

**FINAL REPORT**  
**ccNSO EPSRP Working Group**

*6 October 2016*  
*REV. 8 Nov 2016*  
*REV. 6 Jan 2017*

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## Executive summary

In this Final Report the ccNSO Extended Process Similarity Review Panel Working Group (hereinafter the “Working Group”) reviews its efforts and presents the revised guidelines and a number of recommendations to the ccNSO Council for modifications to the EPSRP original guidelines that were produced in November 2013.

The Working Group was formed in Q3-Q4 2015 following the ICANN Board decision in June 2015. The mandate of the Working Group as defined in the ICANN Board resolution was *“to provide further guidance on and refinement of the methodology of second string similarity review process, including the interpretation of its split recommendations, to be applied to the relevant current and subsequent cases in the IDN ccTLD Fast Track process as well as to inform the proposed policy for the selection of the IDN ccTLD strings”*.

Following very active email exchanges, calls and a face-to-face meeting, the Working Group decided to limit its work to the review of the original EPSRP guidelines to address the issues reported in the ICANN Board resolution. The Working Group, in considering this complex matter, observed the key principles of ensuring the security, stability and interoperability of the DNS throughout the TLD landscape (as reflected in RFC 6912), and the ultimate goal of promoting linguistic diversity in cyberspace. The Working Group has consolidated additional comments into a recommendations paper with the aims of supporting RFC 6912 while enabling ICANN to interpret the concept of “confusing similarity” in a consistent and non-discriminatory manner across the entire TLD environment.

With reference to the EPSRP Guidelines and, more precisely, to the requested interpretation of split recommendations, the Working Group finds as follows:

- In the event that there are different outcomes from the upper and lower case evaluations, the evaluation of the lower case shall prevail;
- Possible measures to mitigate risks of confusion are better handled at the registry level, as the appropriate organization to serve local community needs, subject to the principles and provisions set out in the relevant RFCs including RFC 6912 (especially paragraph 6); and
- Any process that evaluates IDNs or ASCII character strings, as potential new TLD labels, should be consistent with maintaining the security and stability of the DNS as a global resource for all Internet users, of all languages, according to the principles set out in the RFCs including RFC 6912.

The Working Group recommends that, after the internal approval process, the ICANN staff publish the revised EPSRP Guidelines in a timely manner. Considering that members and observers of the Working Group have long-term expertise in the IDN area, the Working Group remains available to provide further guidance and advice.

## EPSRP background

The ICANN IDN Fast Track Process was launched on 16 November 2009. Since then, the process has been subjected to regular reviews.

On 27 June 2013, the ICANN Board:

*“RESOLVED (2013.06.27.05), the ICANN Board of Directors approves amending the Fast Track Implementation Plan to implement the two-panel process for string similarity review in the IDN ccTLD Fast Track Process. The President and CEO is directed to incorporate the amendment into the Fast Track Implementation Plan previously adopted by the ICANN Board on 30 October 2009 (amended on 8 December 2011), and implement the amendment as soon as practicable.*

*RESOLVED (2013.06.27.06), the ICANN Board of Directors approves amending the Fast Track Implementation Plan to allow for all pending requests for IDN ccTLD strings under the Fast Track Process to have the option of requesting evaluation by the new Extended Process Similarity Review Panel (EPSRP) once the EPSRP is comprised.”*

The publication of the ICANN guidelines for the Extended Process Similarity Review Panel (EPSRP) took place on 5 November 2013. The EPSRP was one of the outcomes of the review of the Final Implementation Framework that was approved.

At its meeting on 25 June 2015 the ICANN board of Directors requested *“the ccNSO, in consultation with other stakeholders, including GAC and SSAC, to provide further guidance on and refinement of the methodology of second string similarity review process, including the interpretation of its split recommendations, to be applied to the relevant current and subsequent cases in the IDN ccTLD Fast Track process as well as to inform the proposed policy for the selection of the IDN ccTLD strings”.*

### The EPSRP Working Group

The Working Group charter – *Annex 5* – was adopted by the ccNSO Council on 11 September 2015. The call for volunteers for the Working Group was sent out on the ccNSO list on 30 September 2015 with 9 October as deadline to respond. The mailing list was [ccnso-epsrp@icann.org](mailto:ccnso-epsrp@icann.org)

The Working Group was finally formed on 23 November 2015. It comprised four ccTLD representatives, and an ICANN staff member who was acting as an expert as foreseen in the Working Group charter.

Mindful that the ICANN Board had particularly highlighted the need to consult with the GAC and SSAC, on 24 November, at the request of the Working Group Chair, ICANN staff sent out an invitation to the GAC and SSAC chairs *“to participate in a manner deemed to be most appropriate by GAC and SSAC, for example as observer, liaison or member”.*

In response to the invitation:

- Two GAC representatives, Manal Ismail of Egypt and Panagiotis Papaspiliopoulos of Greece joined the Working Group and participated fully in its work.
- On 3 December 2015, Patrick Fältström, SSAC Chairman, responded *“The way SSAC operates requires material to be reviewed by SSAC as a whole at which time SSAC decide whether to express any view and if so what. This makes it hard for SSAC to participate in groups like this.”*

A draft work plan for the EPSRP Working Group was shared on the Working Group mailing list on 3 December 2015 by its Chair.

The first call of the EPSRP Working Group took place on 22 December 2015. Since then, the Working Group officially convened as follows:

- 12 February 2016, Working Group call;
- 7 March 2016, face-to-face meeting at ICANN Marrakech.

It was not deemed appropriate to add further calls and/or meetings as the interaction on the Working Group mailing list was very good, as was the level of responsiveness anytime the working documents were updated and refined.

The first draft review of the EPSRP guidelines was shared with the Working Group on 11 January 2016. The second draft which incorporated the input received by the Working Group members, the GAC observers and ICANN staff was produced and circulated on 25 January 2016. At the same time, the Working Group was asked to further consider the following elements:

- **Shall the string similarity linguist panel review the string only?** The Working Group's consensus view on this substantive policy issue is that while there is a definite logic in having the string confusion people look *\*only\** at the string, the ultimate goal is to avoid user confusion. The EPSRP is intended as a type of appeal process from the DNS Stability Panel, who are specifically instructed to consider the impact of mitigation policies implemented at the ccTLD registry level (5.6.3 of the Implementation Plan directs the DNS Stability Panel to consider the impact of so-called 'pre-arranged conditions'). Further, some mechanism needs to be built to handle cases where the outcome from one of these processes contradicts the outcome of the other.
- **Should the scenario of an ISO code, which is neither an existing or applied for ccTLD, be taken into account?** The Working Group's consensus view on this policy issue is focused only on the issue of user confusion, not DNS stability and security which is rightly a priority and is subject to a separate test. Further, the Working Group strongly supports the continued application of relevant RFCs including RFC 6912 (there is useful guidance on the issue of confusing similarity at paragraph 6 of RFC 6912). If an entry in the list is neither an existing nor an applied for TLD, and we know it will never be a TLD, it is inappropriate that such a code blocks another TLD application on the basis of user confusion. Concepts of first come, first served are relevant - in that the decision on user confusion ought to be based on the information that is known at the time of the application. That is the approach taken in the new gTLD evaluations, where string similarity is considered on the basis of existing *and applied for* TLDs, and reserved names. If, in the future, an entry on the ISO list gets revived and used as an ASCII ccTLD, it would follow the relevant ISO process. The Working Group noted that the ISO process does not seem to prioritise issues of confusion, as is evidenced by the co-existence of similar two letter codes such as .it/.lt, .lu/.lv etc.

