

# ICANN | GNSO

Generic Names Supporting Organization

## Phase 2 Initial Report on the Internationalized Domain Names Expedited Policy Development Process

11 April 2024

### Status of This Document

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This is the Phase 2 Initial Report of the GNSO Expedited Policy Development Process on Internationalized Domain Names (EPDP-IDNs), covering topics related to second-level variant management. This Initial Report has been posted for Public Comment.

### Preamble

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The objective of this Initial Report is to document the EPDP Team's deliberations on Phase 2 charter questions and its twenty (20) preliminary recommendations. After reviewing the Public Comment submissions received in response to this report, the EPDP Team will conduct a formal consensus call on all the proposed recommendations before their inclusion in the Phase 2 Final Report to be submitted to the GNSO Council for its consideration.

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# 1 Executive Summary

## 1.1 Introduction

On 20 May 2021, the GNSO Council voted to initiate an Expedited Policy Development Process on Internationalized Domain Names (EPDP-IDNs).<sup>1</sup> 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.

In accordance with charter requirements and ICANN Board requests, the EPDP Team conducted its deliberations by building on the existing body of policy work, research, and analysis on the IDN subject, including but not limited to:

- IDN-related Outputs under Topic 25 in the GNSO New gTLD Subsequent Procedures (SubPro) PDP Final Report;<sup>2</sup>
- IDN Variant TLD Management paper developed by ICANN org (“Staff Paper”);<sup>3</sup>
- Recommendations for the Technical Utilization of the Root Zone Label Generation Rules (RZ-LGR);<sup>4</sup>
- Security and Stability Advisory Committee Advice relevant to IDNs (e.g., SAC052, SAC060).<sup>5</sup>

Since the IDN related SubPro PDP Outputs were developed by considering previous work on IDNs and were already adopted by the ICANN Board, the work of the EPDP Team focused on filling the following gaps not addressed by SubPro PDP:

- Apply SubPro PDP Outputs to existing gTLDs and second-level variant domains;
- Operationalize SubPro PDP Outputs for gTLD variant labels through the New gTLD Program; and
- Deliberate on topics not discussed by SubPro PDP but identified in other previous work on IDNs.

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<sup>1</sup> See the approved GNSO Council motion initiating the EPDP here:

<https://gns0.icann.org/en/council/resolutions/2020-current#202105>

<sup>2</sup> Topic 25 of the SubPro PDP Final Report is focused on IDNs: <https://gns0.icann.org/sites/default/files/file/field-file-attach/final-report-newgtld-subsequent-procedures-pdp-02feb21-en.pdf>. The SubPro PDP Final Report was published in February 2021. A substantial portion of the Outputs was adopted by the ICANN Board in March 2023. See Annex E: Background for additional details.

<sup>3</sup> <https://www.icann.org/resources/pages/idn-variant-tld-implementation-2018-07-26-en>

<sup>4</sup> <https://www.icann.org/en/system/files/files/rz-lgr-technical-utilization-recs-07oct19-en.pdf>

<sup>5</sup> SAC052: <https://www.icann.org/en/system/files/files/sac-052-en.pdf>; SAC060: <https://www.icann.org/en/system/files/files/sac-060-en.pdf>

When the EPDP Team charter was drafted, there was an expectation that the SubPro Implementation Review Team (IRT) and the EPDP Team would coordinate on addressing overlapping issues. However, coordination was not possible because the SubPro IRT did not start its work until May 2023, and the EPDP Team had to make assumptions about the implementation of the SubPro PDP Outputs in order to address charter questions under overlapping topics.<sup>6</sup> The ICANN Board's subsequent adoption of the SubPro Outputs related to IDNs means that EPDP Teams assumptions have generally been sound.

In order to support the implementation planning of the SubPro PDP Outputs to facilitate the launch of the next application round of the New gTLD Program, the EPDP Team bifurcated its work into two phases:

- Phase 1 covers topics related to top-level gTLD definition and variant management. This report was completed and submitted to the GNSO Council on 08 November 2023.
- Phase 2 covers issues pertaining to second-level variant management.<sup>7</sup>

The EPDP Team has maintained communication with the ccPDP4, which is the Policy Development Process of the Country Code Names Supporting Organization (ccNSO) focused on IDN ccTLDs. The goal of this communication was to meet the ICANN Board's request that the GNSO and the ccNSO keep each other informed of their respective progress in developing relevant policies and procedures to ensure a consistent solution for variant gTLDs and variant ccTLDs.

## 1.2 Preliminary Recommendations

In Phase 2 of the EPDP-IDNs, the EPDP Team was tasked to provide the GNSO Council with recommendations on the second-level variant management. The EPDP Team identified questions under the following topics in its charter to be addressed in Phase 2:

- Topic C: "Same entity" at the second-level and IDN Table harmonization
- Topic D: Adjustments in registry agreement, registry service, registry transition process, and other processes/procedures related to the domain name lifecycle
- Topic F: Adjustments in registration dispute resolution procedures and trademark protection mechanisms

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<sup>6</sup> On 16 March 2023, the ICANN Board adopted a substantial portion of the New gTLD Subsequent Procedures (SubPro) PDP Outputs and officially kicked off implementation efforts to prepare for launching the next application round of the New gTLD Program. The Outputs adopted by the ICANN Board include all the IDN-related recommendations in Topic 25 of the Final Report. See ICANN Board resolution here:

<https://www.icann.org/en/board-activities-and-meetings/materials/approved-resolutions-regular-meeting-of-the-icann-board-16-03-2023-en>

<sup>7</sup> See details in the GNSO Council resolution that adopted the Project Change Request from the EPDP Team: <https://gns0.icann.org/en/council/resolutions/2020-current#202211>; and EPDP Team's updated project plan (November 2022 version):

[https://community.icann.org/download/attachments/181306993/EPDP\\_IDN\\_Project\\_Plan\\_20221107.pdf?version=1&modificationDate=1668662265000&api=v2](https://community.icann.org/download/attachments/181306993/EPDP_IDN_Project_Plan_20221107.pdf?version=1&modificationDate=1668662265000&api=v2)

### ■ Topic G: Process to update the IDN Implementation Guidelines

Following its consideration of each of the Phase 2 charter questions, the EPDP Team developed twenty (20) preliminary recommendations and implementation guidance. In this Phase 2 Initial Report, the sequence of the preliminary recommendations begins with the high-level principle of the “same entity” and proceeds to the implications of that principle and a number of the processes, procedures, and policies.

The EPDP Team will not finalize its recommendations to the GNSO Council until it has conducted a review of the comments received during the Public Comment period on this Phase 2 Initial Report. At this time, no formal consensus call has been taken on these preliminary recommendations, but this Phase 2 Initial Report did receive the support of the EPDP Team for publication for Public Comment.

## 1.3 Conclusions and Next Steps

This Phase 2 Initial Report will be posted for Public Comment for a minimum of forty (40) days. The EPDP Team will review the Public Comments received on this Initial Report and consider whether any changes need to be made to its Phase 2 recommendations.

## 1.4 Other Relevant Sections of this Report

The following sections are included within this Phase 2 Initial Report:

- Explanation of the EPDP Team’s methods and process for reaching preliminary recommendations;
- Glossary that provides definitions of the terms and phrases frequently used throughout this report;
- Compilation of all Phase 2 preliminary recommendations, some of which include corresponding implementation guidance, and their rationale;
- Assessment of the differences that may exist between the deferred IDN Implementation Guidelines Version 4.0 and the Phase 2 preliminary recommendations and implementation guidance;
- EPDP Team charter;
- EPDP Team’s high-level responses to Phase 2 charter questions;
- Background on the EPDP and issues under consideration;
- Documentation of who participated in the EPDP Team’s deliberations, including attendance records, and links to their Statements of Interest as applicable;
- Documentation on the solicitation of community input through formal Supporting Organization/Advisory Committee and Stakeholder Group/Constituency channels and responses.

## 2 EPDP Team Approach

This section provides an overview of the working methodology and approach of the EPDP Team. The points outlined below provide background information on the EPDP Team's deliberations and processes, but do not represent the entirety of the efforts and deliberations of the EPDP Team.

### 2.1 Project Plan

One of the EPDP Team's first deliverables was to produce a project plan, setting out the anticipated time frame for deliberations on the charter topics and target dates for key milestones. The project plan was provided to the GNSO Council for its consideration during the October 2021 Council meeting.<sup>8</sup>

In late 2022, the EPDP Team determined that in order to support implementation planning of the New gTLD Subsequent Procedures (SubPro) PDP Outputs, it would be helpful to bifurcate its work into two phases, with Phase 1 covering topics related to top-level gTLD definition and variant management, and Phase 2 covering issues pertaining to second-level variant domain management. The EPDP Team recognized that this approach did not remove the interaction of its Phase 2 work with the SubPro implementation, as many second-level-related charter questions may have impact on the New gTLD Program. The EPDP Team also determined that a timeline extension was necessary due to the diversity and complexity of variant issues, additional data collection needs, review of ICANN org input for draft recommendations, and Public Comment-related processes. The EPDP Team submitted a Project Change Request to the GNSO Council, which the Council adopted on 17 November 2022.<sup>9</sup> The EPDP Team updated the project plan accordingly, estimating the delivery of Phase 1 Final Report to the GNSO Council in November 2023 and the delivery of Phase 2 Final Report in November 2025.<sup>10</sup>

On 16 March 2023, the ICANN Board requested that the EPDP Team deliver an updated project plan by 15 June 2023 that identifies all charter questions that will impact the next Applicant Guidebook (AGB) of the New gTLD Program.<sup>11</sup> Following the publication of its Phase 1 Initial Report in April 2023 for Public Comment, the EPDP Team conducted a thorough analysis of its charter questions and consulted with relevant ICANN org department for input. On 25 May 2023, the EPDP Team reported to the GNSO Council that nearly all of its charter questions may

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<sup>8</sup> Original project plan (September 2021 version):

[https://community.icann.org/download/attachments/181306993/EPDP\\_IDN\\_Project\\_Plan\\_20210928.pdf?version=1&modificationDate=1638415613000&api=v2](https://community.icann.org/download/attachments/181306993/EPDP_IDN_Project_Plan_20210928.pdf?version=1&modificationDate=1638415613000&api=v2)

<sup>9</sup> Project Change Request:

<https://community.icann.org/download/attachments/181306993/Project%20Change%20Request%20Form%20-%20IDNs%20EPDP.pdf?version=1&modificationDate=1668662322000&api=v2>. GNSO Council resolution to adopt the Project Change Request: <https://gns0.icann.org/en/council/resolutions/2020-current#202211>

<sup>10</sup> Updated project plan (November 2022 version):

[https://community.icann.org/download/attachments/181306993/EPDP\\_IDN\\_Project\\_Plan\\_20221107.pdf?version=1&modificationDate=1668662265000&api=v2](https://community.icann.org/download/attachments/181306993/EPDP_IDN_Project_Plan_20221107.pdf?version=1&modificationDate=1668662265000&api=v2)

<sup>11</sup> See the ICANN Board resolution for detail: <https://www.icann.org/en/board-activities-and-meetings/materials/approved-resolutions-regular-meeting-of-the-icann-board-16-03-2023-en>

have an impact on the next AGB. As such, the EPDP Team determined not to reorganize its work but continue its two-phased approach; the estimated timeline for project completion was unchanged.<sup>12</sup> In the meantime, the EPDP Team requested a dedicated face-to-face workshop to expedite its Phase 2 deliberations; this request received support from the GNSO Council and ICANN org in June 2023. During ICANN77, the GNSO Council submitted this deliverable to the ICANN Board, noting the caveat that a revised schedule would be delivered by taking into account several important factors that may shorten the EPDP's overall timeline.<sup>13</sup>

On 20 July 2023, the EPDP-IDNs Team provided the GNSO Council with a revised timeline after considering the following factors: 1) progress made on Phase 2 charter question deliberations while the Phase 1 Initial Report Public Comment was ongoing; 2) the breadth and quantity of Public Comment received; and 3) the approval of the dedicated face-to-face workshop in December 2023.<sup>14</sup> While there was no change to the timeline for delivering the Phase 1 Final Report, the EPDP Team shortened the Phase 2 timeline by 13 months, with the estimated delivery date of the Phase 2 Final Report in October 2024. The GNSO Council submitted this updated timeline to the ICANN Board and ICANN org on 25 July 2023.<sup>15</sup>

## 2.2 Community Input

In accordance with GNSO expedited policy development process requirements, the EPDP Team sought written input on the charter topics from each Supporting Organization, Advisory Committee, and GNSO Stakeholder Group and Constituency. The input received was incorporated into the EPDP Team's deliberations as each topic was discussed.<sup>16</sup> Where groups that provided written input also had representative members on the EPDP Team, those members were well positioned to respond to clarifying questions from other members about the written input as it was considered.

## 2.3 Methodology for Deliberations

The EPDP Team began its deliberations on 11 August 2021. The EPDP Team agreed to continue its work primarily through conference calls scheduled weekly, in addition to email exchanges on its mailing list. The EPDP Team held sessions during ICANN72, ICANN73, ICANN74, ICANN75, ICANN76, ICANN77, ICANN78, and ICANN79 public meetings. These sessions provided an opportunity for the broader community to contribute to the EPDP Team's deliberations on the charter topics being discussed.

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<sup>12</sup> See EPDP-IDNs Team's presentation to the GNSO Council here:

<https://gnso.icann.org/sites/default/files/policy/2023/presentation/epdp-idns-p2-project-plan-timeline-25may23-en.pdf>; to learn more, check the [transcript](#) and [recording](#) of the GNSO Council meeting on 25 May 2023.

<sup>13</sup> See details in the GNSO Council deliverable submitted during ICANN77 here:

<https://www.icann.org/en/system/files/correspondence/ducos-to-sinha-15jun23-en.pdf>

<sup>14</sup> See EPDP-IDNs Team's presentation to the GNSO Council here:

<https://community.icann.org/download/attachments/240615630/20%20July%202023%20GNSO%20Council%20-%20EPDP-IDNs%20.pdf?version=1&modificationDate=1689606104000&api=v2>; to learn more, check the [transcript](#) and [recording](#) of the GNSO Council meeting on 20 July 2023.

<sup>15</sup> See the updated GNSO Council deliverable here: <https://www.icann.org/en/system/files/correspondence/ducos-to-sinha-25jul23-en.pdf>

<sup>16</sup> See the community early input received here: <https://community.icann.org/display/epdpidn/Community+Input>

Moreover, and particularly relevant to Phase 2, a special face-to-face meeting (F2F Workshop) took place in late 2023 in Kuala Lumpur, Malaysia. Over three (3) days and eleven (11) sessions, the EPDP Team was able to expedite discussions on Phase 2 recommendations and guidance that would have taken approximately three months longer if left to regular, synchronous online meetings and asynchronous discussion on the email list.

All of the EPDP Team’s work is documented on its wiki workspace.<sup>17</sup> It includes its meetings, mailing list, meeting notes, deliberation summaries, draft documents, background materials, and early input received from ICANN community groups and ICANN org.<sup>18</sup>

The EPDP Team used a methodical approach to deliberations and drafting. The charter questions were sorted and ordered based on anticipated dependencies between the topics. Due to the complexity of the subject matter, for each charter question, staff first provided background and context to support deliberations and help frame the questions. The EPDP Team then deliberated on the charter question until the group reached high-level agreement on the approach to the related recommendations. The leadership team, in collaboration with staff, drafted responses to charter questions and recommendations in batches based on these high-level agreements. EPDP Team members reviewed these drafts with their representative groups and provided comments and suggested revisions, where appropriate. The EPDP Team then conducted a second reading of each batch, making any necessary adjustments to the text. Following completion of these steps, a section of draft text was considered stable and ready to be included in the Initial Report.

In addition, as IDN table harmonization was one of the most challenging topics for the EPDP Team during Phase 2, the members from the Registries Stakeholder Group (RySG) and ICANN org worked together collaboratively to try and find an appropriate balance between leaving harmonization entirely to registry operators versus requiring the inclusion of variant code points identified by the script communities for second-level IDN Tables.

## 2.4 Use of Working Documents and Draft Output Documents

The EPDP Team used a series of working documents and draft output documents, organized per charter topic, to support deliberations and production of outputs. Archives of the documents are maintained on the EPDP Team’s wiki.<sup>19</sup>

Working documents captured summaries of the deliberations on each charter question. These documents were updated on an ongoing basis and served as a point of reference for the evolving discussions on each topic. Draft output documents captured draft responses to charter questions and draft recommendations and implementation guidance, as well as their rationale.

In the process of developing the Phase 2 Initial Report, the EPDP Team directly reviewed draft sections of the Initial Report that included preliminary recommendations proposed by the

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<sup>17</sup> Wiki space here: <https://community.icann.org/pages/viewpage.action?pageId=176622687>

<sup>18</sup> Mailing list archives can be found at <https://mm.icann.org/pipermail/gnso-epdp-idn-team/>

<sup>19</sup> Wiki space here: <https://community.icann.org/pages/viewpage.action?pageId=176622687>



leadership team in collaboration with staff. This process allowed the leadership team and staff to enhance efficiencies by directly circulating draft sections of the Phase 2 Initial Report to the EPDP Team for discussion.

## 2.5 Data and Metrics

As required by the EPDP Team charter, the EPDP Team identified areas where data and metrics would help to inform the EPDP Team's deliberations on particular charter questions. Where ICANN org was in a position to collect and analyze relevant data, subject matter experts from ICANN org assisted the EPDP Team with these tasks.

To prepare for its deliberations on Phase 2 charter questions regarding second-level variant domain management, the EPDP Team engaged with the GNSO Contracted Parties House TechOps team to gather relevant data. The EPDP Team also drew on a research report that it requested and received from ICANN org on the languages and scripts used in the Trademark Clearing House (TMCH).

## 2.6 ICANN Org and Board Interaction

To promote a smooth transition from policy development to eventual implementation of GNSO Council-adopted and ICANN Board-approved recommendations, the EPDP Team has been supported by early and ongoing engagement with ICANN org subject matter experts. Liaisons from ICANN org's Global Domains and Strategy (GDS) (Michael Karakash) and IDN and UA Program (Sarmad Hussain and Pitinan Kooarmornpatana) regularly attended EPDP Team calls, providing input and responding to questions where it has been possible to do so in real time. The liaisons passed on EPDP Team's questions to ICANN org that required additional research or input.

In addition, the ICANN Board appointed two liaisons (the current liaisons are Edmon Chung and Alan Barrett; Akinori Maemura was a Board appointed liaison until his term on the ICANN Board ended in September 2022) who regularly attend EPDP Team calls and act as a conduit between the Board and the EPDP.

## 2.7 Coordination with ccNSO Policy Development Work on IDNs

Throughout its work, the EPDP Team has maintained lines of communication with the ccPDP4 Working Group, which is conducting policy development work on IDN ccTLDs. These communications focus on topics which appear in the charters of both the EPDP-IDNs and ccPDP4, namely the area of variant management and the IDN Implementation Guidelines. The goal of this communication is to meet the ICANN Board's request that the GNSO and the ccNSO keep each other informed of the progress in developing the relevant policies and procedures to ensure a consistent solution for variant gTLDs and variant ccTLDs.

The use of liaisons between the groups (Dennis Tan Tanaka had been serving as the EPDP-IDNs liaison to ccPDP4 and Anil Jain as the ccPDP4 liaison to EPDP-IDNs) and bilateral meetings at key points in the work supported this coordination. As such, the two groups were able to recognize differences between draft outcomes as they were being developed, and to identify any potential issues if differences did exist.

## 2.8 Accountability to the GNSO Council

As is now the case with all GNSO working groups, the EPDP Team delivered monthly “project packages” to the GNSO Council to update the Council on the status and progress of its work. Details of the project schedule, attendance, and action items can be found in the monthly project packages. An archive of these packages is available on the wiki.<sup>20</sup>

The leadership team of the EPDP (Donna Austin as the Chair and Farell Folly [formerly Justine Chew] as the Vice-Chair) have been invited to speak to the GNSO Council when it is timely to share any important updates or significant changes. The GNSO Council Liaison (Manju Chen, formerly Farell Folly) also serves as an additional point of connection between the Council and the EPDP Team.

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<sup>20</sup> Wiki space here: <https://community.icann.org/pages/viewpage.action?pageId=176622687>

## 3 Glossary

The table below lists the key terms and phrases that are used throughout this Phase 2 Initial Report covering topics related to variant management at the second-level. The explanations of their meanings are developed based on the EPDP Team’s understanding of the existing body of work related to IDNs and the Team’s use of the terms in the context of the Phase 2 charter question deliberations. Additional notes are included to explain the common usage of certain terms and phrases in this Phase 2 Initial Report.

The EPDP Team appreciates that some readers may consider the meaning of the terms as reflected in this glossary to be imprecise from a technical perspective. The Team understands that this is the case and it is for this reason the EPDP Team has not provided a definition, but rather the ‘meaning’ of the term as used and commonly understood by the Team.

The terms in this glossary are organized in alphabetical order. Some terms are cross referenced in multiple places in this glossary and they are italicized to facilitate reference.

Term	Meaning	Additional Notes on Usage
Activate / Activation / Activated	<p>Activate refers to the activation or enablement of a domain name. After activation, a domain name is visible in the Domain Name System and activated for use (e.g., its associated website and/or email services are active).<sup>21</sup> Activation of a domain name does not necessarily require <i>registration</i>, especially for <i>variant domain names</i>.</p>	<p>During the Phase 2 deliberation, EPDP Team members emphasized the distinction between “activate” and “<i>register</i>”. Depending on the registry model, a registry operator may use “<i>EPP Create</i>” (i.e., register) to activate a <i>variant domain name</i> as an independent registration, but may also use other methods (e.g., “<i>EPP Update</i>” to create a “child domain name” as an attribute to the <i>source domain name</i>) for activating a variant domain name.</p> <p>Its associated adjective “activated” is sometimes used interchangeably with “active”.</p>

<sup>21</sup> The original definition of “activated” can be found in RFC 7940: <https://datatracker.ietf.org/doc/html/rfc7940#section-7.3>

Term	Meaning	Additional Notes on Usage
Allocatable	<p>This is a valid <i>variant domain name</i> derived from a <i>source domain name</i> that is eligible for allocation under a given gTLD. An allocatable variant domain name should be reserved for use by the same registrant of the source domain name but not automatically allocated for use.<sup>22</sup> At the second-level, the allocatable status is determined by the IDN Table managed by the registry operator of the given gTLD.</p>	<p>This term is used to describe a <i>variant domain name's disposition value</i>. It usually appears in the phrase "allocatable variant domain name(s)". The other possible disposition value is "blocked".</p>
Allocate / Allocation / Allocated	<p>Allocate refers to the administrative association or assignment of a domain name to the entity who has requested it.<sup>23</sup> The allocated state of a domain name means it is reserved for use by its registrant. After a domain name is <i>registered</i> and/or <i>activated</i>, it is allocated. Allocation typically indicates the start of the <i>domain name lifecycle</i>, as noted in the rationale for <u>Preliminary Recommendation 9</u>.</p> <p>When a domain enters the "Redemption" or "Pending Deletion" stage of the domain name lifecycle, it is regarded as 'deactivated' but still allocated as long as it is not deleted from the Domain Name System.</p>	<p>This term is frequently mentioned throughout the EPDP-IDNs Phase 2 Initial Report, as it is associated with the "<i>same entity</i>" principle, the cornerstone requirement developed during the Team's deliberation. Once a variant domain name has been allocated, it must remain linked to the same registrant of the source domain name and at the same sponsoring registrar. This should be considered a persistent requirement in all stages of its domain name lifecycle. It does not matter whether the variant domain name is activated or not. As long as it is still allocated, the "<i>same entity</i>" principle must be upheld.</p>
Blocked	This is a <i>valid variant domain</i>	This term is used to describe a

<sup>22</sup> This explanation referenced the definition of "allocatable" in the RFC 7940: <https://www.rfc-editor.org/rfc/rfc7940.html#section-7.2.1>

<sup>23</sup> This explanation is derived from the definition of "allocation" and "allocated" in the IDN Implementation Guidelines version 4.0. See Annex B here: <https://www.icann.org/en/system/files/files/idn-guidelines-22sep22-en.pdf#page=7>

Term	Meaning	Additional Notes on Usage
	<p><i>name</i> derived from a <i>source domain name</i> that is ineligible for allocation under a given gTLD. A blocked variant domain name should be blocked from allocation. This would typically apply to a derived variant domain name that is undesirable due to having no practical use to some other domain name.<sup>24</sup> At the second-level, the blocked status is determined by the IDN Table managed by the registry operator of the given gTLD.</p>	<p><i>variant domain name's disposition value</i>. The other possible disposition value is "allocatable".</p>
Canonical	<p>For a code point in a second-level label registered under a given gTLD, its "canonical" code point is typically the variant code point of the lowest unicode number, as described in all of the active IDN Tables for that gTLD. For example, code point U+0127 has variant code points U+0068 and U+0125; U+0068 is the canonical code point. The "canonical" name is the combination of canonical code points of a given second-level label.<sup>25</sup></p>	<p>This term usually appears in the phrase "canonical name", which is a key element in the current rules for registry operators to activate variant labels at the second-level. See Section 2.2 in the "Standard Amendment Language, Add Internationalized Domain Names (IDNs) - May Activate Variants".<sup>26</sup> In addition, some registry operators use the canonical name as a way to achieve <i>harmonization</i>, ensuring that a consistent <i>variant domain set</i> will be produced for any domain across all of the IDN Tables for their respective gTLDs. Learn more in the EPDP Team response to charter question C5.</p>
Disposition Value	<p>The disposition value of a <i>variant domain name</i>, as calculated by an IDN Table based on its <i>source</i></p>	

<sup>24</sup> This explanation referenced the definition of "blocked" in the RFC 7940: <https://www.rfc-editor.org/rfc/rfc7940.html#section-7.3>

<sup>25</sup> This explanation was developed based on commentaries from an EPDP Team member during meeting #81.

<sup>26</sup> <https://www.icann.org/en/system/files/files/standard-amendment-language-add-idns-may-activate-variants-14jun19-en.pdf>

Term	Meaning	Additional Notes on Usage
	<i>domain name</i> , can be either <i>allocatable</i> or <i>blocked</i> .	
Domain Name	<p>A unique identifier that forms the basis of the Uniform Resource Locators (URLs) that people use to find resources on the Internet (e.g., web pages, email servers, images, and videos). The domain name itself identifies a specific address on the Internet that belongs to an entity such as a company, organization, institution, or individual. For example, in the URL <a href="https://www.icann.org/public-comments">https://www.icann.org/public-comments</a>, the domain name “icann.org” directs a browser to the ICANN organization’s domain. The rest of the URL directs the browser to a specific resource on the www server within ICANN’s domain (in this case, the Public Comments page on the ICANN org website). A domain name consists of two or more textual segments (also referred to as “labels”) separated by dots. For example, in the domain name “icann.org”, the first part of the name, “icann”, represents a second-level domain under the top-level domain “org”. Domain names can also have more than two labels, as in <a href="https://www.bbc.co.uk">bbc.co.uk</a>. In this example, “bbc” represents a subdomain under the second-level domain “co”, which resides under the top-level domain “uk”.<sup>27</sup></p>	<p>Since Phase 2 of EPDP-IDNs focus on second-level variant management issues, the term “domain name” is frequently used in preliminary recommendations and their rationale. It often appears in phrases including “<i>variant domain name(s)</i>”, “<i>source domain name(s)</i>”, “<i>domain name lifecycle</i>”, and “<i>domain name system</i>”, etc.</p>
Domain Name Lifecycle	From a technical standpoint, the domain name lifecycle concept is reflected in the <i>EPP status codes</i> ,	The management of variant domain names throughout their domain name lifecycle was

<sup>27</sup> This explanation is reproduced verbatim from the ICANN Acronyms and Terms webpage: <https://www.icann.org/en/icann-acronyms-and-terms/domain-name-en>

Term	Meaning	Additional Notes on Usage
	<p>which indicate the specific status of a <i>domain name</i>. The domain name lifecycle is generally summarized in five main stages, which are: 1) available, 2) active, 3) expiration, 4) redemption, and 5) pending deletion.<sup>28</sup> A domain name may not go through all five main stages of the domain name lifecycle.</p>	<p>extensively considered by the EPDP Team in the context of charter questions D4, D6, and D7.</p>
EPDP	<p>The abbreviation of Expedited Policy Development Process. It differs from the <i>Policy Development Process (PDP)</i>, mainly in that an Issue Report and the associated Public Comment process are not needed. The Expedited Policy Development Process itself is described in Annex 4 of the GNSO Operating Procedures.<sup>29</sup></p>	<p>This term usually appears in the phrases “EPDP-IDNs” and “EPDP Team”.</p>
Extensible Provisioning Protocol (EPP) Domain Status Code	<p>The EPP domain status code, also called domain name status code, indicates the status of a domain name. Every domain has at least one status code, but it can also have more than one. There are 17 standardized EPP domain status codes, plus the Registry Grace period status code. See the EPP Status Codes webpage on icann.org for more information.<sup>30</sup></p>	<p>This term is relevant in the discussion of <i>domain name lifecycle</i> management, which is the focus of charter question D4.</p>
Grandfathered	<p>A provision in which an immediate previous rule continues to apply to some existing situations while a new rule will apply to all future cases.</p>	<p>This topic was extensively considered by the EPDP Team in the context of charter questions C1, C2, D4, and D6.</p>

<sup>28</sup> To learn more, see background briefing slides and recording during the ICANN77 EPDP Team working session [#1](#).

<sup>29</sup> See Annex 4 of the GNSO Operating Procedure here: <https://gns0.icann.org/sites/default/files/file/field-file-attach/annex-4-epdp-manual-15mar23-en.pdf>

<sup>30</sup> Learn more: <https://www.icann.org/resources/pages/epp-status-codes-2014-06-16-en>

Term	Meaning	Additional Notes on Usage
		<p>In the context of <i>variant domain name</i> management, grandfathering means that there will be no change to the contractual and allocation status of existing variant domain names that do not conform to the “<i>same entity</i>” principle, as recommended by the EPDP-IDNs Team. The grandfathered variant domain names are also exempt from the additional requirements relating to the “<i>same entity</i>” principle.</p>
<p>Harmonization</p>	<p>The process of making different situations compatible and consistent with one another.</p>	<p>This topic was deliberated extensively by the EPDP Team in the context of charter questions C4, C5, and C5 regarding IDN Table harmonization.</p> <p>In the <i>IDN Table</i> context, the goal of harmonization is to ensure that all of the IDN Tables for a given gTLD must produce a consistent <i>variant domain set</i> that arises from a registration at the second-level. Moreover, another piece of harmonization is related to the IDN Table harmonization requirement. The Team’s agreement was that minimum IDN variant deployment requirements (i.e., variant code point sets) should be developed, as by adding a baseline requirement to the IDN Table harmonization mechanism, a common within-script and cross-script variant code point sets for all gTLDs would be provided, which will help mitigate DNS abuse and other security issues.</p>



Term	Meaning	Additional Notes on Usage
Internationalized Domain Name (IDN)	A <i>domain name</i> which contains at least one character other than ASCII letters, digits, or hyphens. Because IDNs support the use of Unicode characters, they can include characters from local languages and scripts. For example, [실례.테스트] is a domain name composed entirely of Hangeul characters. <sup>31</sup>	Since Phase 2 of EPDP-IDNs focus on second-level variant management issues, this term is frequently mentioned in the context of IDN second-level domain names, as well as <i>IDN Tables</i> .
IDN Implementation Guidelines	A list of general standards for IDN registration policies and practices that are designed to minimize the risk of cybersquatting and consumer confusion, and respect the interests of local languages and character sets. Registries seeking to deploy IDNs under their agreements with ICANN have been authorized to do so on the basis of the IDN Implementation Guidelines. <sup>32</sup> IDN Implementation Guidelines has been a compulsory document for the ICANN contracted parties (gTLD registries and registrars offering IDN registrations) to adhere to. For ccTLD managers that deploy IDN registration policies, they are expected but not required to be guided by the IDN Implementation Guidelines.	This topic was extensively considered by the EPDP Team in the context of charter questions G1 and G1a.
IDN Table	A specification that defines the permitted characters and rules for combining characters to form <i>labels</i> in the languages and scripts applicable to the second-level	This topic was thoroughly examined by the EPDP Team in the context of charter questions C4, C5, and C5 regarding IDN Table harmonization.

<sup>31</sup> This explanation is reproduced verbatim from the ICANN Acronyms and Terms webpage: <https://www.icann.org/en/icann-acronyms-and-terms/internationalized-domain-name-en>

<sup>32</sup> This explanation is reproduced verbatim from the IDN Implementation Guidelines webpage on icann.org. Learn more: <https://www.icann.org/resources/pages/implementation-guidelines-2012-02-25-en>

Term	Meaning	Additional Notes on Usage
	under a gTLD. The terms IDN table and Label Generation Rules are synonymous. <sup>33</sup> IDN Tables represent a registry operator’s second-level rules for its respective gTLD(s) regarding IDN second-level labels.	Registry operators develop their IDN Tables and submit them to ICANN org for review of any significant security, stability, and competition issue considerations. <sup>34</sup>
Label	The segments that are separated by dot characters in a domain name. For example, the domain name gns0.icann.org consists of three labels: gns0, icann, and org. <sup>35</sup>	In this Phase 2 Initial Report, this term usually appears in the phrase “variant label(s)” and it can refer to variants at both the top- and second-levels. This term is also interchangeable with “string”, particularly in the top-level context.
PDP	The abbreviation of Policy Development Process. The Policy Development Process itself is described in Annex A of the ICANN Bylaws. <sup>36</sup>	N/A
Register / Registration / Registered	Domain name registration is the process of creating a domain name, typically via the “EPP Create” command, and acquiring it for a certain period of time. The registration of a domain name indicates a billable transaction. A registered domain name exists in the Shared Registry System (SRS) and is visible in the WHOIS. However, it does not necessarily mean a registered domain name must be <i>activated</i> for use. For example, defensive registration is	During the Phase 2 deliberation, EPDP Team members emphasized the distinction between “activate” and “register”. Depending on the registry model, a registry operator may use “EPP Create” (i.e., register) to activate a <i>variant domain name</i> as an independent registration, but may also use other methods (e.g., “EPP Update” to create a “child domain name” as an attribute to the <i>source domain</i>

<sup>33</sup> This explanation is reproduced verbatim from the ICANN Acronyms and Terms webpage:

<https://www.icann.org/en/icann-acronyms-and-terms/internationalized-domain-name-table-en>

<sup>34</sup> Learn more, check the IDN Table briefings conducted during the EPDP Team [working session #2](#) during ICANN74 and its meetings [#80](#) and [#81](#).

<sup>35</sup> This explanation is reproduced verbatim from the ICANN Acronyms and Terms webpage:

<https://www.icann.org/en/icann-acronyms-and-terms/label-en>

<sup>36</sup> See Annex A of ICANN Bylaws here: <https://www.icann.org/resources/pages/governance/bylaws-en/#annexA>

Term	Meaning	Additional Notes on Usage
	<p>a widely accepted practice.</p>	<p><i>name</i>) for activating a variant domain name.</p> <p>However, the <i>source domain name</i> must be registered, as set out in <u>Preliminary Recommendation 8</u>.</p> <p>Domain names can be registered through many different registrars that compete with one another. The registrar a <i>registrant</i> chooses will request various contact and technical information that make up the registration. The registrar will then keep records of the contact information and submit the technical information to a central directory known as the <i>registry</i>. The registry provides the information necessary to send the registrant emails or to find the associated website. A registrant will also be required to enter a registration contract with the registrar, which sets forth the terms under which the registration is accepted and will be maintained.<sup>37</sup></p>
<p>Registrant</p>	<p>An individual or entity who registers a <i>domain name</i>.</p>	<p>Registrant is one of the key parties for fulfilling the “<i>same entity</i>” principle and related requirements for second-level variant management. This term frequently appears in the EPDP Team recommendations.</p> <p>Upon registration of a domain name, a registrant enters into a</p>

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<sup>37</sup> This explanation is reproduced verbatim from General Questions on icann.org: <https://www.icann.org/resources/pages/faqs-84-2012-02-25-en#2>

Term	Meaning	Additional Notes on Usage
		<p>contract with a <i>registrar</i>. The contract describes the terms under which the registrar agrees to register and maintain the requested name. After registration, registrants manage their domain name settings through their registrar. To modify a setting, a registrant submits the changes to the registrar, and the registrar sends the change to the registry operator.<sup>38</sup></p>
Registrar	<p>An organization through which individuals and entities (<i>registrants</i>) register <i>domain names</i>.</p>	<p>Registrar is another key party for fulfilling the “<i>same entity</i>” principle and related requirements for second-level variant management. The term “sponsoring registrar” also frequently appears in the Phase 2 Initial Report. It refers to the registrar authorized by the registrant to register and manage its domain name. During the registration process, a registrar verifies that the requested domain name meets registry requirements, and submits the name to the appropriate registry operator. Registrars are also responsible for collecting required information from registrants and making the information available through WHOIS. After registration, registrants can make updates to their domain name settings through their registrars. A registrar that has entered into a Registrar</p>

<sup>38</sup> This explanation is reproduced verbatim from the ICANN Acronyms and Terms webpage: <https://www.icann.org/en/icann-acronyms-and-terms/registrar-en>

Term	Meaning	Additional Notes on Usage
		Accreditation Agreement with ICANN is referred to as an ICANN-accredited registrar. <sup>39</sup>
Registration Data Access Protocol (RDAP)	An HTTP-based protocol that provides access to information about current <i>domain name registrations</i> and Internet Protocol address <i>allocations</i> . RDAP was designed as a replacement for the WHOIS protocol. Advantages of RDAP include secure data transmission via HTTPS, support for internationalization, and the ability to limit access to certain information about a registration. <sup>40</sup>	This topic was extensively considered by the EPDP Team in the context of charter question D8.
Registry Operator	The organization that maintains the master database (registry) of all <i>domain names</i> registered in a particular top-level domain (TLD). ROs receive requests from <i>registrars</i> to add, delete, or modify domain names, and they make the requested changes in the registry. An RO also operates the TLD's authoritative name servers and generates the zone file. This information enables recursive name servers across the Internet to translate domain names into Internet Protocol (IP) addresses, so devices on the Internet can connect to one another. <sup>41</sup>	N/A
Registry Object Identifier (ROID)	ROID is a globally unique identifier assigned by a registry operator to a registry object (i.e., domain	This topic was extensively considered by the EPDP Team in the context of charter questions

<sup>39</sup> This explanation is reproduced verbatim from the ICANN Acronyms and Terms webpage: <https://www.icann.org/en/icann-acronyms-and-terms/registrar-en>

<sup>40</sup> This explanation is reproduced verbatim from the ICANN Acronyms and Terms webpage: <https://www.icann.org/en/icann-acronyms-and-terms?page=1&search=RDAP>

<sup>41</sup> This explanation is reproduced verbatim from the ICANN Acronyms and Terms webpage: <https://www.icann.org/en/icann-acronyms-and-terms/registry-operator-en>

Term	Meaning	Additional Notes on Usage
	<p>contact or host) when the object is created. An operator of ‘thick registry’ generates a ROID using its repository, which can encompass one or multiple gTLDs managed by the registry operator.<sup>42</sup></p> <p>A ROID may look like this: Local identifier for a contact object + hyphen + registry’s repository identifier (e.g., 5372809-EXAMPLE).</p>	<p>C3 and C3a regarding the mechanism of identifying the same registrant to comply with the “same entity” principle.</p> <p>Registry Agreement requires the use of ROIDs for some instances, such as RDS output, data escrow, bulk registration data access BRDA, EPP, Trademark Database List of Registered Domain Names. ROIDs are stored in the Shared Registry System (SRS), which is maintained by the registry operators and supports business functions of a domain registration service by registrars.</p>
<p>Rights Protection Mechanism (RPM)</p>	<p>A mechanism that helps safeguard intellectual property rights in the Domain Name System. RPMs include the <i>Uniform Domain Name Dispute Resolution Policy (UDRP)</i>, <i>Uniform Rapid Suspension (URS)</i>, and <i>Trademark Post-Delegation Dispute Resolution Procedure (Trademark PDDRP)</i>.</p>	<p>This topic was extensively considered by the EPDP Team in the context of charter questions D6a, D7a, F1, and F2.</p>
<p>Root Zone Label Generation Rules (RZ-LGR)</p>	<p>A set of rules that determine valid top-level domain labels, their variant labels, and disposition values of the variant labels. The RZ-LGR includes a list of permissible code points and variant code point mappings (if any) along with a set of rules that act on these code points and mappings.<sup>43</sup> For the latest version of the RZ-LGR, visit the Root Zone</p>	<p>This topic is more relevant in the EPDP-IDNs Phase 1 deliberations, focusing on the top-level variant management. The EPDP Team affirmed RZ-LGR as the sole source to determine valid strings as gTLDs and calculate variant labels and their disposition values. In the context of Phase 2 deliberation, its relevance is in the calculation variant domain set, which</p>

<sup>42</sup> More information about the ‘thick registry’: <https://whois.icann.org/en/what-are-thick-and-thin-entries>

<sup>43</sup> This explanation is reproduced verbatim from the ICANN Acronyms and Terms webpage: <https://www.icann.org/en/icann-acronyms-and-terms/root-zone-label-generation-rules-en>

Term	Meaning	Additional Notes on Usage
	Label Generation Rules webpage. <sup>44</sup>	includes variant labels at both the top- and second-levels.
Same Entity	A principle agreed upon by the EPDP Team where at the domain name level, all <i>allocatable variant domain names</i> from the same <i>variant domain set</i> must be <i>allocated</i> or withheld for possible <i>allocation</i> only to the same <i>registrant</i> at the same sponsoring <i>registrar</i> . In other words, all of the allocated variant domain names from the same variant domain set must remain linked contractually to the same registrant and at the same sponsoring registrar, and this should be considered a persistent requirement.	<p>The “same entity” principle is a cornerstone requirement developed during the deliberation of the EPDP-IDNs. This principle is reflected in a number of recommendations and the term is frequently mentioned throughout this Initial Report.</p> <p>The goal of the “same entity” principle is to minimize user confusion and security risks associated with variant domain names.</p>
Source Domain Name	In the context of this Phase 2 Initial Report, a source domain name is a registered domain name under a given gTLD that determines the composition of <i>variant domain set</i> under that gTLD and its delegated gTLD variant label(s), if any. The source domain name also determines the disposition values of <i>variant domain names</i> under a given gTLD from the variant domain set. The EPDP Team recommends that the source domain name must be identified between the registrant and the sponsoring registrar as a joint responsibility pursuant to <u>Preliminary Recommendation 8</u> .	<p>This key concept was developed during the EPDP Team deliberation on charter question D4, which the <u>Preliminary Recommendation 8</u> was derived from.</p> <p>In the EPDP-IDNs Phase 1 deliberation, the Team used the term “primary” when referring to the top-level label/string that serves as the source for calculating variant label set and determining allocatable and blocked variant labels at the top-level, in accordance with RZ-LGR.<sup>45</sup> To differentiate from the top-level context, the EPDP Team therefore elected to use the term “source” when</p>

<sup>44</sup> Learn more: <https://www.icann.org/resources/pages/root-zone-lgr-2015-06-21-en>

<sup>45</sup> Learn more about explanation of the “primary (label)” in Section 3 Glossary of the EPDP-IDNs Phase 1 Final Report: <https://mm.icann.org/pipermail/council/attachments/20231108/fcbce142/Phase1FinalReportontheInternationalizedDomainNamesExpeditedPolicyDevelopmentProcess-0001.pdf#page=21>

Term	Meaning	Additional Notes on Usage
		referring to the second-level label that has a similar role for calculating the <i>variant domain set</i> and determining the variant domain names' disposition values.
Staff Paper	A shorthand reference for the "IDN TLD Variant Management" paper developed by ICANN org. <sup>46</sup> The Staff Paper includes a set of recommendations and supporting documentation on the mechanism for variant management at the top- and second-levels. The ICANN Board approved these recommendations in March 2019 and requested that the GNSO and ccNSO take them into account while developing their respective policies to define and manage IDN variant TLDs for the current TLDs and future TLD applications.	This term is referenced in various charter questions, as the ICANN Board directed the GNSO to develop recommendations by taking into account the recommendations and analysis in the Staff Paper. Some of the EPDP Team recommendations are consistent with the Staff Paper recommendations, whereas some differ.
Subsequent Procedures (SubPro)	An abbreviation of the New gTLD Subsequent Procedures <i>Policy Development Process (PDP)</i> . The SubPro PDP Working Group was tasked to consider when and how to expand the number of generic top-level domains. The Working Group evaluated the 2012 application round to identify areas where additional policy development might be needed before launching another application round. It completed its deliberations and submitted its Final Report to the GNSO Council on 18 February 2021. <sup>47</sup> The Final Report includes hundreds of	This term is referenced in various charter questions, as this EPDP Team is expected to develop recommendations by building on the existing work of the SubPro PDP and addressing gaps. However, only a limited number of SubPro PDP Outputs concern the variant management at the second-level. Those Outputs were referenced in the EPDP Team's deliberation on charter question C1, C2, and C4a.

