

GNSO Expedited Policy Development Process on Internationalized Domain Names (EPDP-IDNs) Phase 2 Final Report

GNSO Council Meeting

Donna Austin (EPDP-IDNs WG Chair)

17 Oct 2024



Agenda

- ◉ **Background Refresher**
- ◉ **Phase 2 Final Report Overview**
- **Featured Recommendations**
- **Q&A**
- **Appendix**

Background Refresher

- *EPDP-IDNs Team Overview*
- *Progress of P1 & P2*

EPDP-IDNs Team Overview

Composition & Interaction:

- “Representative + Open” model: members + participants + observers
 - Represented Groups: RySG, RrSG, BC, ISPCP, NCSG, ALAC, GAC (*Roster as of June 2024*)
- Liaisons from ICANN Board, GNSO Council, ICANN org (GDS and IDN & UA Program)
- ccNSO (ccPDP4) interaction

Mission:

- Develop policy that will allow for the introduction of variant gTLDs at the top- and second-level
- Build on SubPro PDP Outputs to support with its implementation and facilitate the launch of the Next Round

2 Phased Approach:

- Phase 1: Topics related to top-level gTLD definition and variant management
- Phase 2: Topics related to second-level variant management

Progress of Phase 1 & 2

	Phase 1	Phase 2
Scope	Top-level variant management	Second-level variant management
Timeline	- Initial Report: <u>24 Apr 2023</u> [Complete] - Final Report: <u>08 Nov 2023</u> [Complete]	- Initial Report: <u>11 Apr 2024</u> [Complete] - Final Report: <u>07 Oct 2024</u> [Complete]
Progress	69 final Outputs (58 Recs & 11 IG) developed on 29 P1 charter questions - Full consensus support for all Outputs - Council adoption of all 69 on <u>21 Dec 2023</u> - Board adoption of 56/58 Recs by <u>7 Sep 24'</u>	20 final Outputs (14 Recs & 6 IG) developed on 19 P2 charter questions - Full consensus support for all Outputs - Council to consider adoption of the Phase 2 Final Report in Nov 2024

Phase 2 Final Report Overview

- *High-level Overview*
- *Guiding Principles of P2*
- *Overview of Featured Recommendations*
- *No Corresponding Outputs for 8 Charter Questions*
- *Terminology Updates following the Public Comment*

Phase 2 Outputs addressed issues related to second-level variant management:

➤ **20 Final Outputs** [14 Final Recommendations and 6 Implementation Guidance]

- **Sequence of Outputs: High-level principle of “same entity” and its implications**
 - “Same entity” at the second-level and IDN Table harmonization - *6 Outputs*
 - Adjustments in various processes related to domain name lifecycle - *9 Outputs*
 - Adjustments in registration dispute resolution procedures and trademark protection mechanisms - *1 Output*
 - Process to update the IDN Implementation Guidelines - *4 Outputs*
- **2 recommendations related to IDN Table harmonization** ensure the secure use of IDNs, which also impact preparations for **the Next Round Work of the New gTLDs**
- **No corresponding Outputs for 8 charter questions**
 - No specific recommendation was prescribed for the fee related charter question on whether a variant domain name be considered an independent registration (fee accrual/reporting purpose).

Guiding Principles for Phase 2

The EPDP Team developed Phase 2 Outputs based on 4 underlying principles:

Same Entity	Integrity of the Set	Conservatism	Exempted
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 relationship between a primary label and its allocatable and blocked variant labels shall not be infringed upon as long as the primary label exists.	A more cautious approach should be adopted in the gTLD policy development.	No change should occur to the contractual and allocation status of existing domain names that do not conform to the “same entity” principle - such existing domains are “exempted” from this policy.

