Internationalized Domain Names Expedited Policy Development Process

C1, C2, C3, C3a

ICANN

IDN-EPDP Team Meeting #83 | 25 May 2023

Agenda

1. Roll Call and SOI Updates (2 mins)

2. Welcome and Chair Updates (5 mins)

3. Same-entity charter questions (C1, C2, C3, C3a) (50 mins)

4. Dialogue with SSAC SMEs

5. AOB (3 mins)

Charter Questions: C1, C2, C3, C3a

Same Entity - Extend to existing second-level labels?

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?

Same Entity - Definition?

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?

Charter Questions: C1, C2, C3, C3a, cont.

Same Entity - Mechanism to identify registrant as same entity

C3) The WG and the SubPro IRT to coordinate and consider the following question in order to develop a consistent solution: what is the appropriate mechanism to identify the registrant as the "same entity" at the second-level for future and existing labels?

The Staff Paper recommends using ROID to ensure that the same label beneath all variant labels is allocated to the same entity. However, some registrars in practice may not reuse contact objects for different registrations by the same registrant, and there is no existing data on the number/percentage of ICANN accredited registrars that reuse contact ROID.

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? Consider this question by taking into account the data to be collected in the "Data and Metric Requirements" section of this charter.

Conditional question

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?

C1) Same Entity - Extend to existing second-level labels?

SubPro made recommendations in line with the Staff Paper, specifically:

- Recommendation 25.6: A **given second-level label under any allocated variant TLD must only be allocated to the same entity/registrant**, or else withheld for possible allocation only to that entity (e.g., s1 under {t1, t1v1, …}, **e.g., s1.t1 and s1.t1v1**).

- Recommendation 25.7: For **second-level variant labels** that arise from a registration based on a second-level IDN table, all allocatable variant labels in the set **must only be allocated to the same entity** or withheld for possible allocation only to that entity (e.g., all allocatable second-level labels {**s1, s1v1, …**} under all allocated variant TLD labels {**t1, t1v1, …**}).

These recommendations have already been adopted by the ICANN Board at ICANN76 and are currently in implementation.

Question: *Should these recommendations be extended to existing second-level labels?*

In other words, for a given existing second-level label (example.tld) should:

- example.tld, example.tldv1, example.tldv2, etc. be allocated to or withheld for possible allocation only to the same entity; and
- example.tld, examplev1.tld, example.tldv1, examplev1.tldv1, etc. only be allocated to or withheld for possible allocation only to the same entity?

C2) Same entity definition

> **Current: Contractual language allows for the activation of second-level variants labels (approved via RSEP)**
>
> - [#.2.1]. **By default** variant IDNs (as defined in the Registry Operator's IDN tables and IDN Registration Rules) **must be blocked** from registration.
>
> - [#.2.2]. Variant IDNs **may be activated** when **requested by the sponsoring Registrar of the canonical name** as described in the IDN Tables and IDN Registration Rules.
>
> - [#.2.3]. Active variant IDNs must be provisioned in the TLD's DNS zone file as zone cuts **using the same NS resource records as the canonical name**.

- SubPro Recommendations 25.6 and 25.7 require second-level variants to only be allocated (or withheld for allocation) **to the same entity**.

Question 1: *Should this recommendation be extended to already activated IDN variant labels at the second-level?*

In other words, for a given existing second-level label example.tld and its existing variant examplev1.tld, examplev2.tld, etc. where existing requirements were followed (i.e., requested by sponsoring registrar) but where in theory, the **registrant may not be the same**, what should be done?

C2) Same entity definition, cont.

Current: Contractual language allows for the activation of second-level variants labels (approved via RSEP)

- [#.2.1]. **By default** variant IDNs (as defined in the Registry Operator's IDN tables and IDN Registration Rules) **must be blocked** from registration.

- [#.2.2]. Variant IDNs **may be activated** when **requested by the sponsoring Registrar of the canonical name** as described in the IDN Tables and IDN Registration Rules.

- [#.2.3]. Active variant IDNs must be provisioned in the TLD's DNS zone file as zone cuts **using the same NS resource records as the canonical name**.

- SubPro Recommendations 25.6 and 25.7 require second-level variants to only be allocated (or withheld for allocation) **to the same entity**.