<sup>46</sup> Read the Staff Paper here: <https://www.icann.org/resources/pages/idn-variant-tld-implementation-2018-07-26-en>

<sup>47</sup> SubPro PDP Final Report can be found here: <https://gns0.icann.org/sites/default/files/file/field-file-attach/final-report-newgtld-subsequent-procedures-pdp-02feb21-en.pdf>



Term	Meaning	Additional Notes on Usage
	Outputs on 42 topics related to the future of the New gTLD Program. Topic 25 of the Final Report focuses on IDNs. Most of the Topic 25 Outputs are pertaining to the definition and variant management mechanism of future gTLDs.	
Trademark Clearinghouse (TMCH)	A mechanism of the New Generic gTLD Program designed to help protect the rights of trademark holders. The Trademark Clearinghouse verifies and records rights information from all over the world. This verified information is used during domain name registration processes, especially when new gTLDs launch. <sup>48</sup>	This topic was extensively considered by the EPDP Team in the context of charter questions F1 and F2.
Uniform Domain Name Dispute Resolution Policy UDRP (UDRP)	A policy for resolving disputes arising from alleged abusive registrations of domain names (for example, cybersquatting). The UDRP allows trademark holders to initiate expedited administrative proceedings by filing a complaint with an approved Dispute Resolution Service Provider. The UDRP is one of the <i>Rights Protection Mechanisms</i> that help safeguard intellectual property rights in the Domain Name System. <sup>49</sup>	This topic was extensively considered by the EPDP Team in the context of charter questions D6a and F2.
Uniform Rapid Suspension (URS)	An expedited administrative procedure that rights holders can initiate for certain types of domain name disputes. The URS	This topic was extensively considered by the EPDP Team in the context of charter questions D7a and F2.

<sup>48</sup> This explanation is reproduced verbatim from the ICANN Acronyms and Terms webpage: <https://www.icann.org/en/icann-acronyms-and-terms/trademark-clearinghouse-en>

<sup>49</sup> This explanation is reproduced verbatim from the ICANN Acronyms and Terms webpage: <https://www.icann.org/en/icann-acronyms-and-terms/uniform-domain-name-dispute-resolution-policy-en>

Term	Meaning	Additional Notes on Usage
	<p>procedure is a tool for quickly addressing clear-cut cases of trademark infringement. The URS is one of the <i>Rights Protection Mechanisms</i> that helps safeguard intellectual property rights in the Domain Name System.<sup>50</sup></p>	
Variant	<p>This term is used generally to identify different types of linguistic situations where different code points or labels are considered to be the same as one another.<sup>51</sup> In the context of EPDP-IDNs deliberations with respect to variant management, variants refer to the different code points or labels considered the same in accordance with the RZ-LGR at the top-level and registries’ IDN Tables at the second-level.</p>	<p>Due to the wide-ranging understanding of the term and to avoid confusion, “variant” is not used on its own, and more specific terms such as “variant domain name”, “variant domain set”, “variant label”, and “variant code point” are used throughout this Phase 2 Initial Report.</p> <p>For <u>Preliminary Recommendation 6</u> and <u>Implementation Guidance 7</u>, the “variant set” is used to help understand the IDN variant deployment requirements, but specifically refers to “variant code point sets” as mentioned in the rationale.</p>
Variant Domain Name	<p>A variant domain name is a domain name derived from the <i>source domain name</i>. It represents the combination of variant labels of the source domain name at both the second- and top-levels. Its second-level label is calculated as a variant of the source domain name’s second-level label based on a given IDN Table of a given gTLD. Its top-level label can be the</p>	<p>Since Phase 2 of EPDP-IDN’s focus on second-level variant management issues, the variant domain name is a key concept that is mentioned in almost all preliminary recommendations, as well as EPDP Team’s responses to Phase 2 charter questions.</p> <p>By way of example, a registrant</p>

<sup>50</sup> This explanation is reproduced verbatim from the ICANN Acronyms and Terms webpage: <https://www.icann.org/en/icann-acronyms-and-terms/uniform-rapid-suspension-en>

<sup>51</sup> This explanation referenced the definition of “variants” in the IDN Implementation Guidelines version 4.1, see p.12: <https://www.icann.org/en/system/files/files/idn-guidelines-22sep22-en.pdf#page=12>

Term	Meaning	Additional Notes on Usage
	<p>source domain name’s gTLD or its delegated gTLD variant label(s), if any.</p> <p>A variant domain name under a given gTLD may have the <i>disposition value</i> of either <i>allocatable</i> or <i>blocked</i>, as calculated by a given IDN Table of that gTLD.</p> <p>However, the disposition values of variant domain names under a given gTLD’s delegated gTLD variant label(s) cannot be calculated based on the source domain name under the primary gTLD, as different IDN Tables may be used. As such, the calculation of disposition values of variant domain names under a delegated gTLD variant label requires the identification and registration of a source domain name under that gTLD variant label.</p>	<p>registered the source domain name “名称.网站” in the simplified Chinese form at both top- and second-levels. The Chinese IDN Table of “.网站” generated a variant of the source domain name’s second-level label, and it is “名稱” in the traditional Chinese form. In addition, the gTLD “.网站” has a delegated variant gTLD “.網站” in the traditional Chinese form. The same Chinese IDN Table is used by “.網站” (for simplicity of explanation). As a result, the source domain name “名称.网站” theoretically could have three variant domain names: “名稱.网站”, “名称.網站”, and “名稱.網站”. In reality, whether these variant domain names are allocatable has to be determined by the Chinese IDN Table, as well as the variant registration rules set by the registry operator (e.g., the RO of “.网站”/“.網站” may set the rule that both top- and second-level labels of allocatable domain names must be either simplified Chinese or traditional Chinese, and cannot be a mix).</p>
<p>Variant Domain Set</p>	<p>The set of variant domain names that is derived from and also includes the <i>source domain name</i>. The variant domain set consists of variant label sets at both the second- and top-levels. The “set” at the second-level is enumerated from the second-level label of the</p>	<p>This is a key concept relating to the IDN Table harmonization requirement, “same entity” principle, and the lifecycle management of variant domain names. As such, this term is frequently mentioned in a number of recommendations.</p>

Term	Meaning	Additional Notes on Usage
	<p>source domain name, using the <i>IDN Tables</i> of the given gTLD. The “set” at the top-level is limited to a given gTLD and its delegated gTLD variant label(s), if any. To confirm, the composition of the second-level variant label set is the same under the given gTLD and its delegated gTLD variant label(s).</p> <p>In short, the variant domain set consists of: <i>source domain name</i> + variant domain(s) across a given gTLD and all of its delegated variant gTLDs.</p>	<p>By way of example, assume there is a registered source domain name s1.T1. T1 has a variant label T1v1 that has been delegated. According to the relevant IDN Table for T1, the second-level label s1 has an allocatable variant label s1v1, and a blocked variant label s1v2. Under T1v1, the second-level variant label set also consists of s1, s1v1, and s1v2. However, their disposition values under T1v1 are unknown unless and until a source domain name under T1v1 is identified.</p> <p>In summary, the variant domain set derived from the source domain name is comprised of the following six domain names:</p> <ul style="list-style-type: none"> <li>● Source domain name: s1.T1</li> <li>● Variant domain name under T1: s1v1.T1 (allocatable), s1v2.T1 (blocked)</li> <li>● Variant domain names under T1v1: s1.T1v1, s1v1.T1v1, s1v2.T1v1</li> </ul>

## 4 Phase 2 Preliminary Recommendations

In the Phase 2 of the EPDP-IDNs, the EPDP Team was tasked to provide the GNSO Council with recommendations on the second-level variant management. In its current project plan, the EPDP Team identified the questions under the following topics in its charter to be addressed in Phase 2:<sup>52</sup>

- Topic C: “Same entity” at the second-level and IDN Table harmonization
  - Charter Questions C1, 2, 3, 3a, 4, 4a, 5, 6
- Topic D: Adjustments in registry agreement, registry service, registry transition process, and other processes/procedures related to the domain name lifecycle
  - Charter Questions D4, 5, 6, 6a, 7, 7a, 8
- Topic F: Adjustments in registration dispute resolution procedures and trademark protection mechanisms
  - Charter Questions F1, 2
- Topic G: Process to update the IDN Implementation Guidelines
  - Charter Questions G1, 1a

The EPDP Team finalized twenty (20) recommendations. Some recommendations have “implementation guidance” on how a recommendation should be implemented.<sup>53</sup> The EPDP Team also determined that for certain charter questions (C3,C3a,C4a,C6,D5,D7,F1,G1a), no corresponding recommendation is necessary and a brief explanation is provided. See Annex B for EPDP Team’s responses to all Phase 2 charter questions.

Some underlying principles agreed upon by the EPDP Team and reflected in the preliminary recommendations include the following:

- **Same entity:** A principle where at the domain name level, all allocatable variant domain names from the same variant domain set must be allocated or withheld for possible allocation only to the same registrant using the same sponsoring registrar. The goal of this principle is to minimize user confusion and security risks associated with variant domain names.
- **Integrity of the Set:** The relationship between a primary label and its allocatable and blocked variant labels shall not be infringed upon as long as the primary label exists.

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<sup>52</sup> EPDP Team’s current project plan (November 2022 version):

[https://community.icann.org/download/attachments/181306993/EPDP\\_IDN\\_Project\\_Plan\\_20221107.pdf?version=1&modificationDate=1668662265000&api=v2](https://community.icann.org/download/attachments/181306993/EPDP_IDN_Project_Plan_20221107.pdf?version=1&modificationDate=1668662265000&api=v2)

<sup>53</sup> The EPDP Team strongly recommends the stated action in the implementation guidance, with a strong presumption that it will be implemented, but recognizes that there may exist valid reasons in particular circumstances to not take the recommended action exactly as described.

- **Conservatism:** Adopt a more cautious approach in the gTLD policy development as a way to limit any potential security and stability risks associated with the variant label delegation.<sup>54</sup>

Within the text of this document, the key words "MUST", "MUST NOT", "SHOULD", "SHOULD NOT", "SHALL", "SHALL NOT", "REQUIRED", and "MAY" are to be interpreted as described in RFC 2119.<sup>55</sup>

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<sup>54</sup> See more detailed explanation of these underlying principles in Section 3: Glossary of this Final Report.

<sup>55</sup> RFC 2119: <https://www.rfc-editor.org/rfc/rfc2119>

## 4.1 Charter Questions with Preliminary Recommendations

### C1 Charter Question:

*Both the SubPro PDP and the Staff Paper recommend that: 1) a given second-level label beneath each allocated variant TLD must have the “same entity”; and 2) all allocatable second-level IDN variant labels that arise from a registration based on a second-level IDN table must have the “same entity”<sup>56</sup>.*

*Should this recommendation be extended to existing second-level labels?*

### C1 Preliminary Recommendations:

**Preliminary Recommendation 1:** The “same entity” principle applies to the allocation of future variant domain names. This means that all allocatable variant domain names from a variant domain set must be allocated or withheld for possible allocation only to the same registrant. Additionally, all allocated domain names must be at the same sponsoring registrar.

**Implementation Guidance 2:** Registry operators should take into account Recommendation 14 in SAC060, as well as language or script communities’ widely acceptable practices among Internet users and established conventions, and consider:<sup>57</sup>

- 2.1 setting a maximum number of allocatable variant domain names that can be allocated to the same registrant of the source domain name; and
- 2.2 developing a mechanism to limit automatic activation of variant domain names to a minimum, if the registry operator opts to automatically activate variant domain names according to its policies.

**Preliminary Recommendation 3:** Immediately prior to the policy effective date of the “same entity” principle as set out in [Preliminary Recommendation 1](#), the existing variant domain names that do not conform to the “same entity” principle must be grandfathered. This means that there will be no change to the contractual or allocation status of such existing variant domain names. The requirement of having the same registrant and the same sponsoring registrar will not be applied retroactively.

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<sup>56</sup> See Recommendation 25.6 in the SubPro PDP Final Report, p.116: <https://gnso.icann.org/sites/default/files/file/field-file-attach/final-report-newgtld-subsequent-procedures-pdp-02feb21-en.pdf#page=116>; Recommendation 3 in the Staff Paper, p.3: <https://www.icann.org/en/system/files/files/idn-variant-tld-recommendations-analysis-25jan19-en.pdf#page=3>; Recommendation 25.7 in the SubPro PDP Final Report, p.116: <https://gnso.icann.org/sites/default/files/file/field-file-attach/final-report-newgtld-subsequent-procedures-pdp-02feb21-en.pdf#page=116>; Recommendation 4 in the Staff Paper, p.4: <https://www.icann.org/en/system/files/files/idn-variant-tld-recommendations-analysis-25jan19-en.pdf#page=4>

<sup>57</sup> See Recommendation 14, SAC060, p. 20: <https://www.icann.org/en/system/files/files/sac-060-en.pdf#page=20>

## C1 Rationale Preliminary Recommendations:

**Rationale for Preliminary Recommendation 1:** The EPDP Team deliberated charter questions C1 in conjunction with C2, as they both address the “same entity” principle at the second-level. The EPDP Team also reviewed the SubPro PDP Recommendations 25.6 and 25.7 relating to the “same entity” principle at the second level that were adopted by the ICANN Board on 16 March 2023.<sup>58</sup> For consistency purposes as well as to minimize user confusion and security risks, the EPDP Team agreed to extend the SubPro PDP recommendations to existing domain names. This means that all of the allocatable variant domain names that arise from an existing domain name based on a harmonized IDN Table, as required by [Preliminary Recommendation 5](#), must be allocated or withheld for possible allocation only to the same registrant of the existing domain name. The EPDP Team noted that some registry operators already enforce the same registrant rule, even though this is not a policy requirement at present.

Furthermore, the EPDP Team expanded on the “same entity” principle by explicitly requiring that all of the allocatable variant domain names from a variant domain set may only be allocated by the same sponsoring registrar. The EPDP Team learned that validating the same registrant is extremely difficult or impossible across registrar boundaries, as different registrars assign different contact objects to identify registrants. Having the same sponsoring registrar for the variant domain set will help ensure that the same registrant can be verified. In addition, having the same registrar is compatible with the existing requirements for activating IDN variant labels, which stipulate that “variant IDNs may be activated when requested by the sponsoring Registrar of the canonical name as described in the IDN Tables and IDN Registration Rules”.<sup>59</sup>

[Preliminary Recommendation 1](#) is consistent to guidelines 11-12 of the ICANN Board deferred guidelines from IDN Implementation Guidelines version 4.0. Please see Section 5 of this Phase 2 Initial Report for details.

**Rationale for Implementation Guidance 2:** The EPDP Team developed this implementation guidance following a review of guideline 12 of the ICANN Board deferred guidelines from IDN Implementation Guidelines version 4.0, which states:

*“...In exceptional cases, i) to support a widely acceptable practice within Internet users of a language or script community, or ii) to abide by language or script established conventions, a TLD Registry may opt to activate a limited number of IDN Variant Labels at its discretion, according to its policies. In such cases, the TLD Registry must have mechanism to limit automatic activation of IDN Variant Labels to a minimum.”*

The EPDP Team learned that automatic activation of variant domain names is an acceptable practice for certain registries that support domain names in the Chinese script. For example, if a registrant registers a simplified Chinese domain name under a given gTLD, the traditional variant label is activated by the registry operator for the same registrant automatically. Furthermore,

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<sup>58</sup> See ICANN Board resolution here: <https://www.icann.org/en/board-activities-and-meetings/materials/approved-resolutions-regular-meeting-of-the-icann-board-16-03-2023-en>

<sup>59</sup> See Section 2.2 in the “Standard Amendment Language, Add Internationalized Domain Names (IDNs) - May Activate Variants” here: <https://www.icann.org/en/system/files/files/standard-amendment-language-add-idns-may-activate-variants-14jun19-en.pdf>



the EPDP Team learned that guideline 12 stems from Recommendation 14 in SAC060, which recommends applying a conservative approach in order to avoid the potential permutation issues of variant labels both at the top-level and with combinations of the top-level and the second-level.

As such, the EPDP Team put forward this implementation guidance, suggesting that registry operators take into account Recommendation 14 in SAC060, as well as language or script communities' widely acceptable practices among Internet users and established conventions, and consider setting an upper limit of allocatable variant domain names that can be allocated to the same registrant. If a registry operator opts to automatically activate variant domain names in accordance with its policies, the registry operator should also consider developing a mechanism to limit automatic activation of variant domain names to a minimum. Nevertheless, the EPDP Team fully understood that the decision of whether automatic activation is supported and what the upper limit of variant domain names can be allocated is at the registry operator's discretion and in accordance with its policy.

**Rationale for Preliminary Recommendation 3:** Before the "same entity" principle comes into effect, it is possible that certain existing variant domain names from the same variant domain set are allocated to different registrants and/or at different sponsoring registrars. Similarly, before the IDN Table harmonization requirement comes into effect, it is possible that certain existing variant domain names, based on one IDN Table of a given gTLD, are calculated as non-variant domain names by another IDN Table of the same gTLD. This may consequently result in domain names from the same variant domain set being allocated to different registrants and/or at different sponsoring registrars. While it would be helpful to understand how many existing domain names fall into such a category, the EPDP Team recognized the difficulty to obtain such data. The EPDP Team also noted that this is unlikely to be a serious problem, given there are only about 1.5 million IDNs at the second-level across all gTLDs and the EPDP Team has not been informed of or discovered any major confusability concerns for these existing IDNs.

To maintain stability and provide safeguards for the relevant Internet stakeholders, such as registrants, registrars, resellers, registry operators, and end-users, the EPDP Team agreed that all such existing variant domain names that do not conform to the "same entity" principle and predate these requirements must be grandfathered. Grandfathering in this instance means that there will be no change to the contractual and allocation status of such existing variant domain names. The requirement of having the same registrant and the same sponsoring registrar will not be applied retroactively. The EPDP Team recognized that enforcing the "same entity" principle by removing a variant domain from one existing registrant in favor of another would impinge on the existing rights of the affected registrants, potentially leading to legal issues, operational complexity, and beyond. Preliminary Recommendations 3-4 went beyond the ICANN Board deferred guidelines 11-12 from IDN Implementation Guidelines version 4.0, as presented in the rationale portion of [Preliminary Recommendation 1](#) and [Implementation Guidance 2](#), especially in addressing the existing variant domain names that were registered prior to the future policy effective date of the "same entity" principle, which was not explicitly covered in guidelines 11-12. Please see Section 5 of this Phase 2 Initial Report for details.

## C2 Charter Question:

*Currently Registry Operators may activate the IDN variant labels at the second-level when requested by the sponsoring Registrar of the canonical name as described in the IDN Tables and IDN Registration Rules.<sup>60</sup> Both the SubPro PDP and the Staff Paper recommend that at the second-level, the same entity definition can be achieved by ensuring that the registrant is the same.<sup>61</sup>*

*Should this recommendation be extended to the already activated IDN variant labels at the second-level? How does the “same entity” requirement impact the current rules for Registry Operators for activating IDN variant labels?*

## C2 Preliminary Recommendations:

**Preliminary Recommendation 4:** Any allocatable variant domain names of grandfathered domain names pursuant to [Preliminary Recommendation 3](#) cannot be allocated unless and until only one registrant and one sponsoring registrar remain for the grandfathered domain name(s) from the relevant variant domain set.

## C2 Rationale for Preliminary Recommendations:

**Rationale for Preliminary Recommendation 4:** The EPDP Team agreed that the grandfathering approach, as set out in [Preliminary Recommendation 3](#), is an exception to the rule and should be resolved as soon as possible. To minimize exceptions to the “same entity” principle, the EPDP Team agreed on no further allocation of any allocatable variant domain from the same variant domain set of a grandfathered domain. Further allocation is only allowed when one registrant and one sponsoring registrar remain for the variant domain set, which effectively marks the end of the grandfathering.

By way of example, presume in a variant domain set there are four allocatable variant domain names, which are s1.T1, s1v1.T1, s1v2.T1, and s1v3.T1. The domain name s1.T1 is registered to Registrant A at Registrar X, and s1v1.T1 is registered to Registrant B at Registrar Y. In accordance with this preliminary recommendation, s1v2.T1 and s1v3.T1 must remain ineligible for allocation until only one registrant (i.e., either Registrant A or Registrant B, in this instance) and one corresponding sponsoring registrar remain for the variant domain set. One possible scenario is that Registrant B voluntarily transfers s1v1.T1 to Registrant A at Registrar X. As such, the “same entity” principle is achieved and the grandfathering situation is eliminated. Subsequently, Registrant A could request to allocate s1v2.T1 and/or s1v3.T1 at Registrar X at a later date. Another possible scenario is that the grandfathering situation is eliminated by the deletion of either s1.T1 or s1v1.T1. Consequently, the registrant of the remaining domain name could request allocation of s1v2.T1 and/or s1v3.T1 at the registrant’s sponsoring registrar.

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<sup>60</sup> Ibid.

<sup>61</sup> See Rationale for Recommendation 25.6-25.8 in the SubPro PDP Final Report, pp.117-118: <https://gnso.icann.org/sites/default/files/file/field-file-attach/final-report-newgtld-subsequent-procedures-pdp-02feb21-en.pdf#page=117>; Section 3.2.1 in the Staff Paper, p.7: <https://www.icann.org/en/system/files/files/idn-variant-tld-recommendations-analysis-25jan19-en.pdf#page=7>

The EPDP Team agreed that as long as a variant domain set has more than one registrant and/or sponsoring registrar, permitting further allocation would perpetuate the grandfathering situation and constitute further violation of the “same entity” principle. It would also call into question who would adjudicate the rights regarding which registrant should get the additional allocatable variant domain, if there are competing registrants having variant domain names from the same variant domain set.

Other than restricting further allocation of additional allocatable variant domain names and preventing the enlargement of the total pool of variant domain names that would require grandfathering, the EPDP Team agreed not to prescribe any additional constraints that would potentially impinge on the existing rights of the registrants of grandfathered variant domain names. Therefore, the grandfathered variant domain names are exempt from requirements pursuant to [Preliminary Recommendations 8-10](#) below. The EPDP Team believe that the instances that would require grandfathering are likely minimal, and it would be best to leave it to the discretion of the registrars and registry operators to decide on their specific measures regarding the lifecycle management of the grandfathered variant domain names.

#### C4 Charter Question:

*A registry TLD may offer registrations using different IDN tables to support different languages or scripts.<sup>62</sup> In case multiple IDN tables are offered, IDN tables should produce a consistent set of second-level variant labels to help achieve the security and usability goals for managing variant labels in a stable manner, promoting a good user experience.<sup>63</sup> As such, the Staff Paper recommends that IDN tables of variant TLDs be mutually coherent, i.e., any two code points (or sequences) that are variants in TLD ‘t1’ cannot be non-variants in variant TLD ‘t1v1’.<sup>64</sup> This recommendation also implies that any two code points (or sequences) that are variants in IDN Table A for TLD t2, which does not have any variant TLD, cannot be non-variants in another IDN Table B for the same TLD t2.<sup>65</sup>*

*Should the second-level IDN tables offered under a TLD, including IDN variant TLDs, be required to be mutually coherent? If yes, how should existing registrations which may not meet the “mutually coherent” requirement of second-level IDN tables be addressed? Rationale must be*

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<sup>62</sup> Registry TLD refers to a single TLD in a RA, not the registry operator which may operate one or more TLDs.

<sup>63</sup> See “Motivation, Premises, and Framework” section of the Staff Paper:

<https://www.icann.org/en/system/files/files/idn-variant-%20tld-motivation-premises-framework-25jan19-en.pdf>

<sup>64</sup> The intent of the recommendation is that a given TLD’s IDN Tables be harmonized, not all of the registry operator’s IDN Tables for all the TLDs it operates, but with exception of variant TLDs that the registry operator also operates. See Recommendation 5 in the Staff Paper, p.4: <https://www.icann.org/en/system/files/files/idn-variant-tld-recommendations-analysis-%2025jan19-en.pdf#page=4>

<sup>65</sup> The Staff Paper does not explicitly make such a recommendation with respect to a given TLD that does not have variants, but the proposed IDN Implementation Guidelines 4.0 recommends such.

clearly stated.

## C4 Preliminary Recommendations:

**Preliminary Recommendation 5:** All of the existing and future IDN Tables for a given gTLD and its delegated gTLD variant label(s), if any, must be harmonized. This means that all of the IDN Tables for a gTLD and its delegated gTLD variant label(s) must produce a consistent variant domain set for a given second-level label registered under that gTLD or its delegated gTLD variant label(s).

## C4 Rationale for Preliminary Recommendations:

**Rationale for Preliminary Recommendation 5:** To support its consideration of charter question C4, the EPDP Team received several background briefings on IDN Tables from ICANN org.<sup>66</sup> IDN Tables represent a registry operator's second-level rules under a gTLD for validating IDN labels for registration, as well as calculating their variant labels and determining disposition values. Second-level variant labels, as defined in a registry operator's IDN Tables and IDN Registration Rules, may be blocked or activated.<sup>67</sup> The EPDP Team understood that registry operators develop their IDN Tables and submit them to ICANN org for review of any significant security, stability, and competition issue considerations. A registry operator may use multiple IDN Tables covering a variety of languages and scripts for a gTLD it operates.

The EPDP Team had extensive discussion on the meaning and implication of IDN Table harmonization. The goal of harmonization is to ensure that all of the IDN Tables for a given gTLD must produce the consistent variant domain set that arises from a registration of the source domain name.<sup>68</sup> In other words, no matter which IDN Table for whatever language or script is used for a gTLD, the variant domain set produced for the source domain name must be consistent in all of the IDN Tables for that gTLD as well as its delegated gTLD variant label(s), if any.

The harmonization requirement is expected to avoid the situation where two (or more) domain names that are calculated as variant domain names using a certain IDN Table rule (e.g., IDN Table A) can be non-variants using another IDN Table rule (e.g., IDN Table B) under the same gTLD or its delegated variant label.

- **Illustration 1:** *This is a visual representation of how IDN Table harmonization works and its impact. TLD 1 has two IDN Tables X and Y. Code points "a" and "b" are variant code points in Table X, but not in Table Y. Without the harmonization requirement, second-level labels "aaa" and "bbb" will be calculated as variant labels based on Table X, but non-variant labels based on Table Y. If harmonization is required, one option is to update*

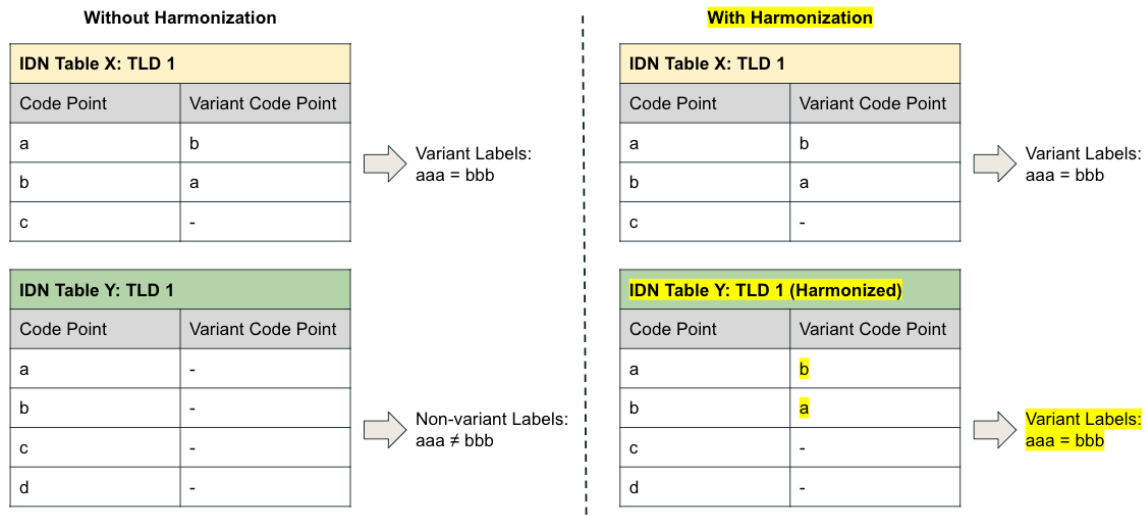
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<sup>66</sup> The IDN Table briefings were conducted during the EPDP Team [working session #2](#) during ICANN74 and its meetings [#80](#) and [#81](#).

<sup>67</sup> See Exhibit A of the Registry Agreement: <https://www.icann.org/en/system/files/files/standard-amendment-language-add-idns-may-activate-variants-14jun19-en.pdf>. See Section : Glossary of this Initial Report for explanation of "activate".

<sup>68</sup> See [Preliminary Recommendation 5](#) for more details about the source domain name.

Table Y to identify “a” and “b” as variant code points. As a result, “aaa” and “bbb” will be consistently calculated as variant labels no matter which IDN Table is used.



To address the security concerns, the EPDP Team agreed that all of the IDN Tables for a gTLD and its delegated gTLD variant label(s), if any, must be harmonized. For consistency purposes, this requirement applies to both existing IDN Tables already implemented, as well as future IDN Tables to be submitted to ICANN org for review. As an implication of this requirement, ICANN org will review all of the existing and future IDN Tables for a gTLD and its delegated gTLD variant label(s) in a holistic manner, ensuring that the variant domain set is consistently produced. Nevertheless, the EPDP Team agreed not to mandate any specific mechanism for harmonization, but to leave it to registry operators to decide. See more details in EPDP Team deliberation on charter question C5.

### C5 Charter Question:

*There is existing practice by registries to harmonize IDN tables, but there is no data on the various methods they may have used. The Staff Paper suggests maintaining a common set of harmonized second-level IDN tables for all IDN variant TLDs and then (a) choosing all these IDN tables to offer for all IDN variant TLDs, or (b) choosing a relevant different subset of IDN tables to offer for each different IDN variant TLD.<sup>69</sup>*

*The WG and the SubPro IRT to coordinate and consider the following question in order to develop a consistent solution: are the above suggested methods in the Staff Paper sufficient for IDN table harmonization purposes? Should any additional implementation guidance be provided*

<sup>69</sup> See Section 3.5.1 in the Staff Paper, p.14: <https://www.icann.org/en/system/files/files/idn-variant-tld-recommendations-%20analysis-25jan19-en.pdf#page=14>

*for a registry?*

## C5 Preliminary Recommendations:

**Preliminary Recommendation 6:** The baseline criteria for implementing IDNs at the second-level must be security and stability of the DNS. Registry operators, ICANN org and other relevant stakeholders must develop minimum IDN variant deployment requirements (i.e., variant sets) that do not compromise the stability and security of the DNS.

**Implementation Guidance 7:** ICANN org, gTLD registries, and other relevant stakeholders should collaborate to develop minimum IDN variant deployment requirements (i.e., variant sets) at the second-level. This should include respecting IDNA2008, IDN Implementation Guidelines, and any future versions of these two documents. In addition, this process can consider multiple sources of work, including but not limited to current registry operational practices, second-level reference LGRs, and the Root Zone LGR.

## C5 Rationale Preliminary Recommendations:

### **Rationale for Preliminary Recommendation 6 and Implementation Guidance 7:**

The EPDP Team agreed not to recommend any specific mechanism to achieve harmonization for IDN Tables at a technical level. The EPDP Team understood that while there is currently no standard process for harmonizing IDN Tables, there is anecdotal evidence that registry operators as well as back-end registry service providers already harmonize IDN Tables.<sup>70</sup> In its preliminary deliberations, the EPDP Team agreed that how harmonization is achieved should be left to the registry operators to decide as the systems, platforms, and software used by registry operators vary and they have to design appropriate technical solutions to meet the harmonization requirement. The EPDP Team considered the two proposals in the Staff Paper for harmonization mechanisms, and recognized these as viable options. The considerations included a discussion on how the transfer of TLDs from one registry operator to another would work if the registry operators have different mechanisms for harmonizing IDN Tables.

The EPDP Team also discussed whether an inconsistent approach to harmonization across registry operators at the second level could increase security and stability risks to the DNS. The EPDP Team discussed whether minimum IDN variant deployment requirements should be required. Some argued that these decisions should be left to the registry operator, which is consistent with the current practice of registry operators managing the second level of their TLD and others argued that the existing work of the script communities should be utilized to help establish a baseline set of requirements that will mitigate potential security and stability risks of the DNS. Concerns were raised about relying on the variant code points identified in the RZ-LGR

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<sup>70</sup> The EPDP Team learned about the existing harmonization practice by TANGO Registry Services during its meeting [#81](#). For each requested second-level label under a given gTLD, TANGO calculates its “canonical” name based on all active IDN Tables of that gTLD. If the canonical name is the same as that of an already registered second-level label, the requested label will be blocked. In the same meeting, the EPDP Team also learned about the development and update process of the Chinese IDN Tables created by the Chinese Domain Name Consortium (CDNC).

for second-level IDN Tables when the RZ-LGR was created explicitly for TLDs and as such is conservative because of the low tolerance for risk at the top-level of the DNS.

The EPDP Leadership Team tasked its members from the Registries Stakeholder Group (RySG) to work with ICANN org to try and find an appropriate balance between leaving harmonization to the discretion of registry operators versus requiring the inclusion of variant code points identified by the script communities for second-level IDN Tables.

The RySG members and ICANN org subsequently agreed that minimum IDN variant deployment requirements (i.e., variant code point sets) should be developed without prescribing at this time how that should be done. They agreed that adding a baseline requirement to the IDN Table harmonization requirement would provide common within-script and cross-script variant code point sets for all gTLDs, which will help mitigate DNS abuse and other security issues. They also agreed that while the RZ-LGR may not be appropriate to use at the second-level, the work of the script communities could be an important consideration in developing minimum IDN variant deployment requirements. In other words, further work is needed to establish the minimum IDN variant deployment requirements, which should be done collaboratively amongst ICANN org, registry operators, and other relevant parties. Further, this work should consider the appropriateness of the work of the script communities (i.e., reference LGRs, RZ-LGR), as well as other relevant sources of information.

## D4 Charter Question:

*Regarding second-level domain names, should a variant set behave as one unit, i.e., the behavior of one domain name is replicated across the other variant domain names? Or should each variant domain name have its own independent domain name lifecycle?<sup>71</sup> Consider the operational and legal impact of the “same entity” principle, if any, to all aspects of a domain name lifecycle, including but not limited to: ● Registration, including registration during the Sunrise Period, any Limited Registration Period, any Launch Program and during General Registration ● Update ● Renewal ● Transfer ● Lock ● Suspension ● Expiration ● Redemption ● Deletion.*

## D4 Preliminary Recommendations:

**Preliminary Recommendation 8:** A registrant and its sponsoring registrar must jointly determine the source domain name, which must be registered, for calculating the variant domain set under a given gTLD and its delegated gTLD variant label(s), if any. The registrants and sponsoring registrars of the grandfathered variant domain names pursuant to [Preliminary Recommendation 3](#) are exempt from this requirement.

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<sup>71</sup> One view is that if each variant allocation is simply a different domain name, it follows that names can be created and can expire at different times, despite the “same-entity” rule. See Section 3.9.4 in the Staff Paper, p.22: <https://www.icann.org/en/system/files/files/idn-variant-tld-recommendations-analysis-25jan19-en.pdf#page=22>. Another view is that if each variant allocation is supposed to be the same domain name, it follows that names should expire at the same time, however some registry operators may implement it differently and consider them billable transactions instead.



**Preliminary Recommendation 9:** The “same entity” principle, as set out in [Preliminary Recommendation 1](#), must be adhered to in all stages of the domain name lifecycle of the allocated variant domain names in the same variant domain set. The grandfathered variant domain names pursuant to [Preliminary Recommendation 3](#) are exempt from this requirement.

## D4 Rationale for Preliminary Recommendations:

### **Rationale for Preliminary Recommendation 8:**

Based on common understanding, a domain name must have at least two labels separated by a dot – a top-level label and a second-level label, e.g., example.tld, where “example” is the second level and “tld” is the top-level label. A domain name’s status as a “variant” is determined by the source domain name. The source domain name is a registered domain name under a given gTLD that serves the essential role as the input for calculating the variant domain set under that gTLD and its delegated gTLD variant label(s), if any.

The variant domain set consists of variant label sets at both the second- and top-levels. The “set” at the second-level is enumerated from the second-level label of the source domain name, using the IDN Tables of the given gTLD. The “set” at the top-level is limited to the given gTLD and its delegated gTLD variant label(s), if any. To confirm, the composition of the second-level variant label set is the same under the given gTLD and its delegated gTLD variant label(s).

The variant domain names represent the combinations of variant labels at the second- and top-levels. The disposition values of variant domain names under a given gTLD are calculated by the IDN Table of the given gTLD based on the respective source domain name.<sup>72</sup>

The EPDP Team agreed that the source domain name must be identified between the registrant and the sponsoring registrar as a joint responsibility. The EPDP Team further agreed that the source domain name must be registered. Without the registration of the source domain name, it would be impossible to know which allocatable variant domain names, if any, can potentially be allocated.

In addition, the EPDP Team emphasized that there should be one source domain name per gTLD, even when that gTLD has delegated variant label(s). The reason is that a given gTLD and its delegated gTLD variant label(s) may use different IDN Tables, and the calculation of disposition values of variant domain names may change. In other words, the disposition values of variant domain names under a gTLD variant label cannot be calculated only based on the source domain name under the primary gTLD. If a registrant wishes to allocate one or more variant domain name(s) under a delegated gTLD variant label, that registrant must also select and register a source domain name from the same variant domain set under that gTLD variant label.

