# ICANN Org Input

**Internationalized Domain Names**
**Expedited Policy Development Process Working Group**

**"Chunk" 1 of Stable Recommendations**

**16 November 2022**

# Table of Contents

# Categorization of Input

In drafting the input, ICANN org categorized each comment into one of three categories listed below to assist the EPDP Team in focusing their attention on areas of substance and aiding in the review process:

- **Substantive:** Content/Suggestions for the review of policy-related language

- **Non-Substantive:** Terminology related changes, input that seeks clarification of language and/or minor edits.

- **Assumption:** Org understanding of recommendations requiring EPDP Team confirmation

# General Comments

ICANN org appreciates the Internationalized Domain Names Expedited Policy Development Process (IDNs EPDP) Team's efforts to organize its work in light of the importance of this EPDP to the advancement of a multilingual Internet, and will continue to coordinate closely due to the interactions with other policy and implementation work. We look forward to the recommendations in particular as part of planning for future new gTLD rounds.

As requested, the following input is intended to help the EPDP Team in its continued deliberations in the formulation of the EPDP Team's Initial Report.

In providing its input, ICANN org has reviewed the Outputs (Recommendations and Implementation Guidance) as well as the Charter Questions and the Rationale for the recommendations. In instances where input can be applied to multiple recommendations, ICANN org opted to provide "General Comments" while also noting the input in the applicable section. While reviewing the recommendations, org was also aware of ongoing discussions within the IDN EPDP Team and is cognizant of the fact that the text may undergo changes, whether in part or in its entirety. ICANN org looks forward to continued engagement with the EPDP Team and eagerly awaits the next batch of stable recommendations to review.

Please see below for more general comments categorized by type:

❖ **On Feedback:**

1. In many instances, ICANN org acknowledges ongoing discussions within the IDN EPDP Team regarding various recommendations; however, input will still be provided where

relevant to either express concerns, or demonstrate/validate alignment in thinking between org and the EPDP Team.

2. ICANN org will not provide input at this time on the Limited Public Interest Objection Recommendations as it was noted that there are ongoing discussions within the EPDP Team and the final text of these recommendations may change. Org will provide input once the text is updated and finalized.

- *Relevant Input: Limited Public Interest Objection Recommendation*

❖ **On Terminology:**

1. ICANN org notes that all instances in the Initial Report where the EPDP Team refers to RZ-LGR-4 should be updated to RZ-LGR-5 or later developed versions when applicable.

- *Including but not limited to the following instances: A4 Draft Answer to Charter Question*

2. ICANN org suggests that consistent terminology be used throughout the Initial Report, based on context, for example when referring to variant labels or variant gTLD labels in order to minimize confusion or misinterpretation. It is also recommended that the language mirrors terms used in the Subsequent Procedures Final Report as to avoid any confusion or contradictions.

- *Including but not limited to the following instances: Recs. 1.12, 2.1, 3.2*

3. ICANN org is aware of the EPDP Team's intention of providing a glossary along with the Initial Report. Where applicable, org input provides suggestions for instances when it may be helpful to add a term to said glossary.

- *Including but not limited to the following instances: Rec. 1.1*

4. ICANN org notes that all instances in the Initial Report where the EPDP Team mentions "activating," "activation," or "seeks to activate" should be changed to a variation of "application process" such as "apply for" or "applying." The use of "activate" applies to the step when the string is delegated after the successful application evaluation and contracting steps, therefore "application" and "activation" may not be considered synonymous.

- *Including but not limited to the following instances: Recs. 1.4, 1.5, 2.5, 2.6, 3.1, Limited Public Interest Objection Recommendations, Legal Rights Objection Recommendations, Community Objection Recommendations*

5. ICANN org notes that in some instances the EPDP Team uses the term "IDN gTLD" whereas in others it uses "gTLD." For consistency and to reduce the chance of any divergence in policy, the EPDP Team should change all instances in the Initial Report to the same term.

   ● _Including but not limited to the following instances:_ _Recs. 2.2, 2.3, 2.4, 2.5, 2.6, 2.7_

6. ICANN org notes that it would be helpful if the EPDP Team can explicitly state that the EPDP team's recommendation is consistent with the recommendations of the New gTLD Subsequent Procedures PDP Final Report where appropriate.

   ● _Including but not limited to the following instances:_ _Recs. 1.11, 2.2, 2.3_

7. ICANN org notes that all instances in the Initial Report where the EPDP Team mentions "blocked variants "should be modified to be "blocked variant labels."

   ● _Including but not limited to the following instances:_ _Rationale for Recommendation 3.2-3.3, and all String Similarity Small Group Recommendations._

# Output-Specific Input

## Charter Questions & Outputs

<u>Recommendation 1.1:</u>

**Substantive:**

ICANN org suggests that the IDN EPDP Team define what it means by "disposition values" and list them in this recommendation. It may also be useful if a definition is added in the glossary.

<u>Implementation Guidance 1.3:</u>

**Non-Substantive:**

ICANN org finds it important to note that while Implementation Guidance 1.3 expands on Rec. 1.2, the possibility that the applicant can potentially override the RZ-LGR calculation in the application process to proceed may be helpful to incorporate into Recommendation 1.2 as well.

