Expedited Policy Development Process on Internationalized Domain Names (EPDP on IDNs)

Presentation #2 on the Phase 1 Initial Report

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Agenda

- Recap
- Objection Process
- Contractual Requirements
- Delegation and Removal
- Variant Label States
- Annex G – New gTLD Program Process Flow Diagram [Process Guiding chart]

Recap

The EPDP Team is expected to

- Determine the approach for a consistent definition of all gTLDs; and
- Develop policy recommendations that will eventually allow for the introduction of variant gTLDs at the top-level.

Four main underlying principles

- RZ-LGR as the Sole Source
- Same Entity
- Integrity of the Set
- Conservatism

Objection Process (4.5)

The SubPro PDP affirmed the continuation of the four criteria for objections to a string under the rules of the most recent gTLD application round

Preliminary Recommendations

1. All applied-for allocatable gTLD variant labels must be subject to the objection processes. (5.1)
2. A String Confusion Objection may be filed based on confusing similarity between combinations of applied-for primary gTLD strings and their variant labels (5.2)
3. The outcomes of the String Confusion Objection are (5.3):

    - 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

Objection Process (4.5)

Preliminary Recommendations

4. With respect to the Limited Public Interest Objection, Legal Rights Objection, and Community Objection. The objection can be filed against one of the following options (5.4):

   - Only the applied-for primary gTLD string
   - One or more of the applied-for allocatable variant label(s)
   - A combination of the applied-for primary gTLD string and one or more applied-for allocatable variant label(s)

5. With respect to the Limited Public Interest Objection, Legal Rights Objection, and Community Objection, the possible outcomes are as follows (5.5):

- 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.

Contractual Requirements (4.7)

Preliminary Recommendations

1. Any future IDN gTLD along with its variant labels (if any) must be subject to one Registry Agreement (7.1)(7.2)
2. 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 Registry Agreement for its existing IDN gTLD. (7.3)(7.4)
3. 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. (7.5)
4. 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.(7.6)
5. The registry service provider for each one of the Critical Functions as defined in the Base Registry Agreement for an existing IDN gTLD from the 2012 round must be the same as for its delegated (7.7)
6. 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 variant labels (7.8)

Contractual Requirements (4.7)

Preliminary Recommendations

7. 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.(7.9)

8. 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.(7.10)

9. 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 (7.11)

10. In the event an IDN gTLD is reassigned as a 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 (7.12)

11. The same data escrow provider must be contracted for the IDN gTLD and its allocated and delegated variant label(s). (7.13)(7.14)

12. The applied-for primary IDN gTLD string and any allocatable variant label sought by the applicant must be bound by the same restrictions, which will become contractual requirements upon execution of the Registry Agreement (7.15)

Delegation and Removal (4.8)

Preliminary Recommendations

1. No ceiling value for delegated top-level variant labels from a variant label set. (8.1)
2. 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. (8.2)(8.3)
3. Applicants for a primary IDN gTLD string and its applied-for allocatable variant label(s) must be subject to the terms and conditions, as recommended by the SubPro PDP (8.4)
4. The sequence for delegating the applied-for primary IDN gTLD string and the applied-for allocatable variant label(s) can be determined by the registry operator (8.5)
5. Any delegated gTLDs and their delegated and allocated variant labels not validated by a proposed RZ-LGR update must be grandfathered (8.6)
6. 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 (8.7)

Delegation and Removal (4.8)