In some cases, the second-level label of the source domain name identified under a given gTLD may be invalid under delegated gTLD variant label(s) because it may be supported by different IDN Table rules (see Illustration 2 below). Nevertheless, the composition of the variant domain

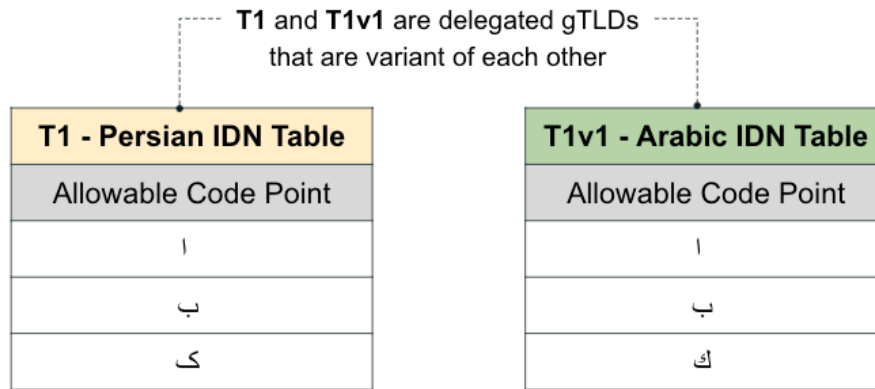
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<sup>72</sup> See more detailed explanation of the source domain name, variant domain set, variant domain name, and disposition values (i.e., allocatable, blocked) in Section 3: Glossary of this Initial Report.



set still derives from the source domain name under the given gTLD, but the variant domain names under the delegated gTLD variant label(s) may be marked as “out-of-repertoire” variants, which are essentially the same as blocked.<sup>73</sup>

- **Illustration 2:** Arabic label examples to explain why there should be one source domain name per gTLD



Second level label **با = ا** is valid under both T1 and T1v1

However, second level label **بكا = ا** is valid only under T1; **ب ك ا = ا** is valid only under T1v1 as these TLDs have Persian and Arabic IDN Tables respectively.

Furthermore, the EPDP Team also agreed that the sponsoring registrars have discretion to decide on their specific implementation of this joint responsibility with registrants. In practice, the source domain may likely be determined as the allocatable variant domain name in a variant domain set that is first registered under a given gTLD, and is presumed to be the default source domain name. Noting this, the EPDP Team discussed the scenario that a registrant may want to purposefully choose a specific domain name as the source domain name dependent upon its intended use, leading the EPDP Team to recognize that ICANN org may need to undertake education and outreach efforts to help registrars, registrants, as well as registry operators understand the concept of source domain name and its implications, especially pertaining to the compliance with “same entity” requirement as set out in Preliminary Recommendation 1, 9, and 10.

With respect to the grandfathered variant domain names pursuant to Preliminary Recommendation 3, the EPDP Team agreed that it is not required for their registrants and sponsoring registrars to identify the source domain names. A purpose for identifying the source domain name is to calculate which variant domain names are allocatable for future allocation. Since no further allocation of variant domain names of a grandfathered domain name is allowed until the grandfathering situation is resolved, as set out in Preliminary Recommendation 4, the identification of the source domain name would be unnecessary. It would also call into question who would adjudicate the “source domain name” status if two or more registrants have registered domain names from the same variant domain set. Nevertheless, once the

<sup>73</sup> Learn more about the “out-of-repertoire” variants here: <https://www.icann.org/en/system/files/files/root-zone-lgr-repertoire-variants-25sep17-en.pdf>

grandfathering situation is rectified and only one registrant and one sponsoring registrar remain for the variant domain set, the source domain name identification requirement must come into effect.

The EPDP Team also had extensive discussion around whether the source domain name can be changed or deactivated. One member proposed that it should be possible to deactivate or change a source domain name as long as its allocated variant domain name(s) remain allocatable. The ultimate agreement among the team was to not to prescribe any policy recommendation pertaining to this matter. The EPDP Team understood that the specific details in the domain name lifecycle management are discretionary on part of registry operators and registrars, in accordance with their policies and practices. In addition, registry operators would not allow a situation where an allocated variant domain name becomes “blocked” due to the change or deactivation of the source domain name, as this would likely become a non-compliance issue with the IDN Table implementation.

**Rationale for Preliminary Recommendation 9:** To support its consideration of charter question D4, the EPDP Team received a background briefing on the domain name lifecycle conducted by ICANN org during the ICANN77 Public Meeting.<sup>74</sup> The EPDP Team understood that from a technical standpoint, the domain name lifecycle concept is reflected in the Extensible Provisioning Protocol (EPP) status codes, which indicate the specific status of a domain name.<sup>75</sup> The domain name lifecycle is generally summarized in five main stages, which are: 1) available, 2) active, 3) expiration, 4) redemption, and 5) pending deletion. In addition, a domain name, in its “active” stage, may experience one or more actions, including but not limited to renewal, update, transfer, lock, and suspension.

- **Illustration 2: General Stages of the Domain Name Lifecycle**

### General Stages of Domain Name Lifecycle

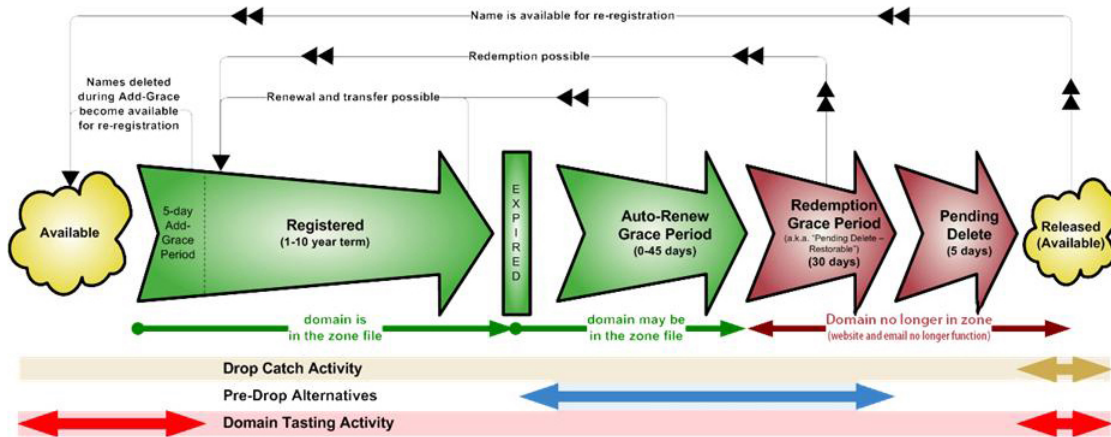


*Note: the time limitation in each stage is not ICANN policy, but a reflection of common practice*

<sup>74</sup> See background briefing slides and recording during the ICANN77 EPDP Team working session #1.

<sup>75</sup> Learn more about the EPP status codes here: <https://www.icann.org/resources/pages/epp-status-codes-2014-06-16-en>

- **Illustration 3:** Chart on [icann.org](https://www.icann.org/resources/pages/gtld-lifecycle-2012-02-25-en) that illustrates the lifecycle of a typical gTLD domain name with additional details<sup>76</sup>



*(Some registrar activity post-expiration may not be reflected in the chart above)*

To consider the core question of whether all of the variant domain names from the same variant domain set should move in lockstep throughout the domain name lifecycle, the EPDP Team examined each of the five main stages and the various actions a domain name may experience, following the illustration above. The EPDP Team came to the conclusion that each allocated variant domain should be allowed to have its own domain name lifecycle, which is independent from that of another allocated variant domain from the same variant domain set. The only restriction is to ensure that the “same entity” principle, as set out in [Preliminary Recommendation 1](#), is adhered to at all times for the variant domain set.

The EPDP Team further confirmed that the “same entity” principle is not about requiring the same EPP status across all of the variant domain names from the same variant domain set. It is about ensuring the same registrant and sponsoring registrar for the entire variant domain set. As far as policy is concerned, the EPDP Team believes that the “same entity” principle should suffice, and there is no need to further prescribe rules or constraints regarding domain name lifecycle management, with the exception of [Preliminary Recommendation 10](#) pertaining to the Transfer Policy and [Preliminary Recommendation 11](#) with respect to the transfer remedy of Uniform Domain Name Dispute Resolution Policy (UDRP). The EPDP Team also understood that the specific details in the lifecycle management are discretionary on the part of registry operators and registrars, in accordance with their policies and practices. There is a view that making further rules beyond the “same entity” principle may create undue operational complexity and the perception of overreach.

To help explain how this preliminary recommendation would work in the context of domain name lifecycle management, the EPDP Team agreed to include some examples with respect to the “same entity” principle’s implications in the various stages. The EPDP Team also noted the caveat that the requirements from registry operators and registrars, as well as other external

<sup>76</sup> Source: <https://www.icann.org/resources/pages/gtld-lifecycle-2012-02-25-en>

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factors such as court orders and local law enforcements, will also impact the lifecycle of domain names. As such, the examples included below should not be interpreted as absolute outcomes.

- **Activation:** A registrant may activate allocatable variant domain names from the same variant domain set at different times. See more discussion about variant domain name activation in the EPDP Team response to charter question D5.
- **Renewal:** Renewal of one domain name does not necessarily mean the other allocated variant domain names from the same variant domain set must be renewed as well.
- **Update:** Asynchronous update of registration data of allocated variant domain names from the same variant domain set should be allowed, as long as the “same entity” principle is upheld.
- **Transfer:** If one domain name is transferred to a different registrar, the other allocated variant domain names from the same variant domain set must be transferred together to the same gaining registrar. See more on Transfer in [Preliminary Recommendation 10](#).
- **Lock:** Lock placed on one domain name does not necessarily mean the other allocated variant domain names from the same variant domain set have to be locked at the same time. However, the lock will likely disable transfer of the affected variant domain set, as set out in [Preliminary Recommendation 10](#).
- **Suspension:** Suspension placed on one domain name does not necessarily mean the other allocated variant domain names from the same variant domain set have to be suspended as well.<sup>77</sup> However, suspension will likely disable transfer of the affected variant domain set, as set out in [Preliminary Recommendation 10](#).
- **Expiration:** Allocated variant domain names from the same variant domain set should be allowed to have different expiration dates based on the time of their activation. An expired domain name cannot be registered by a different entity while the registrant still has allocated variant domain name(s) from the same variant domain set.
- **Redemption:** When a domain name enters the redemption stage, it should not have an impact on the other allocated variant domain names from the same variant domain set.
- **Pending Deletion:** In the event where separate life cycles of variant domain names are allowed and a non-source variant domain name enters the pending deletion stage, it should not have an impact on the other allocated variant domain names from the same variant domain set.
- **Deactivation:** The EPDP Team agreed not to prescribe any policy recommendation pertaining to the deactivation of source domain names but to leave it to the discretion of registry operators and registrars in accordance with their policies and practices. The EPDP Team understood that registry operators would not allow a situation where the change or deactivation of the source domain name, if permitted, renders its allocated

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<sup>77</sup> This is consistent with the EPDP Team’s response to charter question D7.

variant domain name(s) “blocked” due to compliance requirement of IDN Table implementation.

With respect to the grandfathered variant domain names pursuant to [Preliminary Recommendation 3](#), the EPDP Team agreed that the “same entity” requirement does not apply to their lifecycle management, as these domain names have already been considered independent from one another and existing as such. The EPDP Team agreed not to impinge on the affected registrants’ rights to manage their grandfathered variant domain names. The goal of not worsening the grandfathering situation seems to be managed by not allowing further allocation of their allocatable variant domain names until such a time when grandfathering is resolved, as set out in [Preliminary Recommendation 4](#).

## D6 Charter Question:

*To ensure that the “same entity” principle is followed, the transfer of a domain name registration to a new entity -- voluntary or involuntary, and inter-registrants or inter-registrars -- should result in transfer of all variant domain names (i.e., if s1.t1 is to be transferred, s1.t1, s1.t1v1, s1v1.t1 and s1v1.t1v should all be transferred).*

*The WG, the Transfer Policy PDP, and the RPM PDP Phase 2 to coordinate and consider the following questions in order to develop a consistent solution: to what extent should the Transfer Policy be updated to reflect domain name relationships due to variants and the “same entity” requirement?*

## D6 Preliminary Recommendations:

**Preliminary Recommendation 10:** In the event an inter-registrar transfer process is initiated for a domain name, which is a member of a variant domain set, the process must encompass all of its allocated variant domain names, if any, together. The grandfathered variant domain names pursuant to [Preliminary Recommendation 3](#) are exempt from this requirement.

## D6 Rationale for Preliminary Recommendations:

**Rationale for Preliminary Recommendation 10:** The EPDP Team understood that “transfer” traditionally refers to inter-registrar transfer, which involves the change of sponsoring registrar for a domain name (and the registrant may or may not be changed in the process), whereas inter-registrant transfer is considered an “update” of the domain name registration data.<sup>78</sup> While the [Preliminary Recommendation 9](#) serves as an overarching requirement for complying with the “same entity” principle in the domain name lifecycle management, the EPDP Team agreed that transfer is an important step to consider with regard to the sponsorship of a variant domain set. Therefore, developing an explicit policy recommendation was considered appropriate.

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<sup>78</sup> Inter-registrant transfer refers to the change of sponsorship of a domain within the same registrar. Any material change to the registrant name, organization, email address, or administrative contact would constitute an inter-registrant transfer. See more details in the background briefing slides and recording during the ICANN77 EPDP Team working session [#1](#).

The EPDP agreed that to the extent a domain name were to change hands at any point after allocation, the other allocated variant domain names from the same variant domain set, if any, must remain linked contractually to the same registrant and at the same sponsoring registrar, and this should be considered a persistent requirement. To that end, the EPDP Team recommends that in the event of the inter-registrar transfer being initiated for a domain name, all the other allocated variant domain names from the same variant domain set, if any, must be included in the same process and transition together to the same gaining registrar, as well as the same gaining registrant, if changed. In other words, the entire variant domain set must stay together in the event of transfer. This requirement applies to both a voluntary transfer initiated by a registrant, as well as an involuntary transfer stemming from factors such as UDRP determinations (see [Preliminary Recommendation 11](#)), registrars losing accreditation, etc.

Similar to the approach as set out in [Preliminary Recommendation 9](#), the grandfathered variant domain names are exceptionally treated as independent domain names and they are exempt from this requirement.

With respect to involuntary transfer, the EPDP Team noted that there may be circumstances where the sponsoring registrar must deny an inter-registrar transfer per the requirements of the Transfer Policy, e.g., court order, pending UDRP proceeding, etc.<sup>79</sup> This may affect the registrar's ability to transfer all of the allocated variant domain name(s) from the same variant domain set together.

## D6a Charter Question:

*Should transfers ordered by the Uniform Domain-Name Dispute-Resolution Policy (UDRP) or any other dispute resolution mechanisms be treated the same way to follow the "same entity" requirement?<sup>80</sup>*

## D6a Preliminary Recommendations:

**Preliminary Recommendation 11:** In the event a domain name is ordered to be transferred as a result of a Uniform Domain Name Dispute Resolution Policy (UDRP) administrative proceeding, the transfer process must include the domain name and all of its allocated variant domain names, if any, together. The grandfathered variant domain names pursuant to [Preliminary Recommendation 3](#) are exempt from this requirement.

## D6a Rationale for Preliminary Recommendations:

**Rationale for Preliminary Recommendation 11:** The EPDP Team reviewed the background of the UDRP and understood it is the longest standing ICANN Consensus Policy that sets out the legal framework for the resolution of disputes between a domain name registrant and a third party over the abusive registration and use of a domain name in all gTLDs. The substantive

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<sup>79</sup> For further information, please see section I.A.3 of the Transfer Policy:  
<https://www.icann.org/resources/pages/transfer-policy-2016-06-01-en>

<sup>80</sup> See more details about the UDRP related discussions in Section 3.7 in the Staff Paper, pp.17-18:  
<https://www.icann.org/en/system/files/files/idn-variant-tld-recommendations-analysis-25jan19-en.pdf#page=17>

ground for filing a UDRP administrative proceeding must meet the following criteria: (i) the disputed domain name registered by a domain name registrant is identical or confusingly similar to a trademark or service mark in which the complainant (the entity bringing the complaint) has rights; and (ii) the domain name registrant has no rights or legitimate interests in respect of the domain name in question; and (iii) the domain name has been registered and is being used in bad faith.<sup>81</sup> If the complainant prevails, there will be two possible outcomes as a result of the UDRP administrative proceeding: 1) the domain name be transferred to the prevailing complainant; or 2) the domain name be canceled.

The EPDP Team agreed that the “same entity” requirement should also apply in the transfer remedy of a UDRP, consistent with [Preliminary Recommendation 10](#). In other words, all of the disputed domain name’s allocated variant domain name(s), if any, must be transferred to the same prevailing complainant at the same sponsoring registrar of its choosing. Consistent with other preliminary recommendations, the grandfathered variant domain names are exceptionally treated as independent domain names and are exempt from this requirement.

The EPDP Team noted that there may be circumstances affecting the registrar’s ability to transfer all of the allocated variant domain name(s) from the same variant domain set together, such as court order. In the case of UDRP, it is possible for a party to start a lawsuit before a proceeding is commenced, or after the proceeding is concluded if it is not satisfied with the outcome. Theoretically, there could also be cases where two disputed domain names that belong to the same variant domain set are subject to two separate UDRP proceedings initiated by two different complainants. There may be complications in implementing the transfer remedy by following the “same entity” requirement if both complainants prevail. The EPDP Team recognized that the UDRP Policy and Rules currently do not account for variant domain names. Additional adjustments may be necessary to effect the “same entity” requirement in the transfer remedy as set out in [Preliminary Recommendation 11](#). Given these potential complications, the EPDP Team agreed that UDRP experts should be involved in the future IRT for implementing EPDP Phase 2 recommendations to review these issues and discuss whether and how the UDRP Policy and Rules should be adjusted to account for variant domain names.

## D7a Charter Question:

*Should the suspensions ordered by the Uniform Rapid Suspension System (URS) or any other dispute resolution mechanisms be treated the same way to follow the “same entity” requirement?<sup>82</sup>*

## D7a Preliminary Recommendations:

**Implementation Guidance 12:** A Uniform Rapid Suspension System (URS) complainant is responsible for deciding whether to include allocated variant domain names, if any, of a disputed domain name as part of their URS complaint.

<sup>81</sup> See UDRP Section 4a: <https://www.icann.org/resources/pages/policy-2012-02-25-en>

<sup>82</sup> See more details about the URS related discussions in Section 3.7 in the Staff Paper, p.18: <https://www.icann.org/en/system/files/files/idn-variant-tld-recommendations-analysis-25jan19-en.pdf#page=18>



## D7a Rationale for Preliminary Recommendations:

**Rationale for Implementation Guidance 12:** Note, Implementation Guidance 12 is independent of any Preliminary Recommendation and accordingly, is not indented. The EPDP Team reviewed the background of the URS and understood it provides mark owners with a quick and low-cost process to act against the more clear-cut cases of intellectual property rights infringement. The URS complements the UDRP; the substantive grounds for filing a URS complaint are similar to the UDRP and include three standards: (i) the registered domain name is identical or confusingly similar to a word mark; (ii) the registrant has no legitimate right or interest to the domain name; and (iii) the domain was registered and is being used in bad faith.<sup>83</sup> The EPDP Team learned that a URS complaint may contain more than one disputed domain name, provided that the domain names are registered by the same registrant.<sup>84</sup> If the complainant prevails, the sole remedy is to suspend the disputed domain name(s) in question for the balance of the registration period. This means the website, email, and other services associated with the disputed domain name will stop working, and the domain name may resolve to an informational suspension page hosted by the registrar. However, the registrant remains unchanged during the suspension period. In addition, the complainant has the option to contact the registry operator and extend the suspension remedy for an additional year per URS Procedure.

The EPDP Team agreed that a URS complainant should take the variant domain set of a disputed domain name into full consideration when filing the URS complaint, given the “same entity” principle governing the allocation of future variant domain names, as set out in Preliminary Recommendation 1. If a disputed domain name has other allocated variant domain names that belong to the same registrant, and those variant domain names may (or may not) be visually similar to the disputed domain name, the complainant should be aware of them and consider identifying any or all that satisfy the aforementioned three standards. Therefore, in making a URS complaint, the EPDP Team agreed that the onus should be on the complainant to decide whether to include any or all of the other allocated variant domain name(s) of a disputed domain name in a URS complaint. In addition, the EPDP Team also put forward Preliminary Recommendation 13, requiring ICANN org to conduct outreach to various parties including mark owners to enhance their understanding of gTLD variant labels and variant domain names, in particular, their potential impact on the resolution proceeding.

The EPDP Team agreed that the URS suspension remedy should only apply to the disputed domain names against which the complainant specifically files a URS complaint and subsequently prevails. As noted in the rationale of Preliminary Recommendation 9, the suspension of one domain name does not necessarily mean the other allocated variant domain names from the same variant domain set have to be suspended as well. The “same entity” principle does not equate to the same behavior or status across variant domain names from the same variant domain set. Furthermore, the standard of proof required to succeed in URS proceeding is high as the complainant must satisfy all three standards by demonstrating clear and convincing evidence against the disputed domain names.<sup>85</sup> If the complainant seeks suspension remedy for the other allocated variant domain names of a disputed domain name, it

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<sup>83</sup> See Section 8.1 in the URS: <https://newgtlds.icann.org/sites/default/files/procedure-01mar13-en.pdf#page=7>

<sup>84</sup> See URS Rules, Section 3(c): <https://newgtlds.icann.org/sites/default/files/rules-28jun13-en.pdf>

<sup>85</sup> See Section 8.1 in the URS: <https://newgtlds.icann.org/sites/default/files/procedure-01mar13-en.pdf#page=7>



must include those in the complaint and provide clear and convincing evidence to substantiate its claim.

Nevertheless, the EPDP Team understood that the specific details in the domain name lifecycle management are discretionary on the part of registry operators and registrars, in accordance with their policies and practices. It agreed to leave it open to the contracted parties to determine whether and how the suspension of one disputed domain name as a result of a URS proceeding would affect its other allocated variant domain names from the same variant domain set.

## F2 Charter Question:

*In order to ensure that the “same entity” principle is maintained, what are the additional operational and legal impacts to the following RPMs that are not considered in the above charter questions, which mostly concern the outcomes or remedies of dispute resolution procedures or trademark protection mechanisms?*

- *TMCH and its Sunrise and Trademark Claims services*
- *URS*
- *TM-PDDRP*
- *UDRP*

## F2 Preliminary Recommendations:

**Preliminary Recommendation 13:** ICANN org must conduct outreach to dispute resolution providers, registries, registrars, registrants, and mark owners to enhance their understanding of gTLD variant labels and variant domain names, in particular, their potential impact on dispute resolution proceedings.

## F2 Rationale for Preliminary Recommendations:

**Rationale for Preliminary Recommendation 13:** Following the EPDP Team’s deliberation on the UDRP as well as all rights protection mechanisms applicable to the New gTLD Program 2012 Round, the EPDP Team adopted several recommendations that take into account variant domain names and the “same entity” principle that governs their domain name lifecycle, namely, Preliminary Recommendation 11 and Implementation Guidance 12. In addition, in its Phase 1 Final Report, the EPDP Team put forward Final Recommendation 7.11 pertaining to the reassignment of a gTLD and its allocated and delegated variant label(s) as a result of a TM-PDDRP determination.<sup>86</sup>

The EPDP Team agreed that ICANN org must conduct outreach efforts to dispute resolution providers (e.g., UDRP, URS, and TM-PDDRP providers), registries, registrars, registrants, and

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<sup>86</sup> EPDP Phase 1 **Final Recommendation 7.11**: In the event a gTLD is reassigned as a result of a TM-PDDRP determination, that reassignment must include all allocated and delegated variant label(s) of the gTLD, if any, at the same time. See pp.86-87 of the EPDP Phase 1 Final Report: <https://mm.icann.org/pipermail/council/attachments/20231108/fcbce142/Phase1FinalReportontheInternationalizedDomainNamesExpeditedPolicyDevelopmentProcess-0001.pdf#page=86>

mark owners, to enhance their understanding of gTLD variant labels and variant domain names, as well as their potential impact on dispute resolution proceedings, particularly the remedies of UDRP and TM-PDDRP. If a disputed domain name has variant domain name(s) that are allocated to the same registrant, a complainant should take them into full consideration when filing a complaint. Providers, mark owners, registrants, registries, registrars, and other impacted parties should understand the consequence of the “same entity” principle and how it impacts the transfer of a disputed domain name or the reassignment of a gTLD, if the disputed domain name or the gTLD in question has other allocated variant label(s).

While the EPDP Team did not recommend any change to the matching rules of the TMCH and the criteria for the Sunrise and Trademark Claims services, it agreed that ICANN org’s outreach efforts should also apply to the TMCH. One aspect of this outreach is to ensure that registries that have established variant policies, understand they have the option, as set out in Sections 2.4.2, 4.1.2, and 4.1.3 in the Trademark Clearinghouse Rights Protection Mechanism Requirements, to extend protection to the variant labels of verified marks.<sup>87</sup> Another aspect of this outreach is to encourage mark owners to take variant domain names into account when considering using existing mandatory RPMs to seek protections for their verified legal rights in the DNS, as well as seeking extended protections via additional marketplace RPMs.

## D8 Charter Question:

*What additional updates to the Registry Agreement are necessary to ensure the labels under variant TLDs follow the “same entity” rule? For example, the Staff Paper recommends that the following requirements must be included in the Registry Agreement; some of the charter questions are also related to those topics:<sup>88</sup>*

- *Subordinate names allocated by the Registry Operator in the TLD be treated as an atomic set. This is true irrespective of whether any of the names is actually activated in the DNS, and whether any of the variants is actually registered. [related to questions c1, d4, d5]*
- *All the different IDN tables being used by the IDN gTLD and its variant gTLDs be harmonized. [related to questions c4, c5]*
- *All the IDN variant TLDs be implemented through the same registry service provider, to promote a consistent and stable implementation across all such variant TLDs. [related to questions b2, b4]*

*Are there any additional updates that need to be considered that are not included in this list?*

## D8 Preliminary Recommendations:

**Preliminary Recommendation 14:** To account for the same entity principle and its implications for variant domain names, a service must be enabled to discover the allocated variant domain names for a given domain name, including an indication of the source domain name(s) of the variant domain set. ICANN org and relevant stakeholders must consider ways

<sup>87</sup> See <https://newgtlds.icann.org/sites/default/files/rpm-requirements-14may14-en.pdf>

<sup>88</sup> Section 3.6 in the Staff Paper, p.16: <https://www.icann.org/en/system/files/files/idn-variant-tld-recommendations-analysis-25jan19-en.pdf#page=16>

to enable such a requirement. The grandfathered variant domain names pursuant to Preliminary Recommendation 3 are exempt from this requirement.

**Implementation Guidance 15:** Preliminary Recommendation 14 is intended as a minimum requirement. A registry or a registrar may choose to enhance the behavior of the service (Registration Data Directory Services [RDDS] or other alternatives) to provide additional information or enable other methods to provide the following information (e.g., bulk services):

- 15.1 if leveraging the RDDS, the required data elements for the given domain name in accordance with the Registration Data Policy;<sup>89</sup>
- 15.2 all the other allocated variant domain name(s) under a given gTLD and its delegated gTLD variant label(s), if any; and
- 15.3 the source domain name used to calculate the variant domain set.

**Preliminary Recommendation 16:** If two or more delegated gTLDs belong to the same variant label set in accordance with RZ-LGR calculation, the Root Zone Database on iana.org must denote, in a transparent manner, their variant relationship and indicate which one serves as the primary gTLD for calculating the variant label set.

**Implementation Guidance 17:** Registry operators should publish policies, in a transparent manner, that reflect their implementation of the EPDP-IDNs Phase 2 recommendations. In particular, such policies should reflect the implementation of Preliminary Recommendations 1, 3-5, 14 and Implementation Guidance 2.

## D8 Rationale for Preliminary Recommendations:

**Rationale for Preliminary Recommendation 14 and Implementation Guidance 15:** The EPDP Team agreed that to account for the same entity principle and its implications for variant domain names, a service must be enabled to discover the allocated variant domain names for a given domain name, including an indication of the source domain name(s) of the variant domain set. Considering the potential operational complexities involving registries, registrars, and other relevant stakeholders to make this into a reality, the EPDP Team recommended that ICANN org and relevant stakeholders must consider ways to enable such a requirement.

As noted in its implementation guidance, the desired scenario that the EPDP Team envisioned is that the service should publish , where relevant, the following information:

- 1) if leveraging the RDDS, the required data elements for the given domain name in accordance with the Registration Data Policy;
- 2) all the other allocated variant domain names under a given gTLD and its delegated gTLD variant label(s), if any; and
- 3) the source domain name used to calculate the variant domain set.

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<sup>89</sup> See the Registration Data Policy here: <https://www.icann.org/resources/pages/registration-data-policy-2024-02-21-en>

The EPDP Team believes that having visibility into all of the allocated domain names from the same variant domain set is important, taking into account the “same entity” principle and its impact on the domain name lifecycle. In particular, in light of its deliberations on the UDRP and URS, the EPDP Team agreed that it is essential for all impacted parties to know whether a disputed domain name has other allocated variant domain names, and if so, what they are, in order to consider their impact on the proceedings and potential outcomes.

To provide such visibility, there is a view that the most straightforward way may be to enable the returned response to include all allocated variant domain name(s) and the source domain name, if any, for the given domain name using the RDDS or other alternatives. During the EPDP Team discussion, it was noted that some contracted parties have already implemented practices to provide visibility into allocated variant domain names in their response.<sup>90</sup>

With respect to the grandfathered variant domain names pursuant to Preliminary Recommendation 3, the EPDP Team agreed that they are exempt from the requirement as set out in Preliminary Recommendation 14, as those grandfathered variant domain names may be allocated to different registrants and/or at different sponsoring registrars. It would be complicated, if not impossible, to make connections of those grandfathered variant domain names. In addition, the source domain name requirement does not apply to the grandfathered variant domain names, as stated in Preliminary Recommendation 8.

**Rationale for Preliminary Recommendation 16:** The EPDP Team agreed that the Root Zone Database on iana.org, which represents the delegation details of top-level domains, must denote, in a transparent manner, the variant relationship between the delegated gTLDs if they belong to the same variant label set in accordance with RZ-LGR calculation.<sup>91</sup> In addition, the primary gTLD that calculates the variant label set must also be clearly indicated in the Root Zone Database. This requirement was developed in a similar vein as Preliminary Recommendation 14, requiring visibility into the delegated gTLDs that have variant relationships with one another. Similarly, this requirement is to reflect and reinforce the “same entity” principle as well as the “integrity of the set” principle from the data transparency perspective.<sup>92</sup> In addition, in light of EPDP-IDNs Phase 1 Final Recommendation 7.11 pertaining to the TM-PDDRP, it is essential for impacted parties to know if a gTLD subject to a TM-PDDRP proceeding also has the other allocated gTLD variant labels.

The EPDP Team agreed not to prescribe any specific manner for displaying the variant relationships between delegated gTLDs and indicating the primary gTLDs, but to leave it to IANA’s discretion to implement this requirement.

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<sup>90</sup> Members demonstrated examples (domain name queries under .cat) from the CORE Association during the Day 1 PM sessions in the EPDP-IDNs F2F workshop on 6 Dec 2023. See recordings and notes here:

<https://community.icann.org/x/o4AJEQ>

<sup>91</sup> See the Root Zone Database here: <https://www.iana.org/domains/root/db>

<sup>92</sup> See the explanations of “same entity” principle and the “integrity of the set” principle that governs the top-level variant labels in Section 3 Glossary of the EPDP-IDNs Phase 1 Final Report here: <https://mm.icann.org/pipermail/council/attachments/20231108/fcbce142/Phase1FinalReportontheInternationalizedDomainNamesExpeditedPolicyDevelopmentProcess-0001.pdf#page=13>

**Rationale for Implementation Guidance 17:** For the sake of clarity, Implementation Guidance 17 is unrelated to Preliminary Recommendation 16; accordingly, Implementation Guidance 17 is not indented. The guidance is presented here as a response to the charter question D8 in relation to “*additional updates that need to be considered*.” The EPDP Team developed this implementation guidance when reviewing the ICANN Board deferred guidelines from IDN Implementation Guidelines version 4.0. Specifically, guideline 18 states the following:

*“TLD Registries should publish IDN policies or guidance related to registration of IDN labels at publicly accessible location on the TLD Registry’s website.*

*In addition to general policies or guidance on IDN registrations, these should include the following:*

*(a) A timeline related to resolution of transitional matters, if applicable*

*(b) IDN Variant Label allocation policy, if applicable*

*(c) IDN Variant Label automatic activation policy, if applicable*

*(d) Policy for minimizing Whole-Script Confusables and data sources used, if applicable*

*(e) IDN Table as per Guideline 6 above”.*

At a high level, the EPDP Team agreed with guideline 18 that registry operators should publish policies, in a transparent manner, that reflect their implementation of variant management at the second-level in accordance with EPDP-IDNs Phase 2 recommendations. To align with elements in guideline 18, the specific policies that EPDP Team agreed should be published are with respect to the “same entity” principle for the allocation of variant domain names (align with item (b)) and the automatic activation of variant domain names (if applicable) (align with item (c)). The EPDP Team also agreed that registry operators should publish additional policies reflecting the implementation of IDN Table harmonization, grandfathered variant domain name management (if applicable), and RDAP response to domain name query. Hence, Preliminary Recommendations 1, 3-5, 14 and Implementation Guidance 2 are highlighted in this implementation guidance. The EPDP Team fully understood that the decision of whether and how to publish those policies is at the registry operator’s discretion.

Since guideline 18 was published in May 2018, EPDP-IDNs deliberations and preliminary recommendations have overtaken certain elements, namely item (e) with respect to “IDN Table as per Guideline 6”. The EPDP Team agreed not to recommend the machine-readable XML format, as specified in RFC 7940, as the required format for IDN Tables (see EPDP Team response to charter question C6). This is contrary to the deferred guideline 6(a) in version 4.0.

Finally, the EPDP Team noted that item (a) is related to guidelines 3-4 and item (d) is related to guideline 17 in versions 4.0 and 4.1.<sup>93</sup> Guidelines 3-4 and 17 have already been adopted by the ICANN Board and implementation effort is underway. Hence, the EPDP Team did not see the need to further deliberate on these items.

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<sup>93</sup> See details in version 4.1 here: <https://www.icann.org/en/system/files/files/idn-guidelines-22sep22-en.pdf>

## G1 Charter Question:

What should be the proper vehicle to update the IDN Implementation Guidelines?<sup>94</sup>

## G1 Preliminary Recommendations:

**Preliminary Recommendation 18:** The existing process for developing and updating the IDN Implementation Guidelines, that includes establishing a working group of community experts and ICANN org staff, under the governance of ICANN Board IDN-UA Working Group (IDN-UA WG) (or its relevant successor in the future), must be maintained.

The process for developing and updating the IDN Implementation Guidelines must be formalized and documented to enhance its predictability, transparency, rigor, efficiency, and effectiveness.

The ICANN Board IDN-UA WG or its relevant successor will be responsible for documenting the process, in consultation with the ICANN community.

The documented process must be approved by the GNSO Council, the ccNSO Council, and the ICANN Board.

**Implementation Guidance 19:** As part of documenting the process as set out in [Preliminary Recommendation 18](#), consideration should be given to establishing a formal charter or similar standalone document for subsequent IDN Implementation Guidelines Working Group that includes, but is not limited to the following:

- 19.1 Purpose and scope;
- 19.2 Membership including the structure and roles, required expertise, selection process, and lengths of membership term;
- 19.3 Working methods including the circumstance(s) that would lead to the convening of the working group, the type of outputs the working group is expected to produce, and checkpoints for awareness building and input gathering from affected parties.

**Preliminary Recommendation 20:** Any future versions of the IDN Implementation Guidelines must be approved by the GNSO Council and the ccNSO Council prior to consideration and approval by the ICANN Board.

## G1 Rationale for Preliminary Recommendations:

**Rationale for Preliminary Recommendation 18:** The EPDP Team conducted a thorough background review of the IDN Implementation Guidelines (hereinafter referred to as

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<sup>94</sup> ccPDP4 refers to the Country Code Names Supporting Organization's Policy Development Process on the Selection and Deselection of IDN ccTLD Strings. The process to update the RDAP Profiles is being developed by the Contracted Parties and ICANN org as part of their ongoing contractual negotiations. A DT member suggested that once that is finalized, the EPDP Working Group may want to consider that as a model for updating the IDN Guidelines.

“Guidelines”).<sup>95</sup> The EPDP Team understood that the Guidelines serve as a mix of policy and technical standards for registries and registrars that deploy IDN registration policies. The Guidelines aim to minimize the risk of cybersquatting and consumer confusion while respecting the interests of communities using local languages and scripts. From a security and stability standpoint, it contains a strong technical component that reflects protocol updates and technical requirements from the Internet Engineering Task Force (IETF). It also contains policy elements intended to provide a coordinated approach to registration practices and the usages of IDNs at the second level under both gTLDs and ccTLDs. The EPDP Team agreed that the Guidelines serve an important purpose and are a crucial vehicle for consistent IDN deployment.

Since its inception, the IDN Implementation Guidelines has been a compulsory document for the ICANN contracted parties (gTLD registries and registrars offering IDN registrations) to adhere to.<sup>96</sup> The contractual obligations were formalized as part of the 2012 New gTLD Program and memorialized in the 2013 version of the Registry Agreement and its subsequent versions, as well as the 2013 Registrar Accreditation Agreement.<sup>97</sup> However, for ccTLD managers that deploy IDN registration policies, they are expected but not required to be guided by the IDN Implementation Guidelines.<sup>98</sup> The EPDP Team noted that calling the document “Guidelines” when it represents contractual obligations may be inappropriate, but recognized that renaming the document may not be simple.

The EPDP Team reviewed all seven versions (versions 1.0, 2.0, 2.1, 2.2, 3.0, 4.0, and 4.1) of the IDN Implementation Guidelines published between 2003 and 2022 and gained an understanding of the catalysts for updates and the working group mechanisms being used. The EPDP Team understood that a subset of the ICANN Board, formerly its Variant Working Group and currently the IDN-UA Working Group (IDN-UA WG), provided governance and oversight in the development of the IDN Implementation Guidelines. The Board engaged with the community and identified when updates were necessary. Some of the past triggers were related to changes

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<sup>95</sup> For more details, see the recording and notes captured for the EPDP-IDNs F2F Workshop Day 2 AM and PM sessions here: <https://community.icann.org/x/o4AJEQ>

<sup>96</sup> When the IDN Implementation Guidelines v1.0 was published, there was a series of letters issued by ICANN org to registry operators, requiring their commitment to adhere to the guidelines. Example here: <https://www.icann.org/resources/pages/twomey-to-karp-2004-01-20-en>

<sup>97</sup> **Registry Agreement, Specification 6, Section 1.4:** “IDN. If the Registry Operator offers Internationalized Domain Names (“IDNs”), it shall comply with RFCs 5890, 5891, 5892, 5893 and their successors. Registry operator shall comply with the ICANN IDN Guidelines at <<http://www.icann.org/en/topics/idn/implementation-guidelines.htm>>, as they may be amended, modified, or superseded from time to time. Registry operator shall publish and keep updated its IDN Tables and IDN Registration Rules in the IANA Repository of IDN Practices as specified in the ICANN IDN Guidelines.” **Registrar Accreditation Agreement, Additional Registrar Operation Specification, Clause 3:** “If the Registrar offers Internationalized Domain Name (“IDN”) registrations, all new registrations must comply with RFCs 5890, 5891, 5892, 5893 and their successors. Registrar shall also comply with the IDN Guidelines at <http://www.icann.org/en/topics/idn/implementation-guidelines.htm> which may be amended, modified, or superseded from time to time. Registrar must use the IDN Tables published by the relevant registry.”

<sup>98</sup> **IDN ccTLD Fast Track Process:** “...Commitments of [IDN ccTLD SO]. [IDN ccTLD SO] shall use its best endeavors to: c. Adherence to relevant IDN standards and guidelines: register IDN domain names in accordance with its publicly available registration policy which shall comply on an ongoing basis...with the IDN guidelines as updated and published from time to time on the ICANN website, all subject to and within the limits of relevant applicable national law and public policy. This includes, but is not limited to, adherence to RFCs 3490, 3491 3492, 3454 and their successors.”



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to relevant technical protocols from the IETF as well as experience gained as IDN deployment proceeded.

For developing each version, the Board directed ICANN org to form a working group consisting of community experts. From versions 1.0 to 3.0, the community contributors were limited to a small number of gTLD and ccTLD registries with IDN experience, which was reflective of the DNS industry and IDN deployment landscape at the time. For developing version 4.0, the membership extended to the ALAC and SSAC in order to include additional expertise. A call for volunteers was issued, detailing member allocation from each group as well as required expertise.<sup>99</sup> At the request from the GNSO Council, the final number of participants from the GNSO increased from three (3) to six (6).

While the ICANN Board, in consultation with ICANN org, initially identified areas of focus for each version update, the working group did not have a strict charter. The onus was on the working group members to conduct the scoping effort and establish a set of issues as a first step. The subsequent milestones in the process included the Public Comment proceeding on the draft version, and the Board consideration and adoption of the final version. Following the Board adoption, implementation of the latest version would fall on ICANN org. Typically, ICANN org would issue an implementation notice and identify an effective date with gTLD contracted parties, and coordinate with them through the implementation process.

