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AT-LARGE ADVISORY COMMITTEE

Phase 1 Initial Report on the Internationalized Domain Names EPDP (EPDP-IDNs)

Ratification

On 24 April 2023, the Public Comment proceeding opened for the [Phase 1 Initial Report on the Internationalized Domain Names EPDP](#). An At-Large [workspace](#) was created for the Public Comment submission. The At-Large Consolidated Policy Working Group (CPWG) decided it would be in the interest of end users to develop and submit an At-Large Advisory Committee (ALAC) statement. Satish Babu, Justine Chew, Hadia Elminiawi, and Abdulkarim Oloyede volunteered to draft the initial ALAC statement.

From 03 May through 07 June, the drafters presented to the CPWG on initial positions for the CPWG consideration and draft ALAC statement. On 21 May, the drafters began to develop initial ALAC statement, which was posted to its workspace by ICANN Policy staff in support of the At-Large community. The recommendations and At-Large positions were discussed during prior CPWG calls. ALAC members and At-Large members via the CPWG mailing list were invited to provide input during the call and via email. On 17 June 2023, the CPWG finalized the At-Large Public Comment submission for ALAC ratification.

Per the ALAC Chair, the statement will be submitted prior to ratification given ICANN77 and the 19 June deadline. Ratification is expected to continue through Friday, 23 June 2023.

AT-LARGE ADVISORY COMMITTEE

Executive Summary

The At-Large Advisory Committee (ALAC) appreciates the opportunity to provide its comments on the Phase 1 Initial Report of the Expedited Policy Development Process on Internationalized Domain Names (“EPDP on IDNs” or “the EPDP”) while noting that the ALAC’s appointed participants in the EPDP have been actively engaged in the work of the EPDP.

In general, the ALAC supports the preliminary recommendations and implementation guidance proposed by the EPDP in its Phase 1 Initial Report, and wishes to highlight specific comments of support and concerns.

These specific comments are attached as a PDF to supplement the ALAC’s responses submitted via this guided form.

Specific Comments

Root Zone - Label Generation Rule (RZ-LGR)

The ALAC strongly believes in the goal of making the Internet truly multilingual and universally accepted. The introduction of variant labels supports improved multilingualism of the Internet by offering to various language communities the ability to use, what are ostensibly, strings deemed as equivalent to each other, i.e. variants. The ALAC recognises that a consistent approach is needed for the management of variant gTLDs at the top-level without introducing unmitigated risks to end-users. Noting that the ICANN Board has already adopted the Subsequent Procedures PDP Recommendation 25.2 to require the use of the RZ-LGR to validate all future gTLDs and the calculation of their respective variant labels and disposition values (i.e. whether allocatable or blocked), there is no reason why there should be a different approach applied to existing IDN gTLDs. In that respect, the ALAC supports Preliminary Recommendation 1.1 in adopting the RZ-LGR as the sole source to determine the variant label set for all existing gTLDs, and the disposition values of each variant label in the variant label set. From a policy perspective, it should not matter whether those existing gTLDs were delegated in or before the 2012 round. Otherwise a gap in policy for existing gTLDs delegated before the 2012 round would arise.

Same-Entity Principle

The ALAC supports the concept of “Same-Entity” Principle applying to variant label sets. While the intent of Preliminary Recommendation 2.1 is explicitly called as applying to existing IDN gTLDs, it would likely be just as important to make it clear that the principle also applies to all existing gTLDs, to be complete. Again, from a policy perspective, it should not matter whether those existing gTLDs were delegated in or before the 2012 round, and we would want to avoid creating a gap in the policy *vis a vis* existing gTLDs delegated before the 2012 round.

Application Fee Regime for Variants

The ALAC supports Preliminary Recommendation 3.14 in recommending that existing IDN gTLD registry operators be given a waiver of the base application fee to apply for variant labels of their existing IDN gTLDs in the immediate next round of applications, noting that the existing IDN gTLDs are the only existing ones which have allocatable variant labels based on the RZ-LGR. This preliminary recommendation recognizes that, as variants at the top-level having not been allowed in the 2012 round, there is a need for a targeted, fair remedy to address any pent-up demand for variant labels of existing IDN gTLDs since the 2012 round and one which does not cause unreasonable disadvantage against new applicants for new IDN gTLDs and their variant TLDs in future.

