

# **ICANN Org Input**

**Internationalized Domain Names  
Expedited Policy Development Process Working Group**

**Phase 1 Initial Report Public Comment**

**19 June 2023**

# Initial Remarks

ICANN org appreciates the opportunity to provide comments on the Internationalized Domain Names Expedited Policy Development Process (IDNs EPDP) Team's Phase 1 Initial Report covering topics related to the top-level IDN gTLD definition and variant management.

In providing its input, ICANN org has reviewed the Outputs (Preliminary Recommendations and Implementation Guidance) as well as the Charter Questions and the Rationale for the recommendations. Furthermore, ICANN org is eager to receive and review the Phase 2 Recommendations focused on second-level IDN variant management issues in the near future.

ICANN org remains committed to actively collaborating with the EPDP Team, the community, and relevant stakeholders to ensure that the policy recommendations and implementation guidance effectively address the challenges and opportunities associated with IDNs. Together, we aim to foster a diverse and accessible Internet landscape that serves the global community's needs.

## Categorization of Input

To facilitate the EPDP Team's review process and prioritize areas of substance, ICANN org has chosen to adopt the same categorization used in the previous input provided. This approach aims to streamline the evaluation process and assist the team in directing their attention effectively.

- **Substantive**: Content/Suggestions for the review of policy-related language
- **Non-Substantive**: Terminology related changes, input that seeks clarification of language and/or minor edits.

# Output-Specific Input

## Preliminary Recommendation 1.1

### Substantive:

- Recommendation 1.1 text says the scope is “existing delegated gTLDs from the 2012 round” whereas the statement directly below with \* changes the scope to “existing IDN gTLDs from the 2012 round”. RZ-LGR is applicable to all gTLDs, including existing delegated ASCII gTLDs, to identify their variant strings. Thus, ICANN org suggests that the IDN EPDP Team clarifies that this recommendation impacts all existing gTLD operators from the 2012 round rather than limiting them to IDN gTLDs in order to prevent any opportunities for misinterpretation.

## Preliminary Recommendation 2.1:

### Substantive:

- ICANN org suggests that the IDN EPDP Team determines whether the language used should be applicable to “existing IDN gTLDs” or applicable to “all existing gTLDs” (including ASCII gTLDs) on a per recommendation basis. Though in the current context of allocatable variants, the two are potentially equivalent, the latter may be more resilient in case RZ-LGR (Latin script LGR) is later updated (e.g., due to addition of another code point by Latin GP) to create allocatable variants from ASCII code points.

### Non-Substantive:

- It is not clear where ‘\*’ is referring to in the text. It may be clarified by pairing it with another ‘\*’ in the text.

## Rationale for Preliminary Recommendation 3.1:

### Non-Substantive:

- ICANN org recommends incorporating a statement in the Phase 1 Initial Report that highlights the importance of prior familiarity with the glossary before reading the document as the recommendations and the rationale discussion contain many terms which are only explained in the glossary.

### **Preliminary Recommendation 3.3:**

#### Non-Substantive:

- ICANN org recommends that the EPDP Team provide clarification regarding the submission of applications, emphasizing that applications can be submitted not only during the immediate next round but also in any future rounds. The current wording seems to put an emphasis on the next round which may not be the EPDP Team's intended interpretation. This clarification aims to prevent any potential misinterpretation or unnecessary limitations.

### **Preliminary Recommendation 3.4:**

#### Substantive:

- Though the intent is implied, it would be useful if the IDN EPDP Team clarifies that the applicant must submit one application "per application round" covering the primary IDN gTLD and allocatable variants label(s) sought.
- ICANN org also seeks clarity on the EPDP Team's stance on allowing applicants to add, remove, or modify variant gTLDs through the application change request process. It is important to note that the SubPro recommendations primarily focus on permitting string changes for .Brand TLDs, but only under specific circumstances.

### **Implementation Guidance 3.6:**

#### Substantive:

- ICANN org notes an inconsistency between Recommendation 3.5 and Implementation Guidance 3.6. Org's interpretation of Recommendation 3.5 is that the information an applicant provides, specifically the explanation for seeking one or more allocatable variant labels of their applied-for primary IDN gTLD string, is considered unscored based on the rationale referring to questions 18A. However, Implementation Guidance 3.6 implies that the responses against the criteria submitted by applicants will be evaluated and consistently applied and suggests it will be scored by evaluators with the necessary expertise.

If the EPDP Team intends to maintain Implementation Guidance 3.6, ICANN org recommends providing additional details that answer the following questions:

1. What is the fundamental objective or purpose of the criteria?
2. Who will be responsible for establishing the criteria?