Question 2: *How does the "same entity" requirement impact the current rules for Registry Operators for activating IDN variant labels?*

The contractual requirements above do not specify "same entity" requirements, but do require two different elements (e.g., request by sponsoring registrar; use same NS resource as canonical name). **Should existing ROs that already have this contractual amendment be required to rely on the "same entity" principle to allocate or withhold for allocation second-level variants in the future?**

C3) Mechanism to identify registrant as same entity?

The Staff Paper recommends using the Repository Object Identifiers (ROID) as the mechanism to identify the registrant as the "same entity" at the second-level.

What is the ROID?

- Per RFC 5730, a globally unique identifier must be assigned by the registry to every object when the object is created. In order to facilitate this, registries must register their Extensible Provisioning Protocol (EPP) Repository ID with IANA. See list of Repository IDs here: https://www.iana.org/assignments/epp-repository-ids/epp-repository-ids.xhtml. ID often focused around gTLD.
- The globally unique identifier is a concatenation of the local identifier for a contact object (i.e., Registry <admin/tech/registrant>) followed by a hyphen and the repository identifier. For example, Registry Admin ID: 5372809-EXAMPLE.
- ROIDs are stored in the Shared Registry System (SRS), which is managed by the registry, but can be affected by multiple registrars simultaneously.

How would the ROID help identify the same entity?

- Since the the ROID is a globally unique identifier, it could be used to ensure that a second-level domain and all of its allocatable variants are assigned to or withheld for the same registrant (e.g., leveraging the Registry Registrant ID).

Are there drawbacks to using the ROID?

- The RA requires the use of a unique-per-object ROID, but there is no requirement that prevents a registrant from having multiple instances of a ROID within a single gTLD or across multiple gTLDs.

C3) Mechanism to identify registrant as same entity, cont.

Question 1: Should the ROID be used to identify a registrant as the same entity? Why or why not?

Question 2: If not, what would be a better mechanism to identify the same entity? / What are some practices in place today that Rys/Rrs use to identify the same entity?

- Note, the CPH TechOps group has been asked to consider this question and if possible, provide a recommendation.

Question 3: Is any additional data or information needed to help facilitate this discussion?

Dialogue with SSAC Subject Matter Experts

Recommendations Related to SSAC's Early Input

- **Preliminary Recommendation 8.1**: No ceiling value for delegated top-level variant labels from a variant label set is necessary as existing measures in the RZ-LGR to reduce the number of allocatable top-level variant labels, as well as economic, operational, and other factors that may impact the decision to apply for variant labels, will keep the number of delegated top-level variant labels conservative.
- **Preliminary Recommendation 8.2**: In order to encourage a positive and predictable registrant experience, a framework for developing guidelines for the management of gTLDs and their variant labels at the top-level by registries and registrars must be created during implementation.
  - **Implementation Guidance 8.3**: The framework should outline the scope and the steps involved in developing future guidelines, which at a minimum should involve relevant stakeholders, such as registries, registrars, and where feasible, registrants who have experience with IDNs and variant labels.
- **Preliminary Recommendation 3.5**: A future IDN gTLD applicant must be required, as part of the application process, to explain why it seeks one or more allocatable variant label(s) of its applied-for primary IDN gTLD string. The same requirement applies to existing registry operators from the 2012 round who wish to apply for allocatable variant label(s) of their existing IDN gTLDs.
  - **Implementation Guidance 3.6**: Criteria for evaluating the explanations submitted by applicants on the need for variant label(s) should be pre-identified and applied consistently by evaluators with the requisite expertise.

Recommendations Related to SSAC's Early Input, cont.

- **Preliminary Recommendation 3.7**: A future IDN gTLD applicant must be required to demonstrate its ability to manage the applied-for primary IDN gTLD string and applied-for allocatable variant label(s) from both a technical and operational perspective. The same requirement applies to existing registry operators from the 2012 round who wish to apply for allocatable variant label(s) of their existing IDN gTLDs.
  - **Implementation Guidance 3.8**: The evaluation of capability to manage the variant label set should be closely tied to the overall technical capability evaluation. The evaluation should be based on measurable criteria including, but not limited to, the performance of Critical Functions with respect to second-level registrations under the primary IDN gTLD string and the applied-for allocatable variant label(s).
  - **Implementation Guidance 3.9**: ICANN org may conduct research that helps identify additional standards or tests that should be used to evaluate the technical and operational capability to manage the variant label set.
- **Preliminary Recommendation 3.11**: A future IDN gTLD applicant applying for a primary IDN gTLD string and up to four (4) of that string's allocatable variant labels during an application round must incur the same base application fee as any gTLD applicant who does not apply for variant labels in that round.
- **Preliminary Recommendation 3.12**: Any applicant applying for more than four (4) allocatable variant labels of a primary IDN gTLD string in an application round may incur additional fees that ICANN org considers to be proportionate to any additional costs associated with evaluating the application and consistent with the cost recovery principle.
- **Preliminary Recommendation 3.13**: A future registry operator applying only for allocatable variant label(s) of its delegated primary IDN gTLD must incur a discounted base application fee that ICANN org considers to be proportionate to any costs associated with evaluating the application and consistent with the cost recovery principle.