The third draft of the revised EPSRP guidelines was shared with the Working Group on 22 February 2016. The Working Group members and observers were invited to consider the following:

- Should the EPSRP be the final appeal body of the IDN ccTLD Fast Track, or should there be an alternative 'upper layer'? What are the advantages and disadvantages of each approach?
- If there is an alternative 'upper layer', how should it be constituted and what issues should it consider?
- If there is to be no 'upper layer' what guidance should the EPSRP be given on how to resolve broader issues relating to the application, beyond pure string similarity?

- To what extent should the tests for evaluating string similarity be consistent across ccTLDs and new gTLDs? What justifications are there for having different tests?
- From whose perspective does string similarity need to be evaluated? Potential users of the IDN domain names? Someone else?
- How should the process handle entries on the ISO 3166 which have not been applied for as TLDs?
- To what extent should external factors, such as TLD policies, the context in which TLD will be used, be included in the evaluation of string similarity?
- To what extent can this Working Group resolve the issues at hand without updating the Implementation Plan? If such changes are deemed necessary by the Working Group, what impact will this have on time, process etc?

After the Working Group meeting in Marrakech on 7 March 2016, the Working Group received the rules relating to the reserved and exceptional reserved codes on ISO 3166-1 list from ICANN staff.

On 18 March 2016, the third draft of the revised guidelines was shared. The third draft took into account the consensus to keep the changes to a minimum and make them functional to provide guidelines to the linguist panel in case of split results for confusing similarity in upper and lower case as requested by the ICANN Board. It was agreed that any other consideration would be included in a document that would summarise the thoughts shared on the Working Group mailing list. The Working Group was invited to submit comments by 8 April 2016. Most of the Working Group members and observers expressed their support to the two papers, and none expressed dissent.

The ICANN staff expert submitted written comments on 7 April, which have been taken into consideration.

The refined review of the EPSRP guidelines and the Working Group paper containing recommendations were shared with the Working Group on 13 June 2016. Minor edits were made to the texts and all Working Group members and observers agreed on the content and approach (*Annex 2 and 3*).

### **The Public Comment period**

As tasked under its Charter the Working Group sought public comment on its draft Guidelines. The Public Comment period opened on 20 July 2016 and closed on 31 August 2016. In addition, and to meet the ICANN Board request to cooperate with the GAC and SSAC on providing additional guidance, the chair of the EPSRP ccNSO Working Group invited both the GAC and SSAC chairs and/or their constituencies to comment on the Working Group's revised EPSRP guidelines, either directly or through the public comment mechanism.

The ICANN staff report on the comments received was posted on 8 September (and is included in this final report, Annex 4).

Two of the comments received were by ALAC and Verisign. Both are supportive of the work done by the Working Group. They both made useful points that are incorporated in the Working Group's final version of the revised guidelines and recommendation paper.

The third comment, (SAC084), was received from SSAC. As stated in the ICANN staff report on the public comment period, it seems there were some "misunderstandings about the events that determined the creation of the Extended Process Similarity Review Panel (EPSRP), as well as about the role and scope of the ccNSO WG EPSRP, including its tasks to develop new guidelines." The

Working Group agrees with the ICANN staff analysis of the SSAC comments, and believes that SSAC members are laboring under several misunderstandings in relation to this project's scope.

Following feedback from ccNSO, several online communications and a valuable face-to-face meeting at the ICANN 57 in Hyderabad, SSAC produced a clarifying document SAC088, which omits comments relating to process and elements which have not been changed in this iteration of the EPSRP. However, SSAC asks for the principles set out in its previous comment SAC084 to be entrenched in the EPSRP – despite those principles not being supported by current or previous decisions made by the ICANN community.

The ccNSO working group is happy to clarify that all advice relating to the EPSRP is to be interpreted in a way that is consistent with the RFCs, particularly RFC 6912 at paragraph 6. It is appropriate to refer to RFCs as primary sources rather than to SSAC advice which seeks to interpret those RFCs in a way that is inconsistent with the approach taken by the ICANN community.

### **Community participation**

The Working Group members and observers have extensively contributed to the development of the final draft of the revised EPSRP guidelines as well as of the recommendations.

The Working Group members, observers and the ICANN staff expert represent diverse areas of expertise. Each has direct knowledge of the Internationalised Domain Names policies and approaches, together with an in-depth understanding of the historical underpinnings and evolution of the IDN ccTLD Fast Track process. This background has ensured a constructive and accurate exchange of views on the multiple elements that are at the basis of the mandate of the Working Group, including the political sensitivities, operational repercussions of specific procedures, IDN management and end-user/registrant protection.

The Working Group has reached out to the different communities, in particular the GAC and SSAC as envisioned in the Board resolution of June 2015, to participate in the process and to provide feedback and input during the process, and has provided regular updates during the ccNSO meetings.

The ALAC endorsement of the Working Group's work is a further positive step as ALAC represents the end-user at ICANN level.

### **Summary of Conclusions and Recommendation**

The Working Group and its observers believe that the security and stability of the DNS must be ensured by ICANN and all Internet actors in any TLD environment. The Working Group's recommendations are intended to support, not contradict RFC 6912.

With reference to the EPSRP Guidelines and, more precisely, to the interpretation of split recommendations per Board request, the Working Group advises the ccNSO Council to recommend to the ICANN Board that in the event there are different outcomes from the upper and lower case evaluations, the evaluation of the lower case shall prevail, and that possible measures to mitigate risk confusion should be enforced at the registry level as the appropriate organisation to serve local community needs. See the revised Guidelines (*Annex 2*).

The Working Group would like to thank all those who participated in the exercise of refining the existing EPSRP guidelines that are part of an extremely complex area of the TLD landscape.

As ALAC stated in their comment, the proposed, revised guidelines are intended to support linguistic diversity as well as mitigating potential end-user confusion.

The recommendation paper, *Annex 3*, underlines that confusing similarity principles and rules should be applied consistently throughout the TLD space. On the basis of what stated above, the Working Group concludes that the work to review the EPSRP guidelines is completed and, taking into consideration the comments received and what has already been implemented in the gTLD domain space - with the approval of the ICANN Board, its recommendations are logical, pragmatic and duly substantiated. Therefore, the Working Group recommends to the ccNSO Council to submit this Final Report to the ICANN Board for approval and, in addition, to encourage the ICANN community to participate constructively in consensus-building for its support.

