IDN Implementation Guidelines (IDNG) Working Group (WG)

Notes from Meeting on 16 June, 2016

Meeting Attendees (in alphabetical order)

WG members:

1. Dennis Tanaka
2. Edmon Chung
3. Kal Feher
4. Mats Dufberg

Staff:
5. Sarmad Hussain

Meeting Notes

The WG members continued the discussion on the document and the recommendations to be proposed for public comment.

1. **IDN Variants.** The contribution on this section by the IDN WG members was discussed. The following points were discussed.

   a. **Atomicity of Variants.** IDN variants are packaged and given to the same registrant, else they may not be considered as variants. However, some members considered this to be very specific. Another option could be to suggest this as best practice scenario but also suggest scenarios where a deviation may be needed through policy or mechanical means. The group discussed whether it will be useful to list all such scenarios where deviation should be possible, instead of leaving this open and up to the registries to decide. A strong recommendation on atomicity will help registries to defend their policy to others. However, there was not a clear consensus on how strong the recommendation should be. For example, how will a single atomic variant set behave in case of court orders and transfers on single members of the set? It was also suggested that usability and security issue may also be highlighted in case variants are allocated to different registrants. The group agreed to suggest that variants "should" be allocated to the same registrant, in principle – and not a "must" – but the WG agreed to review this further.

   b. **"Ownership" of Variants.** Is a blocked label allocated to the registrant or just held by the registry? In case a dispute is brought on such a label, is it with the registrant or the registry? There are three states, Blocked, Allocatable and Allocated in the LGR terminology. This is different from current terminology which uses Allocated and Delegated. Question was raised if a blocked or allocatable name could be disputed? E.g. what if a Cyrillic script label registration blocks a cross-script variant in Latin script? It was also added that when a variant set is created, it may contain labels which can be activated by a registrant but may also contain variant labels which cannot be activated

by the registrant for variety of reasons, e.g. putting a limit on the variant labels a registrant can activate. This list could be fluid over time. So ownership of variant labels should be through its canonical form and a dispute should only be against this canonical form and not the variants. Another scenario discussed was what if a registrant intentionally registered a name which blocks a particular trademark and asks for payment to release it – resulting in cybersquatting. Thus it was suggested to highlight the possible scenarios and that registries include language in their dispute resolution policy that a label or variant based on its canonical form can be applicable in a dispute. So registrant is aware of such cases and is held to the same level as if the registrant registered the canonical label. Dispute is normally triggered due to use of a name and not by a non-use of a name, so registrants may not be directly faced with disputes in UDRP and URS unless active label is used in bad-faith. So this just puts a reminder for the registries without significant impact on registrants not using names in bad faith. Registries should be reminded that they should apply the bad-faith use of label policies to include all the variants. However, non-use does not relieve one of dispute, e.g. cyber-squatter not using a domain name. This would require that registrants should be informed of the complete variant set including blocked and allocatable, and will have to be done by the registrars, e.g., TMCH works that way. The discussion on this topic will continue by the WG.

2. **Next Meeting.** A face to face meeting at Helsinki is not organized. The group decided to hold a regular online meeting on the scheduled time.