To minimize user confusion and limit any potential security risks

Overview of Featured Recommendations

EPDP-IDNs Team would like to draw the Council's attention to:

- 14 Final Recommendations
- 2 Implementation Guidance (*out of 6 in total*)

Topics	"Same Entity" at the Second-level	IDN Table Harmonization	Domain Name Lifecycle and Dispute Resolution	IDN Implementation Guidelines
Corresponding Recs.	• Final Rec. #1 • Final Rec. #3 • Final Rec. #4	• Final Rec. #5 • Final Rec. #6	• Final Rec. #8 • Final Rec. #9 • Final Rec. #10 • Final Rec. #11 • Final Rec. #13 • Final Rec. #14 • Final Rec. #16	• Final Rec. #18 • Final Rec. #20
Corresponding IG			• IG #15	• IG #21

No Corresponding Outputs for 8 Charter Questions

- EPDP-IDNs Team determined no corresponding Outputs are necessary for 8 charter questions
 - C3, C3a, C4a, C6, D5, D7, F1, G1a
- EPDP-IDNs Team reaffirmed its position for C3, C3a, C6, and D5 after Public Comment

Topics and Responses for Charter Questions with No Outputs

- Charter Question C3: Determining the appropriate mechanism to identify the registrant for “same entity”
 - Team supported a **uniform mechanism**, to the extent possible, but leaving details for implementation.
- Charter Question C3a: Requirements if ROID were the appropriate mechanism to identify the registrant
 - Team did not agree to **ROID** being the sole and uniform mechanism to identify the same registrant.
- Charter Question C4a: Domain name lifecycle management question on **second-level variant label behavior**
 - Team provided relevant guidance via Rec.#9 supporting each allocated variant domain to have its own cycle.
- Charter Question C6: Considering **IDN Table to be formatted in a machine-readable manner**
 - Team agreed not to recommend the machine-readable XML format for IDN Tables, respecting rys’ choice.

No Corresponding Outputs for 8 Charter Questions (*cont'd*)

- EPDP-IDNs Team determined no corresponding Outputs are necessary for 8 charter questions
 - C3, C3a, C4a, C6, D5, D7, F1, G1a
- EPDP-IDNs Team reaffirmed its position for C3, C3a, C6, and D5 after Public Comment

Topics and Responses for Charter Questions with No Outputs (*cont'd*)

- Charter Question D5: Transaction-based fee related charter question on variant domain name activation
 - Team decided *not to dictate either “EPP Create/Update” model and not impinge on the rights of registries.*
- Charter Question D7: Domain name lifecycle management question on **domain name suspension**
 - Team agreed suspension is addressed by “same entity” requirements with more details provided via Rec.#9.
- Charter Question F1: Adjustments to the TMCH and its Sunrise and Trademark Claims services
 - Team agreed on the current matching rules of the TMCH, affirming P1 recs from the review of all RPMs.
- Charter Question G1a: Need for a legal mechanism for the implementation of IDNs among gTLDs
 - Team supports *the continuation of IDN Implementation Guidelines* detailed via Outputs #18-21.

Terminology Updates Following the Public Comment

Global Change Request

Grandfathered → Exempted

- “Grandfathered” has a deep-rooted racial history in the United States.
 - Concerns were raised requesting for alternative language to be more inclusive, accurate, and respectful.
- General agreement for P2 Final Report was “**exempted**” or “**excluded**,” based on context.
 - It was difficult to settle on a single word or phrase to allow for a global replacement.

Registry Operator(s) → gTLD Registry Operator(s)

- This is a GNSO sponsored PDP intended for gTLD registry operator(s)
 - Request for a global replacement to avoid confusion as to who is requested to perform the activities

Featured Recommendations

“Same Entity” at the Second-level

Rec. #1

The “same entity” principle applies to the allocation of future variant domain names at the second-level of gTLDs. 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.

Rec. #3

Immediately prior to the policy effective date of the “same entity” principle as set out in [Final Recommendation 1](#), the existing variant domain names that do not conform to the “same entity” principle must be exempted. 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. gTLD registries must determine variant sets for each exempted label as if it is a source domain name and protect from registration all variant labels in all such variant sets in all variant gTLDs, as appropriate.

