

Public Comment Summary and Analysis

Public comment open for Submissions Date:

Wednesday, 16 August 2023

Public comment Closing date for Submissions:

Wednesday, 27 September 2023

Outcome of Public comments:

In total four (4) submissions were received: two (2) from community groups, one (1) from an individual, and one (1) from ICANN org.

The comments are categorized as general observations and specific issues. This Public Comment summary report includes the ICANN org staff summary of the comments and observations on the topics raised by the submitters in relation to the scope of the policy recommendations.

The working group has reviewed the comments in more detail and where needed adjusted the recommended policy. The review is included in the working groups final report.

Section 1: Submissions

Organizations and Groups:

Name	Initials
TWNIC	TWNIC
ICANN org	ICANN
AT-LARGE ADVISORY COMMITTEE	ALAC

Individuals:

Name	Affiliation (if provided)	Initials
Julius Kirimi	AFRALO	JK

Section 2: Summary of Submissions

General Comments

TWNIC is in general support of the proposed policy, and specifically learning from insights and experience from the Fast Track Process and take these lessons into account in the proposed policy.

In the view of JK the report is excellent, but more input is needed to amplify and cover more specific areas to avoid gaps

The ALAC and At-Large community expressed their support for the proposed policy. Attention is drawn to the ICANN Board's request to the ccNSO and GNSO to develop a consistent solution for handling both variant IDNccTLDs and variant IDNgTLDs. This is considered important to ensure consistent implementation and to maintain a consistent user experience.

Specific Comments

TWNIC supports the proposed transitional arrangement that all IDNccTLD strings that were validated under the Fast Track will be deemed to be validated under the proposed policy, and hence that the agreements between an (IDN)ccTLD Manager and ICANN are “grandfathered-in” under the policy after it replaces the Fast Track Process.

JK suggested some potential grammatical changes and include Verification as concept as validation and verification are inseparable.

ICANN comment on limitation of delegation of variants (section 6.2.3 of Initial Report) – ICANN recognizes that limitation of delegation of variants was extensively discussed by the ccPDP4 WG, however it notes that by introducing the designated language requirement for a variant of the string as requirement for delegation of the variant string the usability of variant TLDs for some script communities could be limited. ICANN suggested the following: “The IDN ccPDP WG may consider making *Allocatable Variants of the selected IDN ccTLD string that are Meaningful Representations of the name of the Territory which are not in the designated language eligible for application in section 6.2.3 Limitation of delegation of variants.*”

ICANN comment on scope of string similarity review (section 7.2.3.A) – ICANN raised that the scope of the string similarity review on the Request Side may not fully address security issues and is not consistent with the GNSO IDN EPDP. ICANN proposes that the Similarity Evaluation Panel “*should determine which additional variants of the basic set of strings should be included in the **Request Side**, factoring in: The likelihood of misconnection, Scalability, and Unforeseen and/or unwanted side effects. In its report, the Panel must provide its reasoning for its determination, whether to include additional variants of the basic set of strings included in the request side.*”

ICANN comment concerning confidentiality requirement during processing of requests (Section 15.1) – ICANN requests guidance on on sharing data of requested ccTLDs and applied- for gTLDs for the string similarity evaluation processes for IDN ccTLDs and gTLDs. There is a possibility that an IDN ccTLD string is requested during a gTLD round. In this case, the requested IDN ccTLD string and the applied-for gTLD strings will need to be compared for string similarity by the String Similarity Review Panels as part of both the gTLD and the ccTLD application evaluation.

ICANN comment on precedence of similar IDNccTLD and gTLD recommendations – ICANN requests guidance on how to act in situations where a requested IDN ccTLD string is requested during a gTLD round and the requested IDN ccTLD string and the applied-for gTLD strings are found to be similar by IDN ccTLD Similarity Evaluation Panel or gTLD String Similarity Review Panel. The IDNccPDP4 is suggested to consider the related details in the IDNccTLD Fast Track Process (section 5.5) and/or to be discussed with the GNSO IDN EPDP WG.

ICANN comment on introducing the Risk Treatment Appraisal (Section 8.8) – ICANN notes that by proposing the Risk Treatment Appraisal Procedure IDNccTLD strings that are confusable in the uppercase form are introduced into the root zone.

Section 3: Analysis of Submissions and Need to adjust policy

In this section the comments raised are analyzed and where needed a suggestion for updated text of the proposed policy will be included in redline.