Preliminary Recommendations

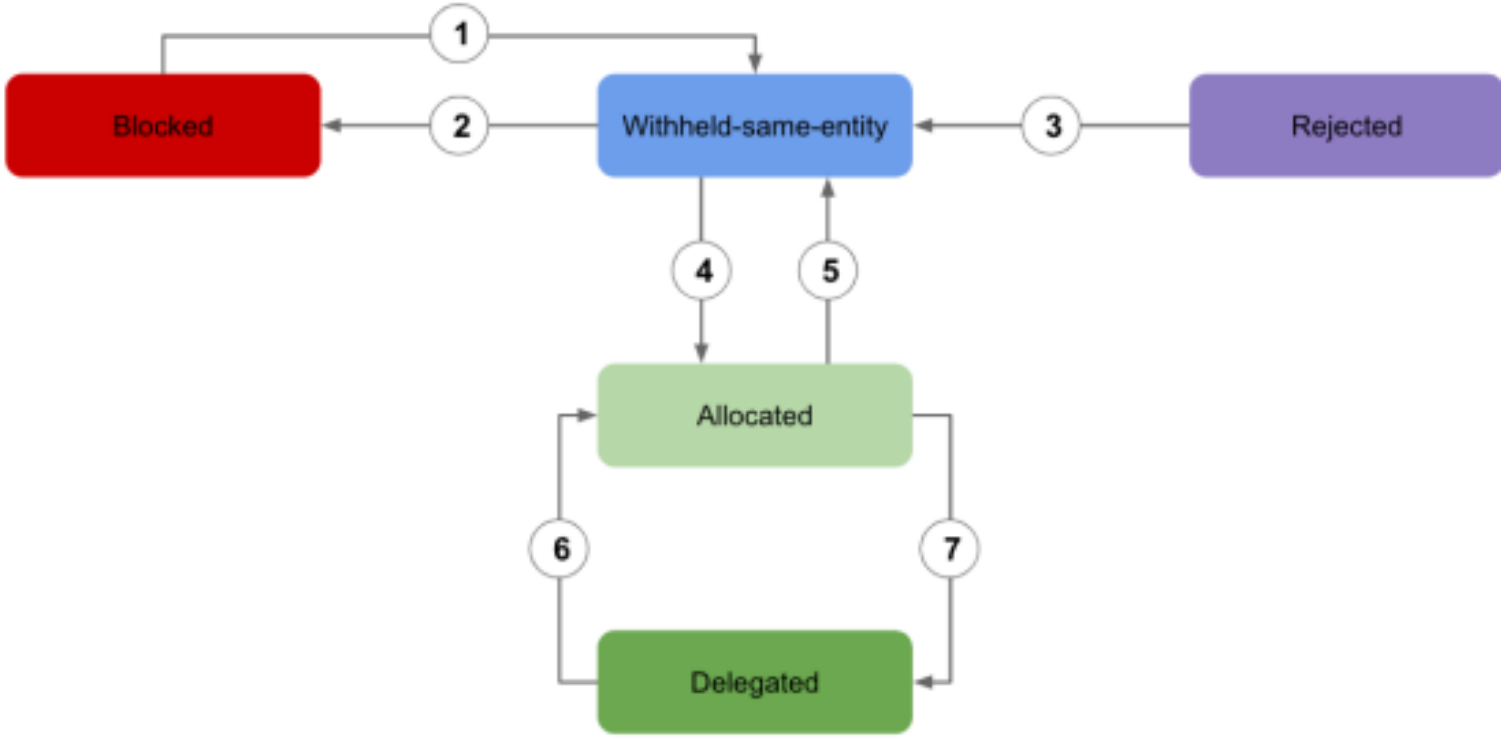
7. If a proposed update to the RZ-LGR is unable to retain full backward compatibility the relevant GP must call out the exception during a public comment. (8.8) (8.9)

8. A primary IDN gTLD that is removed from the root zone , must also require the removal of its delegated variant label(s) from the root zone (8.10)

9. 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) (8.11)

10. In the event that a label is removed from the root zone as a consequence of its registry operator’s breach of the Registry Agreement, its associated variant label set must also be removed from the root zone (8.12)

