

SAC088: notes

The latest comment from SSAC strikes a slightly less combative tone. It drops elements of SAC084 that were based on wrong assumptions and misunderstandings. It retains arguments relating to the conservatism principle and recommends that the default position should be to reject an application if confusability is found in either upper or lower case form.

Process and collaboration. While the SSAC acknowledges that its actions may have been perceived as attempting to bypass community bottom-up processes, it has not changed its position. It will not collaborate with colleagues in working groups, and will continue to address its comments direct to the Board.

Bare assertions, unsupported by fact or evidence. SAC088 makes unsupported assertions such as ‘confusability is a security concern’. This may be true in some cases, but is not always the case. SAC088 does not acknowledge that SSAC’s own experts, even when finding potential for confusion in past IDN applications, have found *no security or stability concerns arise*. There are numerous mechanisms to combat confusion and protect consumers in the DNS without intervening at the TLD level, such as UDRP, URS and consumer protection laws.

Upper case/lower case – proposal to reject. SAC088 states that ‘the default finding should be to reject the label if confusability exists in either form’. The ccNSO working group respectfully disagrees. The role of the EPSRP should be to weigh up all the circumstances of a particular application, and it is consistent with the IDN RFCs to say that in case of conflict, the lower case outcome should prevail.

Attempting to reassert a conservative approach. The new gTLD programme blew apart the conservatism principle, and has resulted in near identical TLDs being entered into the DNS root. SSAC cannot now reassert a principle which has been overtaken by events. It is not SSAC’s function to give explicit or ‘implicit approval’ of the outcome of the new gTLD program – subsequent decisions must be interpreted in the context of those outcomes.

Alarmist overstatement of the alleged risks. As RFC 6912 makes clear, ‘a focus on characters alone could lead to the prohibition of very large numbers of labels, including many that present little risk.’ Yet, SSAC attempts to impose a more conservative standard than is foreseen by the RFC, ie that a TLD label should ‘be known to be “safe”’ before it can be approved. This imposes an unattainable standard for future TLDs.

‘Universal expectation’ unsupported by evidence. As well as misquoting the ccNSO’s comment¹, SAC088 states that ‘the universal expectation is that TLDs will operate in an interoperable and stable manner without confusion’. This is inconsistent both with the new gTLD programme, where near identical labels were approved, and with the ISO 3166 list for ccTLDs, which allows for the co-existence of near identical labels eg it/It, lv/lv.

Imposition of principles. SAC088 recommends that the principles articulated in its previous comment, the flawed SAC084, should be imported into any process that evaluations IDN or ASCII character strings as potential new TLD labels. However, the SAC084 comment presents an overly rigid and out of date approach to those principles, which is out of step both with current practice and the wording of the RFCs it quotes.

¹ The ccNSO comment did not state ‘give TLD applicants what they want unless it is clearly unsafe to do so’