Recommendations Related to SSAC's Early Input, cont.

- **Preliminary Recommendation 3.14**: If an existing registry operator from the 2012 round applies for up to four (4) allocatable variant labels of its existing IDN gTLD:
    - in the immediate next application round, the base application fee will be waived for that application as a one-time exception; or
    - in any application round subsequent to the immediate next application round, that application must incur a discounted base application fee as set out in Preliminary Recommendation 3.13.

  If an existing registry operator from the 2012 round applies for more than four (4) allocatable variant labels of its existing IDN gTLD:

    - in the immediate next application round, that application may incur additional fees as set out in Preliminary Recommendation 3.12; or
    - in any application round subsequent to the immediate next application round, that application must incur a discounted base application fee as set out in Preliminary Recommendation 3.13 AND may incur additional fees as set out in Preliminary Recommendation 3.12.

Recommendations Where SSAC Advice Was Considered

- **Preliminary Recommendation 3.17:** The EPDP Team affirmed the Recommendation 25.4 in the SubPro PDP Final Report that single-character gTLDs may only be allowed for limited scripts and languages where a character is an ideograph. At the time of the EPDP Team's deliberations, the only script that meets the criteria is the Han script, which is used in the Chinese, Japanese, and Korean languages. Nevertheless, applications for single-character gTLDs that are ideographs must not be accepted until relevant guidelines from the Chinese, Japanese, and Korean Generation Panels are developed, finalized after Public Comment, and implemented in the New gTLD Program. *(SAC052)*
- **Preliminary Recommendation 3.22**: Only an applied-for gTLD string that conforms to the mandatory string requirements, including IDNA 2008 for IDN strings, as well as the RZ-LGR, can be submitted through the new gTLD application submission system. Where the initial algorithmic check deems an applied-for gTLD string as "invalid" or "blocked" (where the applied-for string is a variant label), such application for a non-conforming string may be accepted but the applicant must be warned of its potential disqualification. If the DNS Stability Panel (DSP) subsequently confirms the applied-for string as "invalid" or "blocked" per the RZ-LGR and disqualifies the application for the non-conforming string, the applicant may invoke the limited challenge mechanism for DNS Stability Review, as recommended by the SubPro PDP, to seek a reassessment of the disqualification. However, the applicant's ground to challenge is limited to a belief that its applied-for gTLD string is valid and allocatable as per the RZ-LGR and that the disqualification by the DSP was due to an incorrect assessment of the technical implementation of the RZ-LGR. *(SAC060)*
  - **Implementation Guidance 3.23**: The new gTLD application submission system should issue a disqualification warning to the applicant, whose applied-for string conforms to the mandatory string requirement, when the initial algorithmic check finds the following: (i) the applied-for gTLD string is deemed "invalid"; and/or (ii) the applied-for variant label is deemed "invalid" or "blocked". This warning recognizes the unlikely, but possible, situation that the RZ-LGR was programmed or incorporated into the application submission system incorrectly, and allows an opportunity for correction. *(SAC060)*

Recommendations Where SSAC Advice Was Considered, cont.

- **Preliminary Recommendation 3.24:** An applied-for gTLD string that has been accepted through the new gTLD submission system and correctly assessed by the DNS Stability Panel as "invalid" or "blocked" (where the applied-for string is a variant label) is disqualified unless and until such a string is deemed valid and allocatable in a future version of the RZ-LGR, if any. *(SAC060)*
- **Preliminary Recommendation 4.1**: The String Similarity Review must be modified to compare an applied-for primary gTLD string (no matter whether it is an ASCII string or an IDN string) and all of its allocatable variant label(s) against the following:
  - Existing gTLDs and all of their allocatable and blocked variant labels; and
  - Existing ccTLDs and all of their allocatable and blocked variant labels; and
  - Strings requested as IDN ccTLDs and all of their allocatable and blocked variant labels; and
  - Other applied-for gTLD strings and all of their allocatable and blocked variant labels; and
  - All strings on the Reserved Names list and all of their allocatable and blocked variant labels; and
  - Any other two-character ASCII strings and all of their allocatable and blocked variant labels (if the applied-for gTLD string is a two-character string).