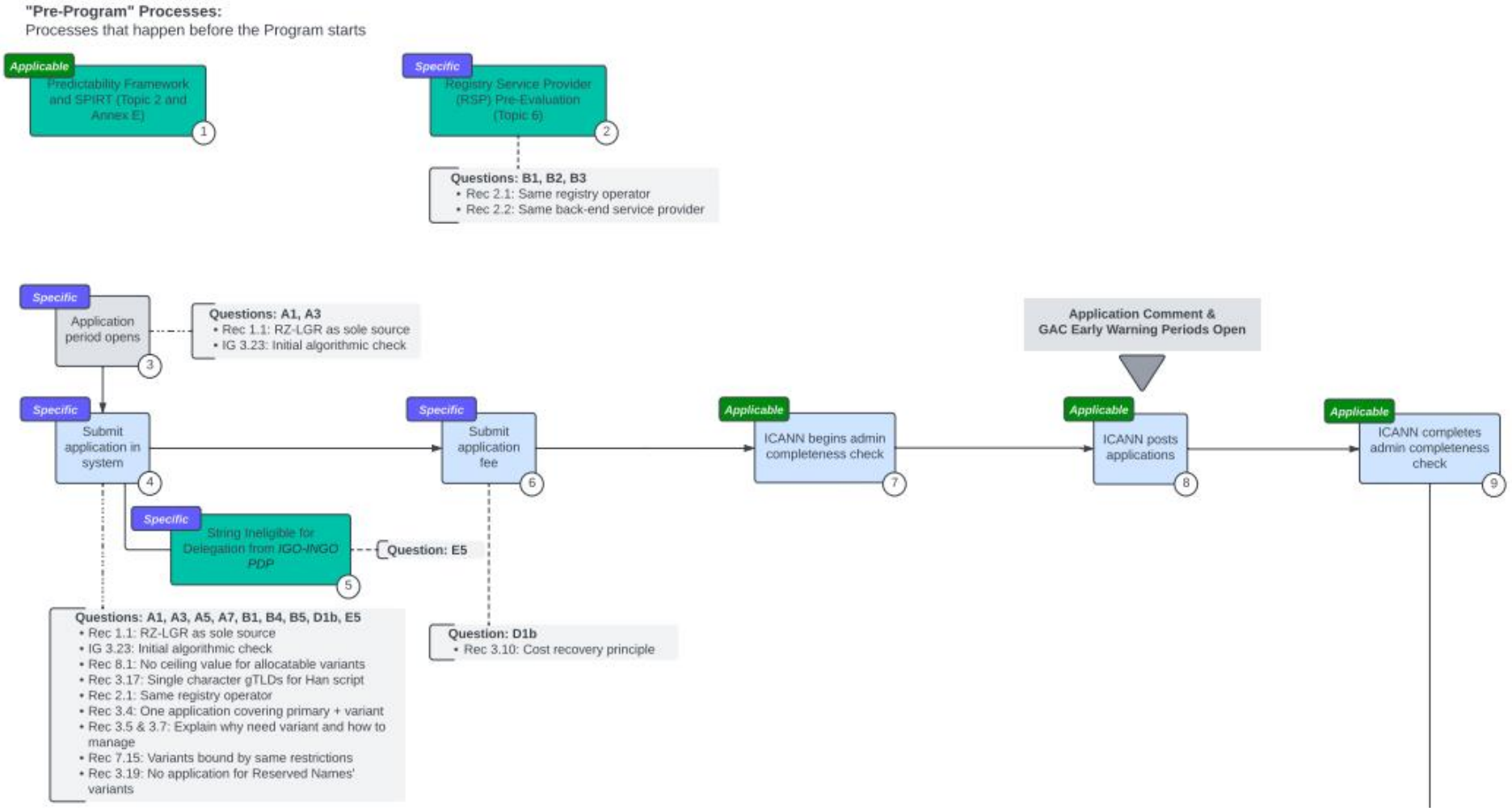
Variant Label States (4.9)



A variant label may go through the following transitions:

1. “blocked” to “withheld-same-entity”
2. “withheld-same-entity” to “blocked”
3. “rejected” to “withheld-same-entity”
4. “withheld-same-entity” to “allocated”
5. “allocated” to “withheld-same-entity”
6. “allocated” to “delegated”; and
7. “delegated” to “allocated”

New gTLD Program Process Flow Diagram (Annex G)