## **Annex 1 - Working Group Members**

- Giovanni Seppia (.eu) – Chair
- Vaggelis Segredakis (.gr)
- Hiro Hotta (.jp)
- Wafa Dahmani Zaafouri (.tn)

### ICANN Staff Support

- Bart Boswinkel
- Kim Carlson

### GAC observers

- Manal Ismail, National Telecommunications Regulatory Authority of Egypt
- Panagiotis Papaspiliopoulos, General Secretariat of Telecommunications and Post of the Hellenic Ministry of Infrastructure, Transport and Networks.

### ICANN Experts

- Sarmad Hussain

### ccNSO webpage

<https://ccnso.icann.org/workinggroups/epsrp.htm>



## **Annex 2 - REVISED (23 June 2016, v. 3) Guidelines for the Extended Process Similarity Review Panel (EPSRP) for the IDN ccTLD Fast Track Process**

The following provides guidelines to implement the EPSRP Framework described in section 4.3.1 and other relevant sections of the Final Implementation Plan for IDN ccTLD Fast Track Process (as revised on 5 November 2013)(the "Implementation Plan").

### Introduction

One of the functions of the DNS Stability Evaluation in the IDN ccTLD Fast Track process<sup>1</sup>, as described in the Implementation Plan, is to provide external and independent advice to evaluate whether a selected string is confusingly similar to other existing or applied-for TLDs. If the results of the DNS Stability Evaluation are that the selected string is considered confusingly similar to another string, the request for the IDN ccTLD selected string is not eligible to proceed further under the Fast Track Process.

To evaluate potential similarity, the DNS Stability Evaluation includes the following evaluation Panels:

- An external and independent DNS Stability Panel that conducts the initial DNS Stability Evaluation, which includes a string similarity review of the requested IDN ccTLD string.
- In the event that a finding of string confusion and contention (under Implementation Plan 5.5) has been made by the DNS Stability Panel, an external and independent Extended Process Similarity Review Panel ("EPSRP"), only upon the request of the applicant, conducts a review of the requested IDN ccTLD string, using the same criteria for string confusion and contention, and a different methodology from the DNS Stability Panel.

The EPSRP shall review the requested string(s) on the basis of the framework described below, with a clear focus on the overarching principle of preserving and ensuring the security, stability and interoperability of the DNS and the guidance offered in RFC 6912 (particularly at paragraph 6).

### Criteria

A selected IDN ccTLD string should not be confusingly similar (as defined in paragraph 5.5 of the Implementation Plan) with:

- Any combination of two ISO 646 Basic Version (ISO 646-BV) characters<sup>2</sup> (letter [a- z] codes), nor
- Existing TLDs, applied for TLDs, or reserved names.

### Guidance for interpretation of the criteria for confusing similarity

The overarching principle is to preserve and ensure the security, stability and interoperability of the DNS (Framework, para 4.3).

The EPSRP's role is to seek to prevent systemic user confusion arising from the applied for string. In applying the criteria for confusing similarity (para 5.5 of the Implementation Plan), the EPSRP shall:

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<sup>1</sup> Internationalized country-code Top Level Domain Fast Track process: <http://www.icann.org/en/resources/idn/fast-track>

<sup>2</sup> International Organization for Standardization, "Information Technology – ISO 7-bit coded character set for information interchange," ISO Standard 646, 1991

1. Take into account that, when comparing the string with entries in the two ISO 646 Basic Version (ISO 646-BV) characters, in the ccTLD environment, two letter country codes which are similar to one another already co-exist without apparently causing user confusion (eg .It and .it; .lv and .lu). The guidance at paragraph 6 of RFC 6912 provides a useful approach;
2. From a visual similarity point of view, upper and lower case versions of the applied for strings may be distinct entities in some scripts. From a technical perspective, the lower case version is authoritative when resolving a domain name, and any upper case characters are first converted into lower case prior to technical resolution. From a general user's perspective, the lower case is much more frequently used to display and type domain names. For this reason, the EPSRP shall give greater weighting to the visual appearance of the selected string, in lower case, rather than upper case. In the event that there are different outcomes from the upper and lower case evaluations, the evaluation of the lower case shall prevail.
3. Where confusing similarity is found in upper case only, the EPSRP may note that there is potential for confusing similarity and let the application go forward, perhaps with conditions.
4. Consider the visual appearance of the string in common fonts in small sizes at typical screen resolutions;
5. Consider confusing similarity from the perspective of a reasonable Internet user who is familiar with the scripts to be assessed (the likely intended audience of the IDN TLD string).

## Methodology

In order to determine whether this is the case – in particular for the two-letter codes under the Fast Track Process – the EPSRP will establish whether a requested IDN ccTLD string is too similar to another based on a behavioral metric that objectively measures the visual similarity of a candidate string to other letter strings. The behavioral metric provides quantitative and statistical evidence about the likelihood of confusing two possible strings and its methods are open and repeatable to enable replication by third parties.<sup>3</sup> If the string is deemed too similar through this review, the EPSRP will not recommend acceptance of the string.

An external and independent research team (Research Team) will provide the behavioral metrics to the EPSRP. These behavioral metrics are related to the selected IDN ccTLD string under evaluation by the EPSRP, and are derived from three different measuring methods (tests) to assess similarity. These tests are designed in such a manner that the tasks in the tests are performed by several hundred participants/volunteers to allow for repetition (both by the same participant and across different participants) and performance of the tasks requires prior knowledge of the related scripts. The participants/volunteers are independent of the Research Team and the EPSRP, and must represent a reasonable diverse sample in terms of age, gender, language, geography and other relevant demographics (economic factors, level of education, and occupation).

The tests are:

- Subjective Rating Task: Participants judge on a multi-point scale the visual similarity of two-letter strings. Although this is necessarily a subjective measure, the outcomes from such ratings can be very reliable within and between raters, and this can easily be translated to a numerical scale.
- Delayed Match to Sample: Participants in the test are shown a stimulus, which later must be selected from a set of options. In this case, when only two options are given, this is sometimes

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<sup>3</sup> This takes into account the latest results of the academic research in the study of letter recognition, neuropsychology and cognition, for example: **A letter visual-similarity matrix for Latin-based alphabets**, Simpson, Ian; Mousikou, Petroula; Montoya, Juan; Defior, Sylvia, Behavior Research Methods; June 2013, Vol. 45 Issue 2, p431 **Alphabetic letter identification: Effects of perceivability, similarity, and bias**. Shane Mueller, Cristoph Weidemann, *Acta Psychologica* 139, (2012)

referred to as a two-alternative forced choice (2- AFC) task.

- Visual Search Task: Participants search for and identify a stimulus either by matching a target or mismatching the rest of the stimuli in a field of text strings.

#### Extended Process Similarity Review Panel Procedure

An IDN ccTLD Fast Track applicant may ask for the EPSRP to conduct a second and final confusing similarity assessment of the requested IDN ccTLD string if:

- 1) The DNS Stability Panel, in performing its string similarity review, deems the string to be invalid;
- 2) The EPSRP assessment is requested within 90 days of ICANN's notification to the applicant of the DNS Stability Panel evaluation results.