The EPDP Team understood that this process encountered challenges particularly in version 4, which in fact served as the context of charter question G1. This version update was triggered by the significant experience accumulated on IDN implementation following the 2012 New gTLD Program, as well as new IETF technical requirements, development of the RZ-LGR and Reference LGR, and the publication of SAC60 focusing on variants. After three years of effort, the final proposed draft version 4.0 was published for Board consideration in May 2018. However, this version encountered pushback from the GNSO community, particularly the Registries Stakeholder Group (RySG). The GNSO Council requested the Board to defer consideration of version 4.0, on the basis that some of the guidelines were policy requirements with significant contractual implications, and a PDP should have been the appropriate vehicle to develop these requirements. In May 2021, the GNSO Council chartered the EPDP-IDNs, which covers topics that overlap with the Guidelines version 4.0. After a series correspondence between the GNSO Council and the ICANN Board, in September 2022, the ICANN Board approved the deferral of GNSO Council identified guidelines 6a, 11, 12, 13, and 18 in version 4.0 until the completion of EPDP-IDNs, and adopted the remaining guidelines for implementation as version 4.1.<sup>100</sup>

In reviewing the challenges surrounding version 4.0, the EPDP Team discussed whether the existing process for updating IDN Implementation Guidelines should be replaced by something else, such as a GNSO PDP, a Cross Community Working Group (CCWG), an Expert Working Group (EWG), or direct contractual negotiation. The EPDP Team observed that the other options have serious drawbacks. While the GNSO PDP is a well-established mechanism for policy

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<sup>99</sup> See call for volunteers here: <https://www.icann.org/en/announcements/details/call-for-community-experts-to-review-the-idn-implementation-guidelines-20-7-2015-en>

<sup>100</sup> See details here: <https://www.icann.org/en/board-activities-and-meetings/materials/approved-resolutions-regular-meeting-of-the-icann-board-22-09-2022-en#2.d>



development and can be open and inclusive, its main purpose is to develop consensus policy recommendations for gTLD contracted parties and is under the management of GNSO Council. Considering that ccTLD registries are the other stakeholder that may be impacted by the Guidelines, it would be inappropriate to have future versions developed solely through a GNSO PDP. With respect to CCWGs, they are not mandated to develop policy requirements and have no operating principles or procedures documented in the ICANN Bylaws. An EWG seems to be an ad hoc setup with top-down direction, and the EPDP Team members recalled that the concept was not well received by the community. Finally, contractual negotiations are effective for amending contractual requirements between gTLD contracted parties and ICANN org, but the need to also involve ccTLD registries would make this mechanism limiting.

Toward the end of this discussion, the EPDP Team agreed that the existing method for developing and updating the IDN Implementation Guidelines, that includes establishing a working group of community experts and ICANN org staff, under the governance of ICANN Board IDN-UA WG (or its relevant successor in the future), for developing and updating the IDN Implementation Guidelines should be maintained. This established process has worked for over two decades, and the EPDP Team did not believe there was a better alternative available. Nevertheless, the Team agreed that this process must be formalized and documented to enhance the predictability, transparency, rigor, efficiency, and effectiveness of the process.

The EPDP Team further agreed that the ICANN Board IDN-UA WG, or its relevant successor, as the governing body that continues having the oversight responsibility, will be charged with documenting the process in consultation with the ICANN community. Furthermore, the documented process must be approved by the GNSO Council, the ccNSO Council, and the ICANN Board. The EPDP Team consulted with the ccPDP4 Working Group as well as the ccNSO Council on this recommendation and [Implementation Guidance 19](#).<sup>101</sup> They did not express significant concerns about the ccNSO's obligation envisioned in these preliminary recommendations, and provided input to help clarify the language, which the EPDP Team took into account during finalization of the language.

**Rationale for Implementation Guidance 19:** With respect to specific enhancements, the EPDP Team observed that in the instance of version 4.0, the lack of rigorous scoping effort and charter development may have caused the group to extend beyond its remit and end up developing guidelines that should have been PDP recommendations. In addition, the fact that the back-and-forth between the GNSO Council and ICANN Board only came after the final proposed draft version 4.0 was ready for Board consideration seems to indicate the lack of adequate checkpoints with impacted parties to identify issues early on. As a result, the adoption of the non-deferred guidelines in version 4.0 was delayed for more than four years.

After referencing some of the best practices and lessons learned from GNSO PDPs, the EPDP Team agreed as part of documenting the process as set out in [Preliminary Recommendation 18](#), a consideration should be given to establishing a formal charter or similar standalone document that helps the subsequent IDN Implementation Guidelines Working Group focus on its remit and

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<sup>101</sup> The abbreviation of the Country Code Names Supporting Organization (ccNSO) Policy Development Process 4 on the (de-)Selection of IDN ccTLD Strings. The ccPDP4 Working Group is conducting policy development work on IDN ccTLDs, including in the area of variant management and string similarity review.

tackle the set of issues identified through issue scoping. The EPDP Team suggested that the charter of ICANN's Customer Standing Committee (CSC) may serve as a useful reference, but agreed not to prescribe any specific model that this charter should follow.<sup>102</sup> The charter or a similar standalone document should include, but not limited to the following elements:

1. **Purpose and scope:** This section will help working group understand, in an early stage of the process, which elements may be within scope for guidelines development (e.g., obligations tied to strict compliance to Internet Standards, such as those from the IETF), and which elements may be appropriate for policy development or contractual negotiation. An idea for clarifying the purpose and scope may be that ICANN org develops an 'issue report', akin to a GNSO PDP Issue Report, to help narrow the scope for future version update, and publishes it for Public Comment to solicit community feedback. The EPDP Team also envisioned that the purpose and scope does not necessarily need to include a detailed list of issues or tasks that the working group is required to address for each Guidelines version update. This list can still be defined by the working group as part of its project plan development, in accordance with the purpose and scope as set out in the charter.
2. **Membership:** This section will clarify, among other elements, the membership structure and roles, required expertise for members, how members are selected, as well as their terms of service. The EPDP Team had additional discussion regarding the points below:
  - a. With respect to the membership structure, the EPDP Team observed that the GAC, RSSAC, and some other community groups have not participated in the past version development. Given the highly technical nature of the guidelines, the membership structure may be widened to include relevant technical expertise from other community groups to support the work.
  - b. Regarding the selection process, the call for volunteers should be tailored to clearly identify the required knowledge and expertise.<sup>103</sup> The EPDP Team also agreed that maintaining adequate representation from gTLD contracted parties and ccTLD registries is important, as they are the main impacted parties of the IDN Implementation Guidelines.
  - c. In terms of roles, the EPDP Team suggested liaison roles from the ICANN Board, GNSO Council, and ccNSO. Establishing liaisons has recently been a common practice among PDP working groups in both GNSO and ccNSO. Liaisons act as a conduit between their appointing organizations and the working group. They can provide input, raise issues, and contribute subject matter expertise via ongoing engagement. Given that this working group is under the governance of the ICANN Board IDN-UA WG (or its relevant successor in the future) and requires key participation from the GNSO and ccNSO, assigning liaisons from these groups seems beneficial.
3. **Working Method:** This section will specify, among other elements, the circumstance(s) that would lead to the convening of the working group, the type of outputs the working group is expected to produce, as well as the checkpoints for awareness building and input gathering for affected parties. The EPDP Team had additional discussion regarding the checkpoints:

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<sup>102</sup> See: [https://www.icann.org/iana\\_imp\\_docs/41-csc-charter-v-v1](https://www.icann.org/iana_imp_docs/41-csc-charter-v-v1)

<sup>103</sup> GNSO PDP 3.0 Improvement #3 Working Group Member Skill Guide may be a helpful reference: <https://gns0.icann.org/sites/default/files/file/field-file-attach/pdp-3-3-wg-member-skills-guide-10feb20-en.pdf>

- a. Throughout the development process of the IDN Implementation Guidelines, the members and liaisons should have opportunities to check with their appointing organizations regarding the draft language of guidelines, raising issues proactively. This would be similar to the practice in many GNSO PDP working groups where members solicit input and feedback from their respective groups for draft policy recommendations before their inclusion in Initial Report and Final Report. Waiting until the Public Comment proceeding to gather input may be too late. The working group should consider establishing early and frequent checkpoints to address issues to the extent possible, and avoid surprises when the proposed final draft version is ready for Board consideration.

The EPDP Team believes these incremental enhancements will help improve the future update process of IDN Implementation Guidelines, helping preserve a stable and predictable contractual and procedural environment for impacted parties. Additional enhancements may also be considered during implementation.

**Rationale for Preliminary Recommendation 20:** To be consistent with the approach as set out in Preliminary Recommendation 18, where the documented process for updating developing and updating the IDN Implementation Guidelines must be approved by the GNSO Council, the ccNSO Council, and the ICANN Board, the EPDP Team agreed that moving forward, any future versions of the Guidelines must also be approved by the GNSO Council and the ccNSO Council, prior to consideration and approval by the ICANN Board. This is a significant procedural change from the existing practice. As the Guidelines is a compulsory document for ICANN contracted parties (gTLD registries and registrars offering IDN registration) and contains contractual obligations, seeking GNSO Council's approval of any new future version prior to the ICANN Board consideration is of critical importance. This will also help mitigate the challenging situation incurred when the final proposed draft version 4.0 was published for Board consideration, as explained in the rationale for Preliminary Recommendation 18. While ccTLD managers are not contractually required to adhere to the Guidelines, they are expected to be guided by it. Seeking ccNSO approval will also ensure that the other impacted party aligns with proposed changes or updates in future versions prior to Board consideration.

## 4.2 Charter Questions with No Preliminary Recommendations

### C3 Charter Question:

*The WG and the SubPro IRT to coordinate and consider the following question in order to develop a consistent solution: what is the appropriate mechanism to identify the registrant as the “same entity” at the second-level for future and existing labels?*

*The Staff Paper recommends using ROID to ensure that the same label beneath all variant labels is allocated to the same entity.<sup>104</sup> However, some registrars in practice may not reuse contact objects for different registrations by the same registrant, and there is no existing data on the number/percentage of ICANN accredited registrars that reuse contact ROID.<sup>105</sup>*

*Is ROID a reasonable mechanism to determine the same registrant at the second-level for both future and existing labels? If not, what mechanism/functional definition can be used to ensure the second-level variant labels are allocated to the same entity for both current and future TLDs? Consider this question by taking into account the data to be collected in the “Data and Metric Requirements” section of this charter.*

### C3 EPDP Team Response:

The EPDP Team agreed not to prescribe any specific mechanism to identify the same registrant in order to enforce the “same entity” principle as set out in Preliminary Recommendation 1. The team believed that how the same registrant is identified, verified, and enforced should be determined by the registry operator and the sponsoring registrar, based on the agreed method of their choosing.

The EPDP Team understood that the Staff Paper recommends the Registry Object Identifier (ROID), a globally unique identifier assigned by a registry operator to a registry object (i.e., domain contact or host) at the time of its creation, and considered whether the ROID was a suitable mechanism to identify the same registrant.

The EPDP Team identified some specific drawbacks of ROID based on feedback from registry and registrar representatives. ROID seems to be a “throw-away” identifier that is not reusable. The Registry Agreement only requires unique-per-object ROID; different ROIDs may be assigned to the same registrant across gTLDs managed by the registry operator, and the registrars may generate unique contact objects for different domain names of the same registrant. Furthermore, operators of ‘thin registries’ are not required to generate ROID, as they only include technical data sufficient to identify the sponsoring registrars, status of the

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<sup>104</sup> Besides ROID, the Staff Paper also includes additional options to achieve the same entity requirement: having all the registrant fields be the same (without considering the ROID) for both names; having a core subset of the registrant fields be the same (without considering the ROID) for both names; or requiring a cryptographic probe that both registrants are indeed the same. See Section 3.2.1 in the Staff Paper, p.7:  
<https://www.icann.org/en/system/files/files/idn-variant-tld-recommendations-analysis-25jan19-en.pdf#page=7>

<sup>105</sup> If a large portion of registrars do not reuse contact objects (ROID) for registrant, then changing the status quo would be a major development undertaking for a potentially small market for variants. Note that for interoperability virtually all registrars would need to support the same “glue” method to support inter-registrar transfers.

registrations, and creation and expiration dates for each registration in its WHOIS data store.<sup>106</sup> In addition, ROID may be excluded from the minimum data set in accordance with registration data policy as a result of the General Data Protection Regulation (GDPR). The EPDP Team also noted that registry operators and registrars cannot be forced to uniformly use ROID for the purpose of identifying the same registrant.<sup>107</sup>

During its deliberation, the EPDP Team solicited input from ICANN Contracted Party House (CPH) TechOps group regarding possible alternative mechanisms to identify the same registrant, as there has been ongoing discussion about this topic in this group. During the EPDP Team's ICANN78 working session, members from TechOps shared two possible models they discussed:

- **Model 1 - registry and registrar enforce same registrant:** Registry operator enforces that the registrar allocated a variant domain name for the same registrant of the source domain name. The registrant is defined by the registry operator's policy using mechanisms such as contact handle, registrant ROID, or other data value pre-determined by the registry operator.
- **Model 2 - registry and registrar split the responsibility:** Registry operator enforces variant domain names are allocated by the same sponsoring registrar; in turn, the sponsoring registrar enforces the variant domain names are allocated to the same registrant. In other words, the registry operator will not enforce the same registrant, but will only enforce the same registrar. Registrar will enforce that a variant domain name is allocated to the same registrant defined by registrar policy.

After discussion of these possible models, the EPDP Team understood that many moving parts involving different parties make it hard to recommend a singular way to enforce the "same entity" principle. Consequently, the EPDP Team agreed to concentrate on the goal of "same entity", but leave details to implementation by registry operators and registrars.

### C3a Charter Question:

*If the Working Group determines to use ROID as the mechanism to identify the registrant as the "same entity" at the second-level, are there additional requirements to ensure the "same entity" principle is followed?<sup>108</sup>*

### C3a EPDP Team Response:

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<sup>106</sup> More information: <https://whois.icann.org/en/what-are-thick-and-thin-entries>

<sup>107</sup> For detailed discussions about ROID, check the recording of EPDP Team's meeting [#84](#) and ICANN78 working sessions ([1](#), [2](#)).

<sup>108</sup> If the same contact ROID or functional equivalent is used to identify registrants, no registrant metadata syncing is needed, as the registrant metadata is automatically the same for all registrants of every allocated variant based on ROID. This also means that issues around privacy and proxy services are addressed, because the privacy or proxy service must still generate a contact ROID (or its functional equivalent) for the registrant. However, the Staff Paper notes that if a registration system does not use contact objects, a requirement about registrant metadata syncing will be needed to ensure the "same entity" rule. See Section 3.9.1 in the Staff Paper, p.22:

<https://www.icann.org/en/system/files/files/idn-variant-tld-recommendations-analysis-25jan19-en.pdf#page=22>

Since the EPDP Team agreed not to recommend ROID as the mechanism to identify the same registrant in order to enforce the “same entity” principle as set out in Preliminary Recommendation 1, this conditional question is moot.

### C4a Charter Question:

*Notwithstanding that IDN tables need to be mutually coherent, the SubPro PDP and the Staff Paper recommend that the set of allocatable or activated second-level variant labels may not be identical across the activated IDN variant TLDs. Meaning, their behavior/disposition can be different.<sup>109</sup>*

*Under the conditions above, may the set of allocatable or activated second-level variant labels not behave identically under an individual TLD, which does not have any variant TLD label?*

### C4a EPDP Team Response:

The EPDP Team agreed that this question should not be a sub question under charter question C4 regarding IDN Table harmonization. Instead, it is closely linked to charter question D4 with regard to variant domain name lifecycle management.

The EPDP Team noted that this charter question was developed to consider a possible gap in SubPro Recommendation 25.8 because it does not explicitly address the behavior of variant domain names under an individual gTLD, which does not have variant gTLD labels.

While the EPDP Team was not convinced that there is a gap in SubPro Recommendation 25.8, they considered there was value in addressing the concern. Consistent with SubPro Recommendation 25.8 that addressed the behavior of second-level domain names under variant gTLDs, the EPDP Team agreed that variant domain names under any gTLD should not be required to act, behave, or be perceived as identical. In other words, variant domain names under any individual gTLD are not required to act, behave, or be perceived as identical, no matter whether the gTLD, under which the variant domain names are allocated, has any top-level variant label(s) or not, or is itself a gTLD variant label.

This is also consistent with the EPDP Team’s rationale for Preliminary Recommendation 9 which supports the conclusion that each allocated variant domain should be allowed to have its own domain name lifecycle, which is independent from that of another allocated variant domain from the same variant domain set.

<sup>109</sup> See Recommendation 25.8 in the SubPro PDP Final Report, p.116: <https://gnso.icann.org/sites/default/files/file/field-file-attach/final-report-newgtld-subsequent-procedures-pdp-02feb21-en.pdf#page=116>; Recommendation 6 in the Staff Paper, p.4: <https://www.icann.org/en/system/files/files/idn-variant-tld-recommendations-analysis-25jan19-en.pdf#page=4>

## C6 Charter Question:

*To facilitate the harmonization of IDN tables, the Staff Paper recommends that IDN tables for the second-level be formatted in the machine readable LGR format specified in RFC 7940, Representing Label Generation Rulesets Using XML.<sup>110</sup> However, each Registry Operator can harmonize the IDN tables today via software development solutions or are already in the process of doing so.*

*The WG and the SubPro IRT to coordinate and consider the following question in order to develop a consistent solution: should Registry Operators be required to use the machine readable LGR format as specified in RFC 7940 for their second-level IDN tables? Or should Registry Operators have the flexibility to resolve the harmonization issue so long as it can predictably and consistently produce the same variant labels, albeit with different disposition values, across the same-script IDN tables? Consider this question by taking into account the data to be collected in the “Data and Metric Requirements” section of this charter.*

## C6 EPDP Team Response:

The EPDP Team agreed to not recommend the machine-readable XML format, as specified in RFC 7940, as the required format for IDN Tables. Existing and future registry operators should have the flexibility to determine the appropriate format of their IDN Tables. The EPDP Team reviewed the evolution of IDN Table formats as recommended by relevant RFCs and understood that there are different ways to represent the second-level rules under gTLDs.<sup>111</sup> A published IDN Table is an artifact and a plain output exported by a registry operator to meet ICANN requirements. It does not necessarily drive the logic of the system, platform, and software that a registry operator uses to implement the second-level rules at a technical level.

The EPDP Team understood that the Staff Paper recommends the XML format in the context of the IDN Table harmonization mechanism. Some EPDP Team members remarked that such a machine-readable format may help registry operators, who use the XML format, to harmonize their IDN Tables via an automated process enabled by the LGR processing tools, leaving a smaller chance of misinterpretation.<sup>112</sup> However, since the EPDP Team had already agreed to not recommend any specific IDN Table harmonization mechanism, that also meant registry operators would be free to decide whether to use the XML format or not.

In addition, the EPDP Team noted that the vast majority of existing IDN Tables are not using the XML format.<sup>113</sup> If the XML format were required, it would mean that registry operators would have to build out technical solutions to export the IDN Tables in the XML format and parse the rules. These efforts will likely be a significant undertaking. Furthermore, it is not possible to conclude that using the XML format is a way to ensure IDN Table harmonization. The EPDP Team also understood the RFCs, as outputs from the Internet Engineering Task Force (IETF), are

<sup>110</sup> See RFC 7940 here: <https://www.rfc-editor.org/info/rfc7940>; Section 3.3.1 in the Staff Paper, pp.9-10: <https://www.icann.org/en/system/files/files/idn-variant-tld-recommendations-analysis-25jan19-en.pdf#page=9>

<sup>111</sup> See slides and recording of Meeting #81 for more details: <https://community.icann.org/x/W4ZXDg>

<sup>112</sup> Learn more about the LGR processing tools, check the recordings of EPDP Team meetings #81 and #82.

<sup>113</sup> As of 5 October 2021, the IDN Tables stored in the IANA Repository have the following formats: TXT (12,985 tables), XML (1,113 tables), HTML (61 tables), and PDF (1 table).



recommendations for standards. It is up to the businesses to decide whether to adopt these recommendations. Therefore, some members expressed concerns that considering adoption of the XML format as specified in the RFC 7940 may be outside the scope of the EPDP.

During its deliberation, the EPDP Team also reviewed the Board deferred guidelines from IDN Implementation Guidelines version 4.0. Specifically, guideline 6a states the following:

*“Except as applicable in 6(b) below, registries must use RFC 7940: Label Generation Ruleset (LGR) Using XML format to represent an IDN Table”.*

As the EPDP Team agreed to not recommend the machine-readable XML format as the required format for IDN Tables, guideline 6a is consistent with the EPDP Team’s agreement.

## D5 Charter Question:

*For reporting and fee accrual purposes, should each variant domain name be considered an independent registration? Or should such variant labels be considered as an atomic set (irrespective of whether any of the names is actually activated in the DNS, and whether any of the variants is actually registered)? Rationale for such definition must be clearly stated. Should any specific implementation guidance be provided? For example, what would be the impact to the registration payment at the Registry Operator level and at ICANN org?*

## D5 EPDP Team Response:

The EPDP Team understood this charter question specifically pertains to the \$0.18 mandatory transaction-based fee that ICANN org charges for each year of registration, renewal, or transfer of domain names. In EPDP-IDNs Phase 1, the team has already developed [Final Recommendation 7.5](#) pertaining to the registry-level transaction fee.<sup>114</sup>

The EPDP Team discussed the question of whether a registrant must pay ICANN org the \$0.18 mandatory transaction-based fee for each activated variant domain name of its registered source domain name. The EPDP Team agreed not to prescribe any specific recommendation in this regard.

The EPDP Team learned that two models of variant domain name activation currently exist – a variant domain name may be activated via the “EPP Create” command or the “EPP Update” command. Activation via the “EPP Create” command leads to the registration of the variant domain name independent from its source domain name, whereas activation via the “EPP Update” command leads to the creation of a variant domain name as a “child domain name” of

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<sup>114</sup> EPDP-IDNs Phase 1 [Final Recommendation 7.5](#) states the following: “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.” For more details about this recommendation and its rationale, please see pp.83-84 of the EPDP-IDNs Phase 1 Final Report: <https://mm.icann.org/pipermail/council/attachments/20231108/fcbce142/Phase1FinalReportontheInternationalizedDomainNamesExpeditedPolicyDevelopmentProcess-0001.pdf#page=83>



its source domain name. The “child domain name” is an attribute of the source domain name and is not treated as an independent registration. Once the source domain name is deleted, the “child domain name” is also deleted. Variant domain name activation via “EPP Create” would incur the annual fee paid to ICANN org, but “EPP Update” would not. In other words, how the variant domain name is activated results in whether the annual fee is charged based on the respective registry operator’s policy.

The EPDP Team agreed not to dictate either model of variant domain name activation as well as the associated annual fee expectation in order not to impinge on the existing rights of registry operators in accordance with their policies and contractual agreements with sponsoring registrars.

### D7 Charter Question:

*Should the policies and procedures related to domain name suspension be updated to ensure that the “same entity” principle is followed for all variant domain names (i.e., if s1.t1 is to be suspended, s1.t1v1, s1v1.t1 and s1v1.t1v1 should all be suspended)? In other words, if one domain label is suspended, either voluntarily or involuntarily, should all the variant labels related to that domain be suspended?*

### D7 EPDP Team Response:

The EPDP Team agreed that as long as the “same entity” principle is maintained, suspension placed on one domain name does not necessarily mean the other allocated variant domain names from the same variant domain set, if any, have to be suspended as well. However, suspension will likely disable transfer of the affected variant domain set, as set out in [Preliminary Recommendation 10](#). The EPDP Team also agreed that no specific recommendation is needed with respect to suspension, as the overarching requirement of the “same entity” principle has addressed this aspect. See details explained in [Preliminary Recommendation 9](#).

### F1 Charter Question:

Trademark Clearinghouse (TMCH) mechanism functions include authenticating information from rights holders and providing this information to registries and registrars. Recording a trademark with the TMCH provides a rights holder with access to Sunrise registration periods in new gTLD registries and the Trademark Claims services. If Registry Operator has implemented IDN variant registration policies for the TLD, Registry Operator MAY allocate or register IDN variant labels generated from a label included in a valid SMD file during the Sunrise Period, provided that (i) such IDN variant registration policies are based on the Registry Operator’s published IDN tables

for the TLD and (ii) such policies are imposed consistently in the Sunrise Period, any Limited Registration Period, any Launch Program and during General Registration.<sup>115</sup>

The Review of All Rights Protection Mechanisms (RPMs) in All gTLDs PDP Phase 1 recommends maintaining the TMCH's current "exact match" rules, the current availability of Sunrise registrations only for identical matches, and the current exact matching criteria for the Claims Notice.<sup>116</sup>

In considering the information above, are there any adjustments to the TMCH and its Sunrise and Trademark Claims services needed?<sup>117</sup> Consider this question by taking into account the data to be collected in the "Data and Metric Requirements" section of this charter.

## F1 EPDP Team Response:

The EPDP Team affirmed the Phase 1 recommendations from the Review of All Rights Protection Mechanisms (RPMs) in All gTLDs PDP and agreed that the current matching rules of the Trademark Clearinghouse (TMCH), as well as the criteria for the Sunrise and Trademark Claims services should be maintained.<sup>118</sup>

The EPDP Team reviewed the background of the TMCH and its mandatory Sunrise and Trademark Claims services. The EPDP Team understood that the TMCH provides protection for certain types of verified marks in the DNS. The domain name labels submitted by the mark holders to the TMCH that are eligible for the Sunrise and Trademark Claims services must correspond to the verified marks and be generated based on TMCH's matching rules, which are generally "exact match" with additional criteria for "transformation".<sup>119</sup> The EPDP Team

<sup>115</sup> See section 2.4.2 of the Trademark Clearinghouse Rights Protection Mechanism Requirements: <http://newgtlds.icann.org/en/about/trademark-clearinghouse/rpm-requirements-30sep13-en.pdf>

<sup>116</sup> See RPM Phase 1 Final Report, TMCH Final Recommendation #2, Sunrise Final Recommendation #4, and Trademark Claims Final Recommendation #4 on pp.35-36, 44, and 52-53 here: <https://gnso.icann.org/sites/default/files/file/field-file-%20attach/rpm-phase-1-proposed-24nov20-en.pdf>

<sup>117</sup> SAC060 points out that in the current design of RPMs related to the TMCH process, there is a risk of homographic attacks. From a security and operations perspective, domain names that contain variants of a mark must be protected during the Sunrise and Claims Period. SSAC advises two ways to handle variants and TMCH to achieve such protections; each has benefits and downsides: 1) variant calculation at the registry level, and checking TMCH for the existence of marks for variants in the calculated variant set; 2) variant calculation and checking inside the TMCH in addition to the already defined matching algorithm TMCH uses. See more information in SAC060, recommendation 10 on pp.16-18: <https://www.icann.org/en/system/files/files/sac-060-en.pdf#page=16> SAC060 further argues that the "exact match" as defined by TMCH is not really an identical match as in "bit-by-bit" or "character-by-character comparison" as a transformation stage is included before the actual matching. From a technical standpoint, the transformation stage currently as specified from is unclear and does not take non-ASCII based scripts into account. See SAC060, Recommendation 12, pp.19-20: <https://www.icann.org/en/system/files/files/sac-060-en.pdf#page=19>. The SSAC also advises that during the Trademark Claims service, a name registered under a TLD that has variant TLDs should trigger trademark holder notifications for the registration of the name in the TLD and all its allocated variant TLDs. See SAC060, Recommendation 13, p.20: <https://www.icann.org/en/system/files/files/sac-060-en.pdf#page=20>

<sup>118</sup> See the TMCH Final Recommendation #2, Sunrise Final Recommendation #4, and Trademark Claims Final Recommendation #4 in the Review of All Rights Protection Mechanisms in All gTLDs PDP Phase 1 Final Report: <https://gnso.icann.org/sites/default/files/file/field-file-attach/rpm-phase-1-proposed-24nov20-en.pdf>

<sup>119</sup> **Exact match:** when all and only the complete and identical textual elements exist in both the trademark and the label. **Transformations:** when certain elements contained in a trademark that cannot be represented in the DNS are transformed. Learn more: <https://newgtlds.icann.org/sites/default/files/matching-rules-14jul16-en.pdf>

also learned that the TMCH records mark data and their corresponding domain name labels from all over the world in various scripts.<sup>120</sup> Nevertheless, the TMCH does not calculate variant labels of domain name labels and the transformation rules do not apply to the creation of variant labels (e.g., if a trademark in traditional Chinese characters is recorded in the TMCH, the matching rules do not define a process for calculating variant labels in simplified Chinese characters).

The EPDP Team discussed the recommendation in SAC060 with respect to extending protection to the variant labels of a mark, which are not the ‘exact match’ of a mark, via the Sunrise and Trademark Claims services.<sup>121</sup> The EPDP Team disagreed with expanding the matching rules of the TMCH to include variant labels corresponding to a verified mark. If the TMCH was responsible for calculating variant labels, it would be effectively expanding the role of the TMCH by allowing it to make determinations concerning the scope of rights of mark holders and whether/which variant label would qualify for the same right, potentially resulting in conflict with trademark laws.

### G1a Charter Question:

*Given that the contracted parties are contractually bound to adhere to the IDN Implementation Guidelines, is there a need for a separate legal mechanism specifically for the implementation of IDNs among gTLDs, as well as a general guideline for any registry (including ccTLD registries) that wishes to implement IDNs?*

### G1a EPDP Team Response:

Given that the EPDP Team supports the continuation of IDN Implementation Guidelines and recommends maintaining a working group method for future version updates, as explained in the rationale for [Preliminary Recommendation 18](#), the EPDP Team agreed that this charter question is moot.

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<sup>120</sup> Learn more in the “ICANN org Report on Languages and Scripts in the TMCH”:  
<https://mm.icann.org/pipermail/gnso-epdp-idn-team/attachments/20231122/8a67bbff/FinalDraftReport-TMCHIDNVariantResearchReport-0001.pdf>

<sup>121</sup> See Recommendation 10 in SAC060 here: <https://itp.cdn.icann.org/en/files/security-and-stability-advisory-committee-ssac-reports/sac-060-en.pdf#page=16>

## 5 Preliminary Assessment of Deferred Guidelines from IDN Implementation Guidelines Version 4.0

### 5.1 Background

The IDN Implementation Guidelines (hereinafter referred to as “Guidelines”) serve as a mix of policy and technical standards for registries and registrars that deploy IDN registration policies.<sup>122</sup> Between 2003 and 2022, a total of seven versions (versions 1.0, 2.0, 2.1, 2.2, 3.0, 4.0, and 4.1) of the Guidelines were published. The final proposed draft version 4.0 was published for Board consideration in May 2018.<sup>123</sup> However, following a request from the GNSO Council the Board agreed to defer consideration of version 4.0, on the basis that some of the guidelines were policy requirements with significant contractual implications, and as such a PDP is the more appropriate vehicle for developing these requirements.<sup>124</sup>

In May 2021, the GNSO Council chartered the EPDP-IDNs, which includes topics that overlap with the Guidelines v.4.0, specifically guidelines 6a, 11, 12, 13, and 18 as identified by the GNSO Council.<sup>125</sup> Subsequently, the Board agreed to defer approving these specific guidelines pending consideration of these topics by the EPDP-IDNs and adopted the remaining guidelines for implementation as the Guidelines version 4.1.<sup>126</sup>

As part of its deliberations, the EPDP Team conducted a preliminary assessment on whether the deferred guidelines are consistent with the outputs from the EPDP Team’s deliberations on the corresponding charter questions.<sup>127</sup> This assessment is provided below and may aid the Board’s further consideration of these deferred guidelines after the completion of EPDP-IDNs.

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<sup>122</sup> See rationale of [Preliminary Recommendation 18](#) for more background and details about the IDN Implementation Guidelines.

<sup>123</sup> See IDN Implementation Guidelines version 4.0 here: <https://www.icann.org/en/system/files/files/idn-guidelines-10may18-en.pdf>

<sup>124</sup> See GNSO Council’s first letter to the ICANN Board on 30 April 2019, requesting deferral of Guidelines version 4.0 here: <https://gnso.icann.org/sites/default/files/file/field-file-attach/drazek-to-chalaby-30apr19-en.pdf>

<sup>125</sup> See GNSO Council’s letter to the ICANN Board on 21 January 2022 here: <https://www.icann.org/en/system/files/correspondence/fouquart-et-al-to-botterman-21jan22-en.pdf>.

<sup>126</sup> See Board resolution on 22 September 2022 here: <https://www.icann.org/en/board-activities-and-meetings/materials/approved-resolutions-regular-meeting-of-the-icann-board-22-09-2022-en#2.d>

<sup>127</sup> The mapping between the guidelines and corresponding EPDP-IDNs charter questions was done by the GNSO Council in January 2022. As the EPDP Team progressed in its deliberation, this mapping may not precisely reflect all the relevant EPDP Team outputs that correspond to the guidelines, as preliminary recommendations developed under a different charter question may also be relevant. Nevertheless, all the relevant EPDP Team outputs are mentioned in the table under the Preliminary Assessment section below.

## 5.2 Preliminary Assessment of Deferred Guidelines in Version 4.0

No.	Deferred Guidelines	EPDP-IDNs Charter Question
1	<p><b>6a:</b> Except as applicable in 6(b) below, registries must use RFC 7940: Label Generation Ruleset (LGR) Using XML format to represent an IDN Table.</p>	<p><b>C6:</b> Should Registry Operators be required to use the machine readable LGR format as specified in RFC 7940 for their second-level IDN tables? Or should Registry Operators have the flexibility to resolve the harmonization issue so long as it can predictably and consistently produce the same variant labels, albeit with different disposition values, across the same-script IDN tables?</p>
<p><b>Summary of EPDP-IDNs Output:</b> The EPDP Team did not develop a preliminary recommendation on this topic but agreed to not recommend the machine-readable XML format, as specified in RFC 7940, as the required format for IDN Tables. Existing and future registry operators should have the flexibility to determine the appropriate format of their IDN Tables. The EPDP Team reviewed the evolution of IDN Table formats as recommended by relevant RFCs and understood that there are different ways to represent the second-level rules under gTLDs.</p>		
<p><b>Assessment:</b> The EPDP Team considered guideline 6a to be <b>contrary</b> to its output, which is its response to charter question C6. Details of the rationale can be found in the EPDP Team’s response.</p>		
2	<p><b>11:</b> IDN Variant Labels generated by an IDN Table must be either (a) allocatable only to the same registrant as the primary IDN label, or (b) blocked from registration.</p>	<p><b>C1:</b> Both the SubPro PDP and the Staff Paper recommend that: 1) a given second-level label beneath each allocated variant TLD must have the “same entity”; and 2) all allocatable second level IDN variant labels that arise from a registration based on a second-level IDN table must have the “same entity”. Should this recommendation be extended to existing second-level labels?</p> <p><b>C2:</b> Currently Registry Operators may activate the IDN variant labels at the second-level when requested by the sponsoring Registrar of the canonical name as described in the IDN Tables and IDN Registration Rules. Both the SubPro PDP and the Staff Paper recommend that at the second-level, the same entity definition can be achieved by ensuring that the registrant is the same. Should</p>

No.	Deferred Guidelines	EPDP-IDNs Charter Question
		<p>this recommendation be extended to the already activated IDN variant labels at the second-level? How does the “same entity” requirement impact the current rules for Registry Operators for activating IDN variant labels?</p> <p><b>Summary of EPDP-IDNs Output:</b> The EPDP Team put forward <u>Preliminary Recommendation 1</u> with respect to applying the “same entity” principle to the allocation of future variant domain names. In addition, the EPDP Team put forward <u>Preliminary Recommendations 3-4</u> with respect to grandfathering the existing variant domain names that do not conform to the “same entity” principle, as well as the requirement that no further allocation of variant domain names of a grandfathered domain name is allowed until the fathering situation is resolved. The aforementioned preliminary recommendations are reproduced below:</p> <ul style="list-style-type: none"> <li>● <b>Preliminary Recommendation 1:</b> The “same entity” principle applies to the allocation of future variant domain names. This means that all allocatable variant domain names from a variant domain set must be allocated or withheld for possible allocation only to the same registrant at the same sponsoring registrar.</li> <li>● <b>Preliminary Recommendation 3:</b> Immediately prior to the policy effective date of the “same entity” principle as set out in <u>Preliminary Recommendation 1</u>, the existing variant domain names that do not conform to the “same entity” principle must be grandfathered. This means that there will be no change to the contractual or allocation status of such existing variant domain names. The requirement of having the same registrant and the same sponsoring registrar will not be applied retroactively.</li> <li>● <b>Preliminary Recommendation 4:</b> Any allocatable variant domain names of grandfathered domain names pursuant to <u>Preliminary Recommendation 3</u> cannot be allocated unless and until only one registrant and one sponsoring registrar remain for the grandfathered domain name(s) from the relevant variant domain set.</li> </ul> <p><b>Assessment:</b> The EPDP Team considered guideline 11 <b>consistent</b> with its <u>Preliminary Recommendation 1</u>. In addition, the EPDP Team’s <u>Preliminary Recommendations 3-4</u> went beyond guideline 11 in addressing the existing variant domain names that were registered prior to the future policy effective date of the “same entity” principle. This aspect was not explicitly covered in guideline 11.</p>
3	<p><b>12:</b> TLD Registries may activate an IDN Variant Label, provided that i) such IDN Variant Label is requested by the same registrant or corresponding registrar as the Primary IDN Label, ii) such IDN Variant Label is registered to the registrant of the</p>	<p><b>C2:</b> Currently Registry Operators may activate the IDN variant labels at the second-level when requested by the sponsoring Registrar of the canonical name as described in the IDN Tables and IDN Registration Rules. Both the SubPro</p>

No.	Deferred Guidelines	EPDP-IDNs Charter Question
	<p>Primary IDN Label, and iii) such IDN Variant Label conforms with the registry policy and IDN Tables.</p> <p>In exceptional cases, i) to support a widely acceptable practice within Internet users of a language or script community, or ii) to abide by language or script established conventions, a TLD Registry may opt to activate a limited number of IDN Variant Labels at its discretion, according to its policies. In such cases, the TLD Registry must have mechanism to limit automatic activation of IDN Variant Labels to a minimum. Also see 18(c) and Additional Note I.</p> <p><b>Additional Note:</b> I. For example, automatic activation may be considered acceptable practice for Chinese language.</p>	<p>PDP and the Staff Paper recommend that at the second-level, the same entity definition can be achieved by ensuring that the registrant is the same. Should this recommendation be extended to the already activated IDN variant labels at the second-level? How does the “same entity” requirement impact the current rules for Registry Operators for activating IDN variant labels?</p>
<p><b>Summary of EPDP-IDNs Output:</b> The EPDP Team put forward <a href="#">Preliminary Recommendations 1, 3-4</a> with respect to applying the “same entity” principle to the allocation of future variant domain names with additional considerations of the grandfathered variant domain names. In addition, the EPDP Team put forward <a href="#">Preliminary Recommendation 8</a>, requiring that a source domain name must be identified and registered in order to necessitate the future allocation of variant domain names, if any. Lastly, the EPDP Team developed <a href="#">Implementation Guidance 2</a> to specifically address the automatic activation of variant domain names after the Team reviewed guideline 12. The aforementioned preliminary recommendations are reproduced below:</p> <ul style="list-style-type: none"> <li>● <b>Preliminary Recommendation 1:</b> The “same entity” principle applies to the allocation of future variant domain names. This means that all allocatable variant domain names from a variant domain set must be allocated or withheld for possible allocation only to the same registrant at the same sponsoring registrar.</li> <li>● <b>Preliminary Recommendation 3:</b> Immediately prior to the policy effective date of the “same entity” principle as set out in <a href="#">Preliminary Recommendation 2</a>, the existing variant domain names that do not conform to the “same entity” principle must be grandfathered. This means that there will be no change to the contractual or allocation status of such existing variant domain names. The requirement of having the same registrant and the same sponsoring registrar will not be applied retroactively.</li> </ul>		

No.	Deferred Guidelines	EPDP-IDNs Charter Question
	<ul style="list-style-type: none"> <li>● <b>Preliminary Recommendation 4:</b> Any allocatable variant domain names of grandfathered domain names pursuant to <u>Preliminary Recommendation 3</u> cannot be allocated unless and until only one registrant and one sponsoring registrar remain for the grandfathered domain name(s) from the relevant variant domain set.</li> <li>● <b>Preliminary Recommendation 8:</b> A registrant and its sponsoring registrar must jointly determine the source domain name, which must be registered, for calculating the variant domain set under a given gTLD and its delegated gTLD variant label(s), if any. The registrants and sponsoring registrars of the grandfathered variant domain names pursuant to <u>Preliminary Recommendation 3</u> are exempt from this requirement.</li> <li>● <b>Implementation Guidance 2:</b> Registry operators should take into account Recommendation 14 in SAC060 and consider:<sup>128</sup> <ol style="list-style-type: none"> <li>2.1 setting a maximum number of allocatable variant domain names that can be allocated to the same registrant of the source domain name; and</li> <li>2.2 developing a mechanism to limit automatic activation of variant domain names to a minimum.</li> </ol> </li> </ul>	<p><b>Assessment:</b> The EPDP Team considered guideline 12 <i>consistent</i> with its output. Specifically, the Team believed its <u>Preliminary Recommendations 1 and 8</u> and <u>Implementation Guidance 2</u> collectively addressed and aligned with all elements of guideline 12. In addition, the EPDP Team’s <u>Preliminary Recommendations 3-4</u> went beyond guideline 12 in addressing the existing variant domain names that were registered prior to the future policy effective date of the “same entity” principle. This aspect was not explicitly covered in guideline 12.</p>
4	<p><b>13:</b> TLD registries must ensure that all applicable IDN Tables with an IDN variant policy for a particular TLD have uniform IDN variant code points that properly account for symmetry and transitivity properties of all IDN variant code point sets across these IDN Tables. Exceptions to this guideline vis-à-vis symmetry and transitivity properties should be clearly documented in the TLD registries’ public policy. At the same time, TLD registries shall reevaluate potential variant relationships that may require to create new IDN variant code point sets due to the introduction of additional IDN Tables by the TLD registry. Also see Additional Notes</p>	<p><b>C4:</b> Should the second-level IDN tables offered under a TLD, including IDN variant TLDs, be required to be mutually coherent? If yes, how should existing registrations which may not meet the “mutually coherent” requirement of second-level IDN tables be addressed? Rationale must be clearly stated.</p>

<sup>128</sup> See Recommendation 14, SAC060, p. 20: <https://www.icann.org/en/system/files/files/sac-060-en.pdf#page=20>



No.	Deferred Guidelines	EPDP-IDNs Charter Question
	<p>II and III.</p> <p><b>Additional Notes:</b></p> <p>II. The use of “uniform” here means that (i) two IDN variant code points or IDN variant code point sequences in one IDN Table cannot be non-IDN-variant code points or non-IDN-variant code point sequences in another IDN Table implemented under the same TLD, and (ii) all code points in all the IDN Tables under the same TLD must be collectively considered for analysis of IDN variants of code points for each of these IDN Tables. These two measures are suggested to prevent cases of IDN Variant Labels being generated by different IDN Tables under the same TLD to be allocated to different registrants.</p> <p>III. Registries may use relevant work for the Root Zone LGR and other sources to determine the IDN variant code point sets.</p>	
	<p><b>Summary of EPDP-IDNs Output:</b> The EPDP Team put forward <u>Preliminary Recommendation 5</u> with respect to properly accounting for symmetry and transitivity properties of all IDN variant code point sets across IDN Tables in a given gTLD and across its delegated gTLD variant labels. The aforementioned preliminary recommendation is reproduced below:</p> <ul style="list-style-type: none"> <li>● <b>Preliminary Recommendation 5:</b> All of the existing and future IDN Tables for a given gTLD and its delegated gTLD variant label(s), if any, must be harmonized. This means that all of the IDN Tables for a gTLD and its delegated gTLD variant label(s) must produce a consistent variant domain set for a given second-level label registered under that gTLD or its delegated gTLD variant label(s).</li> </ul> <p>In addition, the EPDP Team put forward <u>Preliminary Recommendation 6 and Implementation Guidance 7</u> to establish a minimum IDN variant deployment requirements (i.e., variant code point sets). The aforementioned preliminary recommendations are reproduced below:</p> <ul style="list-style-type: none"> <li>● <b>Preliminary Recommendation 6:</b> The baseline criteria for implementing IDNs at the second-level must be security and stability of the DNS. Registry operators, ICANN org and other relevant stakeholders must develop minimum IDN variant deployment requirements (i.e., variant sets) that do not</li> </ul>	

No.	Deferred Guidelines	EPDP-IDNs Charter Question
	<p>compromise the stability and security of the DNS.</p> <ul style="list-style-type: none"> <li>● <b>Implementation Guidance 7:</b> ICANN org, gTLD registries, and other relevant stakeholders should collaborate to develop minimum IDN variant deployment requirements (i.e., variant sets) at the second-level. This should include respecting IDNA2008, IDN Implementation Guidelines, and any future versions of these two documents. In addition, this process can consider multiple sources of work, including but not limited to current registry operational practices, second-level reference LGRs, and the Root Zone LGR.</li> </ul>	
	<p><b>Assessment:</b> The EPDP Team considered guideline 13 <b>consistent</b> with its output. Specifically, the Team believed its <u>Preliminary Recommendations 5, 6, and Implementation Guidance 7</u> collectively addressed and aligned with all elements of guideline 13.</p>	
5	<p><b>18.</b> TLD Registries should publish IDN policies or guidance related to registration of IDN labels at publicly accessible location on the TLD Registry’s website. In addition to general policies or guidance on IDN registrations, these should include the following:</p> <ul style="list-style-type: none"> <li>(a) A timeline related to resolution of transitional matters, if applicable</li> <li>(b) IDN Variant Label allocation policy, if applicable</li> <li>(c) IDN Variant Label automatic activation policy, if applicable</li> <li>(d) Policy for minimizing Whole-Script Confusables and data sources used, if applicable</li> <li>(e) IDN Table as per Guideline 6 above</li> </ul>	<p>Related to deliberation of charter questions <b>C1, C2, C4, and C6</b></p>
	<p><b>Summary of EPDP-IDNs Output:</b> The EPDP Team put forward <u>Implementation Guidance 17</u> with respect to registry operators publishing policies, in a transparent manner, that reflect their implementation of variant management at the second-level in accordance with EPDP-IDNs Phase 2 recommendations. This implementation guidance was specifically developed after the Team reviewed guideline 18. The aforementioned implementation guidance is reproduced below:</p> <ul style="list-style-type: none"> <li>● <b>Implementation Guidance 17:</b> Registry operators should publish policies, in a transparent manner, that reflect their implementation of the EPDP-IDNs Phase 2 recommendations. In particular, such policies should reflect the implementation of <u>Preliminary Recommendations 1, 3-5, 14 and Implementation Guidance 2.</u></li> </ul>	

No.	Deferred Guidelines	EPDP-IDNs Charter Question
	<p><b>Assessment:</b> The EPDP Team considered guideline 18 <i>generally consistent</i> with its output. The EPDP Team developed its <u>Implementation Guidance 17</u> to align with the elements in guideline 18, specifically items (b) and (c). The EPDP Team also agreed that registry operators should publish additional policies reflecting the implementation of IDN Table harmonization, grandfathered variant domain name management (if applicable), and RDAP response to domain name query. Hence, <u>Implementation Guidance 17</u> went beyond the elements mentioned in guideline 18 by including other relevant EPDP-IDNs output, specifically <u>Preliminary Recommendations 3, 4 and 14</u>.</p> <p>Since guideline 18 was published in May 2018, EPDP-IDNs deliberations and preliminary recommendations have overtaken certain elements, namely item (e) with respect to “IDN Table as per Guideline 6”. The EPDP Team agreed not to recommend the machine-readable XML format, as specified in RFC 7940, as the required format for IDN Tables (see EPDP Team response to charter question C6). This is <i>contrary</i> to the deferred guideline 6(a) in IDN Implementation Guidelines version 4.0.</p> <p>Finally, the EPDP Team noted that item (a) is related to guidelines 3-4 and item (d) is related to guideline 17 in the IDN Implementation Guidelines versions 4.0 and 4.1.<sup>129</sup> Guidelines 3-4 and 17 have already been adopted by the ICANN Board and implementation effort is underway. Hence, the EPDP Team did not see the need to further deliberate on these items.</p>	

<sup>129</sup> See details in version 4.1 here: <https://www.icann.org/en/system/files/files/idn-guidelines-22sep22-en.pdf>

## 6 Next Steps

This Phase 2 Initial Report will be posted for Public Comment for forty (40) days. Following its analysis of public comments received on this Initial Report, the EPDP Team will consider whether any changes need to be made to its Phase 2 preliminary recommendations. Once the EPDP Team has considered all the public comments received, it will conduct a formal consensus call on all the proposed Phase 2 recommendations before their inclusion in the Phase 2 Final Report.

