Internationalized Domain Names Expedited Policy Development Process

Conservatism Principle

ICANN

IDN-EPDP Team Meeting #88 | 20 July 2023

Agenda

1. Roll Call and SOI Updates

2. Welcome and Chair Updates

3. "Conservatism" Principle Discussion

4. Continue with Public Comment Review (Start at IG 3.23)

5. AOB

"Conservatism" Principle Discussion

Balancing Objectives

In EPDP-IDNs Charter:

…This EPDP is expected to provide the GNSO Council with policy recommendations on the definition of all TLDs and the management of variant labels to **facilitate the delegation of variant gTLDs in the root zone while achieving the <u>security</u> and <u>usability</u> goal of variant labels in a <u>stable</u> manner**…

Conservatism Principle:

This principle advocates for the **adoption of <u>a more cautious approach</u> as a way to <u>limit any potential security and stability risks</u> associated with the variant label delegation** in the absence of data or information in support of a more liberal approach. It is consistent with RFC 6912 which says, "**doubts should always be resolved <u>in favor of rejecting</u>**".

ICANN org Comment

- EPDP Team's recommendations may **not align with the principle of conservatism** that the Team aims to uphold

- This concern has also been raised by the SSAC and the broader script community through RZ-LGR

- SAC060

  - **Large number of variant strings presents challenges** for the management of variant domains at the registry, the registrar and registrant levels

  - Recommends activating **strings clearly demonstrates the necessity for activating**

  - Variants that are not necessary, but are desired, **must not be allocated and activated**

- **RZ-LGR in itself is not sufficient to meet the criteria set in SAC060**

- Overview and Summary document of RZ-LGR (Section 6.2):

  - A label that is "allocatable" means neither that it will necessarily be delegated, nor that it necessarily should be delegated

  - RZ-LGR can be thought of as creating a **maximal set** of valid labels and allocatable variants, but **other steps** are expected to include **suitable mechanisms to further reduce the list of labels**

  - **Policies outside the RZ-LGR** mechanisms may apply further restrictions

BC Comment

For Rec 3.11, 3.14, & 8.1

- Remains concerned about variant's "ceiling value" rule which **goes beyond the conservatism rule**

- Does not support the proposed threshold of (up to) 4 variant labels

- Believes that the **orderly introduction of the IDN variant TLD** should be based on experiences from the IDN ccTLD fast track in 2010 as well as the 22 April 2010's ICANN Board resolution stating

  - "... general and wide community support for the notion of simultaneously delegating this particular requested pair of IDN ccTLDs to meet the **well understood needs of users** of Chinese, namely that users accessing a domain expect that the traditional and simplified Chinese names have been **assigned to the same registrant"**

- Recommends that **a reasonable fee structure** of the existing IDN RO or future IDN gTLD applicant to apply variant string should be considered and designed based on the cost recovery principle

Do EPDP Recs Align with 'Conservatism' Principle?

#	Summarized	Conservative?
Rec 8.1	No ceiling value for delegated top-level variant labels from a variant label set is necessary	No
Rec 8.2	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	Yes
Rec 3.5	An applicant must explain why it seeks allocatable variant label(s) of the primary gTLD string	Yes
IG 3.6	Criteria for evaluating explanations on the need for variant label(s) should be pre-identified and applied consistently by evaluators with requisite expertise	Yes
Rec 3.7	An applicant must be required to demonstrate its ability to manage the primary gTLD string and applied-for allocatable variant label(s) from both a technical and operational perspective	Yes
IG 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.	Yes
IG 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	Yes

The "conservative" assessment is based on public comments received, in particular the concerns raised by ICANN org and BC

Do EPDP Recs Align with the 'Conservatism' Principle? (Cont.)

#	Summarized	Conservative?
Rec 3.11	An application for a primary gTLD string and up to four (4) allocatable variant labels during an application round must incur the same base application fee as any gTLD applicant	No
Rec 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	No
Rec 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	Maybe?
Rec 3.14	If an existing registry operator applies for up to four (4) allocatable variant labels: - in the immediate next application round, the base application fee will be waived; or - in any subsequent round, that application must incur a discounted base application fee If an existing registry operator applies for more than four (4) allocatable variant labels: - in the immediate next application round, that application may incur additional fees; or - in any subsequent round, that application must incur a discounted base application fee AND may incur additional fees	No

The "conservative" assessment is based on public comments received, in particular the concerns raised by ICANN org and BC

Do EPDP Recs Align with the 'Conservatism' Principle? (Cont.)