Transitional arrangement: If an IDN ccTLD string request submitted under the Fast Track Process is still in process or has been terminated due to non-validation of the string per confusing similarity criteria, the requester has the option to request a second and final validation review by the EPSRP. This option is available to the requester within 90 days of the date when the EPSRP is appointed and ICANN provides the eligible requesters notice of the appointment.

To initiate the second and final EPSRP, the requester of the selected string should respond to the notification received from ICANN through the Fast Track Ticketing System. The requester may provide additional documentation and clarification related to aspects in the report of the DNS Stability Panel, and the requester considers relevant for the EPSRP to take into account. Providing additional documentation is optional. The additional materials, if any, should be sent to the Fast Track Ticketing System: [idnft@icann.org](mailto:idnft@icann.org), while ensuring that the subject line of the email stays intact per previous exchanges so that the system can capture the reply. The requester may submit the additional material up to 30 days after requesting the Extended Process Similarity Review Procedure.

If the requester has not notified ICANN within 90 days after the date of notification by ICANN of DNS Stability Panel findings, or, in the event the transitional arrangement is applicable, 90 days of the date the EPSRP is appointed, the Fast Track Termination Process will be initiated (See section 5.4. of the Implementation Plan).

After receiving the notification and additional material (if any) from the requester, ICANN shall forward the issue to the EPSRP, within seven days after receiving the material or, in the event the requester indicates no additional material will be provided, within seven days after receiving the requester's confirmation of no additional materials. In all events, the issue is expected to be forwarded to the EPSRP within seven days of the end of the 30-day period for submission of documentation as stated above.

After receiving the notification from ICANN staff, the EPSRP will define the parameters for the measuring methods/tests based on the rule for confusing similarity as described above, taking into account the relevant documentation provided by the requester, if any, and request the external Research Team to measure the similarity and confusability of the selected IDN ccTLD string(s) to similar and dissimilar comparison strings.

Once the EPSRP has received the report from the Research Team, the EPSRP evaluates the findings of the Research team, taking into account, but not limited to:

- All the related documentation, if any, from the requester,
- The findings of the DNS Stability Panel.

During the evaluation process, the EPSRP may seek further clarification from the requester through ICANN staff, if the EPSRP deems this necessary. The EPSRP is not required to seek any further clarification.

As soon as possible, the findings of the EPSRP shall be reported to ICANN and will be publicly announced on the ICANN website. This Report shall document the findings of the EPSRP, and shall include:

- The final decision,
- The rationale for the final decision.
- Report of the external Research Team.

In the event that the string is deemed to be invalid, the EPSRP Report shall also include:

- A reference to the strings that are considered confusingly similar,
- Examples where confusing similarity was noted.

The Report of the EPSRP is expected to be queued for public posting within one (1) week of ICANN's receipt of the Report. ICANN is also expected to inform the requester of the findings of the EPSRP prior to posting.

If, as a result of the EPSRP Report the requested string(s) is/are valid, and all other portions of the Fast Track process are also successfully completed by the requester, the requested string(s) will be queued for public posting, in accordance with section 5.6.4 of the Final Implementation Plan for IDN ccTLD Fast Track Process.

If the requested string is not considered valid as a result of the EPSRP Report, the Fast Track Termination Process will be initiated (See section 5.4. of the Implementation Plan).

Extended Process Similarity Review Panel:

Dr. Max Coltheart (chair), Emeritus Professor Department of Cognitive Science, Macquarie University Australia

Dr. Jonathan Grainger, Directeur de recherches au CNRS Aix-Marseille Université France

Dr. Kevin Larson United States

Research Institute:

Department of Cognitive and Learning Sciences, Michigan Technological University United States

Leader of the research team: Professor Dr. Shane T. Mueller

### Annex 3 - ccNSO Working Group on the EPSRP review: Observations and recommendations

ICANN's Board of Directors in a resolution of 25 June 2015, asked the EPSRP Working Group to *"...provide further guidance on and refinement of the methodology of second string similarity review process, including the interpretation of its split recommendations, to be applied to the relevant current and subsequent cases in the IDN ccTLD Fast Track process as well as to inform the proposed policy for the selection of the IDN ccTLD strings."*

#### The Working Group's scope

The Working Group Charter defines the scope to the 'review of the [EPSRP] process as defined in the Implementation Plan and Guidelines... and as part of the overall proposed policy for the selection of IDN ccTLD strings, including the definition of confusing similarity.'

#### Agreed outcome so far

The WG has agreed on revisions to the Guidelines (*Annex 2*), a copy of which is submitted with this note. The revised Guidelines include guidance for the EPSRP in applying the criteria for confusing similarity set out in 5.5 of the Implementation Plan. The guidance includes that where there is a split recommendation (between upper case and lower case), the finding relating to the lower case shall prevail and the application shall go forward.

#### Issues highlighted by the Working Group

##### High level points

- (IDN) ccTLD policy including consumer protection is a local matter to be dealt with by the local significant interested parties, explicitly including the government
- All requested IDN ccTLD strings represent the legitimate and free choice of a specific linguistic community related to a country or territory that has every right to use its language and script in the DNS space. It is essential that the IDN ccTLD evaluation process should do everything possible to facilitate such legitimate requests from the significant interested parties, which includes government.
- The outcome of the current confusing similarity evaluation, either from the first evaluation or from both the first and second extended evaluation, determines the pass or fail of the requested IDN ccTLD string for the overall process. This binary and deterministic approach of the evaluation has proven to be disproportionate and arbitrary for the following reasons:
  - It is the understanding of the WG that the purpose of the confusingly similarity evaluation is to minimise a theoretical risk of user confusion.
  - The WG notes that confusing similarity is not limited to IDN ccTLD strings. It can also be observed between ASCII only strings, in particular between some ccTLDs, for example li,il and lu,lv (LI, IL and LU,LV). This is accepted and the risk is considered to be acceptable as new ccTLD strings have been delegated without any consideration of the confusing similarity issue after the issue was identified initially. The ICANN process should not apply a higher standard with regard to confusing similarity than the ISO list applies to itself.
  - Current practice around confusingly similar (ASCII) ccTLD strings strongly suggest that the risk of string confusion should not simply be assessed and addressed at the level of a TLD in isolation, but take into account other circumstances as well, for example how confusingly similar is the requested IDN ccTLD when contextualised by second level domains. RFC 6912 (paragraph 6) reflects this approach and should be referred to by the EPSRP.

