

Next Round of NgTLDs / Subsequent Procedures The Last SubPro Supplemental Recommendation

**Update #10 to the At-Large CPWG
- Continued Discussion on Singular/Plural Strings**

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Recap on SubPro Rec 24.3 to Supp Rec 24.3A-C to Strawman

- ⦿ SubPro Recommendation 24.3 on ***String Similarity Evaluations: Singular/Plural strings*** is final SubPro Rec not adopted by ICANN Board
- ⦿ GNSO Council (through its SubPro Small Team Plus) has developed Supplemental Recommendations 24.3A, 24.3B & 24.3C in attempt to address the ICANN Board's concerns over Rec 24.3
- ⦿ ICANN Board has informally signaled that it is still unlikely to adopt Supp Recs 24.3A, 24.3B & 24.3C despite removal of "intended use" in the original Rec 24.3
- ⦿ ICANN Board instructed ICANN Org to develop an alternative way forward
- ⦿ So, SubPro Small Team Plus is now discussing **ICANN Org's strawman proposal on how to handle issue of Singular/Plural strings.**
- ⦿ *Please refer to presentation & discussion at CPWG on 15 May 2024 for deeper background*

Intended Impact of Supp Rec 24.3A, 24.3B & 24.3C

- ⦿ Avoid Consumer Confusion (24.3A)
 - Prohibit delegation of plurals and singulars of the same word within the same language/script by extending String Similarity Review to include singular/plural check so:
 - Application for a single/plural variation of a word in the same language/script of an existing TLD or Reserved Name not allowed
 - Applications for singular and plural versions of a word in the same language/script, during the same application window, must go into contention set
- ⦿ Exception for dotBrands (24.3B)
 - Application for registered TM term applied as a dotBrand will not go into contention set with a non dotBrand, if the dotBrand applicant applies pursuant to and commits to Spec 13 obligations – domains allocated and used only by applicant, its Affiliates and TM Licensees. Means singular/plural can be delegated under these conditions.
- ⦿ Linguistic Resources (24.3C)
 - ICANN to identify recognised linguistic resources to determine the singular and plural versions of a string for specific language.

ICANN Board's 'Opposing' Rationales

- ◎ Avoid Consumer Confusion
 - String Similarity Review (SSR) is to protect consumer, best achieved with standard of 'visually confusingly similar'
 - For any broader perceived similarity issues, there is String Confusion Objection

- ◎ Extending SSR to include singular/plural check is problematic
 - Not all strings are lexical words per dictionary: eg mouse & mice vs tld & tlds
 - Singular/plural forms of words across languages cannot be done predictably or consistently by a readers: eg bat & bats in English vs bats in French
 - Applicant setting language of TLD ineffectual – end user only see the script of TLD string in its practical usage – so, singular/plural notion does not carry on to registrant and end user eg auto, cat have different meanings to different end users
 - *So, making ICANN Org doing singular/plural check for every string is problematic, requires resources, potentially leads to inconsistent results*
 - Thus, an across-the board prohibition of singulars/ plurals of same word in same language / script not in best interest of ICANN community or ICANN

ICANN Org's Strawman Proposal (1/3)

1. Must be a mechanism in new gTLD program that prevents singular and plural forms of the same word in the same language from both being delegated as top-level domains, **if, and only if, so REQUESTED** by an end-user, applicant, or other community member.
2. Requestor may also request ICANN prevent an application to progress in case an applied-for string is **the singular or plural version of the same word in the same language of an existing string**, incl. any string from prior application rounds not yet delegated but still being processed
3. Method of request should be efficient, cost effective and transparent. **ICANN shall develop the exact method of implementation with assistance of SubPro IRT.**
4. When a request is made, **requestor must inform ICANN** of the applicable strings, including the language in which, according to the requestor, the two strings are singular and plural forms of.
5. ICANN should suggest to IRT a list of dictionaries for the UN-6 language and, with assistance from IRT, finalize this list and include it into the AGB. **Does not stop requestor raising singular/plural in same language outside of the UN-6, but have to indicate source material they relied on to verify their claim.**

ICANN Org's Strawman Proposal (2/3)

5. Requestor may ask ICANN to place the plural and singular forms of the same word in the same language into a contention set should start **as soon as all applied-for strings are revealed, for no less than 3 months**, and which **must close at the end of the String Confusion Objection period**. **ICANN must provide concrete timing in AGB**.
6. If two strings are found to be singular and plural of the same word in the same language, ICANN org will place them in a contention set, or reject in case one of the strings is already delegated, or held in case one string is under process from the previous round, until it is processed.
7. For the avoidance of doubt, if two applied-for strings are singular and plural forms of the same word in the same language but **if no requestor asks** ICANN to place these strings into a contention set, **both strings may be delegated** - subject to all other applicable assessments and reviews that all applied-for strings undergo.

