18 September 2013

Dr Steve Crocker, Chair, ICANN Board
Mr Cherine Chalaby, Chair, ICANN Board NGPC

Dear Steve, Dear Cherine,

GNSO Council policy concerns relating to string similarity in new gTLD applications

At the direction of the GNSO Council, I am writing to you to highlight issues relating to the string similarity review work within the new gTLD programme, especially in so far as these concerns relate to the application of existing policy.

In this context, the Council would like to draw your attention to the existing ICANN GNSO Final Report on the introduction of new generic top-level domains as approved by the GNSO in September 2007.

http://gnso.icann.org/en/issues/new-gtlds/pdp-dec05-fr-parta-08aug07.htm#_Toc43798015

In particular, we would like to draw your attention to the following policy recommendations:

Recommendation 1: ICANN must implement a process that allows the introduction of new top-level domains. The evaluation and selection procedure for new gTLD registries should respect the principles of fairness, transparency and non-discrimination. All applicants for a new gTLD registry should therefore be evaluated against transparent and predictable criteria, fully available to the applicants prior to the initiation of the process. Normally, therefore, no subsequent additional selection criteria should be used in the selection process.

Recommendation 2: Strings must not be confusingly similar to an existing top-level domain or a Reserved Name.

Recommendation 9: There must be a clear and pre-published application process using objective and measurable criteria.

The Council is aware of and has discussed the inconsistencies in the current output of the string similarity review process such that, when tested against the above recommendations, the output is apparently not consistent with the above policy recommendations of the GNSO.

Example inconsistencies of output which have given rise to the concern include; different outcomes (in favour of the applicant or the objector) in the case of identical strings (.cam & .com, cam & .com), different outcomes in the case of plurals (.sport & .sports, .hotel & .hotels) and different outcomes in the case of strings where there is only one letter different (.com & .ecom, .post and .epost).

At this point, the Council wishes to draw your attention to and highlight the apparent inconsistencies with existing policy. We intend to pick up this issue and look into the matter in more detail in the near future and will welcome any updates from you in the interim.

Should you require further clarification or input, please revert to me in my capacity as Chair of the GNSO Council.

Yours sincerely,

Jonathan Robinson
Chair, ICANN GNSO Council