- The result of the confusing similarity evaluation of IDN ccTLDs, i.e denying the use of a legitimate IDN ccTLD, is in some cases solely to avoid the highly speculative risk of user confusion with a two-letter code that is not yet in use and, which may or may not be assigned at some point in the future.
- It is the understanding of the WG that the potential risk of user confusion is partly due to issues around the implementation of relevant RFCs and/or other industry standards by software and application providers. This is in particular the case where the confusing similarity risk is only due to confusing similarity of the string in UPPER CASE. Rather than seeking to address the issue of upper case usage of domain names through the IDN ccTLD process, it is more appropriate to do so through ICANN's universal acceptance support group, which can, for example, encourage software providers to follow relevant standards with regard to upper and lower case domain names.
- It is a general accepted principle that user and consumer protection, which includes avoiding user confusion, with respect to ccTLDs is first and foremost a local matter, embedded in applicable law and relevant related public policies. For example the protection of privacy and related WHOIS policies for the (IDN) ccTLD are and have always considered to be a local matter. The use of (IDN) ccTLDs including rules around consumer protection are defined by the local significant interested parties for the (IDN) ccTLD), which by definition includes the relevant government. In the view of the WG the current practice that has evolved around the confusing similarity of IDN ccTLDs strings is a major anomaly, which undermines the principle of local determination. Should there be a realistic risk of user confusion caused by confusing similarity of the IDN ccTLD string itself, it should be addressed locally, through the IDN ccTLD policy and policy development.

As argued above denial of the use of a requested IDN ccTLD string that is only considered confusingly similar in UPPER CASE, without looking at alternative less intrusive risk mitigating measures is imbalanced, arbitrary and disproportionate. It is the view of the WG that if a requested IDN ccTLD string is found to be only confusingly similar in UPPER CASE, the requester/envisioned IDN ccTLD manager should be allowed to propose and implement risk mitigating measures.

#### Suggested way forward

- A clear, consistent set of rules for 'confusing similarity' should be in place and applied to both ccTLDs and gTLDs.

In the immediate term, the IDN ccTLD Fast Track process should be amended to take into account the following guiding principles:

- ccTLD policy is a matter for the local internet communities to determine, subject to maintaining the security and stability of the DNS as a global resource for all Internet users.
- A given IDN ccTLD application represents the free choice of a specific linguistic community that has every right to use its language and script in the DNS space. It is essential that the IDN ccTLD evaluation process should do everything possible to facilitate such requests from local communities, subject to maintaining the security and stability of the DNS as a global resource for all Internet users.
- Where a finding of potential confusability has been made, rather than rejecting the application, the process should allow the applicant to propose mitigation measures (this is consistent with the approach taken in the Implementation Plan at paragraph 5.6.3).
- A pragmatic approach should be adopted to the issue of potential user confusion, consistent with the advice at paragraph 6 of RFC 6912. It may not be possible to eliminate confusion entirely, and much user confusion takes place in context (phishing, URL clicking), rather than because of a TLD.

- Where there is a split recommendation (between upper case and lower case), the finding relating to the lower case shall prevail and the application shall go forward.

It is highly advisable that these principles are considered to review and, if necessary, suggest adjustments to the overall IDN ccTLD policy recommendations.

<b>TITLE:</b> <b>Proposed Guideline for the Second String Similarity Review Process</b>																								
<b>Publication Date:</b>																								
<b>Prepared By:</b>		Staff																						
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<b>Staff Contact:</b>	Bart Boswinkel	<b>Email:</b>	Bart.Boswinkel@icann.org																					
<b>Section I: General Overview and Next Steps</b>																								
<p>ALAC, Verisign and SSAC have submitted comments shared their views. These are summarized in section III of this report. In the section IV, analysis of comments, staff has provided a description of the events, their chronology leading up to the public comment period. Based on an initial analysis and evaluation of the comments received there seems to be some misunderstanding about some events and their chronology.</p> <p>As a next step and part of its task, the WG will take the comments received and the situation that has arisen into due account and consider its next steps carefully.</p>																								
<b>Section II: Contributors</b>																								
<p><i>At the time this report was prepared, a total of 3 community submissions were posted to the forum. The contributors, both individuals and organizations/groups, are listed below in chronological order by posting date with initials noted. To the extent that quotations are used in the foregoing narrative (Section III), such citations will reference the contributor's initials.</i></p> <p><u>Organizations and Groups:</u></p> <table border="1"> <thead> <tr> <th>Name</th> <th>Submitted by</th> <th>Initials</th> </tr> </thead> <tbody> <tr> <td>At-Large Advisory Committee</td> <td>At-Large staff (24 August)</td> <td>ALAC</td> </tr> <tr> <td>Verisign Inc.</td> <td>David McAuley (29 August)</td> <td>Verisign</td> </tr> <tr> <td>ICANN Security and Stability Advisory Committee</td> <td>Julie Hedlund (ICANN staff) (31 August)</td> <td>SSAC</td> </tr> </tbody> </table> <p><u>Individuals:</u></p> <table border="1"> <thead> <tr> <th>Name</th> <th>Affiliation (if provided)</th> <th>Initials</th> </tr> </thead> <tbody> <tr> <td>NA</td> <td>NA</td> <td>NA</td> </tr> <tr> <td></td> <td></td> <td></td> </tr> </tbody> </table>				Name	Submitted by	Initials	At-Large Advisory Committee	At-Large staff (24 August)	ALAC	Verisign Inc.	David McAuley (29 August)	Verisign	ICANN Security and Stability Advisory Committee	Julie Hedlund (ICANN staff) (31 August)	SSAC	Name	Affiliation (if provided)	Initials	NA	NA	NA			
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<p><i>General Disclaimer: This section intends to summarize broadly and comprehensively the comments submitted to this public comment proceeding but does not address every specific position stated by each contributor. The preparer recommends that readers interested in specific</i></p>																								



aspects of any of the summarized comments, or the full context of others, refer directly to the specific contributions at the link referenced above (View Comments Submitted: <https://forum.icann.org/lists/comments-proposed-epsrp-guidelines-20jul16/> ).

## **ALAC**

ALAC strongly supports the observations specified by the Working Group around confusing similarity of IDN ccTLDs.

ALAC in agreement with the Working Group's "suggested way forward":  
Clear, consistent set of rules should be in place and applied to both ccTLDs and gTLDs.

IDN ccTLD Fast Track process should be amended to take into account a set of guiding principles listed in the documents.

ALAC believes that the proposed guidelines will help promote linguistic diversity, mitigate risk of user confusion, and preserve and ensure the security, stability, and interoperability of the DNS.

## **Verisign**

IDNs are important to ensure broad, global access to the Internet. Every effort should be made to ensure they are appropriately treated, which would include, among others, having due regard for RFC 6912. It is trusted that the proposed guidelines and refinements by the WG EPSRP will aid the string similarity review process they will serve.

It is observed that in this and other processes IDN TLDs (whether gTLD or ccTLD) should be treated equivalently, except and only for those facets of the process that relate to ccTLDs strictly because and to the extent of their country code nature.