3. How will the evaluation of the criteria impact the overall process, especially if the criteria will not be scored and is not met?

Additionally, can the EPDP Team provide specific parameters or a precise definition of what is meant by "need" in relation to the requirement for variant labels?

### **Preliminary Recommendation 3.11:**

#### Substantive:

- In its SAC060 report, the Security and Stability Advisory Committee (SSAC), recommends to “ensure that the number of strings that are activated is conservative” because a “large number of variant strings presents challenges for the management of variant domains at the registry, the registrar and registrant levels.” The SSAC also recommends that strings “clearly demonstrates the necessity for activating ... [and] Variants that are not necessary, but are desired, must not be allocated and activated.”

The limit of four variant labels suggested by the IDN EPDP Team comes from the arbitrary number of allocatable variant labels generated through the RZ-LGR (excluding strings in Arabic script which could have more). Though the community has aimed to reduce the number of allocatable variant labels as part of the RZ-LGR design, this in itself is not sufficient to meet the criteria set by SSAC. As noted in the Overview and Summary document of RZ-LGR (Section 6.2): “There are limits to what can be done with mechanical application of rules ... it is a useful reminder that having a label that is “allocatable” means neither that it will necessarily be delegated, nor that it necessarily should be delegated.” The RZ-LGR concludes that “The [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.”

Therefore, the existing provision allowing up to four variant labels without an application fee, while not imposing any limit on the remaining variant TLD labels, may not align with the principle of conservatism that the IDN EPDP Team aims to uphold. This concern has also been raised by the SSAC and the broader script community through RZ-LGR.

### **Preliminary Recommendation 3.12:**

#### Substantive:

- Is the EPDP Team in agreement with ICANN org’s understanding that during the next round applicants will bear the additional expenses linked to IDN applications, which include four (4) allocatable variant labels of a primary IDN gTLD string at no additional

cost? If so, then ICANN org assumes that the cost of the variant gTLD applications will be spread across the whole program to meet cost recovery principle.

### **Preliminary Recommendation 3.13:**

#### Substantive:

- ICANN org notes an assumption made by the EPDP Team in Recommendation 3.13, suggesting that evaluating a variant string during the application process is less costly compared to evaluating the primary string. However, it is important to note that even if the primary string is delegated, the variant string still needs to undergo most of the steps in the application process. Although further analysis is needed to determine any actual cost reduction, it is possible that additional tests are required for variant TLDs, which could potentially result in increased costs.

### **Preliminary Recommendation 3.14:**

#### Substantive:

- As noted in the input on Recommendation 3.12 above, is the EPDP Team in agreement with ICANN org's understanding that during the next round applicants will bear the additional expenses linked to IDN applications, which include four (4) allocatable variant labels of a primary IDN gTLD string at no additional cost?
- Given the close relationship between Recommendation 3.14 and Recommendation 3.11, please refer to ICANN org's input provided for Recommendation 3.11 above, which contains additional information.

### **Rationale for Preliminary Recommendation 3.5 and Implementation Guidance 3.6:**

#### Non-Substantive:

- As noted in feedback to Recommendations 3.5 and 3.6 above, ICANN org suggests that the IDN EPDP Team provides clarity on the intent of Recommendations 3.5 and 3.6 as there appears to be inconsistencies between the two recommendations regarding criteria being scored or unscored. See above for more information.

### **Rationale for Preliminary Recommendation 3.7 and Implementation Guidance 3.8-3.9:**

#### Substantive:

- In its rationale for Recommendation 3.7 and Implementation Guidance 3.8-3.9, the IDN EPDP Team notes that “the questions should not differ significantly from the application questions of the 2012 round.” ICANN org acknowledges that there were no variant TLDs in the 2012 round, whereas there are variant TLDs now. Consequently, the upcoming round will feature significantly different questions to address this change.

Additionally, ICANN org highlights that the Subsequent Procedures Final Report made recommendations regarding new questions specifically tailored for variant labels. These recommendations include the requirement for same registrant conditions for second-level variant labels, among other topics. Furthermore, ongoing discussions on harmonization within the EPDP work will also have an impact on potential criteria and evaluation questions related to variants.

### **Rationale for Preliminary Recommendation 3.10:**

#### Non-Substantive:

- The IDN EPDP Team may be assuming that variant TLDs are required by the same community. However, ICANN org highlights that this assumption does not always hold true in all cases. There are evident distinctions between variant TLDs in different languages in Arabic script using countries, such as Arabic, Urdu, and Persian, which demonstrate that variant TLDs do not uniformly cater to the language-speaking communities across different nations.