## 7 Annex A – EPDP Team Charter

# ICANN | GNSO

Generic Names Supporting Organization

<b>WG Name:</b>	TBD	
<b>Section I: Working Group Identification</b>		
<b>Chartering Organization(s):</b>	Generic Names Supporting Organization (GNSO) Council	
<b>Charter Approval Date:</b>	<Enter Approval Date>	
<b>Name of WG Leadership:</b>	<Enter Elected WG Leadership>	
<b>Name(s) of Appointed Liaison(s):</b>	<Enter Liaison>	
<b>WG Workspace URL:</b>	<Enter Active Project URL from GNSO Site>	
<b>WG Mailing List:</b>	<Enter Mailman archive link>	
<b>GNSO Council Resolution:</b>	<b>Title:</b>	Initiation of the Expedited Policy Development Process (EPDP) on the Internationalized Domain Names (IDNs)
	<b>Ref # &amp; Link:</b>	<Enter Resolution link>
<b>Important Document Links:</b>	<p><b>Procedural Documents:</b></p> <ul style="list-style-type: none"> <li>• <a href="#">Annex A-1: GNSO Expedited Policy Development Process</a></li> <li>• <a href="#">Expedited GNSO Policy Development Process Manual</a></li> <li>• <a href="#">GNSO Working Group Guidelines</a></li> </ul> <p><b>Non-Exhaustive List of Substantive Documents:</b></p> <ul style="list-style-type: none"> <li>• <a href="#">GNSO New gTLD Subsequent Procedures Policy Development Process Final Report</a></li> <li>• <a href="#">IDN Variant TLD Implementation Staff Paper</a></li> <li>• <a href="#">Recommendations for the Technical Utilization of the RZ-LGR</a></li> <li>• <a href="#">RZ-LGR Project</a></li> <li>• <a href="#">Final Proposed Draft v. 4.0 of IDN Implementation Guidelines</a></li> <li>• <a href="#">Mapping Document - Charter Questions, SubPro Recommendations, and Prior IDN Efforts</a></li> <li>• <a href="#">GNSO Council IDN Scoping Team Final Report</a></li> </ul>	
<b>Section II: Mission, Purpose, and Deliverables</b>		
<b>Mission &amp; Scope:</b>		

## Background

On 14 March 2019, the ICANN Board approved a [set of recommendations](#) developed by ICANN org on how to allocate IDN variant TLD labels. The ICANN Board requested that the GNSO and ccNSO take into account those IDN variant TLD recommendations while developing their respective policies to define and manage IDN variant TLDs for the current TLDs and future TLD applications. The ICANN Board further requested that the GNSO and ccNSO keep each other informed of the progress in developing the relevant details of their policies and procedures to ensure a consistent solution for IDN variant gTLDs and IDN variant ccTLDs.

On 15 August 2019, the GNSO Council IDN Variants [Scoping Team](#) started to develop recommendations for the GNSO Council's consideration on how to address the IDN variant TLD recommendations. In addition, the Scoping Team also considered issues in the [Final Proposed Draft version 4.0 of Internationalized Domain Name \("IDN"\) Implementation Guidelines](#) ("IDN Guidelines v. 4.0"), for which the ICANN Board had [agreed](#) to the GNSO Council [request](#) to defer its adoption. Those issues pertain to the process/mechanism of updating the IDN Implementation Guidelines in general, as well as specific requirements within the IDN Guidelines v. 4.0. On 26 January 2020, the ICANN Board approved the [Recommendations for the Technical Utilization of the RZ-LGR](#) on how to employ the [RZ-LGR](#) to determine valid IDN TLDs and their variant labels. The ICANN Board requested that the GNSO and ccNSO take into account those RZ-LGR Technical Utilization recommendations while developing their respective policies to define and manage IDN variant TLDs for the current TLDs and future TLD applications.

At its meeting on 23 January 2020, the GNSO Council discussed the [Final Report](#) from the Scoping Team, which suggested tackling IDN related issues in two tracks: Operational Track and Policy Track. The Policy Track has two main objectives: i) to deliberate on the [definition](#) and [management](#) of IDN variant TLDs, and ii) to deliberate on the change process of the IDN Guidelines and any policy issues related to the IDN Guidelines v. 4.0 identified by the Operational Track Team (consisted of members in the GNSO Contracted Parties House) and agreed upon by the IDN Guidelines Working Group.

In considering the mechanism in carrying out the Policy Track work on IDNs, the GNSO Council agreed with the Scoping Team's suggestion that an Issue Report is likely not needed in order to initiate the work, and an EPDP is the desired approach. Hence, during its meeting on 21 October 2020, the GNSO Council agreed to establish a [Drafting Team](#) to develop both a draft charter and an Initiation Request for an EPDP on IDNs. The Drafting Team kicked off its meetings on 8 December 2020 and submitted the draft EPDP charter and the Initiation Request for the GNSO Council's consideration on 10 May 2021.

At its meeting on 20 May 2021, the GNSO Council resolved to initiate an Expedited Policy Development Process ("EPDP") on IDNs and adopted this charter for the EPDP Team to deliberate the Policy Track issues outlined below.

## Scope & Charter Questions

This EPDP is expected to provide the GNSO Council with policy recommendations on:

- i) 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 security and usability goal of variant labels in a stable manner; and
- ii) how the IDN Implementation Guidelines, which Contracted Parties are required to comply with, should be updated in the future.

Notwithstanding the former and subject to GNSO Council approval, the mission and scope of this EPDP may be expanded specifically as a result of the Operational Track. This EPDP is expected to provide the GNSO Council with recommendations to resolve issues for policy considerations in the IDN Implementation Guideline 4.0, IF and WHEN such issues are identified by the Operational Track Team and agreed to by the IDN Guidelines Working Group.

The WG is expected to develop its recommendations by building on the existing body of policy work, research, and analysis on the IDN subject, with a focus on the [GNSO New gTLD Subsequent Procedures \(SubPro\) PDP recommendations](#) under Topic 25 on IDNs and other relevant topics, which have been adopted by the GNSO Council in February 2021 and forwarded to the ICANN Board for adoption.

The SubPro PDP recommendations were developed by taking into account other previous policy work on IDNs, including the [IDN Variant TLD Implementation staff paper](#) (“Staff Paper”) and [Recommendations for the Technical Utilization of the Root Zone Label Generation Rules \(RZ-LGR\)](#) (“TSG recommendations”). See more information about the previous work on IDNs in [Appendix B](#) of the IDN Variants Scoping Team Final Report.

As a result, the charter questions were developed based on the following principles and framework:

- This WG should not revisit SubPro recommendations in the context of future new gTLDs, but will consider questions asking whether such recommendations should be extended to existing gTLDs;
- Where SubPro does not have a recommendation that corresponds to the Staff Paper/TSG recommendation, the charter will include questions about the impact of such recommendations on both future and existing gTLDs;
- The SubPro Implementation Review Team (IRT) and this WG (including its future IRT) should coordinate on addressing implementation issues to achieve, to the extent possible, consistent solutions for new and existing gTLDs. To be clear, coordination does not mean that this WG cannot independently consider certain question that impact both future and existing TLDs or arrive at its own conclusion, but means that whichever group is first to develop a solution or recommendation for such question, such group should inform the other group to ensure a consistent implementation can be developed to the extent possible.

To see whether/how the SubPro PDP recommendations map to the recommendations developed in previous policy work on IDNs, reference the [mapping document](#), which also provides context to the corresponding charter questions.

This charter recognizes that the existing policy efforts seek to address the challenge of achieving security and usability goals for IDN variants in a stable manner. As such, the SubPro PDP, Staff Paper, and TSG designed their recommendations to be conservative and to find a balance to permit delegation of TLD variant labels that meet end user needs but block TLD variant labels that pose a security risk to end users.

This charter also recognizes the processes established by the SubPro PDP and the inclusion of questions related to the SubPro PDP’s recommendations is not intended to amend the structure or framework of those processes but rather, to ensure that they are able to properly accommodate variant domain names and incorporate the same entity principle for existing and future gTLDs.

As part of this determination, the WG is, at a minimum, expected to consider the following elements and answer the following charter questions.

### **TLD Label Validation and Variant Label(s) Calculation**

#### **A. Consistent definition and technical utilization of RZ-LGR:**

*The Charter recognizes that RZ-LGR related recommendations that the following questions seek to address were*

*developed with the aim to achieve the security and usability goals for variant labels in a stable manner and were designed to be conservative, with the view that the IDN variant TLDs are being implemented for the first time.*

**a1)** Evaluating all TLDs using RZ-LGR as the one and only authoritative source allows for a consistent approach for reviewing current and future TLDs. The SubPro PDP, the Staff Paper, and the Study Group on Technical Use of RZ-LGR (“TSG”) recommend that compliance with RZ-LGR (RZ-LGR-4, and any future RZ-LGR versions) must be required for the validation of all future gTLDs (including IDN and ASCII labels) and the calculation of their variant labels as a matter of policy, including the determination of whether the disposition of the label should be blocked or allocatable.<sup>130</sup>

For existing delegated gTLD labels, does the WG recommend using the RZ-LGR as the sole source to calculate the variant labels and disposition values?

**a2)** Before the proposed RZ-LGR mechanism, applications for IDN gTLDs have asked the applicant to identify and list any variant labels (based on their own calculations) corresponding to the applied-for string. The self-identified “variant” labels do not have legal standing, as “[d]eclaring variant strings is informative only and will not imply any right or claim to the declared variant strings.”<sup>131</sup> The TSG recommends that the self-identified “variant” labels which are also variant labels calculated by RZ-LGR will need to be assigned a variant disposition based on RZ-LGR calculation, as discussed in **a1**).

If some self-identified “variant” TLD labels by the former gTLD applicants are not found consistent with the calculation of the RZ-LGR, but have been used to certain extent (e.g., used to determine string contention sets), how should such labels be addressed in order to conform to the LGR Procedure and RZ-LGR calculations? Consider this question by taking into account the data to be collected in the “Data and Metric Requirements” section of this charter.

**a3)** SubPro PDP recommends that ICANN establish a mechanism that allows specific parties to challenge or appeal certain types of actions or inactions that appear to be inconsistent with the Applicant Guidebook.<sup>132</sup> SubPro PDP recommends that such a limited challenge/appeal mechanism applies to several types of evaluations and formal objections decisions, including the DNS Stability aspect of evaluation/challenge procedures. Previously, both the SSAC and TSG also recommended a challenge process for resolving disagreement with the RZ-LGR calculation on certain strings.<sup>133</sup>

If an applied-for TLD label, whose script is supported by the RZ-LGR, is determined to be “invalid”, is there a reason NOT to use the evaluation challenge processes recommended by SubPro? If so, rationale must be clearly stated. If SubPro’s recommendation on the evaluation challenge process should be used, what are the criteria for filing such a challenge? Should any additional specific implementation guidance be provided, especially pertaining to the challenge to the LGR calculation as it can have a profound, decimating impact on the use of RZ-LGR?<sup>134</sup>

**a4)** For future gTLD applications, the SubPro PDP proposes an implementation guidance that if a script is not yet integrated into the RZ-LGR, applicants should be able to apply for a string in that script, and it should be processed up to but not including contracting.<sup>135</sup> Applicants under such circumstances should be warned of the possibility that the applied-for string may never be delegated and they will be responsible for any additional evaluation costs. The burden in this case is on the applicant, who may have to wait for an indeterminate amount of time but is not aware of any other serious concerns. The SubPro PDP developed this implementation guidance by taking into consideration the TSG recommendation that the application should remain on-hold (or other appropriate status) until the relevant script is integrated into the RZ-LGR.<sup>136</sup>



The WG and the SubPro IRT to coordinate and consider the following questions in order to develop a consistent solution: should the SubPro recommendation be extended to existing TLDs that apply for a variant TLD label whose script is not yet supported by the applicable version of the RZ-LGR? Consider this question in tandem with **b4)** and by taking into account the data to be collected in the “Data and Metric Requirements” section of this charter. If not, what should be the process for an existing TLD registry who wishes to apply for a variant TLD label whose script is not yet supported by the applicable version of the RZ-LGR?

**a5)** SAC060 notes that variant code points in LGR may introduce a “permutation issue”, possibly creating a large number of variant domain names, which “presents challenges for the management of variant domains at the registry, the registrar and registrant levels.”<sup>137</sup> SAC060 advises that “ICANN should ensure that the number of strings that are activated is as small as possible.” The TSG agreed with this SSAC advice.<sup>138</sup> Appendix C of the Staff Paper reviewed the factors causing numerous variant labels and suggested measures to address this issue.<sup>139</sup>

Should there be a ceiling value or other mechanism to ensure that the number of delegated top-level variant labels remains small, understanding that variant labels in the second level may compound the

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<sup>130</sup> See Recommendation 25.2 and Implementation Guidance 26.10 in the SubPro Final Report, pp.115, 119: <https://gnso.icann.org/sites/default/files/file/field-file-attach/final-report-newgtld-subsequent-procedures-pdp-02feb21-en.pdf#page=115>; Recommendation 1 in the Staff Paper, p.3: <https://www.icann.org/en/system/files/files/idn-variant-tld-recommendations-analysis-25jan19-en.pdf#page=3>; Recommendation 1 in the TSG report, p.5: <https://www.icann.org/en/system/files/files/rz-lgr-technical-utilization-recs-07oct19-en.pdf#page=5>

<sup>131</sup> For more details see *gTLD Applicant Guidebook*, version 2012-06-04, section 1.3.3 IDN Variant TLDs, p.1-35: <https://newgtlds.icann.org/en/applicants/agb/guidebook-full-04jun12-en.pdf>

<sup>132</sup> See Recommendation 32.1 in the SubPro Final Report, pp.154-155: <https://gnso.icann.org/sites/default/files/file/field-file-attach/final-report-newgtld-subsequent-procedures-pdp-02feb21-en.pdf#page=154>

<sup>133</sup> Disagreement with the LGR calculator may arise due to circumstances including but not limited to: an invalid label due to choice of "letter" not included in the repertoire, albeit being IDNA2008 protocol-valid; an invalid label due to a contextual or whole label evaluation rule imposed by either integration or generation panels' variant; labels differ because of different assumptions. SAC060 proposed a straw man process to resolve disputes to the RZ-LGR results. The TSG recommended several technical inputs be considered when developing the resolution mechanism. See Recommendation 2, SAC060, p.9: <https://www.icann.org/en/system/files/files/sac-060-en.pdf#page=9>; see Recommendation 4 in the TSG Report, pp.6-7: <https://www.icann.org/en/system/files/files/rz-lgr-technical-utilization-recs-07oct19-en.pdf#page=6>

<sup>134</sup> Any changes in RZ-LGR brought about by a process outside the LGR Procedure would invalidate the RZ-LGR and thus the definition of the variant TLD, as stated in the LGR Procedure. TSG suggests how to address such a challenge by remaining within the LGR Procedure.

<sup>135</sup> See Implementation Guidance 25.3 in the SubPro Final Report, p.115: <https://gnso.icann.org/sites/default/files/file/field-file-attach/final-report-newgtld-subsequent-procedures-pdp-02feb21-en.pdf#page=115>

<sup>136</sup> It is important to recognize that the RZ-LGR can be updated to include additional scripts as long as it is done in compliance with the LGR Procedure. The practical limitation, however, is that the time to create an LGR script proposal varies greatly (i.e., months or years). See Recommendation 5 in the TSG report, p.7: <https://www.icann.org/en/system/files/files/rz-lgr-technical-utilization-recs-07oct19-en.pdf#page=7>; for additional context and rationale, see Appendix A of the Recommendations for Technical Utilization of RZ-LGR, pp.11-12: <https://www.icann.org/en/system/files/files/rz-lgr-technical-utilization-recs-07oct19-en.pdf#page=11>

<sup>137</sup> See Recommendation 14, SAC060, p. 20: <https://www.icann.org/en/system/files/files/sac-060-en.pdf#page=20>

<sup>138</sup> See Recommendation 6 in the TSG report, p.7: <https://www.icann.org/en/system/files/files/rz-lgr-technical-utilization-recs-07oct19-en.pdf#page=7>

<sup>139</sup> See Appendix C of the IDN Variant TLD Implementation: Appendices, pp. 12-29: <https://www.icann.org/en/system/files/files/idn-variant-tld-appendices-25jan19-en.pdf#page=12>

situation? Should additional security and stability guidelines be developed to make variant domains manageable at the registry, registrar, and registrant levels?<sup>140</sup>

**a6)** Since RZ-LGR can be updated over time, the WG needs to consider the implications for existing TLD labels and their variant labels (if any), including any potential changing of status or disposition value.<sup>141</sup> The TSG further recommends that the Generation Panel (GP) must call out the exception where an existing TLD is not validated by their proposed solution during the public comment period and explain the analysis and reasons for not supporting the existing TLD in their script LGR proposal.<sup>142</sup> This will allow the community and the GP to review such a case to confirm that an exception is indeed warranted.

Does the WG agree with TSG's suggested approach? If so, to what extent should the TLD policies and procedures be updated to allow an existing TLD and its variants (if any), which are not validated by a script LGR, to be grandfathered? If not, what is the recommended approach to address changes to the current version of the RZ-LGR that assign different disposition values to existing TLDs? Consider this question by taking into account the data to be collected in the "Data and Metric Requirements" section of this charter.

**a7)** The SubPro PDP recommends that single character gTLDs may be allowed for limited script/language combinations where a character is an ideograph (or ideogram) and do not introduce confusion risks that rise above commonplace similarities, consistent with SAC052 and Joint ccNSO-GNSO IDN Workgroup (JIG) report.<sup>143</sup>

What mechanism or criteria should be used to identify the scripts/languages appropriate for single-character TLDs? Once those scripts/languages are identified, what mechanism or criteria should be used to identify a specific list of allowable characters which can be used as a single-character TLD within such scripts/languages? Should any specific implementation guidance be provided? Furthermore, should the relevant GP tag these code points in the RZ-LGR for a consistent analysis and to ease their identification and algorithmic calculation?<sup>144</sup>

**a8)** What additional aspects of gTLD policies and procedures, which are not considered in the above charter questions, need to be updated to ensure that the validation of existing TLD labels and

<sup>140</sup> One of the security and stability concerns is that some scripts can generate large numbers of variants based on the way the LGR works. The RZ-LGR Procedure manages such numbers by minimizing allocatable variant labels and maximizing blocked variant labels. However, though this approach is optimal in most cases, the outcome may be worse for a specific label in some cases.

<sup>141</sup> See Recommendation 7 in the TSG report, p.8: <https://www.icann.org/en/system/files/files/rz-lgr-technical-utilization-recs-07oct19-en.pdf#page=8>

<sup>142</sup> See Recommendation 12 in the TSG report, p.9: <https://www.icann.org/en/system/files/files/rz-lgr-technical-utilization-recs-07oct19-en.pdf#page=9>

<sup>143</sup> See Recommendation 25.4 in the SubPro PDP Final Report, p.115: <https://gnso.icann.org/sites/default/files/file/field-file-attach/final-report-newgtld-subsequent-procedures-pdp-02feb21-en.pdf#page=115>; Recommendation 1 in SAC052, p.8: <https://www.icann.org/en/system/files/files/sac-052-en.pdf#page=8>; the SubPro PDP does not believe it has the relevant expertise to make this determination and would welcome the identification of the limited set of scripts and languages and potentially a specific list of allowable single-characters (e.g., during implementation), which will substantially increase the predictability of what will likely still remain a case-by-case, manual process. See Rationale for Recommendation 25.4 in the SubPro PDP Final Report, pp.116-117: <https://gnso.icann.org/sites/default/files/file/field-file-attach/final-report-newgtld-subsequent-procedures-pdp-02feb21-en.pdf#page=116>

<sup>144</sup> See Annex B of the Recommendations for the Technical Utilization of the RZ-LGR, p.13: <https://www.icann.org/en/system/files/files/rz-lgr-technical-utilization-recs-07oct19-en.pdf#page=13>

calculation of variant labels depend exclusively on the RZ-LGR in a consistent manner?

**a9)** A given label in an Internationalized Domain Label (IDL) set may be in one of the following non-exhaustive status: delegated, withheld-same-entity, blocked, allocated, rejected. The WG and the SubPro IRT to coordinate and develop a consistent definition of variant label status in the IDL set.

**a10)** Individual labels in an IDL set may go through the following possible status transformations:

- **from “withheld-same-entity” to “allocated”**: Allocation only to the same entity as another label in the IDL set. This change happens if a variant was not initially requested for allocation and later is. Allocating withheld labels would be the application process for a variant TLD.
- **from “blocked” to “withheld-same-entity”**: A later LGR may broaden the available labels in the IDL set. Such possible labels automatically become withheld-same-entity.
- **from “allocated” to “delegated”**: Happens when name servers are added. (Not new.)
- **from “delegated” to “allocated”**: If a domain is removed from the DNS, the allocation can remain in place anyway. Rare in the root zone, but not new.
- **from “rejected” to “withheld-same-entity”**: Every Rejected label is automatically Withheld-same-entity as well. If the Rejected status comes off, the label can be handled as any other Withheld-same-entity label.

Note that an allocated or withheld-same-entity label cannot become blocked unless a new version of the LGR makes this possible.

The WG and the SubPro IRT to coordinate and consider the following questions in order to develop a consistent solution: what is the procedure to change the label status for individual variant labels?

### **IDN Variant TLD Management**

#### **B. “Same entity” at the top-level**

**b1)** Both the SubPro PDP and the Staff Paper recommend that variant TLDs that ICANN delegates must have the “same entity” as the sponsoring organization and the “Registry Operator” be used as the definition of the “same entity” at the top-level.<sup>145</sup>

Should this recommendation be extended to existing TLDs?

**b2)** Both the SubPro PDP and the Staff Paper recommend that variant TLDs be operated by the same back-end registry service provider, the organization providing one or more registry services (e.g., DNS, DNSSEC, RDDS, EPP) for a registry operator.<sup>146</sup>

Should this recommendation be extended to existing TLDs and their variant TLD labels?

**b3)** Beyond having the same Registry Operator and same back-end registry service provider, as referenced in b1) and b2), is there a need for additional constraints for the same entity requirement for the top-level?<sup>147</sup> If so, the rationale must be clearly stated.

**b4)** The policy recommendation advises that variant TLD labels be allocated to the same entity, however a process to apply for a variant TLD does not exist. The WG and the SubPro IRT to coordinate and consider the following questions in order to develop a consistent solution: what should an application process look like in terms of timing and sequence for an existing and future Registry Operator with respect to applying or activating their allocatable variant TLD labels?

**b4a)** For the variant labels with status “withheld for the same entity” (i.e., not requested for allocation in the application process), what role do they play?

**B5)** Do restrictions that apply to a TLD (e.g., community TLDs, dot brand TLDs) also apply to its variants? Are these labels equally treated as different versions of the same string, or completely independent strings not bound by the same restrictions?

**C. “Same entity” at the second-level:**

**c1)** Both the SubPro PDP and the Staff Paper recommend that: 1) a given second-level label beneath each allocated variant TLD must have the “same entity”; and 2) all allocatable second-level IDN variant labels that arise from a registration based on a second-level IDN table must have the “same entity”.<sup>148</sup> Should this recommendation be extended to existing second-level labels?

**C2)** Currently Registry Operators may activate the IDN variant labels at the second-level when requested by the sponsoring Registrar of the canonical name as described in the IDN Tables and IDN Registration Rules.<sup>149</sup> Both the SubPro PDP and the Staff Paper recommend that at the second-level, the same entity definition can be achieved by ensuring that the registrant is the same.<sup>150</sup> Should this recommendation be extended to the already activated IDN variant labels at the second-level? How does the “same entity” requirement impact the current rules for Registry Operators for activating IDN variant labels?

<sup>145</sup> See Recommendation 25.5 in the SubPro PDP Final Report, p.115:

<https://gnso.icann.org/sites/default/files/file/field-file-attach/final-report-newgtld-subsequent-procedures-pdp-02feb21-en.pdf#page=115>; Recommendation 2 in the Staff Paper, p.3:  
<https://www.icann.org/en/system/files/files/idn-variant-tld-recommendations-analysis-25jan19-en.pdf#page=3>;

rationale for Recommendation 25.5 in the SubPro PDP Final Report, p.117:

<https://gnso.icann.org/sites/default/files/file/field-file-attach/final-report-newgtld-subsequent-procedures-pdp-02feb21-en.pdf#page=117>; Section 3.2 in the Staff Paper, pp.6-7: <https://www.icann.org/en/system/files/files/idn-variant-tld-recommendations-analysis-25jan19-en.pdf#page=6>

<sup>146</sup> See Recommendation 25.5 in the SubPro PDP Final Report, p.115:

<https://gnso.icann.org/sites/default/files/file/field-file-attach/final-report-newgtld-subsequent-procedures-pdp-02feb21-en.pdf#page=115>; Recommendation 7 in the Staff Paper, p.4:  
<https://www.icann.org/en/system/files/files/idn-variant-tld-recommendations-analysis-25jan19-en.pdf#page=4>

<sup>147</sup> The initial set of IDN variant TLD management recommendations proposed for public comment also required that the IDN variant TLDs be implemented using the same nameservers, unless otherwise justified. However, that recommendation is now removed based on the feedback received by the community asking for more operational flexibility in the implementation of IDN variant TLDs.

<sup>148</sup> See Recommendation 25.6 in the SubPro PDP Final Report, p.116:

<https://gnso.icann.org/sites/default/files/file/field-file-attach/final-report-newgtld-subsequent-procedures-pdp-02feb21-en.pdf#page=116>; Recommendation 3 in the Staff Paper, p.3:  
<https://www.icann.org/en/system/files/files/idn-variant-tld-recommendations-analysis-25jan19-en.pdf#page=3>;  
Recommendation 25.7 in the SubPro PDP Final Report, p.116: <https://gnso.icann.org/sites/default/files/file/field-file-attach/final-report-newgtld-subsequent-procedures-pdp-02feb21-en.pdf#page=116>; Recommendation 4 in the Staff Paper, p.4: <https://www.icann.org/en/system/files/files/idn-variant-tld-recommendations-analysis-25jan19-en.pdf#page=4>

<sup>149</sup> See Section 2.2 in the “Standard Amendment Language, Add Internationalized Domain Names (IDNs) - May Activate Variants” here: <https://www.icann.org/en/system/files/files/standard-amendment-language-add-idns-may-activate-variants-14jun19-en.pdf>

<sup>150</sup> See Rationale for Recommendation 25.6-25.8 in the SubPro PDP Final Report, pp.117-118:

<https://gnso.icann.org/sites/default/files/file/field-file-attach/final-report-newgtld-subsequent-procedures-pdp-02feb21-en.pdf#page=117>; Section 3.2.1 in the Staff Paper, p.7: <https://www.icann.org/en/system/files/files/idn-variant-tld-recommendations-analysis-25jan19-en.pdf#page=7>

**C3)** The WG and the SubPro IRT to coordinate and consider the following question in order to develop a consistent solution: what is the appropriate mechanism to identify the registrant as the “same entity” at the second-level for future and existing labels?

The Staff Paper recommends using ROID to ensure that the same label beneath all variant labels is allocated to the same entity.<sup>151</sup> However, some registrars in practice may not reuse contact objects for different registrations by the same registrant, and there is no existing data on the number/percentage of ICANN accredited registrars that reuse contact ROID.<sup>152</sup>

Is ROID a reasonable mechanism to determine the same registrant at the second-level for both future and existing labels? If not, what mechanism/functional definition can be used to ensure the second-level variant labels are allocated to the same entity for both current and future TLDs? Consider this question by taking into account the data to be collected in the “Data and Metric Requirements” section of this charter.

**C3a)** If the Working Group determines to use ROID as the mechanism to identify the registrant as the “same entity” at the second-level, are there additional requirements to ensure the “same entity” principle is followed?<sup>153</sup>

**C4)** A registry TLD may offer registrations using different IDN tables to support different languages or scripts.<sup>154</sup> In case multiple IDN tables are offered, IDN tables should produce a consistent set of second-level variant labels to help achieve the security and usability goals for managing variant labels in a stable manner, promoting a good user experience.<sup>155</sup>

As such, the Staff Paper recommends that IDN tables of variant TLDs be mutually coherent, i.e., any two code points (or sequences) that are variants in TLD ‘t1’ cannot be non-variants in variant TLD ‘t1v1’.<sup>156</sup> This recommendation also implies that any two code points (or sequences) that are variants

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<sup>151</sup> Besides ROID, the Staff Paper also includes additional options to achieve the “same entity” requirement: having all the registrant fields be the same (without considering the ROID) for both names; having a core subset of the registrant fields be the same (without considering the ROID) for both names; or requiring a cryptographic probe that both registrants are indeed the same. See Section 3.2.1 in the Staff Paper, p.7:

<https://www.icann.org/en/system/files/files/idn-variant-tld-recommendations-analysis-25jan19-en.pdf#page=7>

<sup>152</sup> If a large portion of registrars do not reuse contact objects (ROID) for registrant, then changing the status quo would be a major development undertaking for a potentially small market for variants. Note that for interoperability virtually all registrars would need to support the same “glue” method to support inter-registrar transfers.

<sup>153</sup> If the same contact ROID or functional equivalent is used to identify registrants, no registrant metadata syncing is needed, as the registrant metadata is automatically the same for all registrants of every allocated variant based on ROID. This also means that issues around privacy and proxy services are addressed, because the privacy or proxy service must still generate a contact ROID (or its functional equivalent) for the registrant. However, the Staff Paper notes that if a registration system does not use contact objects, a requirement about registrant metadata syncing will be needed to ensure the “same entity” rule. See Section 3.9.1 in the Staff Paper, p.22:

<https://www.icann.org/en/system/files/files/idn-variant-tld-recommendations-analysis-25jan19-en.pdf#page=22>

<sup>154</sup> Registry TLD refers to a single TLD in a RA, not the Registry Operator which may operate one or more TLDs.

<sup>155</sup> See “Motivation, Premises, and Framework” section of the Staff Paper:

<https://www.icann.org/en/system/files/files/idn-variant-tld-motivation-premises-framework-25jan19-en.pdf>

<sup>156</sup> The intent of the recommendation is that a given TLD’s IDN tables be harmonized, not all of the Registry Operator’s IDN tables for all the TLDs it operates, but with exception of variant TLDs that the Registry Operator also operates. See Recommendation 5 in the Staff Paper, p.4: <https://www.icann.org/en/system/files/files/idn-variant-tld-recommendations-analysis-25jan19-en.pdf#page=4>

in IDN Table A for TLD t2, which does not have any variant TLD, cannot be non-variants in another IDN Table B for the same TLD t2.<sup>157</sup>

Should the second-level IDN tables offered under a TLD, including IDN variant TLDs, be required to be mutually coherent? If yes, how should existing registrations which may not meet the “mutually coherent” requirement of second-level IDN tables be addressed? Rationale must be clearly stated.

**c4a)** Notwithstanding that IDN tables need to be mutually coherent, the SubPro PDP and the Staff Paper recommend that the set of allocatable or activated second-level variant labels may not be identical across the activated IDN variant TLDs. Meaning, their behavior/disposition can be different.<sup>158</sup>

Under the conditions above, may the set of allocatable or activated second-level variant labels not behave identically under an individual TLD, which does not have any variant TLD label?

**c5)** There is existing practice by registries to harmonize IDN tables, but there is no data on the various methods they may have used. The Staff Paper suggests maintaining a common set of harmonized second-level IDN tables for all IDN variant TLDs and then (a) choosing all these IDN tables to offer for all IDN variant TLDs, or (b) choosing a relevant different subset of IDN tables to offer for each different IDN variant TLD.<sup>159</sup>

The WG and the SubPro IRT to coordinate and consider the following question in order to develop a consistent solution: are the above suggested methods in the Staff Paper sufficient for IDN table harmonization purposes? Should any additional implementation guidance be provided for a registry?

**c6)** To facilitate the harmonization of IDN tables, the Staff Paper recommends that IDN tables for the second-level be formatted in the machine readable LGR format specified in RFC 7940, Representing Label Generation Rulesets Using XML.<sup>160</sup> However, each Registry Operator can harmonize the IDN tables today via software development solutions or are already in process of doing so.

The WG and the SubPro IRT to coordinate and consider the following question in order to develop a consistent solution: should Registry Operators be required to use the machine readable LGR format as specified in RFC 7940 for their second-level IDN tables? Or should Registry Operators have the flexibility to resolve the harmonization issue so long as it can predictably and consistently produce the same variant labels, albeit with different disposition values, across the same-script IDN tables?

Consider this question by taking into account the data to be collected in the “Data and Metric Requirements” section of this charter.

<sup>157</sup> The Staff Paper does not explicitly make such recommendation with respect to a given TLD that does not have variants, but the proposed IDN Implementation Guidelines 4.0 recommends such.

<sup>158</sup> See Recommendation 25.8 in the SubPro PDP Final Report, p.116: <https://gnso.icann.org/sites/default/files/file/field-file-attach/final-report-newgtld-subsequent-procedures-pdp-02feb21-en.pdf#page=116>; Recommendation 6 in the Staff Paper, p.4: <https://www.icann.org/en/system/files/files/idn-variant-tld-recommendations-analysis-25jan19-en.pdf#page=4>

<sup>159</sup> See Section 3.5.1 in the Staff Paper, p.14: <https://www.icann.org/en/system/files/files/idn-variant-tld-recommendations-analysis-25jan19-en.pdf#page=14>

<sup>160</sup> See RFC 7940 here: <https://www.rfc-editor.org/info/rfc7940>; Section 3.3.1 in the Staff Paper, pp.9-10: <https://www.icann.org/en/system/files/files/idn-variant-tld-recommendations-analysis-25jan19-en.pdf#page=9>



**D. Adjustments in registry agreement, registry service, registry transition process, and other processes/procedures related to the domain name lifecycle:**

**d1)** The same entity principle for variant TLDs -- having the same registry operator and the same back-end registry service provider for gTLD and its variant labels at the top-level -- needs to be effectuated legally and operationally.

From a legal standpoint there will be a binding document(s) between ICANN and the registry operator (e.g., Registry Agreement), which should memorialize the relationship between each allocated TLD and its variant labels, as well as the obligations to maintain such condition during the life of the contract(s). From an operational standpoint, an application process, testing of registry services, fee structure, and other aspects need to be defined and developed.

The EPDP should discuss and develop the proper legal and operational framework in order to strike a balance between conservatism, innovation, adoption and other aspects of the IDN implementation. The WG and the SubPro IRT to coordinate and consider the following questions in order to develop a consistent solution:

**d1a)** A TLD is subject to a Registry Agreement with ICANN. In case of IDN variant TLDs, ICANN would execute the Registry Agreement with the same entity but potentially diverge in future Registry Agreement amendments, addendums, and renewals. Should each TLD label be the subject of a separate Registry Agreement with ICANN?<sup>161</sup> If not, should each TLD label along with its variant labels be subject to one Registry Agreement with the same entity? Rationale for such definition must be clearly stated along with the answer, including goals and motivations.

