for a registry?

Question Interpretation:

How to harmonize IDN tables to ensure the ones under a gTLD are mutually coherent?

Data	Data from registries regarding their current practice of IDN table harmonization
Potential Outcome	<ul style="list-style-type: none"> - Adopt staff paper suggested method(s) of IDN table harmonization - Recommend a different method of IDN table harmonization - No specific recommendation, let registries determine their methods of IDN table harmonization
Length	3 Meetings

c6) Should Registry Operators be required to use the machine readable LGR format as specified in RFC 7940 for their second-level IDN tables? Or should Registry Operators have the flexibility to resolve the harmonization issue so long as it can predictably and consistently produce the same variant labels, albeit with different disposition values, across the same-script IDN tables?

Question Interpretation:

Should IDN tables use the LGR format, as specified in RFC 7940, for both existing gTLDs and future gTLDs?

Data	<ul style="list-style-type: none"> - Data from registries regarding IDN table format - Data from ICANN regarding IDN table format
Potential Outcome	<p>For future IDN tables:</p> <ul style="list-style-type: none"> - Require LGR format as specified in RFC 7940 - Recommend a different IDN table format - No specific recommendation, let registries determine IDN table format <p>For existing IDN tables:</p> <ul style="list-style-type: none"> - Require LGR format as specified in RFC 7940 retroactively - No specific recommendation, let registries determine their methods of IDN table harmonization
Length	2 Meetings

d4) Regarding second-level domain names, should a variant set behave as one unit, i.e. the behavior of one domain name is replicated across the other variant domain names? Or should each variant domain name have its own independent domain name life cycle? • Registration, including registration during the Sunrise Period, any Limited Registration Period, any Launch Program and during General Registration • Update • Renewal • Transfer • Lock • Suspension • Expiration • Redemption • Deletion

Question Interpretation:

Should the variant domains from a variant label set have the same behavior throughout the domain name lifecycle?

Data	<ul style="list-style-type: none"> - Basics of domain name lifecycle stages - SubPro PDP Recommendation 25.7
Potential Outcome	<p>Take into account the underlying principles of variant management mechanism...</p> <ul style="list-style-type: none"> - Yes, a variant label set must behave as one unit at all stages of the domain name lifecycle - No, a variant label set do not need to behave as one unit at any stage of the domain name lifecycle - Some stage(s) of the domain name lifecycle will require that a variant set behaves as one unit
Length	3 Meetings

d5) For reporting and fee accrual purposes, should each variant domain name be considered an independent registration? Or should such variant labels be considered as an atomic set?

Question Interpretation:

Should each variant domain incur fees paid to ICANN by its registry and registrar?

Data	Fees paid to ICANN by contracted parties
Potential Outcome	Take into consideration <u>Preliminary Recommendation 7.6</u> regarding the calculation of the registry-level transaction fee... <ul style="list-style-type: none"> - Each domain name registration will be considered an independent registration and require fee paid to ICANN by registry and registrar - A variant label set will be considered as one unit for fee purposes
Length	1 Meeting

d6) The WG, the Transfer Policy PDP, and the RPM PDP Phase 2 to coordinate and consider the following questions in order to develop a consistent solution: to what extent should the Transfer Policy be updated to reflect domain name relationships due to variants and the “same entity” requirement?

Question Interpretation:

Whether and how should the Transfer Policy be updated for variant domains?

Data	Basics of Transfer Policy
Potential Outcome	Depends on answer to D4... <ul style="list-style-type: none">- Transfer of one domain will affect the other domains from the variant label set- Transfer of one domain does not affect the other domains from the variant label set- Transfer of one domain may affect the other domains from the variant label set, depending on specific circumstances- Recommend other specific changes to transfer policy to preserve the underlying principles of variant management mechanism
Length	2 Meetings

d6a) Should transfers ordered by the Uniform Domain-Name Dispute-Resolution Policy (UDRP) or any other dispute resolution mechanisms be treated the same way to follow the “same entity” requirement?

Question Interpretation:

Should the variant domains from a variant label set be transferred to the same entity as a remedy of UDRP?

Data	Basics of UDRP and its remedy
Potential Outcome	Depends on answer to D4 and D6... <ul style="list-style-type: none">- Transfer of the entire variant label set is required as a remedy of UDRP- Transfer of one domain name as a remedy of UDRP does not necessarily impact the other domains from the variant label set- Recommend specific changes to other dispute resolution mechanisms to preserve the underlying principles of variant management mechanism
Length	2 Meetings

d7) Should the policies and procedures related to domain name suspension be updated to ensure that the “same entity” principle is followed for all variant domain names? In other words, if one domain label is suspended, either voluntarily or involuntarily, should all the variant labels related to that domain be suspended??