“Same Entity” at the Second-level (cont’d)

Rec. #4

Any allocatable variant domain names of exempted domain names pursuant to Final Recommendation 3 cannot be allocated unless and until only one registrant and one sponsoring registrar remain for the exempted domain name(s) from the relevant variant domain set.

IDN Table Harmonization

Rec. #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).

Rec. #6

The baseline criteria for implementing IDNs at the second-level must be security and stability of the DNS. ICANN org and gTLD Registry operators shall be responsible for reaching mutual agreement on a minimum set of IDN variant deployment requirements, including, variant sets at the second-level. In developing the minimum set of IDN variant deployment requirements, ICANN org and the gTLD registry operators shall consult with other relevant stakeholders, including ICANN-accredited registrars and script communities.

Domain Name Lifecycle and Dispute Resolution

Rec. #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 exempted variant domain names pursuant to [Final Recommendation 3](#) are excluded from this requirement.

Rec. #9

The “same entity” principle, as set out in [Final 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 exempted variant domain names pursuant to [Final Recommendation 3](#) are excluded from this requirement.

Domain Name Lifecycle and Dispute Resolution (cont'd)

Rec. #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 exempted variant domain names pursuant to Final Recommendation 3 are excluded from this requirement.

Rec. #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 exempted variant domain names pursuant to Final Recommendation 3 are excluded from this requirement.

Rec. #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.

Domain Name Lifecycle and Dispute Resolution (*cont'd*)

Rec. #14

To account for the "same entity" principle and its implications for variant domain names, gTLD registry operators should work with ICANN-accredited registrars to determine a mechanism to communicate between each other to facilitate the registration and management of variant domain names, including an indication of the source domain name(s) and initial source domain name of the variant domain set.

IG #15

In order to allow a requestor to discover the allocated variant domain names for a given domain name, corresponding sponsoring registrars should accept requests for disclosure of this information and unless there are data privacy concerns, the information should be granted. In considering whether to disclose the information, the corresponding sponsoring registrars should balance the interest of the requestor with those of the data subject, where such balancing is required by applicable law.

Domain Name Lifecycle and Dispute Resolution (*cont'd*)

Rec. #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.

IDN Implementation Guidelines

Rec. #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, 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 will be responsible for documenting the process, in consultation with the ICANN community. The documented process must be approved by the ICANN Board, in consultation with the GNSO Council and ccNSO Council.

Rec. #20

Any future versions of the IDN Implementation Guidelines must be approved by the GNSO Council prior to consideration by the ICANN Board.

IG #21

The GNSO Council should consult with the ccNSO Council prior to taking action on any future versions of the IDN Implementation Guidelines.

Q&A



Thank You and Questions

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Appendix

Resource Links

- ❑ **EPDP-IDNs Phase 2 Final Report:**
<https://gnso.icann.org/sites/default/files/policy/2024/draft/gnso-idn-epdp-phase2-final-report-07oct24-en.pdf>
- ❑ **EPDP-IDNs Phase 2 Initial Report Public Comment:**
<https://community.icann.org/display/epdpidn/Phase+2+Initial+Report+-+Public+Comment>
- ❑ **EPDP-IDNs Phase 2 Initial Report Public Comment Review Tool:**
https://docs.google.com/spreadsheets/d/1oFX0h_czrJtV0Z_q9haGuVHjnh4IZyyee-IBWscGBQ/edit?gid=6303388#gid=6303388
- ❑ **ICANN Board Resolution regarding EPDP-IDNs Phase 1 Final Recommendations:**
<https://www.icann.org/en/board-activities-and-meetings/materials/approved-resolutions-regular-meeting-of-the-icann-board-07-09-2024-en>
- ❑ **Scorecard for EPDP-IDNs Phase 1 Final Recommendations:**
<https://www.icann.org/en/system/files/files/scorecard-idn-epdp-phase-1-recommendations-07sep24-en.pdf>
- ❑ **EPDP-IDNs Charter:**
<https://gnso.icann.org/sites/default/files/policy/2021/presentation/CharterGNSOIDNsEPDPWorkingGroup20May21.pdf>