**d1b)** What should be the process by which an existing registry operator could apply for, or be allocated, a variant for its existing gTLD? What should be the process by which an applicant applying for a new IDN gTLD could seek and obtain any allocatable variant(s)? What should be the associated fee(s), including the application fees and annual registration fees for variant TLDs? Should any specific implementation guidance be provided?<sup>162</sup>

**d2)** In order to ensure that the same entity principle is maintained for a gTLD and its allocated variant TLD labels, what are the operational and legal impacts to the:

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<sup>161</sup> Based on the premise that an IDN variant TLD label is a TLD label with its status indistinguishable from any other TLD label in the root zone, the Staff Paper recommends that each variant TLD would be the subject of a separate Registry Agreement with ICANN, as each variant TLD is, in effect, one a TLD. See Section 3.6 in the Staff Paper, p.15: <https://www.icann.org/en/system/files/files/idn-variant-tld-recommendations-analysis-25jan19-en.pdf#page=15>

<sup>162</sup> SubPro PDP did not have substantive discussion about this question. Some SubPro PDP members believe that allocatable variant TLDs should be made available to IDN gTLD registry operators and applicants, with only limited procedures and costs in place. As these deliberations arose late in the SubPro PDP's life cycle, the group elected to only recommend the "same entity" principle for variant TLDs but refrained from providing recommendations on how variant TLDs can be obtained. However, SubPro includes in its recommendation that the "same entity" policy for the top-level must be captured in the relevant Registry Agreement. See Rationale for Recommendation 25.5 in the SubPro PDP Final Report, p.117: <https://gns0.icann.org/sites/default/files/file/field-file-attach/final-report-newgtld-subsequent-procedures-pdp-02feb21-en.pdf#page=117> and Recommendation 25.5 in the SubPro PDP Final Report, p.115: <https://gns0.icann.org/sites/default/files/file/field-file-attach/final-report-newgtld-subsequent-procedures-pdp-02feb21-en.pdf#page=115>

- Registry Transition Process or Change of Control in the Registry Agreement;<sup>163</sup>
- Emergency Back-End Registry Operator (EBERO) provisions; and
- Reassignment of the TLD as a result of the Trademark Post-Delegation Dispute Resolution Procedure (TM-PDDRP)?<sup>164</sup>

**d3)** In order to ensure that the same entity principle is maintained, what are the operational and legal impacts to the data escrow policies, if any.<sup>165</sup>

**d4)** Regarding second-level domain names, should a variant set behave as one unit, i.e., the behavior of one domain name is replicated across the other variant domain names? Or should each variant domain name have its own independent domain name life cycle?<sup>166</sup> Consider the operational and legal impact of the “same entity” principle, if any, to all aspects of a domain name lifecycle, including but not limited to:

- Registration, including registration during the Sunrise Period, any Limited Registration Period,

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<sup>163</sup> The Staff Paper recommends that each set of registry agreement(s) must contain provisions requiring all the labels in the Internationalized Domain Label (IDL) set to follow the same process in the event of any registry transition via a Registry Transition Process or Change of Control. In no event, should the composition of the allocated and delegated set of variant TLDs be allowed to change at the same time as the change of the Registry Operator. The SubPro PDP also agrees that to the extent that the TLD were to change hands at any point after delegation, the variant TLDs must remain linked contractually, which should be considered a persistent requirement (e.g., this would impact gTLD registry transition procedures). See Section 3.6 in the Staff Paper, p.15:

<https://www.icann.org/en/system/files/files/idn-variant-tld-recommendations-analysis-25jan19-en.pdf#page=15> and Rationale for Recommendation 25.5 in the SubPro PDP Final Report, p.117:

<https://gnso.icann.org/sites/default/files/file/field-file-attach/final-report-newgtld-subsequent-procedures-pdp-02feb21-en.pdf#page=117>

<sup>164</sup> The Staff Paper recommends that an emergency transition of a TLD to an EBERO must trigger an emergency transition of all variant TLDs to the EBERO. In addition, the SubPro PDP also agrees that EBERO would be impacted due to the persistent requirement of ensuring that variant TLDs must remain linked contractually. See Section 3.6 in the Staff Paper, p.16: <https://www.icann.org/en/system/files/files/idn-variant-tld-recommendations-analysis-25jan19-en.pdf#page=16> and Rationale for Recommendation 25.5 in the SubPro PDP Final Report, p.117:

<https://gnso.icann.org/sites/default/files/file/field-file-attach/final-report-newgtld-subsequent-procedures-pdp-02feb21-en.pdf#page=117>. In the case where a Registry Agreement is terminated as a result of a TM-PDDRP

determination, this would trigger the Registry Transition Procedure and various outcomes could apply. The Staff Paper notes that in the case of a reassignment of the TLD, the “same entity” rule should continue to apply so that the variant TLDs would be assigned to the same entity together. See Section 3.7 in the Staff Paper, p.18:

<https://www.icann.org/en/system/files/files/idn-variant-tld-recommendations-analysis-25jan19-en.pdf#page=18>

<sup>165</sup> Data escrow is the act of storing data with a neutral third party in case of registry or registrar failure, accreditation termination, or accreditation relapse without renewal. ICANN requires all registrars and gTLD registries to contract with a data escrow provider in order to safeguard registrants. Because each variant of the IDL set is just another registration, data escrow policies for TLDs apply individually to each. The Staff Paper notes that the data escrow requirements are automatically satisfied for variant TLDs. See Section 3.9.2 in the Staff Paper, p.22:

<https://www.icann.org/en/system/files/files/idn-variant-tld-recommendations-analysis-25jan19-en.pdf#page=22>

<sup>166</sup> One view is that if each variant allocation is simply a different registration, it follows that names can be created and can expire at different times, despite the “same-entity” rule. See Section 3.9.4 in the Staff Paper, p.22:

<https://www.icann.org/en/system/files/files/idn-variant-tld-recommendations-analysis-25jan19-en.pdf#page=22>.

Another view is that if each variant allocation is supposed to be the same registration, it follows that names should expire at the same time, however some registry operators may implement it differently and consider them billable transactions instead.



any Launch Program and during General Registration

- Update
- Renewal
- Transfer
- Lock
- Suspension
- Expiration
- Redemption
- Deletion

**d5)** For reporting and fee accrual purposes, should each variant domain name be considered an independent registration? Or should such variant labels be considered as an atomic set (irrespective of whether any of the names is actually activated in the DNS, and whether any of the variants is actually registered)? Rationale for such definition must be clearly stated. Should any specific implementation guidance be provided? For example, what would be the impact to the registration payment at the Registry Operator level and at ICANN org?

**d6)** To ensure that the “same entity” principle is followed, the transfer of a domain name registration to a new entity – voluntary or involuntary, and inter-registrants or inter-registrars – should result in transfer of all variant domain names (i.e., if s1.t1 is to be transferred, s1.t1, s1.t1v1, s1v1.t1 and s1v1.t1v should all be transferred).

The WG, the Transfer Policy PDP, and the RPM PDP Phase 2 to coordinate and consider the following questions in order to develop a consistent solution: to what extent should the Transfer Policy be updated to reflect domain name relationships due to variants and the “same entity” requirement?

**D6a)** Should transfers ordered by the Uniform Domain-Name Dispute-Resolution Policy (UDRP) or any other dispute resolution mechanisms be treated the same way to follow the “same entity” requirement?<sup>167</sup>

**D7)** Should the policies and procedures related to domain name suspension be updated to ensure that the “same entity” principle is followed for all variant domain names (i.e., if s1.t1 is to be suspended, s1.t1v1, s1v1.t1 and s1v1.t1v1 should all be suspended)? In other words, if one domain label is suspended, either voluntarily or involuntarily, should all the variant labels related to that domain be suspended?

**D7a)** Should the suspensions ordered by the Uniform Rapid Suspension System (URS) or any other dispute resolution mechanisms be treated the same way to follow the “same entity” requirement?<sup>168</sup>

**D8)** What additional updates to the Registry Agreement are necessary to ensure the labels under variant TLDs follow the “same entity” rule? For example, the Staff Paper recommends that the following requirements must be included in the Registry Agreement; some of the charter questions are also related to those topics:<sup>169</sup>

- Subordinate names allocated by the Registry Operator in the TLD be treated as an atomic set. This is true irrespective of whether any of the names is actually activated in the DNS, and whether any of the variants is actually registered. **[related to questions c1, d4, d5]**

- All the different IDN tables being used by the IDN gTLD and its variant gTLDs be harmonized. **[related to questions c4, c5]**
- All the IDN variant TLDs be implemented through the same registry service provider, to promote a consistent and stable implementation across all such variant TLDs. **[related to questions b2, b4]**

Are there any additional updates that need to be considered that are not included in this list?

**E. Adjustments to objection process, string similarity review, string contention resolution, reserved strings, and other policies and procedures:**

*This Charter recognizes the processes established by the SubPro PDP and the inclusion of questions here is not to amend the structure or framework of those processes but rather, to ensure that they are able to properly accommodate variants and follow the same entity principle for existing and future gTLDs.*

**E1)** In considering the conclusion(s) with respect to question **b4a)**, what role, if any, do TLD labels “withheld for possible allocation” or “withheld for the same entity” play vis-a-vis:

- objection process; and
- string similarity review Process?

**e2)** Under the rules of the most recent gTLD application round, there are four criteria for objections to a string (see *gTLD Applicant Guidebook*, version 2012-06-04, section 3.2.1).<sup>170</sup> The SubPro PDP has also affirmed the continuation of these four criteria for objections to a string, while proposing recommendations and implementation guidance to enhance/adjust these criteria.<sup>171</sup>

The WG and the SubPro IRT to coordinate to ensure consistency in the implementation of the **objection** process for the variant label applications of existing and future TLDs.

**e3)** In the Initial Evaluation for new gTLD applications, a proposed applied-for TLD is checked against several criteria as part of the string similarity review process (see *gTLD Applicant Guidebook*, version 2012-06-04, section 2.2.1.1.1).<sup>172</sup> The SubPro PDP affirmed these standards, while proposing recommendations and implementation guidance to enhance the process.<sup>173</sup>

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<sup>167</sup> See more details about the UDRP related discussions in Section 3.7 in the Staff Paper, pp.17-18:

<https://www.icann.org/en/system/files/files/idn-variant-tld-recommendations-analysis-25jan19-en.pdf#page=17>

<sup>168</sup> See more details about the URS related discussions in Section 3.7 in the Staff Paper, p.18:

<https://www.icann.org/en/system/files/files/idn-variant-tld-recommendations-analysis-25jan19-en.pdf#page=18>

<sup>169</sup> Section 3.6 in the Staff Paper, p.16: <https://www.icann.org/en/system/files/files/idn-variant-tld-recommendations-analysis-25jan19-en.pdf#page=16>:

<sup>170</sup> The four criteria are: String Confusion Objection; Legal Rights Objection; Limited Public Interest Objection; and Community Objection.

<sup>171</sup> See “Topic 31: Objections” in the SubPro PDP Final Report, pp.145-154:

<https://gnso.icann.org/sites/default/files/file/field-file-attach/final-report-newgtld-subsequent-procedures-pdp-02feb21-en.pdf#page=145>

<sup>172</sup> These criteria are: existing TLDs and reserved names; other applied-for strings; strings requested as IDN ccTLDs; and applied-for 2-character IDN gTLD strings against every other single character and any other 2-character ASCII string.

<sup>173</sup> See “Topic 24: String Similarity Evaluations” in the SubPro PDP Final Report, pp.108-114:

<https://gnso.icann.org/sites/default/files/file/field-file-attach/final-report-newgtld-subsequent-procedures-pdp-02feb21-en.pdf#page=108>

The WG and the SubPro IRT to coordinate to ensure consistency in the implementation of the **string similarity review** procedure for variant label applications of existing and future GTLDs.<sup>174</sup>

**e3a)** After a requested variant string is rejected as a result of a string similarity review, should the other variant strings in the same variant set remain allocatable? Should individual labels be allowed to have different outcomes/actions (e.g., some labels be blocked and some be allowed to continue with an application process)?<sup>175</sup>

**e4)** Under current procedures, resolution of string contention for applied for gTLD strings may include components such as a settlement between the parties, a community priority evaluation (if a community-based applicant in a contention set elects this option), and an auction. SubPro PDP affirmed these components while proposing recommendations and implementation guidance to enhance the mechanisms for string contention resolution.<sup>176</sup>

The WG and the SubPro IRT to coordinate to ensure consistency in the implementation of the **string contention resolution** mechanism for variant label applications of existing and future new gTLDs.<sup>177</sup>

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<sup>174</sup> The Staff Paper recommends that the string similarity process to compare strings under consideration not just against all allocated or applied-for strings, but also all variants of those strings (including allocatable, withheld-same-entity, and blocked). For example, if a string is merely withheld-same-entity and a second string is visually similar, then allocating the second string undermines the predictability of the outcome of variant processing from the RZ-LGR. Similarly, if a string is blocked under the RZ-LGR, but a visually similar string is allocatable, then the second (visually similar) string might become a “work around” for the blocked string. This approach is maximally conservative. It is nevertheless worth noting that this expands considerably the number of strings that might need to be considered; the entire similarity review process will consequently probably become more expensive to operate. See Section 3.8 Adjustments in String Similarity Process in the Staff Paper, pp.18-19: <https://www.icann.org/en/system/files/files/idn-variant-tld-recommendations-analysis-25jan19-en.pdf#page=18>

Staff Paper further recommends that in the event that two or more applied-for variant strings are visually similar, they may only be allocated if they are associated with the same variant set and are being requested by the same entity. In case of such conflicts across variants, the entire IDL set gets processed as one contention set; if one of the labels is already allocated, the contention is resolved in favor of the current operator. The Staff Paper recommends that it is necessary to perform the visual similarity checks for every requested-to-be-allocated variant in any given set against all the possible variants in every other set. This is because such an available variant could be requested at any time in the future. See Section 3.8.1 in the Staff Paper, pp.20-21: <https://www.icann.org/en/system/files/files/idn-variant-tld-recommendations-analysis-25jan19-en.pdf#page=20>

<sup>175</sup> The Staff Paper recommends that the following outcomes may be considered: 1) only the variant string requested for delegation is rejected. For example, the requested variant t1v2 of top-level label t1 will get rejected while t1v1 and t1v3 from the same variant set continue to remain allocatable; or 2) the entire variant set is rejected. For example, the requested variant t1v2 of top-level label t1 will get rejected including t1v1 and t1v3 from the same variant set as t1v2. This outcome appears to be difficult to justify, though an applicant could decide that, if it cannot receive t1v2 then it does not wish to proceed with the application. See Section 3.8.2 in the Staff Paper, pp.21:

<https://www.icann.org/en/system/files/files/idn-variant-tld-recommendations-analysis-25jan19-en.pdf#page=21>  
<sup>176</sup> See “Topic 35” in the SubPro PDP Final Report, pp. 173-182: <https://gnso.icann.org/sites/default/files/file/field-file-attach/final-report-newgtld-subsequent-procedures-pdp-02feb21-en.pdf#page=173>

<sup>177</sup> For contention issues that involve the same entity, the Staff Paper suggests that the following resolution options may be considered, with a preference to the second option: 1) When the requested variant strings are placed in a contention set for later evaluation, the applicant is notified of the contention set and has the opportunity to establish that both applications are from the same entity. 2) It may be more efficient to establish early on in the string similarity review that the variant strings are being requested by the same entity prior to reaching the contention phase. See Section 3.8.2 in the Staff Paper, p. 21: <https://www.icann.org/en/system/files/files/idn-variant-tld-recommendations-analysis-25jan19-en.pdf#page=21>

**e5)** The WG and the SubPro IRT to coordinate and consider the following questions in order to develop a consistent solution: should the **reserved strings** ineligible for delegation for existing and future gTLDs be updated to include any possible variant labels? Consider this question by taking into account the data to be collected in the “Data and Metric Requirements” section of this charter.

**e6)** The WG and the SubPro IRT to coordinate and consider the following questions in order to develop a consistent solution: is there any reason to permit the registration of gTLDs consisting of decorated two-character Latin labels which are not variant labels of any two-letter ASCII labels?<sup>178</sup> If so, rationale must be clearly stated.

**e7)** Besides the objection process, string similarity review, and string contention resolution, what other ICANN policies and procedures should be updated to enforce the “same entity” rule and the use of RZ-LGR as the sole source to calculate the variant Labels and disposition values?<sup>179</sup> See the list of ICANN Consensus Policies here: <https://www.icann.org/resources/pages/registrars/consensus-policies-en>

#### **F. Adjustments in registration dispute resolution procedures and trademark protection mechanisms:**

**f1)** Trademark Clearinghouse (TMCH) mechanism functions include authenticating information from rights holders and providing this information to registries and registrars. Recording a trademark with the TMCH provides a rights holder with access to Sunrise registration periods in new gTLD registries and the Trademark Claims services. If Registry Operator has implemented IDN variant registration policies for the TLD, Registry Operator MAY allocate or register IDN variant labels generated from a label included in a valid SMD file during the Sunrise Period, provided that (i) such IDN variant registration policies are based on the Registry Operator’s published IDN tables for the TLD and (ii) such policies are imposed consistently in the Sunrise Period, any Limited Registration Period, any Launch Program and during General Registration.<sup>180</sup>

The Review of All Rights Protection Mechanisms (RPMs) in All gTLDs PDP Phase 1 recommends maintaining the TMCH’s current “exact match” rules, the current availability of Sunrise registrations only for identical matches, and the current exact matching criteria for the Claims Notice.<sup>181</sup>

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<sup>178</sup> The ccTLD labels in the root depend on an external registry (ISO 3166) that allocates alphabetic codes to countries. In order to ensure that no conflicts with future assignments by ISO can happen, ICANN has traditionally also maintained a restriction against the use of two-letter TLDs for all Latin script letters; no variants should be generated for ccTLDs based on the ISO3166 codes. This principle is also reaffirmed by the SubPro PDP. See Recommendation 21.6 in the SubPro Final Report, p.95: <https://gnso.icann.org/sites/default/files/file/field-file-attach/final-report-newgtld-subsequent-procedures-pdp-02feb21-en.pdf#page=95>

<sup>179</sup> IDN Variant TLD Implementation Staff Paper: <https://www.icann.org/en/system/files/files/idn-variant-tld-recommendations-analysis-25jul18-en.pdf>

<sup>180</sup> See section 2.4.2 of the Trademark Clearinghouse Rights Protection Mechanism Requirements: <http://newgtlds.icann.org/en/about/trademark-clearinghouse/rpm-requirements-30sep13-en.pdf>

<sup>181</sup> See RPM Phase 1 Final Report, TMCH Final Recommendation #2, Sunrise Final Recommendation #4, and Trademark Claims Final Recommendation #4 on pp.35-36, 44, and 52-53 here: <https://gnso.icann.org/sites/default/files/file/field-file-attach/rpm-phase-1-proposed-24nov20-en.pdf>

In considering the information above, are there any adjustments to the TMCH and its Sunrise and Trademark Claims services needed?<sup>182</sup> Consider this question by taking into account the data to be collected in the “Data and Metric Requirements” section of this charter.

**f2)** In order to ensure that the “same entity” principle is maintained, what are the additional operational and legal impacts to the following RPMs that are not considered in the above charter questions, which mostly concern the outcomes or remedies of dispute resolution procedures or trademark protection mechanisms?

- TMCH and its Sunrise and Trademark Claims services
- URS
- TM-PDDRP
- UDRP

### **IDN Implementation Guideline**

#### **G. Process to update the IDN Implementation Guidelines**

**g1)** What should be the proper vehicle to update the IDN Implementation Guidelines?<sup>183</sup>

**g1a)** Given that the contracted parties are contractually bound to adhere to the IDN Implementation Guidelines, is there a need for a separate legal mechanism specifically for the implementation of IDNs among gTLDs, as well as a general guideline for any registry (including ccTLD registries) that wishes to implement IDNs?

#### **Deliverables:**

The WG shall respect the timelines and deliverables as outlined in [Annex A](#) and Annex A-1 of the ICANN Bylaws, the [EPDP Manual](#), and the [PDP Manual](#).

For the avoidance of doubt, the following sections of the PDP Manual shall not apply to an EPDP:

- Section 2 (Requesting an Issue Report);
- Section 4 (Recommended Format of Issue Report Requests);
- Section 5 (Creation of the Preliminary Issue Report);

<sup>182</sup> SAC060 points out that in the current design of RPMs related to the TMCH process, there is a risk of homographic attacks. From a security and operations perspective, domain names that contain variants of a mark must be protected during the Sunrise and Claims Period. SSAC advises two ways to handle variants and TMCH to achieve such protections; each has benefits and downsides: 1) variant calculation at the registry level, and checking TMCH for the existence of marks for variants in the calculated variant set; 2) variant calculation and checking inside the TMCH in addition to the already defined matching algorithm TMCH uses. See more information in SAC060, recommendation 10 on pp.16-18: <https://www.icann.org/en/system/files/files/sac-060-en.pdf#page=16> SAC060 further argues that the “exact match” as defined by TMCH is not really an identical match as in “bit-by-bit” or “character-by-character comparison” as a transformation stage is included before the actual matching. From a technical standpoint, the transformation stage currently as specified from is unclear and does not take non-ASCII based scripts into account. See SAC060, Recommendation 12, pp.19-20: <https://www.icann.org/en/system/files/files/sac-060-en.pdf#page=19>. The SSAC also advises that during the Trademark Claims service, a name registered under a TLD that has variant TLDs should trigger trademark holder notifications for the registration of the name in the TLD and all its allocated variant TLDs. See SAC060, Recommendation 13, p.20: <https://www.icann.org/en/system/files/files/sac-060-en.pdf#page=20>

<sup>183</sup> ccPDP4 refers to the Country Code Names Supporting Organization’s Policy Development Process on the Selection and Deselection of IDN ccTLD Strings. The process to update the RDAP Profiles is being developed by the Contracted Parties and ICANN org as part of their ongoing contractual negotiations. A DT member suggested that once that is finalized, the EPDP Working Group may want to consider that as a model for updating the IDN Guidelines.

- Section 6 (Public Comment on the Preliminary Issue Report); and
- Section 7 (Initiation of the PDP)

Except as otherwise expressly modified or excluded herein, all other provisions of the PDP Manual shall apply in full to an EPDP, including without limitation the publication of an Initial Report for public comments. In the event of a conflict in relation to an EPDP between the provisions of the PDP Manual and the specific provisions in the EPDP Manual, the provisions herein shall prevail.

As its first deliverable, the WG is expected to deliver to the GNSO Council a **work plan**, in addition to other project management products that help plan, guide, track, and report the progress of the WG from start to finish, and include the necessary data and information to help the GNSO Council assess the progress of the WG. See more details in Section III. of this charter.

At the minimum, the WG shall complete the following deliverables:

- An **Initial Report** which includes preliminary recommendations that stem from the charter questions as noted in the “Mission and Scope” section of this Charter, as well as other items that were considered and deliberated upon by the WG.
- A **Final Report** following review of public comment for the Initial Report.

The WG has the discretion to produce additional outputs or deliverables for public comment opportunities as it deems appropriate.

Furthermore, the WG should identify a **set of metrics** to measure the effectiveness of the policy recommendations. The identification, attainment, and analysis of metrics/data should be based on how they address the challenge of achieving security and usability goals for IDN variants in a stable manner. Current state baselines of the policy and initial benchmarks shall also be identified. Metrics may include but not limited to:

- ICANN Compliance data;
- Industry metric sources;
- Community input via public comment;
- Surveys or studies.

If the WG concludes with **any recommendations**, the WG should also provide a high-level framework or **implementation guidance** to the subsequent policy Implementation Review Team for their consideration when implementing the recommendations after the ICANN Board adoption.

#### Data and Metric Requirements:

The WG may consider collecting the following suggested data and metrics as a starting point to assist its deliberations. However, the WG has the discretion to determine what specific data and metrics it wishes to collect to meet the purposes below.

1. Determine a set of questions which, when answered, provide the insight necessary to achieve the policy goals.  
See all the questions under “scope & charter questions” of Section II: Mission, Purpose, and Deliverables

2. Determine whether certain data is required to help understand a specific issue or answer a charter question (charter question numbers are indicated next to the data points).

- Using the latest version of the RZ-LGR determine the variant labels of the 2012 New gTLD Round and determine whether the list of calculated variants match those that were identified by the applicant (a2)
- Time needed to create an LGR script proposal and frequency a RZ-LGR is updated (a4, a6)
- Methods used to establish the same entity at the second-level by the same Registrar and across different Registrars (c3, c3a)<sup>184</sup>
- Number of registries that use the machine readable LGR format specified in RFC 7940 for second-level IDN tables (c6)
- Using the latest version of the RZ-LGR determine the variant labels, if any, of i) all delegated gTLDs, and ii) all ICANN reserved TLD labels. Determine whether the calculation is consistent with reality or whether any exceptions need to be considered (e5)
- Breakdown of the scripts/languages represented in a validated and active trademark in the TMCH (f1)

3. Determine a set of data and metrics which can be collected and analyzed to help answer the specific question.

See data points under item 2 above.

10. 4. Submit a Working Group Metrics Request Form (see GNSO Working Group Guidelines Section 4.5), if data gathering at the charter drafting phase or during the working phase is deemed necessary.

At the charter drafting phase, no metrics request is deemed necessary. WG leaders shall review the [Checklist: Criteria to Evaluate Request for Data Gathering](#) to understand the need for performing due diligence before submitting a data gathering request to the GNSO Council.

## Section III: Project Management

### Work Product Requirement:

The WG leadership, in collaboration with the WG support staff and GNSO Council liaison, shall use a standard set of project management work products that help plan, guide, track, and report the progress of the WG from start to finish, and include the necessary data and information to assess the progress of the WG. These work products include but not limited to:

- Work Plan
- Summary Timeline
- Project Situation Report
- Project Plan
- Action Items

See the full suite of work products in the [GNSO Project Work Product Catalog](#).

<sup>184</sup> At the charter drafting phase, no extensive survey requiring budget allocation or potential third party involvement was envisioned to collect the suggested data point. The GNSO Council Charter Drafting Team envisioned that a questionnaire may be developed by the WG and distributed to the contracted parties via ICANN org. Nevertheless, the WG has the discretion to determine what specific data and metrics it wishes to collect and what methods to collect them.



Specifically, the WG is expected to deliver its work plan to the GNSO Council as its first deliverable. The work plan is expected to include a proposed sequence to address the topics covered in this charter, as well as a map of dependencies among these topics.

The WG may choose to conduct its work in one, two, or multiple phase(s) based on the sequence of topics that it identifies. Consequently, the WG has the discretion to produce additional outputs or deliverables for public comment opportunities as it deems appropriate.

The WG's last Final Report is expected to be delivered to the GNSO Council for its consideration no later than 12 months after the WG convenes for its first meeting.

#### **Project Status & Condition Assessment:**

The WG leadership, in collaboration with the WG support staff and the GNSO Council liaison, shall assess the Status and Condition of the project at least once a month. Such frequency is required in preparation for the GNSO Council monthly meeting, where At-Risk or In-Trouble projects are subject to review by GNSO Council leadership, and in some instances may be deliberated by the full GNSO Council.

The WG leadership, in collaboration with the WG support staff and the GNSO Council Liaison, shall use an [escalation procedure](#), which defines specific conditions that trigger the execution of a repeatable mitigation plan. The objective of this exercise is to return the project to an acceptable state ultimately achieving its planned outcomes.

#### **Project Change Request:**

The WG shall submit a [Project Change Request \(PCR\) Form](#) to the GNSO Council when its deliverable and baseline delivery date are revised. The PCR shall include a rationale for why these changes were made, their impacts on the overall timeframe of the PDP or any other interdependencies, and a proposed remediation plan.

The use of the PCR mostly occurs when primary deliverable dates are changed due to unforeseen or extreme circumstances. However, it can also be used to document changes in the deliverable requirements that may not have been identified in the chartering process.

When the PCR is required, it should be completed by the WG Chair and it will likely be presented to the GNSO Council for approval.

#### **Resources Tracking:**

The purpose for resource tracking is to deliver its work according to the work plan and be responsible for managing these resources.

For projects where dedicated funds are provided outside of budgeted policy activities, the WG shall provide regular budget versus actual expense reporting updates using a GNSO approved tool to allow for a better tracking of the use of resources and budget.



## Section IV: Formation, Staffing, and Organization

### Working Group Model:

**Working Group Model:** Representative + Open Model (Members + Participants + Observers)

**Rationale:** The “Representative + Open Model” is chosen to enable the WG to conduct and conclude its work in an efficient/effective manner while satisfying the outreach purpose to have an inclusive community participation.

A limited number of ICANN community members have prerequisite knowledge, background, or expertise in the subject matter. As a result, a limited number of Members appointed by specified community groups, who must possess a level of expertise as detailed in the “Membership Criteria” section in this charter, should drive the deliberations of the WG and participate in the consensus designation process for final recommendations.

Nevertheless, as the IDN topic is of interest to the broader ICANN community and impacts various stakeholders, the WG welcomes anyone to join as a Participant, who can attend and actively participate in all WG meetings, with the exception of the consensus designation process. Participants are encouraged to possess similar levels of expertise as Members and continuously engage in the WG deliberation throughout its lifecycle in order to effectively participate and contribute input.

### Membership Structure:

**Role Descriptions:** All persons actively participating in the Working Group (i.e., Members and Participants) are expected to abide by the Statement of Participation, which is enforceable by the WG Chair and GNSO Council Leadership Team. See Section V. for details.

- **Members:** Members are expected to participate during the course of deliberations and in any WG consensus calls. Members are expected to represent the view of their appointing organization, and may be called on to provide the official position of their appointing organization. Members are required to have a level of expertise in IDN issues, ICANN policies and procedures as they relate to IDNs, and registry/registrar services and domain name life cycle. See “Membership Criteria” section of this charter for more details.

In the event a GNSO SG/C or SO/AC is unable to nominate a member, at least one Participant should be responsible for keeping their respective group informed of milestones and potential recommendations that may affect the group

- **Participants:** Participants may be from a GNSO SG/C or SO/AC, or may be self-appointed and derive from within the ICANN or broader community. Participants will be able to actively participate in and attend all WG meetings. Participants are encouraged to participate in the WG deliberation throughout its lifecycle and are expected to keep up with all relevant WG deliberations to ensure they remain informed and can contribute when needed. However, Participants do not participate in the consensus designation process.

Participants are encouraged to possess similar levels of expertise as Members with respect to IDN issues, ICANN policies and procedures, and registry/registrar services in order to contribute to the deliberations effectively.

No upper limit of participants are expected to be set at the chartering phase. However, the WG leadership may decide, in consultation with the WG, whether new Participants can be accepted after the start of the WG effort. See details in the “B. Joining of New Members After Project Launch” in this charter.

- **Observers:** Anyone interested in this EPDP may join as an observer. Observers are provided with read-only access to the mailing list and are not invited to attend meetings.

**GNSO Council Liaison:** The GNSO Council shall appoint one (1) Liaison who is accountable to the GNSO. The GNSO Council Liaison must be a member of the Council, and the Council recommends that the Liaison should be a Council member and be able to serve during the life of this WG. See detailed description in the “GNSO Council Liaison” sect

- ion below.

**ccNSO Liaison:** The Country Code Names Supporting Organization (ccNSO) shall appoint one (1) Liaison to monitor the deliberation of this WG. This is to fulfill ICANN Board’s request that the GNSO coordinates with the ccNSO to ensure a consistent solution is developed for IDN variant TLDs and IDN variant ccTLDs. ccNSO has the option to appoint its Liaison also as its Member who represents the ccNSO in this EPDP WG. Any person from the ccNSO may participate as a Participant

- in the WG.

**ICANN Org Liaison(s):** The ICANN Org Global Domains & Strategy (GDS) department shall appoint at least one (1) Liaison, who is expected to provide timely input on issues that may require ICANN Org input such as implementation-related queries and issues requiring subject matter expertise in IDNs. The ICANN Staff Liaison(s) is not expected to advocate for any position and/or participate in any EPDP Team consensus calls.

**Membership Structure:**

Some groups may choose not to appoint any Members to the WG. The table below indicates the maximum number of Members that groups may appoint.

Group	Member (up to)	Liaison
RySG	3	
RrSG	3	
IPC	3	
BC	3	
ISPCP	3	

NCSG	3	
ccNSO	3	1*
ALAC	3	
GAC	3	
SSAC	3	
RSSAC	3	
GNSO Council		1
ICANN Org GDS		At least 1

*\*ccNSO has the option to appoint its liaison also as one of its Member(s) who represent the ccNSO in this EPDP WG.*

The GNSO Secretariat is expected to circulate a “Call For Volunteers” in accordance with the group structure determined by the GNSO Council:

- Publication of announcement on relevant ICANN web sites including but not limited to the GNSO and other Supporting Organizations and Advisory Committee web pages; and
- Distribution of the announcement to GNSO Stakeholder Groups, Constituencies and other ICANN Supporting Organizations and Advisory Committees

**Membership Criteria:**

**10. A. Expected Skills for Working Group Members**

WG members shall review the full text of the [Working Group Member Skills Guide](#) to understand the responsibilities and skills that they are expected to have in order to fully participate in the WG activities.

Collectively as a group, the WG Members MUST possess:

- Technical knowledge of IDNs, including but not limited to: IDN related SubPro PDP recommendations, RZ-LGR, IDN variant definition and management, IDN tables, IDN implementation guidelines, SSAC advices as they relate to IDNs, and other policy efforts listed in the [Annex B](#) of the GNSO Council IDN Scoping Team Final Report; direct experiences in ICANN’s IDN policy efforts is strongly preferred;
- Technical, legal, and/or operational knowledge of ICANN policies and procedures as they relate to IDNs, including but not limited to: processes and procedures created for the 2012 New gTLD program, registration dispute resolution procedures and trademark protection mechanisms;
- Technical knowledge of registry/registrar services and domain name life cycle as they relate to IDNs;
- Familiarity with GNSO policy development processes; direct experience is strongly preferred;
- Commitment to participating in Working Group meetings on a regular and ongoing basis;
- Highly effective oral, written, and interpersonal communication skills (in simple, comprehensible English);
- Ability to create factual, relevant and easily understandable messages, and able to succinctly deliver them to the Working Group;
- Research skills with the ability to discern factual, factually relevant, and persuasive details and sources;

- Commitment to manage a diverse workload, while collaborating with a Working Group of individuals with different backgrounds and interests in driving objectives;
- Knowledge of Working Group discussions, actions taken at meetings, and deliverables;
- Understanding of the perspectives and interests of the members' own stakeholder group or constituency;
- Understanding of what consensus means and how consensus-building process works;
- Commitment to facilitate consensus by listening, explaining, mediating, proposing clear actions, and helping other members;
- Commitment to avoid blocking consensus by looking beyond the stakeholder group or constituency affiliation of other Working Group members and judging proposals/positions on their merits;
- Commitment to avoid re-litigating closed issues or deliberate obfuscation;
- Commitment to review the [Consensus Playbook](#) and attend potential training related to the Playbook, facilitate consensus building by employing the tools and techniques as detailed in the playbook;
- Maintain high personal levels of ethical conduct and integrity, including transparency of affiliation in the SOI, in treatment of others and respecting the professional reputation of all in the ICANN community.

Participants are encouraged to possess the aforementioned qualifications.

### **B. Joining of New Members After Project Launch**

New Members will only join after the launch of the PDP if a current Member is no longer able to continue in its membership. New WG Members should be mindful that, once input/comment periods have been closed, discussions or decisions should not be resurrected unless there is group consensus that the issue should be revisited in light of new information that has been introduced. If the reopening is perceived as abusive or dilatory, a WG member may appeal to the WG leadership.

Anyone can join a WG as a Participant at any point as long as they get up to speed and do not reopen previously closed topics, unless they provide new information. Nonetheless, the WG leadership may decide, in consultation with the WG and in reference of [Criteria for Joining of New Members](#) guidance, whether new Participants can be accepted after the start of the WG effort.

The WG could decide to suspend new Participants for several reasons, including but not limited to:

- The Working Group has produced its Initial Report, analyzed public comments, and is in the midst of a consensus process for its Final Report;
- The Working Group is nearing the end of a complex and lengthy policy development process and although it has not produced a Final Report, the status of the work is that the Working Group is too close to finalize its work such that new members would not be able to meaningfully contribute;
- Someone wishes to join as a participant in a sub-team of the Working Group, but that sub-team has completed its work and passed its recommendations to the full Working Group.

### **C. Expert Contributors**

The WG has flexibility/discretion to invite participation of the expert contributors in specific fields (e.g., rights protection mechanism related topics) as it deems necessary.

Expert contributors are not expected to participate in any consensus designation process, but provide perspective/expertise/knowledge to the PDP WG.

Based on the WG's determination, the Council may be able to use an independent evaluation process (e.g., GNSO Council Standing Selection Committee) to confirm whether those individuals have demonstrated the expertise/knowledge/perspective.

### **Leadership Structure:**

#### **One (1) Chair + One (1) Vice Chair**

The GNSO Council will appoint one (1) qualified, independent Chair (neutral, not counted as from the WG membership/participants) for the WG.

The WG, once formed, may select one (1) Vice Chair to assist the Chair. The Vice Chair can be selected among the WG's Members and Participants. However, if a Member is selected as the Vice Chair, this person shall change his/her Member status to Participant, and his/her appointing organization may appoint a new Member as a replacement.

Should at any point a Vice Chair need to step into the role of Chair, the same expectations with regards to fulfilling the role of Chair as outlined in this charter will apply.

### **Leadership Criteria:**

#### **Expectations for the WG Leadership (Chair + Vice Chair):**

The WG leadership is expected to carry out the role and responsibilities and meet the qualification as detailed in the [Expectations for Working Group Leaders & Skills Checklist](#).

In short, the WG leadership is expected to:

- Lead with neutrality and impartiality;
- Encourage representational balance;
- Ensure WG documents represent the diversity of views;
- Balance working group openness with effectiveness;
- Make time commitment;
- Contribute ideas and knowledge to working group discussions;
- Oversee project management of the WG deliberations;
- Build consensus;
- Make consensus designation on working group recommendations;
- Enforce compliance with Statement of Participation;
- Enforce compliance with ICANN's Expected Standards of Behavior;
- Ensure compliance with Community Anti-Harassment Policy;
- Be versed in GNSO Operating Procedures; and
- Handle working group complaint process.

#### **Expectation for the WG Chair:**

As outlined in the GNSO Working Group Guidelines, the purpose of a Chair is to call meetings, preside over working group deliberations, manage the process so that all participants have the opportunity to contribute, and report the results of the Working Group to the Chartering Organization. These tasks require a dedicated time commitment as each week calls have to be prepared, the agenda concretized, and relevant material reviewed. The Chair shall be neutral. While the Chair may be a member of any group which also has

representation on the Working Group, the Chair shall not act in a manner which favors such group. The Chair shall not be a member of the Working Group for purposes of consensus calls.

In addition, it is expected – that interested candidates shall have considerable experience in chairing working groups, and direct experience with at least one GNSO Policy Development Process throughout its lifecycle. Familiarity with the functioning of a Working Group is important to understand the various leadership skills that are necessary to employ during a WG’s lifecycle. For example, a Chair has to ensure that debates are conducted in an open and transparent manner and that all interests are equally and adequately represented within the Group’s discussions. During the later stages of a WG when recommendations are drafted, a Chair will benefit from understanding the viewpoints of various participants to ensure that an acceptable and effective outcome – ideally in the form of consensus – can be achieved.

The WG Chair is specifically expected to carry out the following responsibilities, including but not limited to:

- Attend all EPDP Working Group meetings to assure continuity and familiarity with the subject matter and the ongoing discussions;
- Prepare meetings by reading all circulated materials;
- Be familiar with the subject matter and actively encourage participation during the calls;
- Be active on the EPDP mailing list and invite EPDP WG members and liaisons to share their viewpoints;
- Drive the progress forward and assure that discussions remain on point;
- Work actively towards achieving policy recommendations that ideally receive full consensus;
- Ensure that particular outreach efforts are made when community reviews are done of the group's output;
- Underscore the importance of achieving overall representational balance on any sub-teams that are formed;
- Enforce Statement of Participation, ICANN’s Standards of Behavior, and Community Anti-Harassment Policy;
- Coordinate with staff and ensure that the WG is supported as effectively as possible; and
- Conduct consistent, adequate, and timely reporting to the GNSO Council on the progress of the PDP.

The WG Chair is expected to meet most of the following qualifications:

- Direct experience in consensus building processes and preferably direct experience in GNSO PDPs;
- Knowledge of and preferably direct experience in IDN related work at ICANN;
- Knowledge of ICANN policies and procedures as they relate to IDNs;
- Understanding of registry/registrar services and domain name life cycle as they relate to IDNs;
- Project management skills: including facilitating goal-oriented Working Group meetings, agenda setting and adherence, time management, encouraging collaboration, driving the completion of action items and achieving milestones in accordance with the WG timeline and work plan, keeping the Working Group’s actions, discussions and meetings focused on serving its ultimate goals and deliverables;
- Ability to enforce compliance with the Statement of Participation, ICANN’s Expected Standards of Behavior, and Community Anti-harassment Policy;
- Ability to determine when outreach is necessary and to undertake it;
- Ability to identify the diversity of views within the Working Group, if applicable;
- Knowledge of and ability to designate consensus on Working Group recommendations based on the level of agreement;
- Ability to help Working Group members understand that a consensus is a decision that is collaboratively reached and that the Working Group members can “live with”; accordingly, it may not be a perfect or unanimous decision;

- Commitment to review the [Consensus Playbook](#) and attend potential training related to the Playbook, facilitate consensus building by employing the tools and techniques as detailed in the playbook;
- Ability to refrain from promoting a specific agenda and ensuring fair, objective treatment of all opinions within the Working Group;
- Ability to distinguish between Working Group participants offering genuine dissent and those raising irrelevant or already closed issues merely to block the Working Group's progress toward its goal;
- Ability to halt disruption and, in extreme cases, exclude a Working Group member from a discussion per Section 3.5 of the GNSO Working Group Guidelines on Rules of Engagement;
- Ability to ensure that closed Working Group decisions are not revisited, unless there is a consensus to do so (usually in light of new information brought to the Working Group's attention);
- Ability to commit the time required to perform the WG Chair's responsibilities;
- Knowledge of topics in other policy efforts that have relations to or dependencies with the EPDP working group topics;
- Ability to create factual, relevant and easily understandable messages, and able to clearly deliver them to the Working Group
- Ability to deliver a point clearly, concisely, and in a friendly way
- Exhibit agility and confidence in evolving situations and is able to swiftly transition from topic to topic
- Highly effective oral, written, and interpersonal communication skills (in simple, comprehensible English);
- Excellent research skills with the ability to discern factual, factually relevant, and persuasive details and sources;
- Commitment to manage a diverse workload, while collaborating with a Working Group of individuals with different background and interests in driving objectives; and
- Able to effectively build a course of action, analyze trade-offs, and make recommendations even in ambiguous situations; and
- Knowledge of and ability to participate in the Working Group complaint process, commitment to review the [Clarification to Complaint Process in GNSO Working Group](#) Guidelines Section 3.7.