#	Summarized	Conservative?
Rec 3.16	An applied-for allocatable variant label must be subject to the same application requirements and evaluation criteria as the associated primary IDN gTLD string	Yes
Rec 3.17	Applications for single-character gTLDs that are ideographs must not be accepted until relevant guidelines are developed, finalized, and implemented	Yes
Rec 3.19	No application for a variant label of a Reserved Name is allowed	Yes
Rec 3.21	Only the protected organizations on the list of Strings Ineligible for Delegation are allowed to apply for the allocatable variant label(s) of their protected string(s) at the top-level	Yes
Rec 4.1-4.4	String Similarity Review Hybrid Model & outcomes	Yes
Rec 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	Yes
Rec 5.5	With respect to the Limited Public Interest, Legal Rights, and Community Objections: - 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 allocatable variant label(s) prevails, then that application for the applied-for primary gTLD string and other unaffected applied-for variant label(s) may proceed	Maybe? (no comment received)
Rec 6.2	The entire variant label set of an applied-for primary gTLD string must be processed in the contention set	Yes

The "conservative" assessment is based on public comments received, in particular the concerns raised by ICANN org and BC

Non-Conservative Recommendations

Rec 8.1

No ceiling value for delegated top-level variant labels from a variant label set is necessary

Rec 3.12

Future applicant: Application for ≥ four (4) allocatable variant labels in a round may incur additional fees

Rec 3.11

Future applicant: Same base application fee for application for primary string + ≤ four (4) allocatable variant labels in a round

Rec 3.14

Existing RO:
- Base application fee waived if apply for ≤ four (4) allocatable variant labels in next round

- Other scenarios, apply fees as set out in Recs 3.12-3.13

Rationale Refresher

Rec 3.11: "4" allocatable variant labels

The EPDP Team recommends this threshold number **based on the known upper bound for allocatable variant labels** permitted by the RZ-LGR for the scripts that have allocatable variant labels (with the exception of Arabic).

Rec 8.1: No ceiling value

- **Prevailing measures contained in RZ-LGR**: only seven scripts have allocatable variant labels; except for Arabic, the other six scripts have already limited the number of allocatable variant labels (i.e., 1-4 of the primary)

- A number of factors will likely result in a conservative approach to applying for variant labels, e.g, **cost, operational competence, and potential challenges associated with managing a gTLD and its variant labels**

- SSAC members confirmed that the sheer volume of variant labels does not necessarily create security or stability risks

- The concern was associated with the **lack of a DNS protocol solution that enforces equivalence** of variant labels and the **challenges of creating a consistent experience** for the end user of the gTLD and its variant labels

Potential Paths Forward?

Path 1	Path 2	Path 3	Path 4

● Keep Rec 8.1 as is
 	
● Make Rec 3.11, 3.12 & 3.14 <u>moderately</u> conservative:
  ○ Lower the upper limit of "free" allocatable variant labels
	● Make Rec 8.1 <u>slightly</u> conservative:
	  ○ Set ceiling value as "4" allocatable variant labels + primary gTLD string
	  ○ An exception to allow applicant to go beyond ceiling value based on a set of criteria & requiring additional fees
	  ○ Review the ceiling value after x number of years (part of the consensus policy review process)
	
	● Keep Rec 3.11 as is
	
	● Make Rec 3.12 & 3.14 <u>slightly</u> conservative
	  ○ Change "may" to "must" regarding "additional fees"
		● Make Rec 8.1 <u>moderately</u> conservative:
		  ○ Set a ceiling value below "4" allocatable variant labels + primary gTLD string
		  ○ An exception to allow applicant to go beyond ceiling value based on a set of criteria & requiring additional fees
		  ○ Review the ceiling value after x number of years (part of the consensus policy review process)
		
		● Make Rec 3.11, 3.12 & 3.14 <u>moderately</u> conservative:
		  ○ Change upper limit to the ceiling value
		  ○ Change "may" to "must" regarding "additional fees"
			● Make Rec 8.1 <u>highly</u> conservative:
			  ○ Set ceiling value below "4" allocatable variant labels + primary gTLD string
			  ○ No exception
			  ○ Review the ceiling value after x number of years (part of the consensus policy review process)
			
			● Make Rec 3.11, 3.12 & 3.14 <u>highly</u> conservative:
			  ○ Change upper limit to the ceiling value
			  ○ Remove Rec 3.12
			  ○ Remove provisions in Rec 3.14 regarding applying for allocatable variant labels above "4"

Potential Paths Forward?

Any additional paths to consider?