While the rationale for Recommendation 3.10 states that “variant label(s) are not necessarily intended as a commercial opportunity to explore a new market,” ICANN org observes, based on the aforementioned examples, that there is indeed a clear possibility to explore new markets.

### **Preliminary Recommendation 3.18:**

#### Non-Substantive:

- ICANN org suggests that the IDN EPDP Team revise the mention of "The Reserved Names list" to "The New gTLD Program Reserved Names list" to avoid confusion with the terminology used in Specification 5 of the Registry Operator Agreement, which also refers to “Registry Reserved Names.”

### **Preliminary Recommendation 3.24:**

#### Substantive:

- ICANN org does not currently have plans for implementing a real-time monitoring mechanism to continuously assess all strings that are deemed invalid or blocked. Instead, such reviews would only take place during future application periods. The recommendation or its rationale may clarify this detail.

### **Preliminary Recommendation 4.1:**

#### Non-Substantive:

- ICANN org recommends that the IDN EPDP Team provide a numbered list for the current bullet points in Recommendation 4.1. This enumeration would help minimize confusion and enhance clarity when making references to specific elements of the recommendation text.

#### Non-Substantive:

- ICANN org suggests that the IDN EPDP Team revise the phrase "all of their allocatable and blocked variant labels" mentioned in bullet point five in Recommendation 4.1 and clarify that it pertains specifically to string similarity. This revision aims to align with Recommendation 3.18, which emphasizes that the Reserved Names list should not be expanded to incorporate variant labels.

#### Substantive:

- ICANN org acknowledges the possibility of a scenario where the String Similarity Review panel identifies certain strings (that are more than two-characters) to be confusingly similar to a ccTLD. However, the current phrasing of this recommendation restricts the comparisons exclusively to two-character strings. This limitation may lead to confusability issues with ccTLDs and potentially have a negative impact on the ccTLD community. ICANN org further observes that in other instances of string comparisons, there is no requirement to consider the similarity of string lengths prior to assessing string similarity.

### **Preliminary Recommendation 5.3:**

#### Non-Substantive:

- Inclusive of the entire set:



ICANN org suggests that the IDN EPDP Team revise the language of Recommendation 5.3 to be consistent with the language used in other recommendations in order to avoid any opportunities for misinterpretation. For example, Recommendation 6.2 says:

*"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."*

#### **Preliminary Recommendation 6.2:**

##### Non-Substantive:

- ICANN org requests clarification from the IDN EPDP Team regarding the definition of "processed" in this context. The understanding is that applications containing a group of elements deemed similar according to the round's rules should be placed into a contention set. Can the EPDP Team confirm if they agree with this assumption? If not, further clarity is needed regarding this recommendation.

#### **Preliminary Recommendation 7.3:**

##### Substantive:

- To reduce complexity as well as maintain consistency, ICANN org suggests that the IDN EPDP Team considers revising Recommendation 7.3 to ask the existing gTLDs to adopt the contractual terms subject to the IDN gTLD and its variant labels which accommodates primary and variant TLDs.

This will ensure uniformity in the use of the Registry Agreement by all Registry Operators, including both existing and new IDN gTLD ROs with variant gTLDs. It will also adhere to Affirmation 36.2 from the Subsequent Procedures PDP Final Report that says: "The Working Group affirms the current practice of maintaining a single base Registry Agreement with "Specifications."

Furthermore, ICANN org recognizes that the level of specificity in this recommendation may surpass the intended scope of the EPDP Team. ICANN org is committed to identifying the most suitable solution within the given parameters established by the EPDP Team.

### **Preliminary Recommendation 7.8:**

#### Non-Substantive:

- ICANN org acknowledges the similarities between Recommendation 7.7 and Recommendation 7.8. However, it is important to note that while Rec. 7.7 explicitly mentions the relevant critical functions, Rec. 7.8 does not. To minimize the potential for misinterpretation and ensure consistency, ICANN org suggests that the EPDP Team either clarifies the distinctions between the two recommendations or uses similar wording in both recommendations.

IDN EPDP Team may further consider aligning the wording with Recommendation 25.5 from the Subsequent Procedures Final Report, which recommends having “the same back-end registry service provider”.

### **Preliminary Recommendation 7.10:**

#### Non-Substantive:

- To minimize any potential for misinterpretation and ensure clarity, ICANN org recommends removing the term "successor" from this recommendation and instead including a statement that explicitly affirms the application of the same entity principle in this context.