General Comments

General support of the proposed policy

Comment	WG Analyses	Update of Proposed Policy text, if any
TWNIC is in general support of the proposed policy, and specifically learning from insights and experience from the Fast Track Process and take these lessons into account in the proposed policy	No observations by the WG, this comment is considered in support of the proposed policy	No need to update

More input is needed to amplify and cover more specific areas to avoid gaps

Comment	WG Analyses	Update of Proposed policy text if any
More input is needed to amplify and cover more specific areas to avoid gaps	It is unclear to the WG which specific areas need to be covered as they were not specified. In addition, the WG notes that the stress tests (Annex D of the Initial Report) do cover a lot of specific situations to test how the policy would play out in these situations.	No need to update the policy

Board request to the ccNSO and GNSO for handling both variant IDNccTLDs and variant IDNgTLDs consistently

Comment	WG Analyses	Update of Proposed policy text if any
<p>Attention is drawn to the ICANN Board’s request to the ccNSO and GNSO to develop a consistent solution for handling both variant IDNccTLDs and variant IDNgTLDs to ensure consistent implementation and to maintain a consistent user experience.</p>	<p>The WG is very aware of the need to develop consistent policies, both between IDNgTLD EPDP phase 1 and the ccPDP4 and between ccPDP4 and the broader body of ccTLD related policies.</p> <p>The working groups notes that consistency and/or consistent means “free from variation or contradiction” or “holding to the same principles”. With respect to the consistency between the IDNgTLD policy and ccPDP4 developed policies the WG is of the view that one the one hand there is no requirement that he policies should be the same i.e completely similar and on the other hand the policies should not contradict each other. As noted in Annex E of the Initial Report the proposed INDgTLD and ccPDP4 proposals are not the same in details not be same in details, but as also noted in the initial ICANN staff analyses the proposed policies do not contradict each other, but merely stress or limit different aspects of variant management. As stated in Annex E of the Report, the differences result from the differences in policy development processes, scope of the issues that need to be addressed, and principles or design criteria.</p>	<p>No need to update the proposed policy</p>

Specific comments

Support for the proposed transitional arrangement re IDNccTLD selected under the Fast Track Process

Comment	WG Analyses	Update of Proposed Policy text, if any
TWNIC supports the proposed transitional arrangement that all IDNccTLD strings that were validated under the Fast Track will be deemed to be validated under the proposed policy, and hence that the agreements between an (IDN)ccTLD Manager and ICANN are “grandfathered-in” under the policy after it replaces the Fast Track Process.	No observations by the WG, this comment is considered in support of the proposed policy	No need to update the proposed policy

Clarification of text

Comment	WG Analyses	Update of Proposed Policy text, if any
Suggested potential grammatical changes and include Verification as concept as validation and verification are inseparable	No further observations by the WG. The WG is aware the text needs further review	The suggested grammatical change and others will be made in the Final report

Expanding usability of variant IDNccTLDs for some scripts

Comment	WG Analyses	Update of Proposed Policy text, if any
<p>ICANN recognizes that limitation of delegation of variants was extensively discussed by the ccPDP4 WG. However, it is noted that by introducing the designated language requirement for a variant of the string as requirement for delegation, the usability of variant TLDs for some script communities could be limited.</p>	<p>The WG agrees that in some cases the usability may be limited by requiring that variants need to be a meaningful representation in a Designated Language. However, it is noted that one the proposed basic criteria is that an IDNccTLD for a Territory has to be in a language that <i>“has a legal status in the Territory or that serves as a language of administration”</i> (section 4.2.2). It is further proposed that a language is considered Designated if <i>“The relevant public authority in the Territory confirms that the language is used in official communications of the relevant public authority and serves as a language of administration”</i> (see section 4.2.2 (c)).</p> <p>Hence whether a language is Designated is a national/local matter, the consideration about usability is also a local matter.</p>	<p>No need to update the proposed policy</p>

Scope of the string similarity review on the Request Side

Comment	WG Analyses	Update of Proposed Policy text, if any
<p>The scope of the string similarity review on the Request Side may not fully address security issues and is not consistent with the GNSO IDN EPDP. ICANN proposes that the Similarity Evaluation Panel “</p>	<p>It is noted that only allocatable variant strings that are a meaningful representation of the name of a country in a designated language may be requested as a variant form the selected (or primary string) and hence potentially available a ccTLD string.</p>	<p>No need to update the proposed policy</p>