**Expressions of Interest for the WG Chair:**

Staff is expected to publish a request for Expressions of Interest for the role of Chair. The GNSO Council leadership and Standing Selection Committee leadership will jointly review the responses and will propose a Chair to the GNSO Council which will then either affirm the selection or reject the selection and send the process back to the GNSO Council leadership and Standing Selection Committee leadership.

The Expression of Interest should address the following issues, including but not limited to:

- What is the applicant's interest in this position?
- What particular skills and attributes does the applicant have that will assist him/her in chairing the WG and facilitating consensus building?
- What is the applicant's knowledge of and/or experience in IDN related work at ICANN?
- What is the applicant's knowledge of ICANN policies and procedures?
- What is the applicant's understanding of registry/registrar services and domain name life cycle as they relate to IDNs?
- What is the applicant's experience with the GNSO Policy Development Process?
- What is the applicant's experience with consensus building involving various stakeholders, as well as familiarity with the [Consensus Playbook](#)?
- Is the applicant able to commit the time required and necessary work needed to chair the EPDP?
- Does the applicant have any affiliation with or involvement in any organization or entity with any financial or non-financial interest in the subject matter of this EPDP?



- Also expected to be included:
  - A link to an up-to-date Statement of Interest (SOI) - <https://community.icann.org/x/c4Lg>
  - A statement confirming commitment and ability to act neutrally.

**Expectations for the Vice Chair:**

Finally, as also pointed out in the GNSO Working Group Guidelines, the Vice Chair may facilitate the work of the Chair by ensuring continuity in case of absence, sharing of workload, and allowing the Chair to become engaged in a particular debate. As a result, similar responsibilities and qualifications are expected from the Vice Chair, although the overall workload may be reduced as a result of being able to share this with the Chair.

**Leadership Review:**

The review of WG leadership provides a regular opportunity for the GNSO Council to check in with WG leadership and Council Liaison to identify resources or input that Council may need to provide, as well as opportunities for the leadership team to improve. The review also enables the GNSO Council to work with the WG leadership and Council Liaison to develop and execute a plan to address possible issues/opportunities identified.

The GNSO Council leadership and/or the Council Liaison may initiate the WG leadership review in response to circumstances indicating that a review is necessary.

The WG leadership shall review the full text of [Regular Review of Working Group Leadership](#) document to understand the regular review of WG leadership performance by the GNSO Council, as well as the [member survey](#) that feeds into the review. This leadership review may be conducted alongside the [WG self-assessment](#), or be integrated as part of the WG self-assessment based on the GNSO Council's further improvement of the review mechanism.

**GNSO Council Liaison**

The GNSO Council shall appoint one (1) Liaison who is accountable to the GNSO. The Liaison must be a member of the Council, and the Council recommends that the Liaison should be a Council member and be able to serve during the life of this WG.

The complete description of role & responsibilities for GNSO Council Liaison is described in the [GNSO Council Liaison Supplemental Guidance](#). In short, the GNSO Council Liaison is expected to:

- Fulfill liaison role in a neutral manner
  - Importantly, the liaison is expected to fulfil his/her role in a neutral manner. This means that everything the liaison does during his/her tenure, including but not limited to participating in WG calls, reporting status, conveying information, and escalating issues, should be done in that neutral manner.
- Serve as an interim WG Chair until a Chair is named
- Be a regular participant of WG meetings
- Participate in regular meetings with WG Chair
- Report to Council on the WG progress
- Convey to Council on WG communications, questions, concerns
- Inform WG Chair about Council activities impacting the WG
- Refer to Council questions related to WG Charter



- Assist or engage when WG faces challenges
- Assist in case of abuse of ICANN’s Expected Standards of Behavior and Community Anti-Harassment Policy
- Assist with knowledge of WG processes and practices
- Facilitate when there is disagreement regarding consensus designation
- Facilitate when a Section 3.7 Complaint Process is invoked
- Initiate the WG leadership review in response to circumstances indicating that a review is necessary

The liaison shall complete the following actions for onboarding purposes:

- Review the [GNSO Council liaison to the WGs - Role Description](#);
- Review the [New Liaison Briefing and Liaison Handover](#) document to understand the actions the liaison needs to take for onboarding purposes.
- Consult the [supplemental guidance](#) developed to provide more precision in their responsibilities and the frequency in which they must be carried out;
- Familiarize with the provisions of the GNSO Operating Procedures relevant to liaisons;
- Subscribe to the EPDP mailing lists and relevant sub teams;
- Subscribe to the EPDP Leadership mailing list(s), if applicable. In addition, add o the PDP Leadership Skype chat (or other communication channel) if applicable;
- Consider requesting a catch up call with the relevant GNSO policy support staff. This call should clarify the role of the liaison in terms of PDP conference call attendance, expected responsibilities and an update as to the current status of the PDP if already in operation (milestones and anticipated hurdles);
- Review links to the wiki workspaces and mailing list archives via email;
- (If the EPDP is already in operation) Consider requesting that EPDP Leadership and the outgoing liaison(s) share relevant briefing documents specific to the EPDP, to highlight the scope of the PDP charter, current status, timeline, milestones, problem areas/challenges, anticipated hurdles, etc;
- (If the EPDP is already operational) Participate in an onboarding conference call with the incoming and outgoing liaisons as well as EPDP Leadership; GNSO policy support staff will also be present on the call.

### Support Staff:

The ICANN Staff assigned to the WG will fully support the work of the Working Group as requested by the Chair including meeting support, document drafting, editing and distribution and other substantive contributions when deemed appropriate.

Staff assignments to the Working Group:

- ICANN policy staff members
- GNSO Secretariat

In addition, regular participation of and consultation with other ICANN Org departments such as the GDS is anticipated to ensure timely input on issues that may require ICANN org input such as implementation-related queries and issues requiring subject matter expertise in IDNs. As such, the ICANN Org GDS is expected to appoint at least one (1) Liaison to the WG, as specified in the “Membership Structure” section above.

Furthermore, additional policy staff resources are available to assist the WG leadership for consensus building purposes.

## Section V: Rules of Engagement

**Statements of Interest (SOI) Guidelines:**

Each member of the WG is required to submit an SOI in accordance with Section 5 of the GNSO Operating Procedures.

**Statement of Participation:**

Each Member and Participant of the WG must acknowledge and accept the Statement of Participation (as provided below), including ICANN's Expected Standards of Behavior, before he/she can participate in the WG.

**Statement of Participation**

As a Member or Participant of the Internationalized Domain Names Expedited Policy Development Process Working Group:

- I agree to genuinely cooperate with fellow Members and Participants of the Working Group to deliberate the issues outlined in the Charter. Where there are areas of disagreement, I will commit to work with others to reach a compromise position to the extent that I am able to do so;
- I acknowledge the remit of the GNSO to develop consensus policies for generic top level domains. As such, I will abide by the recommended working methods and rules of engagement as outlined in the Charter, particularly as it relates to rules in [GNSO Working Group Guidelines](#);
- I will treat all Members/Participants of the Working Group with civility both face-to-face and online, and I will be respectful of their time and commitment to this effort. I will act in a reasonable, objective, and informed manner during my participation in this Working Group and will not disrupt the work of the Working Group in bad faith;
- I will make best efforts to regularly attend all scheduled meetings and send apologies in advance when I am unable to attend. I will take assignments allocated to me during the course of the Working Group seriously and complete these within the requested timeframe.
- I agree to act in accordance with [ICANN Expected Standards of Behavior](#), particularly as they relate to:
  - Acting in accordance with, and in the spirit of, ICANN's mission and core values as provided in [ICANN's Bylaws](#);
  - Listening to the views of all stakeholders and working to build consensus; and
  - Promoting ethical and responsible behavior;
- I agree to adhere to any applicable conflict of interest policies and the Statement of Interest (SOI) Policy within the [GNSO Operating Procedures](#), especially as it relates to the completeness, accuracy, and timeliness of the initial completion and maintenance of my SOI; and
- I agree to adhere to the [ICANN Community Anti-Harassment Policy and Terms of Participation and Complaint Procedures](#).

As a Member of the IDN EPDP Working Group:

- I understand reaching consensus does not mean that I am unable to fully represent the views of myself or the organization I represent. I will abide by the recommended working methods and rules of engagement as outlined in the Charter, particularly as it relates to designating consensus in [GNSO Working Group Guidelines](#).

I acknowledge and accept that this Statement of Participation, including ICANN’s Expected Standards of Behavior, is enforceable and any individual serving in a Chair role (such as Chair, Co-Chair, or Acting Chair or Acting Co-Chair) of the Working Group and GNSO Council Leadership Team have the authority to restrict my participation in the Working Group in the event of non-compliance with any of the above.

**Problem/Issue Escalation & Resolution Process:**

The problem/issue escalation & resolution process within the WG is provided in Sections 3.4 and 3.5 of the Working Group Guidelines. WG members should also reference the [Guidelines Concerning ICANN Org Resources for Conflict Resolution and Mediation](#).

**Formal Complaint Process:**

The formal complaint process within the WG is provided in Section 3.7 of the Working Group Guidelines. Further details regarding the formal complaint process are included in the [Clarification to Complaint Process in GNSO Working Group Guidelines](#) document.

The formal complaint process may be modified by the GNSO Council at its discretion.

**Section VI: Decision Making Methodologies****Consensus Designation Process:**

Section 3.6 of the GNSO Working Group Guidelines, as included below, provides the standard consensus-based methodology for decision making in GNSO WGs.

For consensus building purposes, the WG Leadership, WG Members, and GNSO Council Liaison are expected to review the [Consensus Playbook](#) which provides practical tools and best practices to bridge differences, break deadlocks, and find common ground within ICANN processes; potential training related to the Consensus Playbook may be provided for WG Leadership, Members, and GNSO Council Liaison.

### 3.6 Standard Methodology for Making Decisions

The Chair will be responsible for designating each position as having one of the following designations:

- **Full consensus** - when no one in the group speaks against the recommendation in its last readings. This is also sometimes referred to as **Unanimous Consensus**.
- **Consensus** - a position where only a small minority disagrees, but most agree. *[Note: For those that are unfamiliar with ICANN usage, you may associate the definition of 'Consensus' with other definitions and terms of art such as rough consensus or near consensus. It should be noted, however, that in the case of a GNSO PDP originated Working Group, all reports, especially Final Reports, must restrict themselves to the term 'Consensus' as this may have legal implications.]*
- **Strong support but significant opposition** - a position where, while most of the group supports a recommendation, there are a significant number of those who do not support it.
- **Divergence** (also referred to as **No Consensus**) - a position where there isn't strong support for any particular position, but many different points of view. Sometimes this is due to irreconcilable differences of opinion and sometimes it is due to the fact that no one has a particularly strong or convincing viewpoint, but the members of the group agree that it is worth listing the issue in the report nonetheless.
- **Minority View** - refers to a proposal where a small number of people support the recommendation. This can happen in response to a **Consensus**, **Strong support but significant opposition**, and **No Consensus**; or, it can happen in cases where there is neither support nor opposition to a suggestion made by a small number of individuals.

In cases of **Consensus**, **Strong support but significant opposition**, and **No Consensus**, an effort should be made to document that variance in viewpoint and to present any **Minority View** recommendations that may have been made. Documentation of **Minority View** recommendations normally depends on text offered by the proponent(s). In all cases of **Divergence**, the WG Chair should encourage the submission of minority viewpoint(s).

The recommended method for discovering the consensus level designation on recommendations should work as follows:

- i. After the group has discussed an issue long enough for all issues to have been raised, understood and discussed, the Chair, or Co-Chairs, make an evaluation of the designation and publish it for the group to review.
- ii. After the group has discussed the Chair's estimation of designation, the Chair, or Co-Chairs, should reevaluate and publish an updated evaluation.
- iii. Steps (i) and (ii) should continue until the Chair/Co-Chairs make an evaluation that is accepted by the group.

- iv. In rare case, a Chair may decide that the use of polls is reasonable. Some of the reasons for this might be:
- A decision needs to be made within a time frame that does not allow for the natural process of iteration and settling on a designation to occur.
  - It becomes obvious after several iterations that it is impossible to arrive at a designation. This will happen most often when trying to discriminate between **Consensus** and **Strong support but Significant Opposition** or between **Strong support but Significant Opposition** and **Divergence**.

Care should be taken in using polls that they do not become votes. A liability with the use of polls is that, in situations where there is **Divergence** or **Strong Opposition**, there are often disagreements about the meanings of the poll questions or of the poll results.

Based upon the WG's needs, the Chair may direct that WG participants do not have to have their name explicitly associated with any Full Consensus or Consensus view/position. However, in all other cases and in those cases where a group member represents the minority viewpoint, their name must be explicitly linked, especially in those cases where polls were taken.

Consensus calls should always involve the entire Working Group and, for this reason, should take place on the designated mailing list to ensure that all Working Group members have the opportunity to fully participate in the consensus process. It is the role of the Chair to designate which level of consensus is reached and announce this designation to the Working Group. Member(s) of the Working Group should be able to challenge the designation of the Chair as part of the Working Group discussion. However, if disagreement persists, members of the WG may use the process set forth below to challenge the designation.

If several participants<sup>185</sup> in a WG disagree with the designation given to a position by the Chair or any other consensus call, they may follow these steps sequentially:

1. Send email to the Chair, copying the WG explaining why the decision is believed to be in error.
2. If the Chair still disagrees with the complainants, the Chair will forward the appeal to the CO liaison(s). The Chair must explain his or her reasoning in the response to the complainants and in the submission to the liaison. If the liaison(s) supports the Chair's position, the liaison(s) will provide their response to the complainants. The liaison(s) must explain their reasoning in the response. If the CO liaison disagrees with the Chair, the liaison will forward the appeal to the CO. Should the complainants disagree with the liaison support of the Chair's determination, the complainants may appeal to the Chair of the CO or their designated representative. If the CO agrees with the complainants' position, the CO should recommend remedial action to the Chair.
3. In the event of any appeal, the CO will attach a statement of the appeal to the WG and/or Board report. This statement should include all of the documentation from all steps in the appeals process and should include a statement from the CO<sup>186</sup>.

<sup>185</sup> Any Working Group member may raise an issue for reconsideration; however, a formal appeal will require that a single member demonstrates a sufficient amount of support before a formal appeal process can be invoked. In those cases where a single Working Group member is seeking reconsideration, the member will advise the Chair and/or liaison of their issue and the Chair and/or liaison will work with the dissenting member to investigate the issue and to determine if there is sufficient support for the reconsideration to initial a formal appeal process.

<sup>186</sup> It should be noted that ICANN also has other conflict resolution mechanisms available that could be considered in case any of the parties are dissatisfied with the outcome of this process.

**Who Can Participate in Consensus Designation:**

Consensus calls or decisions are limited to Members who may consult as appropriate with their respective appointing organizations. However, for the purpose of assessing consensus, groups that do not fulfil their maximum membership allowance should not be disadvantaged.

The WG Chair shall ensure that all perspectives are appropriately taken into account in assessing Consensus designations on the final recommendations.

Unless otherwise specified in this Charter, the GNSO Working Group Guidelines apply in full and Consensus designations are therefore the responsibility of the Work Group Chair and are to be made in accordance with the consensus levels described in Section 3.6 of the Working Group Guidelines.

**Termination or Closure of Working Group:**

Typically, the WG will close upon the delivery of its last Final Report, unless assigned additional tasks or follow-up by the GNSO Council.

The GNSO Council may terminate or suspend the WG prior to the publication of its last Final Report for significant cause such as changing or lack of community volunteers, the planned outcome for the project can no longer be realized, or when it is clear that no consensus can be achieved.

The WG Chair, in collaboration with the WG support staff and the GNSO Council Liaison, shall use an [escalation procedure](#), which helps define the health of the WG and informs the GNSO Council’s decision on whether the WG should be terminated or suspended.

**Section VII: Change History**

**Section VIII: Charter Document History**

Version	Date	Description
1.0	10 May 2021	

<b>Staff Contact:</b>	Ariel Liang	<b>Email:</b>	<a href="mailto:Policy-Staff@icann.org">Policy-Staff@icann.org</a>
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**Translations: If translations will be provided please indicate the languages below:**

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## 8 Annex B – Responses to Phase 2 Charter Questions

This annex documents the brief responses agreed by the EPDP Team to all of the Phase 2 charter questions. The preliminary recommendations were derived from these responses.

#	Charter Question	EPDP Team Agreed to the Following:
C1	<p>Both the SubPro PDP and the Staff Paper recommend that: 1) a given second-level label beneath each allocated variant TLD must have the “same entity”; and 2) all allocatable second- level IDN variant labels that arise from a registration based on a second-level IDN table must have the “same entity”.<sup>187</sup></p> <p>Should this recommendation be extended to existing second-level labels?</p>	<ul style="list-style-type: none"> <li>● The “same entity” principle at the second-level means that all of the allocatable variant domain names from a variant domain set must be allocated or withheld for possible allocation only to the same registrant at the same sponsoring registrar.</li> <li>● The “same entity” principle extends to existing domain names.</li> <li>● Any existing variant domain names that do not conform to the “same entity” principle and predate this requirement must be grandfathered.</li> <li>● Registry operators should take into account Recommendation 14 in SAC060, as well as language or script communities’ widely acceptable practices among Internet users and established conventions, and consider: 1) setting a maximum number of allocatable variant domain names that can be allocated to the same registrant of the source domain name; and 2) developing a mechanism to limit automatic activation of variant domain names to a minimum, if applicable.</li> </ul>

<sup>187</sup> See Recommendation 25.6 in the SubPro PDP Final Report, p.116: <https://gnso.icann.org/sites/default/files/file/field-file-attach/final-report-newgtld-subsequent-procedures-pdp-02feb21-en.pdf#page=116>; Recommendation 3 in the Staff Paper, p.3: <https://www.icann.org/en/system/files/files/idn-variant-tld-recommendations-analysis-25jan19-en.pdf#page=3>; Recommendation 25.7 in the SubPro PDP Final Report, p.116: <https://gnso.icann.org/sites/default/files/file/field-file-attach/final-report-newgtld-subsequent-procedures-pdp-02feb21-en.pdf#page=116>; Recommendation 4 in the Staff Paper, p.4: <https://www.icann.org/en/system/files/files/idn-variant-tld-recommendations-analysis-25jan19-en.pdf#page=4>

#	Charter Question	EPDP Team Agreed to the Following:
C2	<p>Currently Registry Operators may activate the IDN variant labels at the second-level when requested by the sponsoring Registrar of the canonical name as described in the IDN Tables and IDN Registration Rules.<sup>188</sup> Both the SubPro PDP and the Staff Paper recommend that at the second-level, the same entity definition can be achieved by ensuring that the registrant is the same.<sup>189</sup></p> <p>Should this recommendation be extended to the already activated IDN variant labels at the second-level? How does the “same entity” requirement impact the current rules for Registry Operators for activating IDN variant labels?</p>	<ul style="list-style-type: none"> <li>• Allocatable variant domain(s) of a registered domain name can only be allocated to the same registrant of that registered domain name.</li> <li>• Any allocatable variant domain names of grandfathered domain names pursuant to <u>Preliminary Recommendation 3</u> cannot be allocated unless and until only one registrant and one sponsoring registrar remain for the variant domain set of a grandfathered domain.</li> </ul>
C3	<p>The WG and the SubPro IRT to coordinate and consider the following question in order to develop a consistent solution: what is the appropriate mechanism to identify the registrant as the “same entity” at the second-level for future and existing labels?</p> <p>The Staff Paper recommends using ROID to ensure that the same label beneath all variant labels is allocated to the same entity.<sup>190</sup> However, some registrars in practice may not reuse contact objects for different registrations by the same registrant, and there is no existing data on the number/percentage of ICANN accredited registrars that reuse contact</p>	<p>No need to prescribe any specific mechanism to identify the same registrant in order to enforce the “same entity” principle as set out in <u>Preliminary Recommendation 1</u>. The team believed that how the same registrant is identified, verified, and enforced should be determined by the registry operator and the sponsoring registrar, based on the agreed method of their choosing.</p> <p>The EPDP Team understood that the Staff Paper recommends the Registry Object Identifier (ROID), a globally unique identifier assigned by a registry operator to a registry object (i.e., domain contact or host) at the time of its creation, and</p>

<sup>188</sup> Ibid.

<sup>189</sup> See Rationale for Recommendation 25.6-25.8 in the SubPro PDP Final Report, pp.117-118: <https://gnso.icann.org/sites/default/files/file/field-file-attach/final-report-newgtld-subsequent-procedures-pdp-02feb21-en.pdf#page=117>; Section 3.2.1 in the Staff Paper, p.7: <https://www.icann.org/en/system/files/files/idn-variant-tld-recommendations-analysis-25jan19-en.pdf#page=7>

<sup>190</sup> Besides ROID, the Staff Paper also includes additional options to achieve the same entity requirement: having all the registrant fields be the same (without considering the ROID) for both names; having a core subset of the registrant fields be the same (without considering the ROID) for both names; or requiring a cryptographic probe that both registrants are indeed the same. See Section 3.2.1 in the Staff Paper, p.7: <https://www.icann.org/en/system/files/files/idn-variant-tld-recommendations-analysis-25jan19-en.pdf#page=7>



	<p>ROID.<sup>191</sup></p> <p>Is ROID a reasonable mechanism to determine the same registrant at the second-level for both future and existing labels? If not, what mechanism/functional definition can be used to ensure the second-level variant labels are allocated to the same entity for both current and future TLDs? Consider this question by taking into account the data to be collected in the “Data and Metric Requirements” section of this charter.</p>	<p>considered whether the ROID was a suitable mechanism to identify the same registrant.</p> <p>The EPDP Team identified some specific drawbacks of ROID based on feedback from registry and registrar representatives. ROID seems to be a “throw-away” identifier that is not reusable. The Registry Agreement only requires unique-per-object ROID; different ROIDs may be assigned to the same registrant across gTLDs managed by the registry operator, and the registrars may generate unique contact objects for different domain names of the same registrant. Furthermore, operators of ‘thin registries’ are not required to generate ROID, as they only include technical data sufficient to identify the sponsoring registrars, status of the registrations, and creation and expiration dates for each registration in its WHOIS data store.<sup>192</sup> In addition, ROID may be excluded from the minimum data set in accordance with registration data policy as a result of the General Data Protection Regulation (GDPR). The EPDP Team also noted that registry operators and registrars cannot be forced to uniformly use ROID for the purpose of identifying the same registrant.<sup>193</sup></p> <p>During its deliberation, the EPDP Team solicited input from ICANN Contracted Party House (CPH) TechOps group regarding possible alternative mechanisms to identify the same registrant, as there has been ongoing discussion about this topic in this group. During the EPDP Team’s ICANN78 working session, members from TechOps shared two possible models they discussed:</p> <ul style="list-style-type: none"> <li>● <b>Model 1 - registry and registrar enforce same registrant:</b> Registry operator enforces that the registrar allocated a variant domain name for</li> </ul>
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#	Charter Question	EPDP Team Agreed to the Following:
		<p>the same registrant of the source domain name. The registrant is defined by the registry operator’s policy using mechanisms such as contact handle, registrant ROID, or other data value pre-determined by the registry operator.</p> <ul style="list-style-type: none"> <li>● <b>Model 2 - registry and registrar split the responsibility:</b> Registry operator enforces variant domain names are allocated by the same sponsoring registrar; in turn, the sponsoring registrar enforces the variant domain names are allocated to the same registrant. In other words, the registry operator will not enforce the same registrant, but will only enforce the same registrar. Registrar will enforce that a variant domain name is allocated to the same registrant defined by registrar policy.</li> </ul> <p>After discussion of these possible models, the EPDP Team understood that many moving parts involving different parties make it hard to recommend a singular way to enforce the “same entity” principle. Consequently, the EPDP Team agreed to concentrate on the goal of “same entity”, but leave details to implementation by registry operators and registrars.</p>
C3a	If the Working Group determines to use ROID as the mechanism to identify the registrant as the “same entity” at the second-level, are there additional requirements to ensure the “same entity”	This conditional question is moot since the EPDP Team agreed not to recommend ROID as the mechanism to identify the same registrant in order to enforce the “same entity” principle as set out in <u>Preliminary Recommendation 1</u> .

<sup>191</sup> If a large portion of registrars do not reuse contact objects (ROID) for registrant, then changing the status quo would be a major development undertaking for a potentially small market for variants. Note that for interoperability virtually all registrars would need to support the same "glue" method to support inter-registrar transfers.

<sup>192</sup> More information: <https://whois.icann.org/en/what-are-thick-and-thin-entries>

<sup>193</sup> For detailed discussions about ROID, check the recording of EPDP Team’s meeting [#84](#) and ICANN78 working sessions ([1](#), [2](#)).

#	Charter Question	EPDP Team Agreed to the Following:
	principle is followed? <sup>194</sup>	
C4	<p>A registry TLD may offer registrations using different IDN tables to support different languages or scripts.<sup>195</sup> In case multiple IDN tables are offered, IDN tables should produce a consistent set of second-level variant labels to help achieve the security and usability goals for managing variant labels in a stable manner, promoting a good user experience.<sup>196</sup> As such, the Staff Paper recommends that IDN tables of variant TLDs be mutually coherent, i.e., any two code points (or sequences) that are variants in TLD ‘t1’ cannot be non-variants in variant TLD ‘t1v1’.<sup>197</sup> This recommendation also implies that any two code points (or sequences) that are variants in IDN Table A for TLD t2, which does not have any variant TLD, cannot be non-variants in another IDN Table B for the same TLD t2.<sup>198</sup></p> <p>Should the second-level IDN tables offered under a TLD, including IDN variant TLDs, be required to be mutually coherent? If yes, how should existing registrations which may not meet the</p>	<ul style="list-style-type: none"> <li>• All of the existing and future IDN Tables for a given gTLD and its variant gTLDs must be harmonized.</li> <li>• All of the existing variant domain names that predate the IDN Table harmonization requirement must be grandfathered.</li> </ul>

<sup>194</sup> If the same contact ROID or functional equivalent is used to identify registrants, no registrant metadata syncing is needed, as the registrant metadata is automatically the same for all registrants of every allocated variant based on ROID. This also means that issues around privacy and proxy services are addressed, because the privacy or proxy service must still generate a contact ROID (or its functional equivalent) for the registrant. However, the Staff Paper notes that if a registration system does not use contact objects, a requirement about registrant metadata syncing will be needed to ensure the “same entity” rule. See Section 3.9.1 in the Staff Paper, p.22: <https://www.icann.org/en/system/files/files/idn-variant-tld-recommendations-analysis-25jan19-en.pdf#page=22>

<sup>195</sup> Registry TLD refers to a single TLD in a RA, not the registry operator which may operate one or more TLDs.

<sup>196</sup> See “Motivation, Premises, and Framework” section of the Staff Paper:

<https://www.icann.org/en/system/files/files/idn-variant-%20tld-motivation-premises-framework-25jan19-en.pdf>

<sup>197</sup> The intent of the recommendation is that a given TLD’s IDN Tables be harmonized, not all of the registry operator’s IDN Tables for all the TLDs it operates, but with exception of variant TLDs that the registry operator also operates. See Recommendation 5 in the Staff Paper, p.4: <https://www.icann.org/en/system/files/files/idn-variant-tld-recommendations-analysis-%2025jan19-en.pdf#page=4>

<sup>198</sup> The Staff Paper does not explicitly make such a recommendation with respect to a given TLD that does not have variants, but the proposed IDN Implementation Guidelines 4.0 recommends such.

#	Charter Question	EPDP Team Agreed to the Following:
	<p>“mutually coherent” requirement of second-level IDN tables be addressed? Rationale must be clearly stated.</p>	
C4a	<p>Notwithstanding that IDN tables need to be mutually coherent, the SubPro PDP and the Staff Paper recommend that the set of allocatable or activated second-level variant labels may not be identical across the activated IDN variant TLDs. Meaning, their behavior/disposition can be different.<sup>199</sup></p> <p>Under the conditions above, may the set of allocatable or activated second-level variant labels not behave identically under an individual TLD, which does not have any variant TLD label?</p>	<p>This question should not be a sub question under charter question C4 regarding IDN Table harmonization. Instead, it is closely linked to charter question D4 with regard to variant domain name lifecycle management.</p> <p>The EPDP Team noted that this charter question was developed to consider a possible gap in SubPro Recommendation 25.8 because it does not explicitly address the behavior of variant domain names under an individual gTLD, which does not have variant gTLD labels.</p> <p>While the EPDP Team was not convinced that there is a gap in SubPro Recommendation 25.8, they considered there was value in addressing the concern. Consistent with SubPro Recommendation 25.8 that addressed the behavior of second-level domain names under variant gTLDs, the EPDP Team agreed that variant domain names under any gTLD should not be required to act, behave, or be perceived as identical. In other words, variant domain names under any individual gTLD are not required to act, behave, or be perceived as identical, no matter whether the gTLD, under which the variant domain names are allocated, has any top-level variant label(s) or not, or is itself a gTLD variant label.</p> <p>This is also consistent with the EPDP</p>

<sup>199</sup> See Recommendation 25.8 in the SubPro PDP Final Report, p.116:  
<https://gnso.icann.org/sites/default/files/file/field-file-attach/final-report-newgtld-subsequent-procedures-pdp-02feb21-en.pdf#page=116>; Recommendation 6 in the Staff Paper, p.4:  
<https://www.icann.org/en/system/files/files/idn-variant-tld-recommendations-analysis-25jan19-en.pdf#page=4>

#	Charter Question	EPDP Team Agreed to the Following:
		<p>Team’s rationale for <u>Preliminary Recommendation 9</u> which supports the conclusion that each allocated variant domain should be allowed to have its own domain name lifecycle, which is independent from that of another allocated variant domain from the same variant domain set.</p>
C5	<p>There is existing practice by registries to harmonize IDN tables, but there is no data on the various methods they may have used. The Staff Paper suggests maintaining a common set of harmonized second-level IDN tables for all IDN variant TLDs and then (a) choosing all these IDN tables to offer for all IDN variant TLDs, or (b) choosing a relevant different subset of IDN tables to offer for each different IDN variant TLD.<sup>200</sup></p> <p>The WG and the SubPro IRT to coordinate and consider the following question in order to develop a consistent solution: are the above suggested methods in the Staff Paper sufficient for IDN table harmonization purposes? Should any additional implementation guidance be provided for a registry?</p>	<ul style="list-style-type: none"> <li>• The baseline criteria for implementing IDNs at the second-level must be security and stability of the DNS. Registry operators, ICANN org and other relevant stakeholders must develop minimum IDN variant deployment requirements (i.e., variant sets) that do not compromise the stability and security of the DNS.</li> <li>• ICANN org, gTLD registries, and other relevant stakeholders should collaborate to develop minimum IDN variant deployment requirements (i.e., variant sets) at the second-level. This should include respecting IDNA2008, IDN Implementation Guidelines, and any future versions of these two documents. In addition, this process can consider multiple sources of work, including but not limited to current registry operational practices, second-level reference LGRs, and the Root Zone LGR.</li> </ul>
C6	<p>To facilitate the harmonization of IDN tables, the Staff Paper recommends that IDN tables for the second-level be formatted in the machine readable LGR format specified in RFC 7940, Representing Label Generation Rulesets Using XML.<sup>201</sup> However, each Registry</p>	<p>No need to recommend the machine-readable XML format, as specified in RFC 7940, as the required format for IDN Tables. Existing and future registry operators should have the flexibility to determine the appropriate format of their IDN Tables. The EPDP Team reviewed the</p>

<sup>200</sup> See Section 3.5.1 in the Staff Paper, p.14: <https://www.icann.org/en/system/files/files/idn-variant-tld-recommendations-%20analysis-25jan19-en.pdf#page=14>

<sup>201</sup> See RFC 7940 here: <https://www.rfc-editor.org/info/rfc7940>; Section 3.3.1 in the Staff Paper, pp.9-10: <https://www.icann.org/en/system/files/files/idn-variant-tld-recommendations-analysis-25jan19-en.pdf#page=9>

<p>Operator can harmonize the IDN tables today via software development solutions or are already in the process of doing so.</p> <p>The WG and the SubPro IRT to coordinate and consider the following question in order to develop a consistent solution: should Registry Operators be required to use the machine readable LGR format as specified in RFC 7940 for their second-level IDN tables? Or should Registry Operators have the flexibility to resolve the harmonization issue so long as it can predictably and consistently produce the same variant labels, albeit with different disposition values, across the same-script IDN tables? Consider this question by taking into account the data to be collected in the “Data and Metric Requirements” section of this charter.</p>	<p>evolution of IDN Table formats as recommended by relevant RFCs and understood that there are different ways to represent the second-level rules under gTLDs.<sup>202</sup> A published IDN Table is an artifact and a plain output exported by a registry operator to meet ICANN requirements. It does not necessarily drive the logic of the system, platform, and software that a registry operator uses to implement the second-level rules at a technical level.</p> <p>The EPDP Team understood that the Staff Paper recommends the XML format in the context of the IDN Table harmonization mechanism. Some EPDP Team members remarked that such a machine-readable format may help registry operators, who use the XML format, to harmonize their IDN Tables via an automated process enabled by the LGR processing tools, leaving a smaller chance of misinterpretation.<sup>203</sup> However, since the EPDP Team had already agreed to not recommend any specific IDN Table harmonization mechanism, that also meant registry operators would be free to decide whether to use the XML format or not.</p> <p>In addition, the EPDP Team noted that the vast majority of existing IDN Tables are not using the XML format.<sup>204</sup> If the XML format were required, it would mean that registry operators would have to build out technical solutions to export the IDN Tables in the XML format and parse the rules. These efforts will likely be a significant undertaking. Furthermore, it is not possible to conclude that using the XML format is a way to ensure IDN Table harmonization. The EPDP Team also understood the RFCs, as outputs from the Internet Engineering Task Force (IETF), are recommendations for standards. It is up to the businesses to decide whether to adopt</p>
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#	Charter Question	EPDP Team Agreed to the Following:
		<p>these recommendations. Therefore, some members expressed concerns that considering adoption of the XML format as specified in the RFC 7940 may be outside the scope of the EPDP.</p> <p>During its deliberation, the EPDP Team also reviewed the Board deferred guidelines from IDN Implementation Guidelines version 4.0. Specifically, guideline 6a states the following:  <i>“Except as applicable in 6(b) below, registries must use RFC 7940: Label Generation Ruleset (LGR) Using XML format to represent an IDN Table”.</i></p> <p>As the EPDP Team agreed to not recommend the machine-readable XML format as the required format for IDN Tables, guideline 6a is consistent with the EPDP Team’s agreement.</p>
D4	<p>Regarding second-level domain names, should a variant set behave as one unit, i.e., the behavior of one domain name is replicated across the other variant domain names? Or should each variant domain name have its own independent domain name lifecycle?<sup>205</sup> Consider the operational and legal impact of the “same entity” principle, if any, to all aspects of a domain name lifecycle, including but not limited to: ● Registration, including registration during the Sunrise Period,</p>	<ul style="list-style-type: none"> <li>● The source domain name, or a registered domain name that effectively determines the variant domain set, must be jointly determined between the registrant and the sponsoring registrar for calculating the variant domain set under a given gTLD and its delegated gTLD variant label(s), if any.</li> <li>● Each allocated variant domain is allowed to have an independent domain name life cycle so long as the</li> </ul>

<sup>202</sup> See slides and recording of Meeting #81 for more details: <https://community.icann.org/x/W4ZXDg>

<sup>203</sup> Learn more about the LGR processing tools, check the recordings of EPDP Team meetings #81 and #82.

<sup>204</sup> As of 5 October 2021, the IDN Tables stored in the IANA Repository have the following formats: TXT (12,985 tables), XML (1,113 tables), HTML (61 tables), and PDF (1 table).

<sup>205</sup> One view is that if each variant allocation is simply a different domain name, it follows that names can be created and can expire at different times, despite the “same-entity” rule. See Section 3.9.4 in the Staff Paper, p.22: <https://www.icann.org/en/system/files/files/idn-variant-tld-recommendations-analysis-25jan19-en.pdf#page=22>. Another view is that if each variant allocation is supposed to be the same domain name, it follows that names should expire at the same time, however some registry operators may implement it differently and consider them billable transactions instead.