As a follow on, the ALAC also supports Preliminary Recommendation 3.15 in providing a one-time exception for applications, submitted in the immediate next round, by existing IDN gTLD registry operators for variant labels of their existing IDN gTLD, to receive priority in the processing order of applications.

Similarly, the ALAC recognises and supports Preliminary Recommendation 3.13 which provides for a discounted base application fee for a future registry operator wanting to apply only for allocatable variant labels of a previously secured delegated IDN gTLD as a way to discourage a rush to applying for both primary and variant labels at the same time without having time to properly plan its introduction of variant labels.

Glossary

The ALAC appreciates and is supportive of the EPDP's effort in generating a Glossary of terms which explains their usage by the EPDP in shaping its recommendations and implementation guidance. We are comfortable with the descriptions provided, noting that the terms have been presented in a form that would enable relative novices to comprehend them, and that the full, technical definitions are linked to the term.

ALAC RESPONSES

Section 2: Preliminary Recommendation(s) on RZ-LGR as Sole Source

| Preliminary Rec (page in Initial Report) | Support Level |
|---|---|
| PR 1.1: RZ-LGR as sole source to calculate variant labels, disposition values for existing gTLDs from 2012 round (27) | <p>Support Rec with wording change ▾</p> <p>Revised Wording: “The RZ-LGR must be the sole source to calculate the variant labels and disposition values for all existing delegated gTLDs.</p> <p>Reason: Instead of limiting the rec to just gTLDs delegated from the 2012 round, apply it to all existing delegated gTLDs per the charter question.</p> |

Section 3: Preliminary Recommendation(s) on Same Entity Principle

| Preliminary Rec (page in Initial Report) | Support Level |
|--|--|
| PR 2.1: Allocatable variant label for existing IDN gTLD from 2012 round only allocatable or withheld for that registry operator (28) | <p>Support Rec with wording change ▾</p> <p>Revised Wording: 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.</p> <p>Reason: Instead of limiting the rec to just gTLDs delegated from the 2012 round, apply it to all existing delegated gTLDs per the charter question.</p> |

Section 4: Preliminary Recommendation(s) on Application Submission, Administrative Check, Initial Evaluation

| Preliminary Rec (page in Initial Report) | Support Level |
|---|--|
| PR 3.1: Application for allocatable variant label cannot precede primary (29) | Support Rec as written ▾ |
| PR 3.2: Future registry operator can only apply for allocatable variant label during application round (29-30) | Support Rec as written ▾ |
| PR 3.3: Existing IDN gTLDs registry operators can only apply allocatable variant labels during application round (30, 33-34) | Support Rec as written ▾ |
| PR 3.4: Future IDN gTLD primary and allocatable variants labels in one application | Support Rec as written ▾ |
| PR 3.5: Both future IDN gTLD and existing registry operators who want allocatable variant labels must explain why they seek those variant label (31, 34) | Support Rec with wording change ▾ |
| IG 3.6: Criteria for evaluating explanations (per PR 3.5) should be pre-identified and applied consistently by qualified evaluators | Support Rec as written ▾ |
| PR 3.7: Both future IDN gTLD and existing registry operators who want allocatable variant labels must demonstrate ability to manage primary and variant labels from technical and operational perspective (31, 34-35) | Support Rec as written ▾ |