ICANN Org's Strawman Proposal (3/3)

⦿ Ramifications – an example, noting that .bank is an existing gTLD*

1. An application for **.banks** could be the subject of a 'request' because **bank** and **banks** are English words and are singular / plural in English.

Result: If request made, ICANN will reject .banks since .bank is already delegated; otherwise .banks could be delegated

2. An application for **.banke** could be subject to a 'request' because **bank** and **banke** are German words and are singular / plural in German.

Result: If request made, ICANN will reject .banke since .bank is already delegated

3. An application for **.banques** would not be subject to a 'request' because **banques** is not the plural of **bank** in English or French (assuming, in any other language either).

Result: ICANN will reject request since no issue of singular / plural

4. An application for **.banque** and an application for **.banques** could be subject to a 'request' because **banque** and **banques** are French words and are singular / plural in French.

Result: If request made, ICANN will put banque and banques into a contention set

*with thanks to Chris Disspain and Jeff Neuman

Analysis: GNSO Supp Recs vs ICANN Org's Strawman

- ⊙ Burden to check
 - Responsibility to check for singular/plural **shifts** from ICANN to “requestor”
 - ICANN won't need to expend resources to check every single string, in every single language
 - ICANN only needs to act when a request is made and (likely) limited to what the requestor submits as source material
 - **If no request made, both singular/plural strings may be delegated**
- ⊙ Mechanisms and burden of proof
 - “Allows” bypassing of Objection Mechanism (String Confusion Objection, Legal Rights Objections) which involves cost, higher burden of proof
 - Increases accessibility to (potential) remedy (assuming wide awareness)
 - Impact on abuse – intention attempt to create contention sets
- ⊙ Exception for dotBrands
 - ICANN relies on no request as basis for allowing singular/plural while GNSO's exception stipulates conditions by which singular / plural can proceed if they are and continue to be met.

Feedback Required ^{1/2}

- ⊙ Is ICANN Org's Strawman a reasonable way to proceed?
 - **YES, preserves the methodology but subject to particulars**
 - Exact method of implementation (with assistance of SubPro IRT)
 - Clarity on cross-language applicability – use of examples
 - Who does the review of a “request”? What expertise will they have?
 - Availability of challenge to panel decision – SubPro Topic 32
 - Confirmation that “requestor” can be anyone.
 - Would identity of the “requestor” influence the weight of a request? Must be a person.
 - Would some quick look mechanism apply to weed out frivolous ‘requests’ akin to (abusive) attempts to create contention sets?
 - Clarity on when String Confusion Objection needs to be used
 - **What else?**
 - **NO, ICANN has responsibility to do singular/plural checks as global technical coordinating body for DNS, which must not be displaced by risk of legal liability**
 - How can we help address the ICANN Board's concerns/rationale?

- ⦿ Languages
 - Does ICANN need to emphasize a list of dictionaries for the UN-6 language for inclusion in AGB?
 - Might this give a misguided impression even though “Requestor” can raise issue with singular/plural word in same language outside of the UN-6 languages?

- ⦿ Exception for dotBrands
 - Is this still needed? Do we care?

- ⦿ “Requestor”
 - Is this term suitable? Or is it more important to confirm “end-user, applicant, or other community member” means ANYBODY?

In concluding

- ⦿ What other questions do we have on ICANN Org's Strawman?
- ⦿ What other aspects should we be concerned about and wish to raise for discussion at the Small Team deliberations?

- ⦿ Poll – temperature of the room
 - Based on the points raised for (including need to clarify points) and against ICANN Org's Strawman, do you think that the Strawman is a potentially reasonable way to handle singular/plural checks?
 - **YES**
 - **NO**
 - **UNDECIDED**

Thank you!