<p><i>should determine which additional variants of the basic set of strings should be included in the Request Side, factoring in: The likelihood of misconnection, Scalability, and Unforeseen and/or unwanted side effects. In its report, the Panel must provide its reasoning for its determination, whether to include additional variants of the basic set of strings included in the request side.”</i></p>	<p>As stated in the Initial Report of the WG, the WG considered and develop the policy proposals on the SSAC advise in SAC060: when introducing variants, the policy making bodies should consider, <i>a distinction should be made between two types of failure modes: no-connection versus misconnection</i>/. No-connection may be a nuisance for the user, like a typo, however misconnection may result in the exploitation of the user confusion, and this could be avoided though the similarity review.</p> <p>Therefore, the confusing similarity review is about minimizing the risk i.e., likelihood of misconnection.</p> <p>As blocked and most allocatable variant from the requested string will never be delegated, it is unclear to the WG, which residual mis-connection risk will be addressed by expanding the request side of the base for comparison as suggested.</p> <p>The WG also notes that in some cases variants that meet the criteria may not be requested, or only after (quite some time) the selected string has been delegated, for example eligible variants of an IDNccTLD string delegated under the Fast Track process.</p>	
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Confidentiality of information

Comment	WG Analyses	Update of Proposed Policy text, if any
<p>ICANN requests guidance on sharing data of requested ccTLDs and applied- for gTLDs</p>	<p>The WG appreciates the concern of ICANN resulting from the need to keep information and support documentation</p>	<p>Amend section 15.1: Delete Notes and Observations, which are related.</p>

<p>for the string similarity evaluation processes for IDN ccTLDs and gTLDs. There is a possibility that an IDN ccTLD string is requested during a gTLD round. In this case, the requested IDN ccTLD string and the applied-for gTLD strings will need to be compared for string similarity by the String Similarity Review Panels as part of both the gTLD and the ccTLD application evaluation.</p>	<p>confidential up and until it has been established that the selected string meets all criteria.</p> <p>The WG also notes that this concern was addressed for the assessments “during the DNS Stability Evaluation for Fast Track requests and in the Initial Evaluation step for new gTLD applications” (see section 5.5 FIP and below).</p> <p>The WG suggests that ICANN may use a comparable method going forward, which is considered a matter of implementation.</p>	<p>Confidentiality of information during validation process, unless otherwise foreseen.</p> <p>It is recommended that the information and support documentation for the selection of an IDNccTLD string is kept confidential by ICANN until it has been established that the selected string meets all criteria. However relevant information will have to be shared with the external panels as foreseen in section 8.3.1 above, and the similar panels for new gTLD applications for purpose of conducting their business. Further details are considered a matter of implementation.</p> <p>New Notes and Observation As stated in section 8.2 (Administrative Validation of the selected string, it is assumed that if one or more elements of the request are not complete or deficient, ICANN shall inform the requester accordingly, and the requester should be allowed to</p>
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		<p>provide additional information, correct the request, or even withdraw it. To allow this dialogue to take place, it is recommended that information is kept confidential as under the Fast Track Process, and like the handling of ccTLD delegation transfer and IANA Function related requests.</p>
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Contention rules between IDNccTLD Similarity Evaluation and new gTLD similarity review

Comment	WG Analyses	Update of Proposed Policy text, if any
<p>ICANN requests guidance on how to act in situations where a requested IDN ccTLD string is requested during a gTLD round and the requested IDN ccTLD string and the applied-for gTLD strings are found to be similar by IDN ccTLD Similarity Evaluation Panel or gTLD String Similarity Review Panel. The IDNccPDP4 is suggested to consider the related details in</p>	<p>The WG appreciates the comment from ICANN regarding the in situations where a requested IDN ccTLD string is requested during a gTLD round and the requested IDN ccTLD string and the applied-for gTLD strings are found to be similar by IDN ccTLD Similarity Evaluation Panel or gTLD String Similarity Review Panel.</p> <p>It is the understanding of the WG that the GNSO IDN EPDP WG has suggested a procedural approach, which is like the approach included in the IDNccTLD Fast Track, which reads in section 5.5:</p>	<p>Add new section 7.2.4:</p> <p>String confusion issues can involve two or more strings that are identical or are so confusingly similar that they cannot coexist in the DNS, such as, but not limited to:</p> <ul style="list-style-type: none"> • Requested delegatable variant IDN ccTLD strings