| Preliminary Rec (page in Initial Report) | Support Level |
|---|--|
| IG 3.8: Evaluation (per PR 3.7) should be closely tied to overall technical capability evaluation with criteria including Critical Functions with respect to SL registrations (31, 34-35) | Support Rec as written ▾ |
| IG 3.9: ICANN org may do research to help identify additional standards or test for technical and operational capability evaluation (per PR 3.7) (31, 34-35) | Support Rec with wording change ▾ Revised Wording: ICANN org should from time to time 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. |
| PR 3.10: Fee structure for all future applications must be consistent with principle of cost recovery (31, 35) | Support Rec as written ▾ |
| PR 3.11: Future applicant for primary and up to 4 allocatable variant labels must incur base application fee. (32, 35-37) | Support Rec as written ▾ |
| PR 3.12: Any applicant applying for more than 4 allocatable variant labels may incur additional fees determined by ICANN org (32, 35-37) | Support Rec as written ▾ |
| PR 3.13: Future registry operator applying only for allocatable variant labels of its delegated IDN gTLD must incur discounted base application fee (32, 35-37) | Support Rec as written ▾ |
| PR 3.14: (32, 35-37) <ul style="list-style-type: none"> ● Existing registry operator applying for up to 4 allocatable variant labels of existing IDN gTLD in the immediate next round will have base application fee waived. ● If beyond immediate next round then must incur discounted base application fee. ● If apply for more than 4 existing IDN gTLD in the immediate next round then may incur additional fees. ● If beyond immediate next round then must incur discounted base application fee and may incur additional fees. | Support Rec as written ▾ |
| PR 3.15: One-time exception in the immediate next application round, existing IDN gTLDs applications for allocatable variant labels to receive priority in processing order (32, 37-38) | Support Rec as written ▾ |
| PR 3.16: Applied for allocatable variant label must be treated the same as its primary in terms of requirements - Community-based, Geoname, .Brand (38-40) | Support Rec as written ▾ |
| PR 3.17: Only languages where character is an ideograph are eligible to have single-character gTLD i.e. only Han script for now, but not until relevant guidelines from CJK GPs are developed, implemented (40-42) | Support Rec as written ▾ |
| PR 3.18: Reserved Names list to not be expanded to include variant labels (43-44) | Support Rec as written ▾ |
| PR 3.19: Variant labels of Reserved Names not allowed (43-44) | Support Rec as written ▾ |

| Preliminary Rec (page in Initial Report) | Support Level |
|---|---------------------------------|
| PR 3.20: List of Strings Ineligible for Delegation to not be expanded to include variant labels (43-35) | Support Rec as written ▾ |
| PR 3.21: Only the protected orgs on list of Strings Ineligible for Delegation can apply variant labels of their protected strings; but only if they also apply for or have the primary (43, 45) | Support Rec as written ▾ |
| PR 3.22: (46-48) <ul style="list-style-type: none"> String must conform to mandatory string requirements and RZ-LGR to be submitted in application system If initial algorithmic check says string is “invalid” or “blocked” application can be accepted but applicant must be warned of potential disqualification If DNS Stability Panel confirms “invalid” or “blocked”, application is disqualified but applicant can invoke limited challenge mechanism Grounds of challenge limited to “incorrect assessment of technical implementation of RZ-LGR” | Support Rec as written ▾ |
| IG 3.23: Application system should issue disqualification warning if initial algorithmic check says string is “invalid” or “blocked” (46-48) | Support Rec as written ▾ |
| PR 3.24: Disqualification remains unless and until string deemed valid and allocatable in future RZ-LGR (47-48) | Support Rec as written ▾ |

Section 5: Preliminary Recommendation(s) on String Similarity Review

| Preliminary Rec (page in Initial Report) | Support Level |
|---|---------------------------------|
| PR 4.1: Modify String Similarity Review to Hybrid Model (49-58) | Support Rec as written ▾ |
| PR 4.2 String Similarity Review Panel may decide whether and what blocked variant labels to omit in review but must be based on guidelines and/or criteria on basis of manifestly low level of confusability (50-58) | Support Rec as written ▾ |
| PR 4.3: Guidelines and/or criteria (per PR 4.2) must be developed during implementation (50-58) | Support Rec as written ▾ |
| PR 4.4: Integrity of set requires that all labels in a variant label set must share same outcome out of String Similarity Review: <ul style="list-style-type: none"> If an applied-for primary or any of its variant labels is confusingly similar to an existing gTLD or ccTLD or any of its variant labels, then the entire variant label set will be ineligible to proceed. If an applied-for primary or any of its variant labels is confusingly similar to another applied-for primary or any of its variant labels, then the entire variant label set will be placed in a contention set. (59-60) | Support Rec as written ▾ |