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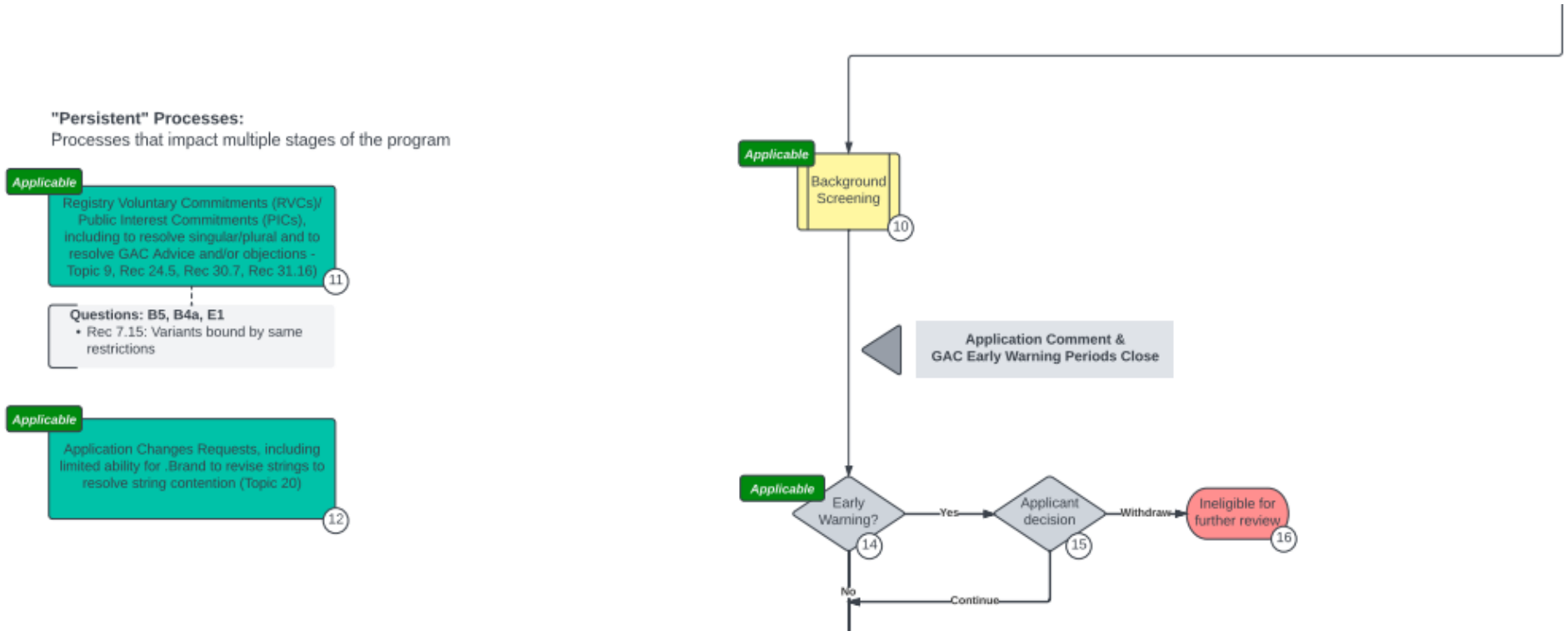