## **SSAC**

### ***Preface***

The SSAC comment submitted as SAC 084, comment to the Board, the ICANN Community, and, more broadly, the Internet community. Comment focuses on Extended Process Similarity Review Panel (EPSRP), and some very basic issues exposed in review of the proposed guidelines (for the EPSRP)

### ***Design Principles***

SSAC refers to the Design Principles described in RFC 6912 (added comment: April 2013). SSAC believes that in particular the following 3 principles from RFC 6912, and as restated by SSAC, also apply to decisions concerning the inclusion of IDN labels in the root zone:

- Conservatism Principle
- Inclusion Principle
- Stability Principle

Adherence to these principles is critical for continued interoperability and stability of the DNS root zone and deviation would increase the risk of root zone instability.

It is stated that these principles have been reflected in ICANN IDN guidelines in place for a decade, and as overall principles for IDN ccNSO Policy Development Process (Staff comment: 2007- 2013). Conservatism principle was also cornerstone to the IDN ccTLD Fast Track Process (November 2013).

## **EPSRP**

According to SSAC the adherence to listed principles (by the DNS Stability Panel) led to rejection of IDN (cc)TLD application from Bulgaria and Greece by the IDN ccTLD Fast Track DNS Stability Panel. This resulted then in the initiation of a Policy Development Process by the ccNSO, and to a Board approval on 5 November 2014 (note: the footnote refers to Board Decision 5 November 2013).

Following, the original process was changed and the EPSRP added. This EPSRP could apply different criteria to the string similarity review, which were based on the following “guiding principles”:

- ccTLD policy is determined locally
- IDN Application free choice of linguistic community. IDN evaluation should do everything to facilitate request
- If application is rejected, process should allow applicant to suggest mitigating measures
- Choose a pragmatic approach
- Where a split recommendation (between upper and lower case ) , lower case shall prevail

SSAC notes that are diametrically opposed to the 3 principles listed above and the apparent intention of the EPSRP was to create a way to bypass the 3 principles. This assumption is strongly reinforced by the new guidelines, which focus almost exclusively on distinction between “uppercase” and “lowercase” letter. Which only exists for only two of the many writing systems.

### **Issue**

Underlying difficulty with all IDN’s is that Internet domain naming does not work like natural language. This is reason why conservative approach was adopted as principle to approve new IDN TLDs. EPSRP has not solved any part, it is simply a way around original criteria

### **Findings**

SSAC finds observation document focuses on detailed timelines and process driven steps is not feasible. It disregards the complexities involved in evaluation of labels that may require extensive study and analyses to reach a conclusion. This is diametrically opposed to ICANN’s mission.

### **Recommendation**

SSAC recommends the Board not to accept proposed guidelines. The Board should request a review of the EPSRP to determine why its proposed guidelines do not respect the aforementioned principles.

## **Section IV: Analysis of Comments**

*General Disclaimer: This section intends to provide an analysis and evaluation of the comments submitted along with explanations regarding the basis for any recommendations provided within the analysis.*

ALAC, Verisign and SSAC have submitted their comments and shared their views. As part of the process and in accordance with the charter, the members of the WG EPSRP will review all the comments received for further consideration and decisions on next steps.

Based on the comments received it seems there are some misunderstandings about the events

that determined the creation of the Extended Process Review Similarity Review Panel (EPSRP), as well as about the role and scope of the ccNSO WG EPSRP, including its tasks to develop new guidelines.

As this is a staff analysis, it will be limited to a clarification to the events leading up to the 25 June 2016 Board request and ccNSO response. The Board request was that *"the ccNSO, in consultation with other stakeholders, including GAC and SSAC, (to) provide further guidance on and refinement of the methodology of second string similarity review process, including the interpretation of its split recommendations, to be applied to the relevant current and subsequent cases in the IDN ccTLD Fast Track process as well as to inform the proposed policy for the selection of the IDN ccTLD strings."*

### **ccNSP PDP on IDN ccTLDs**

In October 2007 the ccNSO Council launched the second ccNSO policy development process on the overall policy for IDN ccTLD strings (<https://ccnso.icann.org/meetings/losangeles/ccnso-council-minutes-31oct07.pdf>). In this PDP two major topics were addressed: the selection of IDN ccTLD strings (WG 1) and the inclusion of IDN ccTLD in the ccNSO (WG 2). In September 2013 the Board Report was submitted in September 2013 (see: <https://ccnso.icann.org/announcements/announcement-26sep13-en.htm>) and the Board acknowledged receipt in October 2013, (<https://www.icann.org/resources/board-material/agenda-2013-10-23-en>). In terms of the ccNSO PDP it still awaits Board discussion. This is pending the outcome on the discussion on the EPSRP, which was introduced on an experimental basis in June 2013, (following the request and advice of the ccNSO and GAC, see Board resolution June 2013: <https://www.icann.org/resources/board-material/minutes-2013-06-27-en#2.b>) and launched in December 2013.

### **IDN ccTLD Fast Track Process**

It was clear from the start that the ccNSO Policy Development Process would take several years. In order to meet pressing demands from linguistic groups and the need to be able to experiment with a methodology, the ICANN community supported the launch of an intermediate solution i.e. the launch of process to develop a methodology for the selection of IDN ccTLD strings. This process was launched in November 2007 by the ICANN Board of Directors would (see: [https://www.icann.org/resources/board-material/resolutions-2007-11-02-en#\\_Toc55609363](https://www.icann.org/resources/board-material/resolutions-2007-11-02-en#_Toc55609363)). The proposed methodology and its implementation were adopted late 2009 and launched on 16 November 2009.

The methodology as proposed by the community included some rules around the need to avoid confusing similarity of requested strings with existing TLDs or potential two-letter codes. In the implementation plan these rules were further detailed, and the criteria elaborated in a blog post dated 20 March 2010 (<https://www.icann.org/news/blog/clearing-the-confusion-fast-track>). The Implementation Plan included the appointment of the DNS Stability Panel, which, among others, would conduct the confusing similarity review.

## **Reviews Fast Track Process**

Since its launch in 2009, the Fast Track process has been subject to three ( 3 ) reviews:

The first review (22 October 2010 until 17 December 2010, and extended until January 2011 (<https://www.icann.org/news/announcement-2-2010-10-22-en>) . According to the staff summary at the time, one of the themes in that review was around the transparency of decision making with respect to the confusing similarity review process (<https://forum.icann.org/lists/fast-track-review-2010/pdfdTvO5yjLZu.pdf> ). This concern was not addressed at that stage.

The second review was conducted from April 2012 until 21 May 2012 (See: <https://www.icann.org/en/system/files/files/report-comments-fast-track-review-2012-04jun12-en.pdf>). According to the staff summary the confusing similarity review procedure was the main topic (see: <https://www.icann.org/en/system/files/files/report-comments-fast-track-review-2012-04jun12-en.pdf>).

The third annual review was initiated in January 2015 and ran until 24 February 2015 (see: <https://www.icann.org/public-comments/idn-cctld-fast-track-2015-01-15-en>). Among other topics, this review focused on the viability of the Extended Process Similarity Review and methodology used (on the introduction see below). The only comment received was on the string similarity review process (see Staff report: <https://www.icann.org/en/system/files/files/report-comments-idn-cctld-fast-track-17mar15-en.pdf>).