Section 6: Preliminary Recommendation(s) on Objection Processes

| Preliminary Rec (page in Initial Report) | Support Level |
|---|---------------------------------|
| PR 5.1: All applied-for allocatable gTLD variant labels must be subject to the objection processes (61, 63) | Support Rec as written ▾ |

| Preliminary Rec (page in Initial Report) | Support Level |
|--|---------------------------------|
| <p>PR 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 Hybrid Model and SSPR exception</p> <p>8 scenarios included</p> <p>Only a blocked variant label of an applied primary claimed as confusingly similar to the blocked variant label of an existing gTLD/ccTLD or another applied-for primary string cannot be the basis of SC Objection. (61-64)</p> | <p>Support Rec as written ▾</p> |
| <p>PR 5.3: Outcomes of String Confusion Objection consistent with 2012 AGB</p> <p>3 scenarios included</p> <p>(62-64)</p> | <p>Support Rec as written ▾</p> |
| <p>PR 5.4: Permissible circumstances for Limited Public Interest Objection, Legal Rights Objection, and Community Objection - an objection may be filed against only the applied-for primary gTLD strings and/or the applied-for allocatable variant labels</p> <p>3 scenarios specified</p> <p>(62-65)</p> | <p>Support Rec as written ▾</p> |
| <p>PR 5.5: Possible outcomes for Limited Public Interest Objection, Legal Rights Objection, and Community Objection:</p> <ul style="list-style-type: none"> • If an objection against an applied-for primary gTLD string prevails, then that application (in its entirety) is ineligible to proceed • 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 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 <p>(63-65)</p> | <p>Support Rec as written ▾</p> |

Section 7: Preliminary Recommendation(s) on Contention Resolution

| Preliminary Rec (page in Initial Report) | Support Level |
|--|---------------------------------|
| <p>PR 6.1: An applied-for primary gTLD string that is also a variant label of another applied-for primary gTLD string, as calculated by the RZ-LGR, must be placed in a contention set. (66)</p> | <p>Support Rec as written ▾</p> |
| <p>PR 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. (66-67)</p> | <p>Support Rec as written ▾</p> |

Section 8: Preliminary Recommendation(s) on Contractual Requirements

| Preliminary Rec (page in Initial Report) | Support Level |
|--|--------------------------|
| PR 7.1: Any future IDN gTLD along with its variant labels (if any) must be subject to one Registry Agreement (68-69) | Support Rec as written ▾ |
| IG 7.2: A new specification or an amendment to the base RA for any future IDN gTLD along with its variant label(s) may need to be developed to incorporate variant management provisions. (68-69) | Support Rec as written ▾ |
| PR 7.3: Any existing IDN gTLD registry operator from the 2012 round that applies for its variant labels in the future must be required to enter into a separate, new Registry Agreement for the newly approved variant label(s), while maintaining the existing RA for its existing IDN gTLD (68-69) | Support Rec as written ▾ |
| IG 7.4: It is expected that the separate, new RA for the newly approved variant labels will be linked in some way to the RA for the existing IDN gTLD from the 2012 round (68-69) | Support Rec as written ▾ |
| PR 7.5: The registry fixed fee for an IDN gTLD registry operator that operates the delegated gTLD label(s) from a variant label set must be the same as a gTLD registry operator of a single gTLD. (70) | Support Rec as written ▾ |
| PR 7.6: The calculation of the registry-level transaction fee must be based on the cumulative number of domain name registrations of the combined delegated gTLD label(s) from a variant label set (70-71) | Support Rec as written ▾ |
| PR 7.7: The registry service provider for each one of the Critical Functions as defined in the Base RA for an existing IDN gTLD from the 2012 round must be the same as for its delegated variant labels. The Critical Functions are: DNS Service, DNSSEC proper resolution, EPP, RDDS, and Data Escrow. (71-72) | Support Rec as written ▾ |
| PR 7.8: If the registry operator of an IDN gTLD changes its back-end registry service provider, that IDN gTLD and any delegated variant label(s) associated with that IDN gTLD must simultaneously transition to the new back-end registry service provider. (71-72) | Support Rec as written ▾ |
| PR 7.9: In the event a Registry Transition or Change of Control process is initiated for an IDN gTLD, the process must encompass the IDN gTLD and all its allocated and delegated variant label(s), if any, at the same time. (73) | Support Rec as written ▾ |
| PR 7.10: After the Registry Transition Process or Change of Control process is completed for an IDN gTLD and its allocated and delegated variant label(s), only the successor registry operator can apply for the other non-delegated, allocatable variant label(s) of that IDN gTLD. (73) | Support Rec as written ▾ |
| PR 7.11: Emergency transition of an IDN gTLD to an EBERO provider must include the allocated and delegated variant label(s) of that IDN gTLD, if any. All these labels must be transitioned to the same EBERO provider at the same time (73) | Support Rec as written ▾ |
| PR 7.12: In the event an IDN gTLD is reassigned as a | Support Rec as written ▾ |