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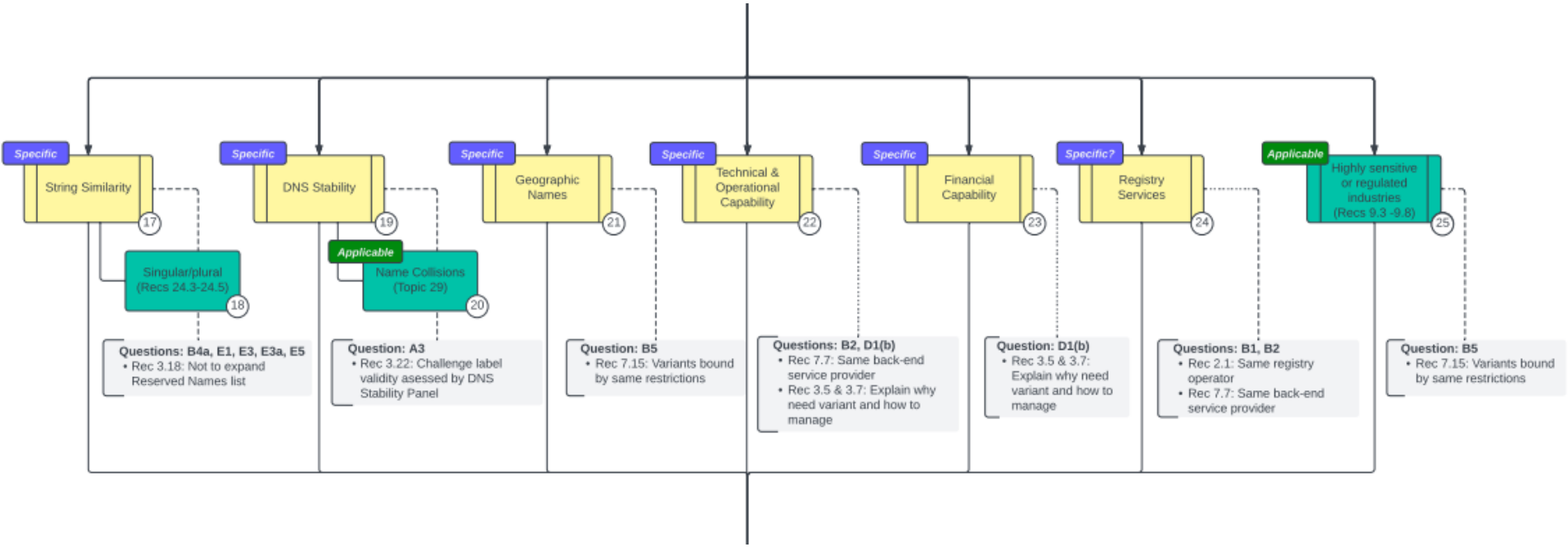

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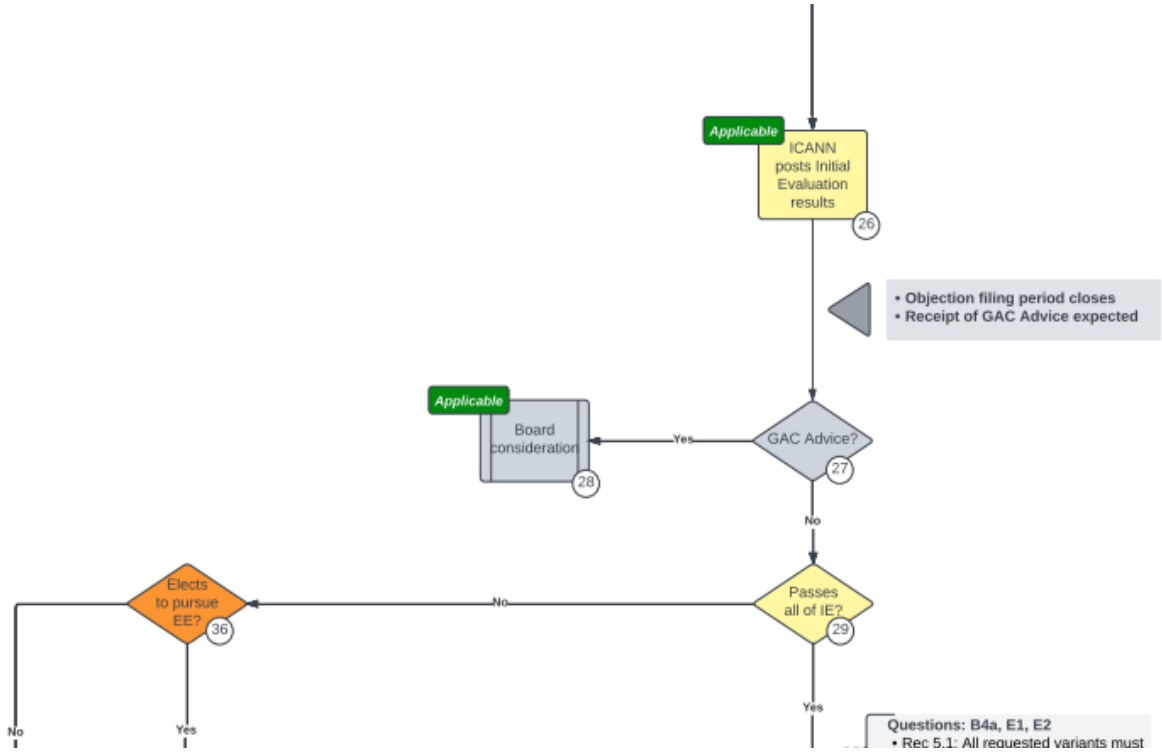
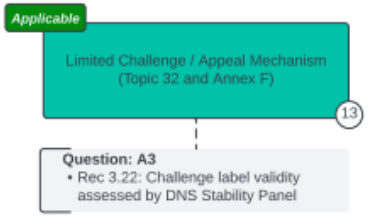