**Substantive:**

ICANN org suggests that the EPDP Team clarify if an application should be stopped by the application submission system if the applied-for string does not conform to mandatory string requirements (eg: IDNA2008 requirements).

<u>A4 Draft Answer to Charter Question:</u>

**Non-Substantive:**

1. ICANN org suggests removing the phrase "soon to be" as this recommendation was drafted while RZ-LGR-4 was published. However, since the deliberations, RZ-LGR-5 has been published, thus this language should be updated accordingly.

<u>Recommendation 1.4:</u>

**Substantive:**

1. ICANN org suggests revising the text in Recommendation 1.4 that says "...decision to seek to activate variant labels…"  to  "...decision to apply for variant labels…".

<u>Recommendation 1.5:</u>

**Substantive:**

1. The Rationale for Recommendation 1.5 says "the EPDP Team agreed that the IRT would be responsible for developing the preliminary best practice guidelines." ICANN org would like to remind the EPDP Team that an IRT is tasked with reviewing implementation plans, while ownership of the policy implementation process still resides with ICANN org. This recommendation seems to imply that ICANN is handing over responsibility to the IRT, which goes against IRT guidelines. ICANN org suggests noting in the rationale that the preliminary best practice guidelines would be developed during implementation.

   ICANN org would also like to note that the EPDP Team should make clear whether "best practice guidelines" should be updated over time and how org is responsible for conducting periodic checks and managing the updates.

2. In regard to "consistent user experience," ICANN org would also like more clarity on how the type of work created by this recommendation—whether a study or another type of report—would be scoped and who would be tasked with scoping such work?

3. In addition, ICANN org seeks clarity on whether a potential study would have a larger scope, incorporating Universal Acceptance related work, or if it would be more narrow, focusing only on registries/registrars.

4. ICANN org suggests changing Recommendation 1.5 to Implementation Guidance, as the phrasing of this recommendation seems to provide guidance rather than set a requirement.

Recommendation 1.7:

**Assumption:**

1. Is the EPDP Team in agreement with ICANN org's assumption that "latest" refers to "upon finalization of the Applicant Guidebook (AGB)" rather than when a round closes, and that the RZ-LGR version in place at that point in time will be used even if the RZ-LGR is updated later?

Recommendation 1.11:

**Substantive:**

1. ICANN org suggests referring to the language in Recommendation 25.4 of the Subsequent Procedures recommendations and supplementing it with the additional criteria as noted in the second sentence. This clarifies that the considerations noted in Recommendation 25.4 will continue to apply.

The EPDP may consider the alternative wording for enhanced clarity:

"In furtherance to Recommendation 25.4, at the time of the EPDP Team's deliberation, the script that meets the criteria is the Han script, which is used in the Chinese, Japanese, and Korean languages."

Recommendation 1.12:

**Assumption:**

1. Is the EPDP Team in agreement with ICANN org's assumption that Recommendation 1.12 implies that ICANN org would maintain at least some of these variant label states mentioned (excluding those that are blocked)?

   If that's the case, then there needs to be a practical mechanism to record the variant label states over time.

   ICANN org also notes that Recommendation 1.13 below is an extension of this recommendation and that this assumption also applies to it.

Recommendation 1.13:

**Substantive:**

1. For every change to the lifecycle of a primary label does anything need to happen specifically for variants?

   Recommendation 1.13 discusses changes in variant label states; However if the primary gTLD is revoked, will the variants still need to be tracked and/or status maintained or will they be removed along with the primary label? Can the EPDP Team provide additional guidance?

   For example: If we're trying to track a primary label and all of its variant labels (the variant set), and if there is no primary label contracted or in the root zone, it seems that there is no set or label set to maintain because there is no longer a TLD.

2. ICANN org notes that the Rationale for Recommendation 1.13 provides more clarity and guidance on this recommendation and encourages the EPDP Team to pull out the relevant content and recategorize it as Implementation Guidance as to make it more actionable.

**Assumption:**

1. ICANN org notes that Recommendation 1.13 is an extension of Recommendation 1.12 and that the same assumption stated in the input above applies for both.

<u>Recommendation 2.2:</u>

**Non-Substantive:**

1. ICANN org notes that this recommendation is similar to Recommendation 25.5 from the SubPro Final Report. In order to avoid confusion and multiple interpretations, the same wording should be used for this recommendation to the extent possible.

   Also see General Comment above.

2. In addition, ICANN org suggests using the language, "all Critical Functions as defined by the base registry agreement for the TLD and its variant labels must be provided by the same service providers."

<u>Recommendations 2.1 - 2.3:</u>

**Substantive:**

1. ICANN org assumes that Recommendations 2.1, 2.2, and 2.3 would require implementation steps that include changes to the registry agreement and some elements that are incorporated by reference such as the registry transition process incorporated in Section 7.5.