## **Extended Process Similarity Review Panel (EPSRP)**

As a result of and following a presentation on the first review at the ICANN San Francisco meeting in March 2011, the ccNSO Council requested Working Group 1 under the ccNSO IDN policy development process to develop guidelines to improve the predictability of the evaluation relating to string confusion as defined in Final Implementation Plan as adopted by the ICANN Board in November 2009 (<https://ccnso.icann.org/workinggroups/minutes-council-16mar11-en.pdf>). This resulted in the first requested change of the Fast Track process in October 2011 (<https://ccnso.icann.org/workinggroups/minutes-council-26oct11-en.pdf>) and a second change request, after completion of the PDP in April 2013, which led to the introduction of the Extended Process Similarity Review (<http://archive.icann.org/en/meetings/beijing2013/bitcache/ccNSO%20Council%20Meeting%20Minutes-vid=52907&disposition=attachment&op=download.pdf>).

As noted above, the Extended Process Similarity Review was introduced in June 2013 at the request of the ccNSO, following the conclusion of the ccNSO IDN ccTLD PDP, the first and second review of the Fast Track Process and taking into account GAC advice. The review process became effective in December 2013, with the publication of the updated Fast Track Implementation Plan (November 2013), and the publication of the Guidelines for the Extended Process Similarity Panel (EPSRP) for IDN ccTLD Fast Track Process ( see: <https://www.icann.org/en/system/files/files/epsrp-guidelines-04dec13-en.pdf>). The Guidelines include a description of the methodology to be used by the Panel on how to assess confusing similarity, and re-confirmed the transitional arrangement that if an IDN ccTLD string request submitted under the Fast Track Process was still in process or terminated due to non-validation of the string per confusing similarity criteria, the requester had the option to request a second and

final validation review by the EPSRP.

Since the introduction of the second review procedure, the EPSRP was requested to review the findings of the DNS Stability panel with respect to 3 strings, (one in Cyrillic and two in Greek script) and published its findings in September 2014 (see: <https://www.icann.org/resources/pages/epsrp-reports-2014-10-14-en>). Accordingly, and based on the method used, the EPSRP recommended that one of the applied Greek strings in upper case should be considered confusingly similar with two two-letter codes and in lower case should not be considered confusingly similar.

### ***ccNSO WG EPSRP***

Taking into account the results of the third review, the findings of the EPSRP in particular with the cases the cases EPSRP reviewed, the ICANN Board of Directors requested the ccNSO, in consultation with other stakeholders, including GAC and SSAC, to provide further guidance on and refinement of the methodology of second string similarity review process, in particular on **the interpretation of its split recommendations** ( Emphasis added, see: <https://www.icann.org/resources/board-material/resolutions-2015-06-25-en#2.a>) .

In response to the Board resolution, the ccNSO Council established a working group that was limited in its scope, in accordance with the Board request, therefore with a focus on the split recommendation i.e on findings for upper- and lowercase by the EPSRP (see: EPSRP decisions September 2014). The WG has developed two documents, one with observations to record the general discussions of the WG, and one to provide further guidance and refinement of the methodology of the EPSRP as requested.

## Annex 5 - ccNSO EPSRP Working Group charter

### 1. Introduction

At its meeting on 25 June 2015 the ICANN board of Directors requested “*the ccNSO, in consultation with other stakeholders, including GAC and SSAC, to provide further guidance on and refinement of the methodology of second string similarity review process, including the interpretation of its split recommendations, to be applied to the relevant current and subsequent cases in the IDN ccTLD Fast Track process as well as to inform the proposed policy for the selection of the IDN ccTLD strings*”<sup>4</sup> .

In response to the request, the ccNSO seeks participants from the GAC and SSAC in the work of the Working Group in a manner these participants deem to be most appropriate, for example as observer or liaison, in accordance with their own rules and procedures. To ensure the Board request of consultation is adequately met, the GAC and SSAC are invited to, at a minimum, express no-objection to submitting recommendations of the Working Group to the Board.

### 2. Goal, Scope and Deliverables

#### 2.1 Goals

The goals of the Working Group (WG EPSRP) are:

- Provide guidance on and refinement of the methodology for second string similarity review process
- Provide interpretation of split recommendations
- Inform policy on selection of strings

#### 2.2 Scope

The work of the WG EPSRP is limited to the review of the Extended Process Review Process as defined in the Implementation Plan and the [Guidelines for the Extended Process Similarity Review Panel](#) and as part of the overall proposed policy for the selection of IDN ccTLD strings, including the definition of confusing similarity.

#### 2.3 Deliverables

##### 2.3.1 Recommendations

The recommendations are provided by the WG EPSRP to the participating organisations as part of a Final Draft Report (see section 4), after at least one public consultation on the set of draft recommendations.

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<sup>4</sup> <https://features.icann.org/refinement-second-similarity-review-evaluation-idn-cctld-applications>

### 2.3.2 Work plan

In working towards its deliverables, the WG EPSRP will, as a first step, refine and adopt a high-level work plan as prepared by the ccNSO secretariat, on how it intends to meet its goal(s) and a tentative, associated schedule. Both the work plan and tentative schedule should be made publicly available. In addition, the work plan and schedule should include timeframes and methods for public consultation and an expected date for submission of the Draft Final Report.

In the course of its work the WG EPSRP may update and refine its work plan and schedule if necessary, and make the amended work plan and associated schedule publicly available on the webpage of the WG EPSRP which will be set under ccnsso.icann.org.

### 2.3.3 Reporting

The Chair of the WG EPSRP will brief the participating organisations on a regular basis on progress made and the next steps.

## 3. Participation, Staffing and Organisation

The ccNSO Council appoints the Chair of WG. The Chair will preside over WG EPSRP deliberations and ensure that the process is bottom-up, consensus-based and has balanced participation and report on progress to the participating organisations and broader community.

A maximum of five (5) Members of the WG EPSRP shall be appointed by the ccNSO in accordance with its own rules and procedures. Efforts should be made to ensure that individuals:

- Have sufficient expertise to participate in the applicable subject matter;
- Commit to participate actively in the activities of the WG EPSRP on an ongoing basis; and
- Where appropriate, solicit and communicate the views and concerns of individuals in the organisation that appoints them.

Participation in the WG EPSRP will be open to any interested person from a participating organization. These Participants will be able to actively participate in and attend all WG EPSRP meetings on equal footing as members.

ICANN is invited to appoint an IDN Fast Track staff as an observer in the Working Group.

In addition the Chair may invite experts or other observers if deemed necessary by the WG EPSRP members and participants. Experts or other observers are expected to contribute to the dialogue in a similar manner as the other WG EPSRP participants. However, should there be a need for any consensus call(s), experts and other observers do not participate in such a call.

Efforts should be made to ensure that individuals who participate in the activities of the WG:

- Have sufficient expertise to participate in the applicable subject matter;
- Commit to participate actively in the activities of the WG EPSRP on an ongoing basis; and
- Where appropriate, solicit and communicate the views and concerns from their originating organisation.