"Persistent" Processes:
Processes that impact multiple stages of the program



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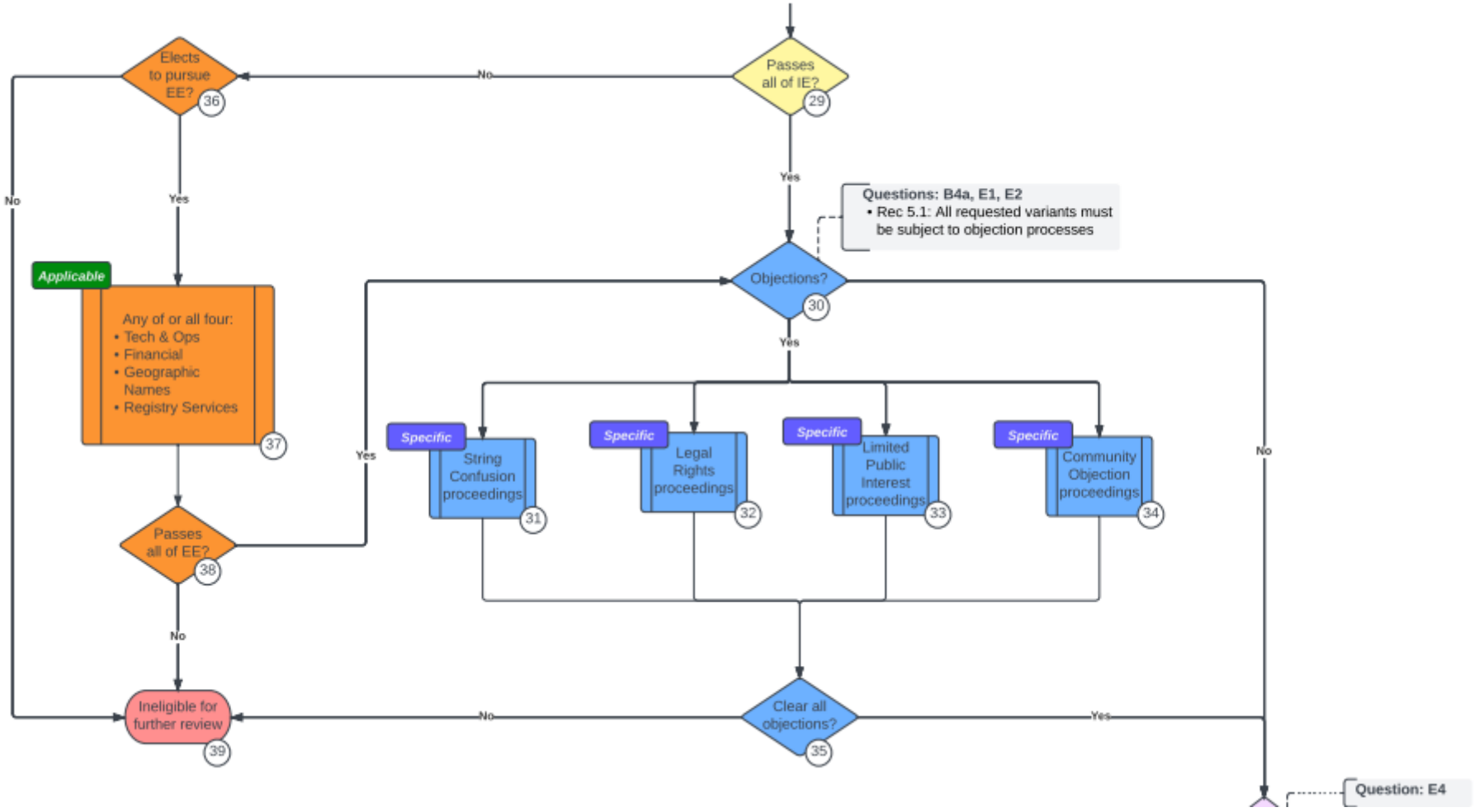