#	Charter Question	EPDP Team Agreed to the Following:
	any Limited Registration Period, any Launch Program and during General Registration • Update • Renewal • Transfer • Lock • Suspension • Expiration • Redemption • Deletion.	“same entity” principle is adhered to in all stages. <ul style="list-style-type: none"> <li>• Grandfathered variant domain names pursuant to <u>Preliminary Recommendation 3</u> are exempt from the above requirements.</li> </ul>
D5	For reporting and fee accrual purposes, should each variant domain name be considered an independent registration? Or should such variant labels be considered as an atomic set (irrespective of whether any of the names is actually activated in the DNS, and whether any of the variants is actually registered)? Rationale for such definition must be clearly stated. Should any specific implementation guidance be provided? For example, what would be the impact to the registration payment at the Registry Operator level and at ICANN org?	<p>This charter question specifically pertains to the \$0.18 mandatory transaction-based fee that ICANN org charges for each year of registration, renewal, or transfer of domain names. In EPDP-IDNs Phase 1, the team has already developed <u>Final Recommendation 7.5</u> pertaining to the registry-level transaction fee.<sup>206</sup></p> <p>The EPDP Team discussed the question of whether a registrant must pay ICANN org the \$0.18 mandatory transaction-based fee for each activated variant domain name of its registered source domain name. The EPDP Team agreed not to prescribe any specific recommendation in this regard.</p> <p>The EPDP Team learned that two models of variant domain name activation currently exist – a variant domain name may be activated via the “EPP Create” command or the “EPP Update” command. Activation via the “EPP Create” command leads to the registration of the variant domain name independent from its source domain name, whereas activation via the “EPP Update” command leads to the creation of a variant domain name as a “child domain name” of its source domain name. The “child domain name” is an</p>

<sup>206</sup> EPDP-IDNs Phase 1 Final Recommendation 7.5 states the following: “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.” For more details about this recommendation and its rationale, please see pp.83-84 of the EPDP-IDNs Phase 1 Final Report: <https://mm.icann.org/pipermail/council/attachments/20231108/fcbce142/Phase1FinalReportontheInternationalizedDomainNamesExpeditedPolicyDevelopmentProcess-0001.pdf#page=83>



#	Charter Question	EPDP Team Agreed to the Following:
		<p>attribute of the source domain name and is not treated as an independent registration. Once the source domain name is deleted, the “child domain name” is also deleted. Variant domain name activation via “EPP Create” would incur the annual fee paid to ICANN org, but “EPP Update” would not. In other words, how the variant domain name is activated results in whether the annual fee is charged based on the respective registry operator’s policy.</p> <p>The EPDP Team agreed not to dictate either model of variant domain name activation as well as the associated annual fee expectation in order not to impinge on the existing rights of registry operators in accordance with their policies and contractual agreements with sponsoring registrars.</p>
D6	<p>To ensure that the “same entity” principle is followed, the transfer of a domain name registration to a new entity -- voluntary or involuntary, and inter-registrants or inter-registrars -- should result in transfer of all variant domain names (i.e., if s1.t1 is to be transferred, s1.t1, s1.t1v1, s1v1.t1 and s1v1.t1v should all be transferred).</p> <p>The WG, the Transfer Policy PDP, and the RPM PDP Phase 2 to coordinate and consider the following questions in order to develop a consistent solution: to what extent should the Transfer Policy be updated to reflect domain name relationships due to variants and the “same entity” requirement?</p>	<ul style="list-style-type: none"> <li>• In the event an inter-registrar transfer process is initiated, either voluntarily or involuntarily, for a domain name, which is a member of a variant domain set, the process must encompass all of its allocated variant domain names, if any, together.</li> <li>• Grandfathered variant domain names pursuant to <u>Preliminary Recommendation 3</u> are exempt from this requirement.</li> </ul>
D6a	<p>Should transfers ordered by the Uniform Domain-Name Dispute-Resolution Policy (UDRP) or any other dispute resolution</p>	<ul style="list-style-type: none"> <li>• The “same entity” requirement applies where a disputed domain name, which is part of a variant domain set, is ordered to be transferred to the</li> </ul>

#	Charter Question	EPDP Team Agreed to the Following:
	mechanisms be treated the same way to follow the “same entity” requirement? <sup>207</sup>	<p>prevailing Complaint as a result of a UDRP proceeding.</p> <ul style="list-style-type: none"> <li>● Grandfathered variant domain names pursuant to <u>Preliminary Recommendation 3</u> are exempt from this requirement.</li> <li>● The GNSO Council should request that any subsequent GNSO Policy Development Process, which is tasked to review the UDRP, to include a review of the EPDP Team’s <u>Preliminary Recommendation 11</u> in its charter and consider adjusting the UDRP policy or rules to take into account variant domain names.</li> </ul>
D7	Should the policies and procedures related to domain name suspension be updated to ensure that the “same entity” principle is followed for all variant domain names (i.e., if s1.t1 is to be suspended, s1.t1v1, s1v1.t1 and s1v1.t1v1 should all be suspended)? In other words, if one domain label is suspended, either voluntarily or involuntarily, should all the variant labels related to that domain be suspended?	As long as the “same entity” principle is maintained, suspension placed on one domain name does not necessarily mean the other allocated variant domain names from the same variant domain set, if any, have to be suspended as well. However, suspension will likely disable transfer of the affected variant domain set, as set out in <u>Preliminary Recommendation 10</u> . The EPDP Team also agreed that no specific recommendation is needed with respect to suspension, as the overarching requirement of the “same entity” principle has addressed this aspect. See details explained in <u>Preliminary Recommendation 9</u> .
D7a	Should the suspensions ordered by the Uniform Rapid Suspension System (URS) or any other dispute resolution mechanisms be treated the same way to follow the “same entity” requirement? <sup>208</sup>	<ul style="list-style-type: none"> <li>● A URS complainant is responsible for deciding whether to include allocated variant domain names, if any, of a disputed domain name as part of their URS complaint.</li> <li>● The suspension of a domain name as a result of a URS proceeding does not</li> </ul>

<sup>207</sup> See more details about the UDRP related discussions in Section 3.7 in the Staff Paper, pp.17-18:  
<https://www.icann.org/en/system/files/files/idn-variant-tld-recommendations-analysis-25jan19-en.pdf#page=17>

<sup>208</sup> See more details about the URS related discussions in Section 3.7 in the Staff Paper, p.18:  
<https://www.icann.org/en/system/files/files/idn-variant-tld-recommendations-analysis-25jan19-en.pdf#page=18>

#	Charter Question	EPDP Team Agreed to the Following:
		<p>necessarily mean its other allocated variant domain names from the same variant domain set that are not subject to the URS proceeding have to be suspended as well. Whether the variant domain names should also be suspended is discretionary on the part of registry operators and registrars, in accordance with their policies and practices.</p>
D8	<p>What additional updates to the Registry Agreement are necessary to ensure the labels under variant TLDs follow the “same entity” rule? For example, the Staff Paper recommends that the following requirements must be included in the Registry Agreement; some of the charter questions are also related to those topics:<sup>209</sup></p> <ul style="list-style-type: none"> <li>● Subordinate names allocated by the Registry Operator in the TLD be treated as an atomic set. This is true irrespective of whether any of the names is actually activated in the DNS, and whether any of the variants is actually registered. [related to questions c1, d4, d5]</li> <li>● All the different IDN tables being used by the IDN gTLD and its variant gTLDs be harmonized. [related to questions c4, c5]</li> <li>● All the IDN variant TLDs be implemented through the same registry service provider, to promote a consistent and stable implementation across all such</li> </ul>	<ul style="list-style-type: none"> <li>● Accept the label state transitions proposed in the Staff Paper as a preliminary recommendation.</li> <li>● Clarify that the label state transition from “rejected” to “withheld-same-entity” is not automatic, but only happens when the ground for the rejected state is removed.</li> </ul>

<sup>209</sup> Section 3.6 in the Staff Paper, p.16: <https://www.icann.org/en/system/files/files/idn-variant-tld-recommendations-analysis-25jan19-en.pdf#page=16>

#	Charter Question	EPDP Team Agreed to the Following:
	<p>variant TLDs. [related to questions b2, b4]</p> <p>Are there any additional updates that need to be considered that are not included in this list?</p>	
F1	<p>Trademark Clearinghouse (TMCH) mechanism functions include authenticating information from rights holders and providing this information to registries and registrars. Recording a trademark with the TMCH provides a rights holder with access to Sunrise registration periods in new gTLD registries and the Trademark Claims services. If Registry Operator has implemented IDN variant registration policies for the TLD, Registry Operator MAY allocate or register IDN variant labels generated from a label included in a valid SMD file during the Sunrise Period, provided that (i) such IDN variant registration policies are based on the Registry Operator’s published IDN tables for the TLD and (ii) such policies are imposed consistently in the Sunrise Period, any Limited Registration Period, any Launch Program and during General Registration.<sup>210</sup></p> <p>The Review of All Rights Protection Mechanisms (RPMs) in All gTLDs PDP Phase 1 recommends maintaining the</p>	<p>Affirming the Phase 1 recommendations from the Review of All Rights Protection Mechanisms (RPMs) in All gTLDs PDP, the current matching rules of the Trademark Clearinghouse (TMCH), as well as the criteria for the Sunrise and Trademark Claims services should be maintained.<sup>213</sup></p> <p>The EPDP Team reviewed the background of the TMCH and its mandatory Sunrise and Trademark Claims services. The EPDP Team understood that the TMCH provides protection for certain types of verified marks in the DNS. The domain name labels submitted by the mark holders to the TMCH that are eligible for the Sunrise and Trademark Claims services must correspond to the verified marks and be generated based on TMCH’s matching rules, which are generally “exact match” with additional criteria for “transformation”.<sup>214</sup> The EPDP Team also learned that the TMCH records mark data and their corresponding domain name labels from all over the world in various scripts.<sup>215</sup> Nevertheless, the TMCH does</p>

<sup>210</sup> See section 2.4.2 of the Trademark Clearinghouse Rights Protection Mechanism Requirements: <http://newgtlds.icann.org/en/about/trademark-clearinghouse/rpm-requirements-30sep13-en.pdf>

<sup>213</sup> See the TMCH Final Recommendation #2, Sunrise Final Recommendation #4, and Trademark Claims Final Recommendation #4 in the Review of All Rights Protection Mechanisms in All gTLDs PDP Phase 1 Final Report: <https://gns0.icann.org/sites/default/files/file/field-file-attach/rpm-phase-1-proposed-24nov20-en.pdf>

<sup>214</sup> **Exact match:** when all and only the complete and identical textual elements exist in both the trademark and the label. **Transformations:** when certain elements contained in a trademark that cannot be represented in the DNS are transformed. Learn more: <https://newgtlds.icann.org/sites/default/files/matching-rules-14jul16-en.pdf>

<sup>215</sup> Learn more in the “ICANN org Report on Languages and Scripts in the TMCH”: <https://mm.icann.org/pipermail/gns0-epdp-idn-team/attachments/20231122/8a67bbff/FinalDraftReport-TMCHIDNVariantResearchReport-0001.pdf>

	<p>TMCH’s current “exact match” rules, the current availability of Sunrise registrations only for identical matches, and the current exact matching criteria for the Claims Notice.<sup>211</sup></p> <p>In considering the information above, are there any adjustments to the TMCH and its Sunrise and Trademark Claims services needed?<sup>212</sup> Consider this question by taking into account the data to be collected in the “Data and Metric Requirements” section of this charter.</p>	<p>not calculate variant labels of domain name labels and the transformation rules do not apply to the creation of variant labels (e.g., if a trademark in traditional Chinese characters is recorded in the TMCH, the matching rules do not define a process for calculating variant labels in simplified Chinese characters).</p> <p>The EPDP Team discussed the recommendation in SAC060 with respect to extending protection to the variant labels of a mark, which are not the ‘exact match’ of a mark, via the Sunrise and Trademark Claims services.<sup>216</sup> The EPDP Team disagreed with expanding the matching rules of the TMCH to include variant labels corresponding to a verified mark. If the TMCH was responsible for calculating variant labels, it would be effectively expanding the role of the TMCH by allowing it to make determinations concerning the scope of rights of mark holders and whether/which variant label would qualify for the same right, potentially resulting in conflict with trademark laws.</p> <p>While the TMCH does not account for variant labels, some registries that have established variant registration policies do extend protection to the variant labels of verified marks, such as implementing additional matching rules at the TLD level and checking all labels (i.e., allocatable and blocked) in a variant label set against the Domain Name List recorded in the TMCH before any domain names from the set are registered.<sup>217</sup> There are also additional marketplace RPMs and voluntary services provided by the TMCH Validation Service Provider, registry operators, or other third parties that may extend the scope of trademark rights protection beyond the mandatory Sunrise and Trademark Claims services.<sup>218</sup></p>
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#	Charter Question	EPDP Team Agreed to the Following:
		<p>Finally, the EPDP Team reviewed the relevant recommendations with respect to the TMCH and Sunrise and Trademark Claims services from the RPMs PDP Phase 1 Final Report, which was adopted by the ICANN Board in January 2022. The RPMs PDP Working Group recommends maintaining the “exact match” criteria of the TMCH and its Sunrise and Trademark Claims services. The Working Group believes it strikes the appropriate balance of deterring bad-faith registrations without clear evidence that good-faith domain name applications are substantially deterred. The Working Group also agreed not to develop any recommendation concerning marketplace RPMs as they are outside the remit of policy review or develop any additional mandatory RPMs.</p> <p>Following this background review, the</p>

<sup>211</sup> See RPM Phase 1 Final Report, TMCH Final Recommendation #2, Sunrise Final Recommendation #4, and Trademark Claims Final Recommendation #4 on pp.35-36, 44, and 52-53 here:

<https://gnso.icann.org/sites/default/files/file/field-file-%20attach/rpm-phase-1-proposed-24nov20-en.pdf>

<sup>212</sup> SAC060 points out that in the current design of RPMs related to the TMCH process, there is a risk of homographic attacks. From a security and operations perspective, domain names that contain variants of a mark must be protected during the Sunrise and Claims Period. SSAC advises two ways to handle variants and TMCH to achieve such protections; each has benefits and downsides: 1) variant calculation at the registry level, and checking TMCH for the existence of marks for variants in the calculated variant set; 2) variant calculation and checking inside the TMCH in addition to the already defined matching algorithm TMCH uses. See more information in SAC060, recommendation 10 on pp.16-18: <https://www.icann.org/en/system/files/files/sac-060-en.pdf#page=16>

SAC060 further argues that the “exact match” as defined by TMCH is not really an identical match as in “bit-by-bit” or “character-by-character comparison” as a transformation stage is included before the actual matching. From a technical standpoint, the transformation stage currently as specified from is unclear and does not take non-ASCII based scripts into account. See SAC060, Recommendation 12, pp.19-20: <https://www.icann.org/en/system/files/files/sac-060-en.pdf#page=19>. The SSAC also advises that during the Trademark Claims service, a name registered under a TLD that has variant TLDs should trigger trademark holder notifications for the registration of the name in the TLD and all its allocated variant TLDs. See SAC060, Recommendation 13, p.20: <https://www.icann.org/en/system/files/files/sac-060-en.pdf#page=20>

<sup>216</sup> See Recommendation 10 in SAC060 here: <https://itp.cdn.icann.org/en/files/security-and-stability-advisory-committee-ssac-reports/sac-060-en.pdf#page=16>

<sup>217</sup> See Sections 2.4.2, 4.1.2, and 4.1.3 in the Trademark Clearinghouse Rights Protection Mechanism Requirements, which is linked from the Specification 7 of the Registry Agreement:

<https://newgtlds.icann.org/sites/default/files/rpm-requirements-14may14-en.pdf>

<sup>218</sup> One example is the Ongoing Notification ancillary service provided by the TMCH, which includes generating notification for domain names that are ‘similar’ to a trademark, learn more: [https://www.trademark-clearinghouse.com/sites/default/files/files/downloads/how\\_to\\_add\\_labels\\_v1.2.pdf](https://www.trademark-clearinghouse.com/sites/default/files/files/downloads/how_to_add_labels_v1.2.pdf)

#	Charter Question	EPDP Team Agreed to the Following:
		<p>EPDP Team came to the conclusion that there should be no change to the matching rules of the TMCH and the criteria for Sunrise and Trademark Claims services. Variant domain names already exist, and mark holders have sufficient flexibility to seek extended protections for the variant labels of their registered marks via registry operators that implement variant policies as well as additional marketplace RPMs.</p> <p>Furthermore, given the future introduction of variant labels at the top-level, the EPDP Team believes that TMCH’s Sunrise and Trademark Claims services should also apply to the eligible second-level labels under delegated variant gTLDs, same as any single gTLD that does not have variant labels at the top-level.</p>
F2	<p>In order to ensure that the “same entity” principle is maintained, what are the additional operational and legal impacts to the following RPMs that are not considered in the above charter questions, which mostly concern the outcomes or remedies of dispute resolution procedures or trademark protection mechanisms?</p> <ul style="list-style-type: none"> <li>● TMCH and its Sunrise and Trademark Claims services</li> <li>● URS</li> <li>● TM-PDDRP</li> <li>● UDRP</li> </ul>	<ul style="list-style-type: none"> <li>● To account for the same entity principle and its implications for variant domain names, a service must be enabled to discover the allocated variant domain names for a given domain name string, including an indication of the source domain name(s) of the variant set.</li> <li>● ICANN org and relevant stakeholders must consider ways to enable such a requirement.</li> <li>● The grandfathered variant domain names pursuant to <u>Preliminary Recommendation 3</u> are exempt from this requirement.</li> <li>● A registry or a registrar may choose to enhance the behavior of the service (Registration Data Directory Services [RDDS] or other alternatives) to provide additional information or enable other methods to provide the following information (e.g., bulk services).</li> </ul>

#	Charter Question	EPDP Team Agreed to the Following:
		<ul style="list-style-type: none"> <li>● If two or more delegated gTLDs belong to the same variant label set in accordance with RZ-LGR calculation, the Root Zone Database on iana.org must denote, in a transparent manner, their variant relationship and indicate which one serves as the primary gTLD for calculating the variant label set.<sup>219</sup></li> <li>● Registry operators should publish policies, in a transparent manner, that reflect their implementation of the EPDP-IDNs Phase 2 recommendations. In particular, such policies should reflect the registry’s implementation of <u>Preliminary Recommendations 1, 3-5, 14</u> and <u>Implementation Guidance 2</u>.</li> </ul>
G1	What should be the proper vehicle to update the IDN Implementation Guidelines? <sup>220</sup>	<ul style="list-style-type: none"> <li>● The existing process for developing and updating the IDN Implementation Guidelines, that includes establishing a working group of community experts and ICANN org staff, under the governance of ICANN Board IDN-UA Working Group (or its relevant successor in the future) must be maintained.</li> <li>● This process must be formalized and documented to enhance its predictability, transparency, rigor, efficiency, and effectiveness.</li> <li>● The ICANN Board IDN-UA WG or its relevant successor will be responsible for documenting the process, in consultation with the ICANN community. The documented process must be approved by the GNSO Council, the ccNSO Council, and the</li> </ul>

<sup>219</sup> See the HTML version of the Root Zone Database here: <https://www.iana.org/domains/root/db>. The most up to date is the TXT version: <https://data.iana.org/TLD/tlds-alpha-by-domain.txt>

<sup>220</sup> ccPDP4 refers to the Country Code Names Supporting Organization’s Policy Development Process on the Selection and Deselection of IDN ccTLD Strings. The process to update the RDAP Profiles is being developed by the Contracted Parties and ICANN org as part of their ongoing contractual negotiations. A DT member suggested that once that is finalized, the EPDP Working Group may want to consider that as a model for updating the IDN Guidelines.



#	Charter Question	EPDP Team Agreed to the Following:
		<p>ICANN Board.</p> <ul style="list-style-type: none"> <li>● A consideration should be given to establishing a formal charter or similar standalone document for subsequent IDN Implementation Guidelines Working Group that includes, but is not limited to, purpose and scope, membership, and working methods.</li> <li>● Any future versions of IDN Implementation Guidelines must be approved by the GNSO Council and the ccNSO Council prior to consideration and approval by the ICANN Board.</li> <li>● Given the IDN Implementation Guidelines have been requirements for contracted parties, there was some concern about whether the word “Guidelines” is the most appropriate term.</li> </ul>
G1a	<p>Given that the contracted parties are contractually bound to adhere to the IDN Implementation Guidelines, is there a need for a separate legal mechanism specifically for the implementation of IDNs among gTLDs, as well as a general guideline for any registry (including ccTLD registries) that wishes to implement IDNs?</p>	<p>This charter question is moot given that the EPDP Team supports the continuation of IDN Implementation Guidelines and recommends maintaining a working group method for future version updates, as explained in the rationale for <a href="#">Preliminary Recommendation 18</a>.</p>

## 9 Annex C – Background

This section summarizes key milestones related to the introduction of Internationalized Domain Names (IDNs) and their variant labels at the top and second-levels. While variant management is an important concept related to IDNs and therefore this section focuses on the background of IDNs, most of the EPDP-IDNs Phase 1 final recommendations and Phase 2 preliminary recommendations apply to all gTLD variant labels, including both ASCII and IDNs.

### 2003: IDN Registrations at the Second-Level

In 2003, the Internet Engineering Task Force (IETF) developed IDNA2003, the standard which first enabled domain names to contain non-ASCII Unicode characters. In the same year, ICANN and leading Internationalized Domain Name (IDN) registries collaboratively developed IDN Implementation Guidelines version 1.0, which were then endorsed by the ICANN Board.<sup>221</sup> ICANN subsequently began authorizing registries, having agreements with ICANN to deploy IDNs at the second-level according to the provisions of the Guidelines. The Guidelines required registries to work collaboratively with relevant and interested stakeholders to develop language-specific registration policies (including, where the registry determines appropriate, character variant tables), with the goal of achieving consistency in IDN implementation efforts for the benefit of DNS users worldwide.

### 2007: Groundwork for IDN gTLDs at the Top-Level

In 2007, the GNSO's Final Report on Introduction of New Generic Top-Level Domains included the following outputs on IDNs, laying the groundwork for the introduction of IDN gTLDs:<sup>222</sup>

- Principle B: Some new generic top-level domains should be internationalized domain names (IDNs) subject to the approval of IDNs being available in the root.
- Principle C: The reasons for introducing new top-level domains include that there is demand from potential applicants for new top-level domains in both ASCII and IDN formats.
- Recommendation 18: If an applicant offers an IDN service, then ICANN's IDN Guidelines must be followed.

### 2009: Introduction of IDN ccTLDs at the Top-Level

In 2009, the ICANN Board approved the Final Implementation Plan for the ccTLD Fast Track Process, which was based on a proposal produced by the Internationalized Domain Names

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<sup>221</sup> IDN Implementation Guidelines version 1.0: <https://www.icann.org/resources/pages/idn-guidelines-2003-06-20-en>; ICANN Board resolution that endorsed the IDN Implementation Guidelines: <https://www.icann.org/en/board-activities-and-meetings/materials/minutes-regular-meeting-of-the-board-rio-de-janeiro-27-03-2003-en#InternationalizedDomainNames>

<sup>222</sup> Final Report on Introduction of New Generic Top-Level Domains: <https://gnso.icann.org/en/issues/new-gtlds/pdp-dec05-fr-parta-08aug07.htm>

Working Group (INDC WG).<sup>223</sup> The Fast Track Process enabled countries and territories to submit requests to ICANN for IDN ccTLDs representing their respective country or territory names in scripts other than Latin, introducing IDNs to the top level for the first time. To date, 61 IDN ccTLDs have been delegated.

## 2010: No Top-Level Variant gTLDs Delegated in the New gTLD Program

In 2010, as preparations were underway for the launch of the New gTLD Program, the ICANN Board resolved that “...no variants of gTLDs will be delegated through the New gTLD Program until appropriate variant management solutions are developed.”<sup>224</sup> The Board directed ICANN’s CEO to develop an issues report “identifying what needs to be done with the evaluation, possible delegation, allocation and operation of gTLDs containing variant characters IDNs as part of the new gTLD process in order to facilitate the development of workable approaches to the deployment of gTLDs containing variant characters IDNs.”<sup>225</sup>

## 2012: “Gaps” with Respect to IDN Variant TLDs

In 2012, the IDN Variant Issues Project produced A Study of Issues Related to the Management of IDN Variant TLDs (Integrated Issues Report), which collated issues associated with the possible inclusion in the DNS root zone of IDN variant TLDs.<sup>226</sup> The study identified two gaps:

1. No definition of IDN variant TLDs.
2. No IDN variant TLD management mechanism.

## 2012: New gTLD Program 2012 Round: IDNs at the Top-Level

Also in 2012, the New gTLD Program launched, providing the first opportunity to apply for IDN gTLDs. A total of 116 IDN gTLD applications were received during the 2012 application round. Ninety-two (92) IDN gTLDs were ultimately delegated. While variant gTLDs were not delegated as part of the 2012 round, applicants were invited to declare any variants of the applied-for string in the application. Declaring variant strings was for information purposes only and did not imply any right or claim to the declared variant strings.

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<sup>223</sup> Final Implementation Plan for the ccTLD Fast Track Process: <https://www.icann.org/en/system/files/files/idn-ccTld-implementation-plan-16nov09-en.pdf>; ICANN Board resolution that approved the Fast Track Process implementation plan: <https://www.icann.org/en/board-activities-and-meetings/materials/approved-resolutions-regular-meeting-of-the-icann-board-of-directors-seoul-30-10-2009-en#2>; INDC WG: <https://ccnso.icann.org/en/workinggroups/idncwg.htm>

<sup>224</sup> ICANN Board resolution regarding gTLD variant labels: <https://www.icann.org/en/board-activities-and-meetings/materials/approved-resolutions-special-meeting-of-the-board-of-directors-25-09-2010-en#2.5>

<sup>225</sup> Ibid.

<sup>226</sup> Integrated Issues Report: <https://www.icann.org/en/system/files/files/idn-vip-integrated-issues-final-clean-20feb12-en.pdf>

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## 2013: Procedure for Developing Root Zone Label Generation Rules

In 2013, the ICANN Board resolved to implement the procedure for developing Root Zone Label Generation Rules (RZ-LGR), which aimed to address the previously identified gap 1 that there was no definition of IDN variant TLDs.<sup>227</sup> Generation Panels started developing proposals for script-specific Label Generation Rules (LGR) that define a set of parameters that determine valid IDN labels and their variants for the root zone.<sup>228</sup>

## 2019: Recommendations for Variant TLD Management

In 2019, to address that there was no IDN variant management mechanism the previously identified gap 2, ICANN org published Recommendations for Managing Internationalized Domain Name Variant Top-Level Domains (“Staff Paper”), which the Board subsequently approved.<sup>229</sup> In its resolution approving the Staff Paper, the Board requested “that the ccNSO and GNSO take into account the Variant TLD Recommendations while developing their respective policies to define and manage the IDN variant TLDs for the current TLDs as well as for future TLD applications.”

## 2020: Recommendations for the Technical Utilization of the RZ-LGR

In addition, to further address the gap 2 that there was no IDN variant management mechanism, the ICANN Board asked the ICANN community to study and recommend how to technically apply the RZ-LGR in a harmonized way to all TLDs. The RZ-LGR Technical Study Group (TSG) developed Recommendations for the Technical Utilization of the RZ-LGR, which the Board approved in 2020.<sup>230</sup>

## 2021: Recommendations for Future Rounds of the New gTLD Program

In February 2021, the GNSO New gTLD Subsequent Procedures (SubPro) Policy Development Process (PDP) Working Group published its Final Report, which includes hundreds of Outputs on

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<sup>227</sup> Procedure for developing the RZ-LGR: <https://www.icann.org/en/system/files/files/lgr-procedure-20mar13-en.pdf>; ICANN Board resolution that adopted the procedure: <https://www.icann.org/en/board-activities-and-meetings/materials/approved-resolutions-regular-meeting-of-the-icann-board-of-directors-11-04-2013-en#2.a>

<sup>228</sup> Learn more about the Generation Panels here: <https://www.icann.org/resources/pages/generation-panel-2015-06-21-en>

<sup>229</sup> Staff Paper: <https://www.icann.org/resources/pages/idn-variant-tld-implementation-2018-07-26-en>; Board resolution that adopted the recommendations in the Staff Paper: <https://www.icann.org/en/board-activities-and-meetings/materials/approved-resolutions-regular-meeting-of-the-icann-board-14-03-2019-en#2.a>

<sup>230</sup> Recommendations for the Technical Utilization of the RZ-LGR: <https://www.icann.org/en/system/files/files/rz-lgr-technical-utilization-recs-07oct19-en.pdf>; ICANN Board resolution that adopted the recommendations: <https://www.icann.org/en/board-activities-and-meetings/materials/approved-resolutions-open-session-of-board-workshop-los-angeles-regular-meeting-of-the-icann-board-26-01-2020-en#1.c>; TSG: <https://community.icann.org/display/croscomlgrprocedure/Study+Group+on+Technical+Use+of+RZ-LGR>

42 topics related to the future of the New gTLD Program.<sup>231</sup> IDNs were addressed in Topic 25 of the Final Report.

## 2021: Policy Development Related to IDN Variant TLDs

In May 2021, the GNSO approved the charter of the Expedited Policy Development Process (EPDP) on IDNs, which is expected to develop recommendations by building on the existing body of policy work, research, and analysis on the IDN subject.<sup>232</sup> The EPDP Team began meeting in August 2021. The EPDP Team also established a small group dedicated to the deliberation on String Similarity Review-related charter questions.

In August 2021, the ccNSO Council approved the charter for the ccPDP4, which is tasked to recommend a policy for the selection and deselection of IDN ccTLD strings.<sup>233</sup> The outcomes of the ccPDP4 are expected to eventually replace the IDN ccTLD Fast Track Process. The ccPDP was chartered to include a sub-group specifically focused on variant management of IDN ccTLD strings, as well as a sub-group focused on the review of confusingly similar strings. Those topics overlap with the topics specified in the EPDP-IDNs charter.

Per the ICANN Board's request that the GNSO and the ccNSO keep each other informed of their respective progress in developing the relevant details of and policies and procedures on IDN variant TLD management, the EPDP Team and ccPDP4 have appointed liaisons to each other.<sup>234</sup> Both groups also meet periodically to discuss the alignment of their draft recommendations.

## 2022: ICANN Published RZ-LGR Version 5 and IDN Implementation Guidelines Version 4.1

In May 2022, ICANN published the Root Zone Label Generation Rules version 5, which covers 26 scripts: Arabic, Armenian, Bangla, Chinese (Han), Cyrillic, Devanagari, Ethiopic, Georgian, Greek, Gujarati, Gurmukhi, Hebrew, Japanese (Hiragana, Katakana, and Kanji [Han]), Kannada, Khmer, Korean (Hangul and Hanja [Han]), Lao, Latin, Malayalam, Myanmar, Oriya, Sinhala, Tamil, Telugu, and Thai.<sup>235</sup>

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<sup>231</sup> SubPro PDP Final Report: <https://gns0.icann.org/sites/default/files/file/field-file-attach/final-report-newgtld-subsequent-procedures-pdp-02feb21-en.pdf>

<sup>232</sup> EPDP-IDNs charter:

<https://gns0.icann.org/sites/default/files/policy/2021/presentation/CharterGNSOIDNsEPDPWorkingGroup20May21.pdf>

<sup>233</sup> ccPDP4 charter:

<https://community.icann.org/download/attachments/138969190/Draft%20Charter%20ccPDP4%20WG.pdf?version=1&modificationDate=1592141220002&api=v2>

<sup>234</sup> ICANN Board resolution that requested coordination between GNSO and ccNSO on the IDN related policy development: <https://www.icann.org/en/board-activities-and-meetings/materials/approved-resolutions-regular-meeting-of-the-icann-board-14-03-2019-en#2.a>

<sup>235</sup> RZ-LGR version 5: <https://www.icann.org/resources/pages/root-zone-lgr-2015-06-21-en>

In November 2022, ICANN published IDN Implementation Guidelines version 4.1 after approval by the ICANN Board.<sup>236</sup> The ICANN Board deferred implementation of guidelines 6a, 11, 12, 13, 18 in version 4.0 as they overlapped with ongoing work through the EPDP Team.<sup>237</sup> The ICANN Board then directed ICANN org to publish the non-deferred guidelines in 4.0 as version 4.1.

## 2023: ICANN Board Kicked Off SubPro Implementation

In March 2023, during the ICANN76 Public Meeting, the ICANN Board adopted a substantial portion of the Outputs in the SubPro PDP Final Report and officially kicked off implementation efforts to prepare for launching the next application round of the New gTLD Program.<sup>238</sup> The Outputs adopted by the ICANN Board include all the IDN recommendations in Topic 25 of the SubPro PDP Final Report. At the same time, the ICANN Board requested the EPDP Team to deliver an updated project plan by the last day of the ICANN77 Public Meeting (15 June 2023) that identifies all character questions that will impact the next Applicant Guidebook of the New gTLD Program, as well as a timeline for the EPDP Team's delivery of relevant recommendations to the GNSO Council. The GNSO Council submitted this deliverable to the ICANN Board during ICANN77 and provided an updated timeline in July 2023.<sup>239</sup> The EPDP-IDNs Team is currently projected to complete its two phases of work by October 2024.

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<sup>236</sup> IDN Implementation Guidelines version 4.1: <https://www.icann.org/en/system/files/files/idn-guidelines-22sep22-en.pdf>; ICANN Board resolution that approved the IDN Implementation Guidelines version 4.1: <https://www.icann.org/en/board-activities-and-meetings/materials/approved-resolutions-regular-meeting-of-the-icann-board-22-09-2022-en#2.d>

<sup>237</sup> Proposed IDN Implementation Guidelines version 4.0: <https://www.icann.org/en/system/files/files/idn-guidelines-10may18-en.pdf>

<sup>238</sup> ICANN Board resolution that partially adopted the SubPro PDP Outputs: <https://www.icann.org/en/board-activities-and-meetings/materials/approved-resolutions-regular-meeting-of-the-icann-board-16-03-2023-en>

<sup>239</sup> See details in the GNSO Council deliverable submitted during ICANN77 here: <https://www.icann.org/en/system/files/correspondence/ducos-to-sinha-15jun23-en.pdf>; See the updated GNSO Council deliverable here: <https://www.icann.org/en/system/files/correspondence/ducos-to-sinha-25jul23-en.pdf>

## 10 Annex D – EPDP Team Membership and Attendance

The EPDP Team uses a “Representative + Open Model”, consisting of members, participants, and observers. For details of the role descriptions, please refer to the “Membership Structure” section in the EPDP Team charter included in Annex B of this report.

The members, participants, liaisons are listed below, along with their Statement of Interest (SOI) and attendance metrics. Note that this list was accurate as of the publication of this report. Some members and participants who initially joined the EPDP Team after it began meeting left during its deliberations. These figures represent attendance and statistics for Phase 1 and Phase 2 combined.

### Plenary Meetings:

- 111 Plenary calls (with 12 cancelled) for 172.5 hours
- 60.5% attendance rate for plenary calls

### String Similarity Review Small Group Meetings:

- 14 Small Group calls for 13.5 call hours

### Leadership Meetings:

- 126 Leadership calls (with 11 cancelled) for 126 hours

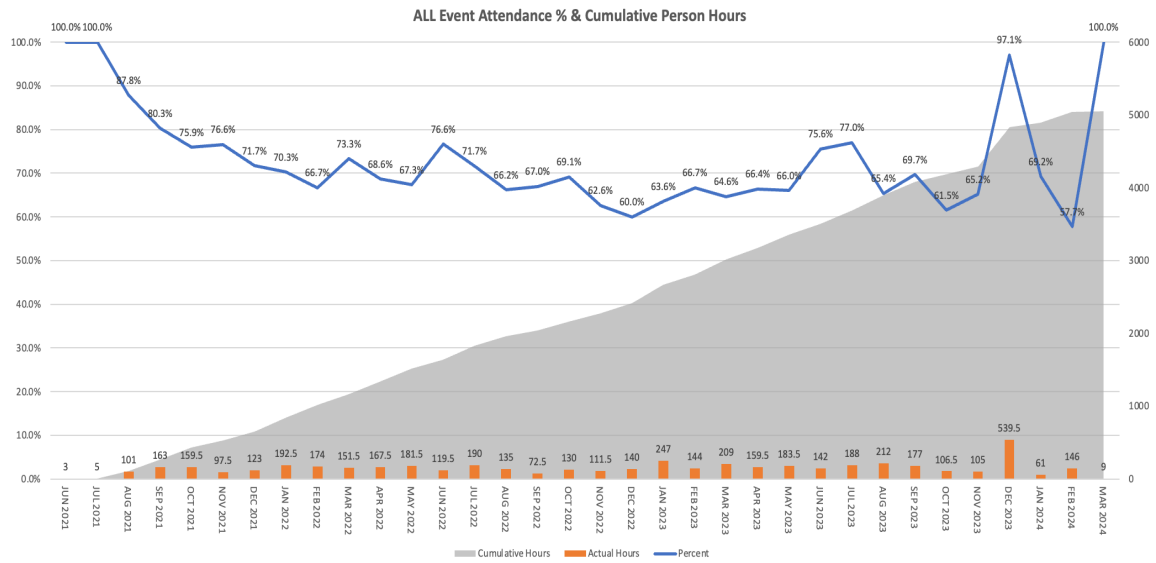
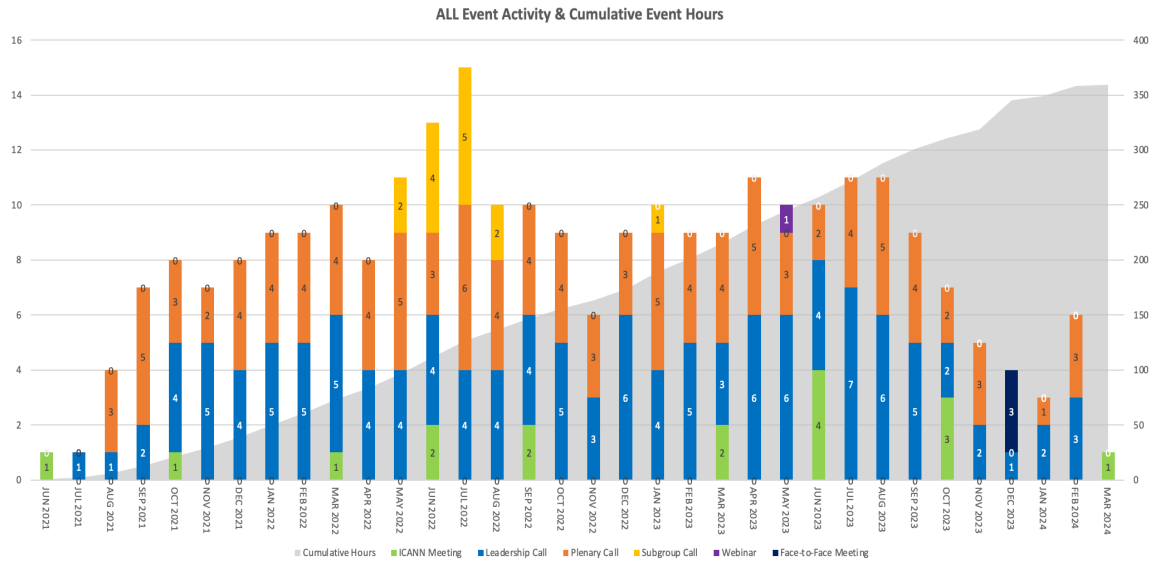
### Overall Meeting Activities:

- 272 total calls (with 23 cancelled) for a total of 5046.5 hours
- 17 total sessions at ICANN Public Meetings
- 3 days of Face-to-Face Workshop sessions

ICANN org Staff Support for the EPDP Team are listed below:

Substantive Support	Secretariat Support	ICANN Org Liaison
Ariel Liang	Devan Reed	Michael Karakash
Daniel Gluck	Julie Bisland	Pitinan Kooarmornpatana
Saewon Lee	Michelle DeSmyter	Sarmad Hussain
Steve Chan	Nathalie Peregrine	
Emily Barabas	Terri Agnew	

EPDP Team Activity Metrics:





**EPDP Team Membership and Attendance:**

Members of the EPDP Team, as well as liaisons from the GNSO Council and ICANN Board, are:

Represented Group	SOI	Start Date	Depart Date	Attended %	Role
<b>At-Large Advisory Committee (ALAC)</b>				<b>91%</b>	
Satish Babu	<a href="#">SOI</a>	5/25/2021		89.1%	
Abdulkarim Oloyede	<a href="#">SOI</a>	5/25/2021		83%	
Hadia Elminiawi	<a href="#">SOI</a>	7/14/2021		93.1%	
<b>Commercial Business Users Constituency (BC)</b>				<b>5.9%</b>	
Mark William Datysgeld	<a href="#">SOI</a>	5/25/2021	5/12/2022	5.9%	
<b>GNSO Council</b>				<b>95.2%</b>	
Donna Austin	<a href="#">SOI</a>	8/10/2021		95.7%	Chair
Manju Chen	<a href="#">SOI</a>	11/27/2023		88.9%	Liaison
<b>Intellectual Property Constituency (IPC)</b>				<b>41.8%</b>	
Brian King	<a href="#">SOI</a>	5/25/2021	11/8/2021	76.9%	
Jeffrey Neuman	<a href="#">SOI</a>	5/25/2021		37.1%	
<b>Internet Service Providers and Connectivity Providers Constituency (ISPCP)</b>				<b>44.9%</b>	
Christian Dawson	<a href="#">SOI</a>	7/12/2021		37.5%	
Nitin Walia	<a href="#">SOI</a>	5/31/2023		77.3%	
<b>Non-Commercial Stakeholder Group (NCSG)</b>				<b>44.0%</b>	
Taiwo Akinremi	<a href="#">SOI</a>	7/15/2021		15.5%	
Emmanuel Elolo Agbenonwossi	<a href="#">SOI</a>	7/13/2022		57.4%	
Grace Githaiga	<a href="#">SOI</a>	7/26/2023		6.3%	
Farell Folly	<a href="#">SOI</a>	7/27/2021		69.3%	Vice-Chair (since Nov 2023)
<b>Registrar Stakeholder Group (RrSG)</b>				<b>88.0%</b>	
Michael Bauland	<a href="#">SOI</a>	5/25/2021		85.1%	
Duowei Chen	<a href="#">SOI</a>	9/26/2021	2/13/2022	68.8%	
Zhang Zuan	<a href="#">SOI</a>	2/14/2022		96.0%	
<b>Registry Stakeholder Group (RySG)</b>				<b>82.7%</b>	
Maxim Alzoba	<a href="#">SOI</a>	5/25/2021		82.0%	

Represented Group	SOI	Start Date	Depart Date	Attended %	Role
Dennis Tan Tanaka	<a href="#">SOI</a>	5/25/2021		92.8%	
Jennifer Chung	<a href="#">SOI</a>	5/25/2021		75.8%	
Joseph Chiu-Kit Yee	<a href="#">SOI</a>	7/6/2021	5/2/2023	79.7%	
<b>Governmental Advisory Committee (GAC)</b>				<b>40.1%</b>	
Santhosh Thampy	<a href="#">SOI</a>	5/25/2021		21.6%	
Nigel Hickson	<a href="#">SOI</a>	7/12/2021		58.0%	
<b>ICANN Board</b>				<b>82.9%</b>	
Edmon Chung	<a href="#">SOI</a>	7/27/2021		82.7%	Liaison
Akinori Maemura	<a href="#">SOI</a>	11/18/2021	9/22/2022	80.6%	Liaison
Alan Barrett	<a href="#">SOI</a>	3/16/2023		86.7%	Liaison
<b>Member Totals:</b>				<b>68.4%</b>	

Participants of the EPDP Team are:

Represented Group	SOI	Start Date	Depart Date	Attended %	Role
<b>At-Large Advisory Committee (ALAC)</b>				<b>84.2%</b>	
Justine Chew	<a href="#">SOI</a>	5/25/2021	9/11/2023	99.0%	Vice-Chair (until Nov 2023)
TV Gopal	<a href="#">SOI</a>	5/25/2021	3/21/2022	25.0%	
<b>Independent</b>				<b>27.2%</b>	
Abdalmonem Galila	<a href="#">SOI</a>	5/25/2021		5.2%	
Lei Gao	<a href="#">SOI</a>	5/25/2021		1.1%	
Nabil Benamar	<a href="#">SOI</a>	5/25/2021		0.0%	
Shuo (Lisa) Liang	<a href="#">SOI</a>	5/25/2021		90.7%	
Anil Jain	<a href="#">SOI</a>	7/30/2021		69.7%	
Quoc Pham	<a href="#">SOI</a>	8/13/2021		12.8%	
Imran Hossen	<a href="#">SOI</a>	11/4/2021		23.1%	
Wael Nasr	<a href="#">SOI</a>	6/9/2022		0.0%	
Abdulnadir Roba	<a href="#">SOI</a>	8/22/2023		33.3%	
<b>Registry Stakeholder Group (RySG)</b>				<b>48.2%</b>	

Represented Group	SOI	Start Date	Depart Date	Attended %	Role
Jerry Sen	<a href="#">SOI</a>	5/25/2021		92.8%	
Wei (Wesley) Wang	<a href="#">SOI</a>	7/13/2021		3.1%	
<b>Governmental Advisory Committee (GAC)</b>				<b>67.7%</b>	
Hamza Onoruoiza Salami	<a href="#">SOI</a>	5/25/2021	7/20/2023	70.4%	
Amina Ramallan	<a href="#">SOI</a>	7/20/2023		55.6%	
<b>Participant Totals:</b>				<b>41.6%</b>	

As of the publication of this report, there are a total of 12 observers to the EPDP Team.

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## 11 Annex E – Community Input

### 11.1 Request for Input

According to the GNSO’s PDP Manual, a PDP working group should formally solicit statements from each GNSO Stakeholder Group and Constituency at an early stage of its deliberations. A PDP working group is also encouraged to seek the opinion of other ICANN Supporting Organizations and Advisory Committees who may have expertise, experience, or an interest in the issue.

As a result, the EPDP Team reached out to all ICANN Supporting Organizations (SOs) and Advisory Committees (ACs) as well as all GNSO Stakeholder Groups and Constituencies with requests for input at the start of its deliberations. In response, statements were received from the:

- Registries Stakeholder Group (RySG)
- Security and Stability Advisory Committee (SSAC)
- Country Code Names Supporting Organization (ccNSO) (specifically its ccPDP4 Variant Management Subgroup)

Their full statements can be found here: <https://community.icann.org/x/0gaHCg>

Community input was also sought through Public Comment on the EPDP Team’s Phase 1 Initial report. Input received can be found here: <https://community.icann.org/x/Y5GZDg>

### 11.2 Review of Input Received

All of the early input statements received were added to the relevant working documents and considered by the EPDP Team as part of its deliberations on each topic.