| Preliminary Rec (page in Initial Report) | Support Level |
|---|---------------------------------|
| result of a TMPDDRP determination, that reassignment must include all allocated and delegated variant label(s) of the IDN gTLD, if any, at the same time (73) | |
| PR 7.13: The same data escrow provider must be contracted for the IDN gTLD and its allocated and delegated variant label(s). (74) | Support Rec as written ▾ |
| IG 7.14: The escrow data associated with each gTLD variant label should be stored in separate files (74) | Support Rec as written ▾ |
| PR 7.15: Applied-for primary and allocatable variant labels must be bound by the same restrictions which will become contractual requirements in RA. Same with allocatable variant labels for existing IDN gTLDs. (Restrictions meaning for Community-based, Geonames, .Brand TLDs, TLDs subject to Cat 1 Safeguards) (74-75) | Support Rec as written ▾ |

Section 9: Preliminary Recommendation(s) on Delegation and Removal

| Preliminary Rec (page in Initial Report) | Support Level |
|--|---------------------------------|
| PR 8.1: No ceiling value for delegated TL variant labels from a variant label set (76-77) | Support Rec as written ▾ |
| PR 8.2: Framework for developing guidelines for management of gTLD and variant labels at TL by registries and registrars must be created during implementation (76-78) | Support Rec as written ▾ |
| IG 8.3: The framework (per PR 8.2) 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 (76-78) | Support Rec as written ▾ |
| PR 8.4: Same delegation timeframe for primary and allocatable variant labels that pass evaluation, same terms and conditions including ability for extension of time for delegation (78-79) | Support Rec as written ▾ |
| PR 8.5: Sequence of delegation of labels that pass evaluation is up to registry operator (78-79) | Support Rec as written ▾ |
| PR 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 (80-82) | Support Rec as written ▾ |
| PR 8.7: For all future versions of the RZ-LGR, GPs and the 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. (80-82) | Support Rec as written ▾ |
| PR 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 | Support Rec as written ▾ |

| Preliminary Rec (page in Initial Report) | Support Level |
|--|--------------------------|
| 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 IG 8.9 (80-82) | |
| <p>IG 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.</p> <p>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. (80-83)</p> | Support Rec as written ▾ |
| PR 8.10: A primary IDN gTLD that is removed from the root zone, either voluntarily or involuntarily, must also require the removal of its delegated variant label(s) from the RZ. (83-84) | Support Rec as written ▾ |
| PR 8.11: 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 label(s) (84) | Support Rec as written ▾ |
| PR 8.12: In the event that a label is removed from the root zone as a consequence of its registry operator's breach of the RA, its associated variant label set must also be removed from the RZ (84) | Support Rec as written ▾ |

Section 10: Preliminary Recommendation(s) on Variant Label States

| Preliminary Rec (page in Initial Report) | Support Level |
|--|--------------------------|
| PR 9.1: A given variant label must have one of the following label states at any one time: delegated, allocated, withheld-same-entity, blocked, or rejected. If the same terminology is used for certain label states and new gTLD application states, their respective definitions must be consistent (85-86) | Support Rec as written ▾ |
| IG 9.2: The label state for each variant label of an already delegated primary gTLD should be recorded and tracked by ICANN org so long as the primary gTLD remains delegated. Such records, including historical ones, should be maintained in a practical manner and made publicly accessible. (85-86) | Support Rec as written ▾ |
| PR 9.3: Transition states of a variant label (87-89) | Support Rec as written ▾ |

| Preliminary Rec (page in Initial Report) | Support Level |
|---|--------------------------|
| IG 9.4: Examples of variant label state transitions (87-89) | Support Rec as written ▾ |

Section 11: Other Comments and Submission

| Others (page in Initial Report) | Comments |
|---------------------------------|-----------------------------|
| Any other issues | |
| Section 3: Glossary (12-23) | No text change recommended. |