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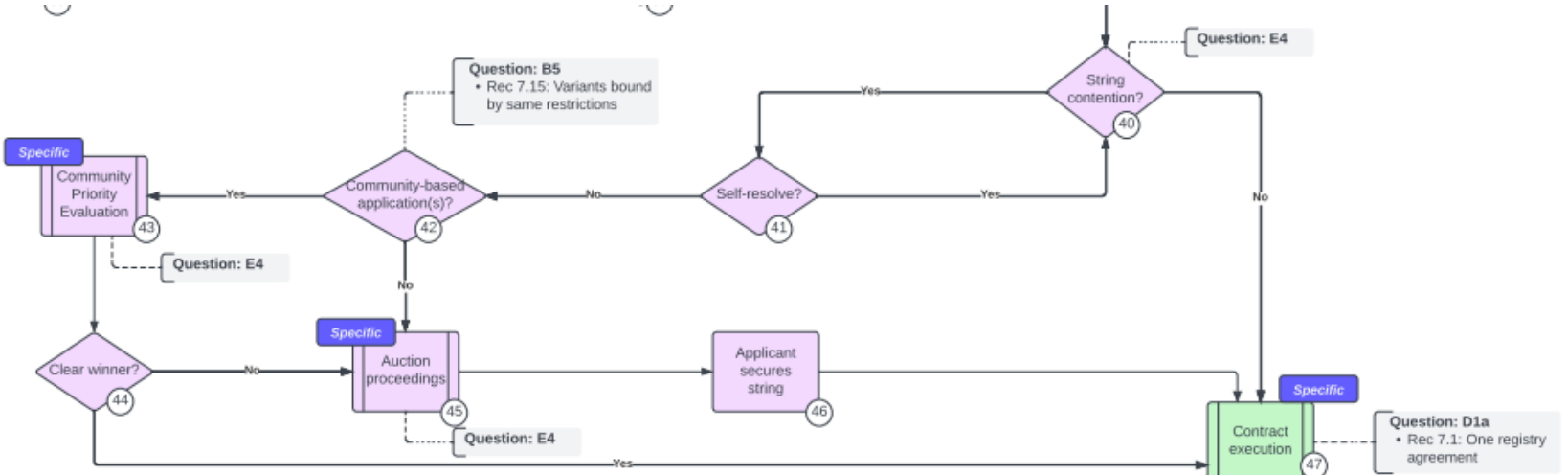

Purpose of this flowchart: With SubPro and this EPDP coming to general agreement on 1) the requirement to rely on the RZ-LGR to determine valid gTLDs and 2) "same-entity" requirements for variant labels, it is important to consider what aspects of the New gTLD Program will be impacted by these principle level recommendations.

Understanding **which** elements will be impacted is important for a number of reasons, including:
- Then, considering **how** program elements will need to be modified to accommodate variants labels, including the new elements proposed by SubPro.
- Better understanding approximate level of effort for evaluating variant labels, which is relevant to a cost-neutral approach for determining fees.
- Better understanding the viability of a standalone round for variants of existing Arabic and Chinese gTLDs.

Assumptions:
- The next round of the New gTLD Program is expected to have relatively similar evaluation process elements, based on SubPro recommendations.
- As such, the above process is based on the 2012 process flow.
- However, with the SubPro recommendations still being evaluated in the ODP and pending Board adoption, along with future implementation, the next round of the program is subject to change.
- As this process flow is based on current expectations for the next round and preliminary outcomes of the EPDP, it is therefore a living document. Relevant EPDP charter questions and preliminary recommendations are referenced in the chart.

Thank you for your input.