All participants (member, participants, experts or other observers) will be listed on the WG EPSRP's webpage.

#### 4. Decision-making Methodologies

##### 4.1 Internal WG EPSRP decision-making

###### 4.1.1 Determining Consensus

In developing its recommendation, work plan and/or reports, the WG EPSRP shall seek to act by consensus. The Chair shall be responsible for designating each position as having one of the following designations:

- a) Full Consensus - a position where no minority disagrees; identified by an absence of objection;
- b) Consensus – a position where a small minority disagrees, but most agree.

In the absence of Full Consensus, the Chair should allow the submission of minority viewpoint(s) and these, along with the consensus view, shall be included in the report.

In a rare case, the Chair may decide that the use of a poll is reasonable to assess the level of support for a recommendation. However, care should be taken in using polls that they do not become votes, as there are often disagreements about the meanings of the poll questions or of the poll results.

###### 4.1.2 No Consensus WG

In the event the WG EPSRP reaches no consensus on its recommendations, the following procedure will be followed:

- The Chair will submit a report to the participating organisations. In this report the Chair shall document the issues that are considered contentious, the process that was followed and include suggestions to mitigate prevention of consensus.
- If, after implementation of the mitigating measures, consensus cannot be reached, the Chair of the WG EPSRP shall prepare a Chairs Report documenting the processes followed and identifying the area's of no consensus. This Chairs Report will be submitted to the Chairs of the participating organisations. Upon submission of this Chairs Report the WG EPSRP will be closed by the ccNSO Council. After receiving the Chairs Report, the Chair of the ccNSO will inform the Chair of the ICANN Board of Directors accordingly.

#### 4.2 Decision-making participating organisations

##### *Support participating organizations for the Draft Recommendation(s)*

Following submission of the draft Final Report, each of the participating organisations should, at its first meeting following submission of the draft Final Report, review and discuss the report, and decide whether they, at a minimum, do not object to the recommendations contained in the report,



all in accordance with their own rules and procedures. The chairs of the participating organisations shall notify the Chair of the WG of the result of these deliberations as soon as feasible, but no later than 5 business days after the decision has been taken.

#### *Supplemental Draft Final Report*

In the event that one or more of the participating SO's or AC's do(es) objects to one or more of the recommendation(s) contained in the draft Final Report, the Chair of the WG EPSRP shall be notified accordingly. This notification shall include at a minimum the reasons for the lack of support and a suggested alternative that would be acceptable, if any. The WG EPSRP may, at its discretion, reconsider, post for public comments and/or submit to the participating organisations a Supplemental Draft Final Report, which takes into accounting the concerns raised.

Following submission of the Supplemental draft Final Report, the participating organisations shall discuss and decide in accordance with their own rules and procedures whether they, at a minimum, do not object to the recommendations contained in the Supplemental Draft Report. The Chairs of the participating organisations shall notify the Chair of the WG EPSRP of the result of the deliberations, as soon as feasible, but no later than 5 working days after the result has been achieved.

#### *Submission Final Report*

After receiving the notifications from all participating organisations as described above, the Chair of the WG shall, within 10 working days after receiving the last notification, prepare and submit to the Chair of the ccNSO and Chairs of the other participating organisations the WG EPSRP Final Report for the ICANN Board, which shall include at a minimum:

- a) The last version of the Final Report as adopted by the WG EPSRP; and
- b) The notifications of the decisions from the participating organisations;
- c) Documentation of the process that was followed, including, but not limited to documenting the process of building consensus within the WG EPSRP and public consultations.

In the event one or more of the participating organisations do(es) object to (parts of) the Recommendation included in the (Supplemental) Final Report, the Final Report for the ICANN Board shall also clearly indicate the part(s) of the Recommendations which are fully supported and the parts which are not, and which of the participating organisations dissent, to the extent this is feasible.

After receiving the Final Report for the ICANN Board, the chair of the ccNSO shall submit it within 5 working days to the Chair of ICANN Board of Directors.

## 5. Miscellaneous

### 5.1 Omission/Unreasonable Impact of charter/Modification of the Charter

In the event that this charter does not provide guidance and/or the impact of the charter is unreasonable for conducting the business of the WG EPSRP, the Chair have the authority to determine the proper actions. Such action may, for example, consist of a modification of the Charter in order to address the omission or its unreasonable impact, in which case the Chairs may propose such modification to the participating organisations. A modification shall only be effective after adoption of the amended Charter by all participating organisations, in accordance with their own rules and procedures, and publication of the amended Charter on the webpage of the WG. Until the amended Charter is published, this Charter remains effective.

## 5.2 Closure

The WG EPSRP will consult with the participating organisations to determine when it can consider its work completed. The WG EPSRP shall be dissolved upon receipt of a notification of closure of the WG from the Chairs of the participating organisations or their designated representatives.

## Annex 6 - References

### Overview of relevant documents

#### Basic Documents

1. *Latest version Fast Track Implementation Plan, including the EPSRP*  
<https://www.icann.org/en/system/files/files/idn-cctld-implementation-plan-05nov13-en.pdf>
2. *Latest version Guidelines EPSRP ( 5 November 2013)*  
<https://www.icann.org/en/system/files/files/epsrp-guidelines-05nov13-en.pdf>
3. *Appointment of Panellist EPSRP* <https://www.icann.org/news/announcement-2013-12-04-en>

#### Relevant ICANN Board of Directors resolutions

1. Request for Guidance (June 2015)  
<https://www.icann.org/resources/board-material/resolutions-2015-06-25-en#2.a>
2. Amendment of Fast Track Process 2013 <https://www.icann.org/resources/board-material/resolutions-2013-06-27-en#2.a>

#### Fast Track Reviews

The links included refer to the full public comment process (announcement, description link of comments and summary report/analysis).

1. *Third review 2015*  
<https://www.icann.org/public-comments/idn-cctld-fast-track-2015-01-15-en>  
Focused mainly on introduction of EPSRP
2. *Second review 2012* <https://www.icann.org/resources/pages/fast-track-review-2012-2012-04-09-en>  
Includes major section on string similarity review.
3. *First (2010) Review IDN ccTLD Fast Track Process*  
<https://www.icann.org/resources/pages/fast-track-review-2010-2010-10-22-en>  
Includes a reference to issue of confusing similarity

#### Other Background documentation

1. *GAC Communiqué 28 June 2012 , on updating string similarity review*  
[https://gacweb.icann.org/download/attachments/27131919/FINAL\\_GAC\\_Communique\\_20120628.pdf?version=1&modificationDate=1341949563000&api=v2](https://gacweb.icann.org/download/attachments/27131919/FINAL_GAC_Communique_20120628.pdf?version=1&modificationDate=1341949563000&api=v2)
2. *IDN ccTLD Policy Proposal*  
<http://ccnso.icann.org/workinggroups/idn-ccpdp-board-26sep13-en.pdf>