  In addition, the blocked variant label(s) of an applied-for primary gTLD string must also be compared against the following:

  - Existing gTLDs and all of their allocatable variant labels; and
  - Existing ccTLDs and all of their allocatable variant labels; and
  - Strings requested as IDN ccTLDs and all of their allocatable variant labels; and
  - Other applied-for gTLD strings and all of their allocatable variant labels; and
  - All strings on the Reserved Names list and all of their allocatable variant labels; and
  - Any other two-character ASCII strings and all of their allocatable variant labels (if the applied-for gTLD string is a two-character string). *(SAC060)*

Recommendations Where SSAC Advice Was Considered, cont.

- **Preliminary Recommendation 4.2:** As an exception to the proposed modification to the String Similarity Review in accordance with Preliminary Recommendation 4.1, the String Similarity Review Panel may decide whether and what blocked variant labels to omit when conducting a comparison. Any such decision by the String Similarity Review Panel must be based on guidelines and/or criteria that justify such an omission on the basis of a manifestly low level of confusability between the scripts of labels being compared. *(SAC060)*
- **Preliminary Recommendation 4.3**: During implementation, the guidelines and/or criteria must be developed for use by the String Similarity Review Panel to decide on the omission of blocked variant labels when conducting a comparison. *(SAC060)*
- **Preliminary Recommendation 4.4**: All labels from a variant label set, comprising the primary gTLD string and all of its allocatable and blocked variant labels, must share the same outcome out of the String Similarity Review. This means the String Similarity Review, in accordance with Preliminary Recommendation 4.1-4.3, determines that:
    - If an applied-for primary gTLD string or any of its variant label(s) is confusingly similar to an existing gTLD or ccTLD or any of its variant label(s), the entire variant label set of the applied-for primary gTLD string will be ineligible to proceed in the application process; or
    - If an applied-for primary gTLD string or any of its variant label(s) is confusingly similar to another applied-for primary gTLD string or any of its variant label(s), the entire variant label sets of the two applied-for primary gTLD strings will be placed in a contention set. Upon the resolution of the contention set, the application that prevails can proceed to the next stage of the application process. *(related to String Similarity recommendations)*

Recommendations Where SSAC Advice Was Considered, cont.

- **Preliminary Recommendation 5.2:** A String Confusion Objection may be filed based on confusing similarity between combinations of applied-for primary gTLD strings and their variant labels established by Preliminary Recommendation 4.1-4.2. The possible combinations are as follows:
  - 1. Applied-for primary gTLD string is confusingly similar to the primary string of an existing gTLD/ccTLD or another applied-for primary gTLD string
  - 2. Applied-for primary gTLD string is confusingly similar to an allocatable variant label of an existing gTLD/ccTLD or another applied-for primary gTLD string
  - 3. Applied-for primary gTLD string is confusingly similar to a blocked variant label of an existing gTLD/ccTLD or another applied-for primary gTLD string
  - 4. An allocatable variant label of an applied-for primary gTLD string is confusingly similar to the primary string of an existing gTLD/ccTLD or another applied-for primary gTLD string
  - 5. An allocatable variant label of an applied-for primary gTLD string is confusingly similar to an allocatable variant label of an existing gTLD/ccTLD or another applied-for primary gTLD string
  - 6. An allocatable variant label of an applied-for primary gTLD string is confusingly similar to a blocked variant label of an existing gTLD/ccTLD or another applied-for primary gTLD string
  - 7. A blocked variant label of an applied-for primary gTLD string is confusingly similar to the primary string of an existing gTLD/ccTLD or another applied-for primary gTLD string
  - 8. A blocked variant label of an applied-for primary gTLD string is confusingly similar to an allocatable variant label of an existing gTLD/ccTLD or another applied-for primary gTLD string

The only combination of strings that cannot form the basis of a String Confusion Objection is that of a blocked variant label of an applied-for primary gTLD string being claimed as confusingly similar to the blocked variant label of an existing gTLD/ccTLD or another applied-for primary gTLD string. In its objection, the objector must specify the confusing similarity between the combination of strings within the limits of String Similarity Review in accordance with Preliminary Recommendation 4.1-4.2. *(related to String Similarity recommendations)*

Recommendations Where SSAC Advice Was Considered, cont.