Question Interpretation:

Whether and how should suspension related procedures be updated for variant domains?

Data	Basics of domain name suspension (voluntary and involuntary)
Potential Outcome	<p>Depends on answer to D4...</p> <ul style="list-style-type: none"> - Suspension of one domain will affect the other domains from the variant label set - Suspension of one domain does not affect the other domains from the variant label set - Suspension of one domain may affect the other domains from the variant label set, depending on specific circumstances
Length	2 Meetings

D7a

d7a) Should the suspensions ordered by the Uniform Rapid Suspension System (URS) or any other dispute resolution mechanisms be treated the same way to follow the “same entity” requirement?

Question Interpretation:

Should all of the variant domains from a variant label set be suspended as a remedy of URS?

Data	Basics of URS and its remedy
Potential Outcome	Depends on answer to D4 and D7... <ul style="list-style-type: none">- Suspension of the entire variant label set is required as a remedy of URS- Suspension of one domain name as a remedy of URS does not necessarily impact the other domains from the variant label set
Length	2 Meetings

d8) What additional updates to the Registry Agreement are necessary to ensure the labels under variant TLDs follow the “same entity” rule?

- *Parking lot: What should be included in (or the behaviour of) WHOIS/RDAP for IDN variants, both the IANA whois and the Registry WHOIS?*

What the question is asking:

What data should be recorded in the IANA WHOIS and Registry WHOIS with regard to variant domains from a variant label set?

Data	<ul style="list-style-type: none"> - Basics of WHOIS/RDAP - GDPR outcomes
Potential Outcome	<p>Take into account Implementation Guidance 9.2 regarding variant label state tracking...</p> <ul style="list-style-type: none"> - Recommend specific changes to IANA WHOIS and Registry WHOIS to record the registration data of a domain and its associated variant label set
Length	3 Meetings

f1) Are there any adjustments to the TMCH and its Sunrise and Trademark Claims services needed?

What the question is asking:

- Should variant labels of a registered mark also be recorded in the TMCH?
- Are variant labels of a registered mark eligible to receive Sunrise and Trademark Claims services?

Data	<ul style="list-style-type: none"> - Basics of TMCH and its Sunrise and Trademark Claims services - ICANN org collected data on TMCH - SAC060
Potential Outcome	<p>Take into account <u>Preliminary Recommendation 3.16</u> regarding variant label application for .Brand TLDs...</p> <ul style="list-style-type: none"> - No change to TMCH and its services due to the exact match rule based on trademark law - Recommend specific changes to TMCH and its services by considering SAC060
Length	2 Meetings

f2) In order to ensure that the “same entity” principle is maintained, what are the additional operational and legal impacts to the following RPMs that are not considered in the above charter questions, which mostly concern the outcomes or remedies of dispute resolution procedures or trademark protection mechanisms?

What the question is asking:

RPM catch all question

Data	Basics of rights protection mechanisms and dispute resolution procedures
Potential Outcome	Take into account <u>Preliminary Recommendation 7.12</u> regarding the remedy of TM-PDDRP and depends on answers to D6a, D7a, F1... <ul style="list-style-type: none"> - Recommend other specific changes to RPMs to preserve the underlying principles of variant management mechanism
Length	1 Meeting

g1) What should be the proper vehicle to update the IDN Implementation Guidelines?

What the question is asking:

Since IDN Implementation Guidelines have contractual implications for registries and registrars, what is the proper mechanism for updating them in the future?

Data	<ul style="list-style-type: none">- History of IDN Implementation Guidelines and current process for updating- Background of IDN Implementation Guidelines version 4.1 and related challenges
Potential Outcome	<ul style="list-style-type: none">- Recommend specific changes to how IDN Implementation Guidelines should be updated
Length	4 Meetings

g1a) Given that the contracted parties are contractually bound to adhere to the IDN Implementation Guidelines, is there a need for a separate legal mechanism specifically for the implementation of IDNs among gTLDs, as well as a general guideline for any registry (including ccTLD registries) that wishes to implement IDNs?

What the question is asking:

Should a separate legal mechanism, other than the IDN Implementation Guidelines, be created to enforce IDN related contractual obligations for registries and registrars?

Data	<ul style="list-style-type: none">- History of IDN Implementation Guidelines and current process for updating- Background of IDN Implementation Guidelines version 4.1 and related challenges
Potential Outcome	Depends on answer to G1.. <ul style="list-style-type: none">- No, there is no need for separate legal mechanism as the IDN Implementation Guidelines already suffice- Yes, there is a need for separate legal mechanism (develop a recommendation)- ccTLDs related consideration seem to be out of scope
Length	2 Meetings