### **Implementation Guidance 7.14:**

#### Non-Substantive:

- To facilitate a simplified implementation process for ICANN org, Data Escrow Agents, Registry Operators, and Registry Service Providers, ICANN org recommends that the IDN EPDP Team offer Implementation Guidance that explicitly states that variant TLDs should be treated as distinct TLDs in the business-to-business interactions related to the Registry Agreement (e.g., Registry Operators/Registry Service Providers interactions with ICANN’s systems and Data Escrow Agent’s systems). To clarify, Registry Operators/Registry Service Providers and Data Escrow Agents interact with ICANN through various interfaces, including BRDA, ZFA, NSP, and RRI (e.g., per-registrar transaction reports, registry functions activity reports, data escrow deposits reports, and data escrow deposits notifications). These interfaces recognize the top-level domain (TLD) as a primary identifier.

### **Preliminary Recommendation 8.1:**

#### Non-Substantive:

- Given the close relationship between Recommendations 8.1 and Recommendations 3.10 and 3.11, please refer to ICANN org's input provided for those specific recommendations above, which contain additional information.

### **Preliminary Recommendation 8.2:**

#### Non-Substantive:

- Regarding the framework mentioned in Recommendation 8.3, ICANN org requests clarification concerning the entity or entities responsible for its design and development during the implementation of IDN EPDP recommendations. Clarification is also requested on the preferred method of dissemination for the future guidelines that will be developed. Should the guidelines be integrated into the IDN Implementation Guidelines?

### **Preliminary Recommendation 8.5:**

#### Non-Substantive:

- As noted in previous input provided to the IDN EPDP Team, ICANN org suggests that the EPDP Team be discerning of the different implications when using terms such as “must”, “should”, or “may” while providing its output, as the language used have different implications during policy implementation. Is the EPDP Team in agreement with ICANN org’s assumption that “may” would be the preferred terminology in this instance?

### **Preliminary Recommendation 8.7:**

#### Substantive:

- ICANN org acknowledges that although information can be supplied to the Generation Panels (GPs), it is important to recognize that GPs operate within a technical process that lies outside the scope of policy recommendations. ICANN will share input from the IDN EPDP with relevant GPs for their consideration.
- Regarding the latter part of the recommendation, ICANN org notes that the procedure for the development of the RZ-LGR involved collaborative efforts among multiple script

communities. ICANN org will share the guidance provided by the IDN EPDP Team with the Integration Panel and script communities (to the extent possible, as some GPs are no longer active) to take into consideration when updating the RZ-LGR Procedure.

### **Implementation Guidance 8.9:**

#### Non-Substantive:

- As noted in the input provided for Recommendation 8.7, ICANN org will share the assessment results outlined in Implementation Guidance 8.9 with the Generation Panels (GPs) and assist in facilitating relevant discussions. It is worth emphasizing that GPs operate according to their own processes and procedures. Consequently, ICANN org will serve as a facilitator in these discussions without imposing any additional requirements on the GPs beyond the scope of the RZ-LGR Procedure.

### **Preliminary Recommendation 8.11:**

#### Substantive:

- ICANN org has been working with the Registry Operators to promote robust safeguards for registrants to ensure consumer trust in the internet. Based on the language used in Recommendation 8.11, 'the voluntary removal of a variant label from the root zone', ICANN will consider impacts to existing third-party registrations. To safeguard the interests of registrants, ICANN review and approval would be required in cases where registrations already exist under a variant TLD. For variant TLDs without existing registrations, the current procedure of undelegating a gTLD with no registrations should continue to be followed. However, considering the potential complexities introduced by variant TLDs being part of a variant set where other TLDs in the set may still be delegated, further analysis is necessary during implementation to determine the optimal approach. Could the EPDP Team confirm their agreement with this understanding?

ICANN org further highlights the absence of an existing process that clearly outlines the course of action for a variant TLD once it is undelegated and removed from the root zone. It would be beneficial if the IDN EPDP Team could provide guidance regarding the possibility of re-delegating a variant TLD and specify the conditions under which such re-delegation may occur.

### **Preliminary Recommendation 8.12:**

#### Non-Substantive:

- To mitigate any opportunities for misinterpretation, ICANN org suggests that the IDN EPDP Team revise the language in Preliminary Recommendation 8.12 to say: "In the event a TLD is removed from the root zone the rest of the variant label set (if any) must be removed from the root zone."

ICANN org further emphasizes that a breach of contract does not necessarily lead to the immediate removal of a TLD from the root zone. In the event of a breach, ICANN would evaluate the consequences of such a removal and take appropriate action.

### **Implementation Guidance 9.4:**

#### Non-Substantive:

- ICANN org recommends that the EPDP Team provide further clarification for the expression "rejected state of a label comes off" to enhance its precision. ICANN org understands this to mean "the condition which led to the rejection of the label is no longer relevant."