<p>the IDNccTLD Fast Track Process (section 5.5) and/or to be discussed with the GNSO IDN EPDP WG.</p>	<p><i>String confusion issues can involve two or more strings that are identical or are so confusingly similar that they cannot coexist in the DNS, such as:</i></p> <ul style="list-style-type: none"> • <i>Requested IDN ccTLD strings against existing TLDs and reserved names;</i> • <i>Requested IDN ccTLD strings against other requested IDN ccTLD strings;</i> <p><i>and</i></p> <ul style="list-style-type: none"> • <i>Requested IDN ccTLD strings against applied-for gTLD strings.</i> <p><i>Contention situations between Fast Track requests and new gTLD applications are considered unlikely to occur. Assessments of whether strings are considered in conflict with existing or applied-for new gTLD strings are made during the DNS Stability Evaluation for Fast Track requests and in the Initial Evaluation step for new gTLD applications. The following supplemental rules provide the thresholds for solving any identified contention issues:</i></p> <ol style="list-style-type: none"> A. <i>A gTLD application that is approved by the ICANN Board will be considered an existing TLD in inter-process contention unless it is withdrawn. Therefore, any other later application for the same string will be denied.</i> B. <i>A validated request for an IDN ccTLD will be considered an existing TLD in inter-process contention unless it is</i> 	<p>against existing TLDs and reserved names;</p> <ul style="list-style-type: none"> • Requested (delegatable variant) IDN ccTLD strings against other requested IDN ccTLD strings; <p>and</p> <ul style="list-style-type: none"> • Requested IDN ccTLD strings against applied-for gTLD strings and related variants. <p>Although contentious situations between IDNccTLD requests and new gTLD applications are considered unlikely to occur, assessments of whether strings are considered confusingly like existing or applied-for new gTLD strings and their variants are made during the Similarity Validation for requested selected IDNccTLD strings and/or their eligible variants and in the [insert name: Initial Evaluation] step envisioned in the next round of new gTLD applications.</p>
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	<p><i>withdrawn. Therefore, any other later application for the same string will be denied.</i></p> <p><i>For the above contention rules, an IDN ccTLD string request is regarded as validated once it is confirmed that the string is a meaningful representation of the country or territory and that the string has passed the DNS Stability Evaluation as described in Module 4.</i></p>	<p>The following supplemental rules provide the thresholds for solving any potential contention issues:</p> <ul style="list-style-type: none"> C. A gTLD application and/or related variants related that is approved by the ICANN Board will be considered an existing TLD in inter-process contention, unless it is withdrawn. Therefore, any other later application for a similar string (whether primary or related variant) is deemed to be invalid. D. A validated request for an IDN ccTLD and/or requested delegatable variant will be considered an existing TLD in inter-process contention unless it is withdrawn. Therefore, any other later application for the same
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		<p>string is deemed to be invalid.</p> <p>For purposes of the above contention rules, an IDN ccTLD string request is regarded as validated once it is confirmed that the string is a meaningful representation of the name of the Territory and that the string has passed the Technical and Similarity Evaluation as described in sections 8.5 and 8.6.</p>
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Comment on introducing the Risk Treatment Appraisal (Section 8.8)

Comment	WG Analyses	Update of Proposed Policy text, if any
<p>ICANN notes that by proposing the Risk Treatment Appraisal Procedure IDNccTLD strings that are confusable in the uppercase form are introduced into the root zone.</p>	<p>The WG notes that although in SAC089 it is noted that “Confusability cannot be considered in isolation from other issues related to security.” The SAC089 was published in 2016 in response to ccNSO Comments on SAC084. Following this exchange, the ccNSO and SSAC - at the request of the Board created a joint working party to address this issue and other issues identified by both SSAC and the ccNSO with respect to the interpretation of RFC 6912, interpretation of similarity evaluation findings and mitigation measures. This working party submitted</p>	<p>No need to adjust the proposed policy</p>

	<p>its report, which was approved by both the ccNSO and SSAC in August 2017, and resulted in an update of the Fast Track Implementation Plan in October 2017, adding the step of the Risk Treatment Appraisal Procedure. In their Report the joint working party noted that <i>“the level of acceptable residual risk needs to be determined as well as the method of how it should be determined and evaluated.”</i></p> <p>It was also noted that <i>“there is no general hard and fast rule with respect to the mitigation measures that should be implemented or with respect to the acceptable level of risk. It all depends very much on the circumstances, context and interplay of proposed measures and current and future risks associated with the confusing similarity of proposed strings. Therefore, it is recommended that each case is evaluated independently.</i></p> <p><i>The intended manager for the requested IDN ccTLD, and, if needed, supported by the relevant government, should propose mitigation measures, which are then reviewed, discussed and, if accepted by all involved, agreed upon.”</i></p>	
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