- **Preliminary Recommendation 5.3:** The outcomes of the String Confusion Objection are consistent with the 2012 Applicant Guidebook. Specifically:
  - If the objection prevails and where the objector is an existing TLD registry operator, then that application (in its entirety) is ineligible to proceed to the next stage of the application process; or
  - If objection prevails and where the objector is another applicant, then both that application and the objector's application are placed in a contention set.
  - If the objection does not prevail, then that application (in its entirety) may proceed to the next stage of the application process. *(related to String Similarity recommendations)*
- **Preliminary Recommendation 5.4**: With respect to the Limited Public Interest Objection, Legal Rights Objection, and Community Objection, an objection may be filed against only the appliedfor primary gTLD strings and/or the applied-for allocatable variant labels. For avoidance of doubt, the objection cannot be filed against non-applied-for allocatable variant labels or blocked variant labels. Specifically, the objection can be filed against one of the following options:
  - Only the applied-for primary gTLD string, or
  - One or more of the applied-for allocatable variant label(s), or
  - A combination of the applied-for primary gTLD string and one or more applied-for allocatable variant label(s) *(related to String Similarity recommendations)*

Recommendations Where SSAC Advice Was Considered, cont.

- **Preliminary Recommendation 5.5:** With respect to the Limited Public Interest Objection, Legal Rights Objection, and Community Objection, the possible outcomes are as follows:
  - If an objection against an applied-for primary gTLD string prevails, then that application (in its entirety) is ineligible to proceed to the next stage of the application process.
  - If an objection against only one or more applied-for allocatable variant label(s) prevails, then that application for the applied-for primary gTLD string and other unaffected applied-for allocatable variant label(s) may proceed to the next stage of the application process without the applied-for allocatable variant label(s) which are rendered ineligible by the objection.
  - If the objection does not prevail, then that application (in its entirety) may proceed to the next stage of the application process. *(related to String Similarity recommendations)*
- **Preliminary Recommendation 6.2**: The entire variant label set of an applied-for primary gTLD string (no matter whether it is an ASCII string or an IDN string) must be processed in the contention set. *(related to String Similarity recommendations)*
- **Preliminary Recommendation 8.6**: Any delegated gTLDs and their delegated and allocated variant labels (if any) not validated by a proposed RZ-LGR update must be grandfathered. In other words, the proposed update will apply to future new gTLDs and their variant labels and will not be retrospective; there will be no change to the contractual and delegation state of the delegated gTLDs and their delegated and allocated variant labels (if any), which predate the proposed RZ-LGR update and are subject to the version of RZ-LGR when those gTLDs and variant labels were initially applied for upon the finalization of the application process. *(SAC060)*
- **Preliminary Recommendation 8.7**: For all future versions of the RZ-LGR, Generation Panels (GPs) and the Integration Panel (IP) must make best efforts to retain full backward compatibility with delegated gTLDs and their delegated and allocated variant labels (if any). The LGR Procedure must be updated to specify the exceptional circumstances, to the extent known to the GPs and IP, that could result in a proposed update to the RZ-LGR not being able to retain full backward compatibility. *(SAC060)*

Recommendations Where SSAC Advice Was Considered, cont.

- **Preliminary Recommendation 8.8**: In the unexpected event where a proposed update to the RZ-LGR is unable to retain full backward compatibility for validating any delegated gTLDs as well as their delegated and allocated variant labels (if any), the relevant GP must call out the exception during a Public Comment period and explain the reasons for such exception. The Public Comment period should also include the elements in the following Implementation Guidance. *(SAC060)*
    - **Implementation Guidance 8.9**: The GP analysis should identify security and stability risks (if any), as well as possible actions to mitigate the risks associated with allowing a delegated gTLD and its delegated and allocated variant labels (if any) to be grandfathered. There should also be an assessment, conducted by ICANN org, of the potential impact of grandfathering on registries, registrars, registrants, and end-users, as well as proposed measures to reduce the negative impact. As part of the assessment, ICANN org should facilitate a timely dialogue between the registry operator of the grandfathered gTLD, relevant function(s) in ICANN org, the GP, other experts and affected parties.

        Notwithstanding the recommendation to grandfather affected gTLDs, in the event security and stability risks are identified, ICANN org and the affected registry operator should discuss possible measures to minimize the risks that would result in minimal disruption to registries, registrars, registrants, and end-users. *(SAC060)*