   The WG may want to consider the operational impacts of Recommendations 2.1-2.3. Updating the agreement for existing registry operators on the base agreement is a process subject to the global amendment process defined within Section 7.6 and 7.7. The process is limited in frequency and must be accepted by the registry operators on the base agreement per the applicable thresholds. Currently, there are no existing rules, processes, or procedures for allowing individual Registry Operators (ROs) to move between base versions of the Registry Agreements, as the scenario has never occurred. ICANN org also notes that not all existing registries are on the same registry agreement, which the EPDP Team may want to consider when drafting the outputs. An updated base registry agreement for future rounds will be developed during implementation of the outputs from the Final Report on the new gTLD Subsequent Procedures Policy Development Process.

   Depending on the final recommendations from this EPDP, it is foreseeable in some circumstances that the current base agreement from 2017 may be insufficient in form and substance to address variant handling at the top level and may necessitate that the

registry operator adopt a more current version. Accordingly, a process would need to be developed as only one base agreement currently exists.

Recommendation 2.8:

**Substantive:**

1. In Recommendation 2.8, the EPDP Team says: "labels requested by the applicant…will be bound by the same restrictions." ICANN org would like to note that the New gTLD program binds applicants, whereas the Registry Agreement (RA) binds Registry Operators (ROs). It would be helpful to note in the recommendation that the restriction mentioned is valid if reflected in the Registry Agreement.

**Non-Substantive:**

1. ICANN org suggests changing the recommendation language by removing the phrase "are to be treated as different versions of the same string…" as it may be difficult to interpret this text but only seems to be an explanatory note.

   The EPDP may consider the alternative wording for enhanced clarity:

   "In future new gTLD application processes, the primary applied-for gTLD and its allocatable variant labels requested by the applicant will be bound by the same restrictions."

2. While the EPDP Team lists the "restrictions" to which Recommendation 2.8 is referring in Charter Question b5, ICANN org suggests they also be listed in this recommendation in order to be more explicit and to reduce ambiguity.

Recommendation 2.4:

**Substantive:**

1. See above input for Recommendations 2.1-2.3. However, ICANN org notes that there are different types of gTLDs such as .Brand TLDs, Geographic Names, etc. Does the EPDP Team envision different rules for each type of TLD?

   For example: Looking at .Brand TLDs, an applicant may only receive Specification 13 and the associated brand designation if, among other elements, the string matches a trademark. While the SubPro recommendations widened that limit slightly, variants were not mentioned. Would a brand only be allowed to obtain variants for which they have trademarks? Or would the brand designation only apply to the primary string and variants would be operated differently? Or would the evaluation only be upon the primary string and variants would be allowed per the expression of need mentioned previously

and the RO would have the obligation to operate variants under the same rules as the primary? Similar questions may be applicable to other gTLD types.

Recommendation 2.6:

**Substantive:**

1. ICANN org suggests that the EPDP Team divide Recommendation 2.6 into two parts. The first part can focus on the "need" while the second part can focus on "demonstrating the ability."

   It would also be helpful if the EPDP Team can provide Implementation Guidance on both parts of this recommendation as it would be useful to provide more clarity on how ICANN org should evaluate applicants with regard to demonstrating "need" and what standards or tests should be used to allow applicants to demonstrate their ability to manage variants. This additional layer will assist org in implementing this recommendation more effectively.

2. One example that may be helpful in the instance of a gTLD that has a relevant community follows. We can look at "ıssız" and "issiz" as an example. The applicant for ıssız can be required to provide supporting documentation of the Turkish community demonstrating that not activating "issiz" would prevent a global customer (using a keyboard with only a regular i) from typing the TLD.

3. ICANN org acknowledges the wide breadth of knowledge within the EPDP Team that has helped inform the Outputs in the Initial Report. If the EPDP Team feels that the group lacks sufficient expertise and/or time to develop questions and the criteria by which they would be evaluated, there are several options.

   The EPDP Team may consider requesting additional research be conducted to help supplement part two of the recommendation on "demonstrating the ability". This could be in the form of a recommendation as permitted by the Policy Development Process Manual, which states that PDP Teams may make recommendations to the GNSO Council regarding "Research or Surveys to be Conducted."

Recommendation 3.1:

**Non-Substantive:**
1. ICANN org finds similarities between the EPDP Team outputs in Recommendation 3.1 and the String Similarity Small group recommendations on the objections process. Once a full scope is established, the EPDP Team may consider providing only one comprehensive and consolidated recommendation in this section in order to provide more clarity and reduce redundancy in the Initial Report.

# String Similarity Small Group Recommendations

<u>String Similarity Review Recommendation:</u>

**Substantive:**

1. ICANN org conducted a small scale analysis examining various scenarios to assess how many comparisons would be performed in the various models the EPDP Team is considering.

   For the analysis, 20 gTLD strings were selected based on the scripts used for gTLDs in the 2012 round. The strings were randomly selected for each script, and its allocatable and blocked variant labels were calculated using RZ-LGR-5. It's important to note that mixed script labels were not included as script mixing is not permitted. Based on the variant labels generated, the number of string similarity review comparisons are calculated in the following cases:

   - Applied-for vs. applied-for (Level 1)
   - Applied-for + allocated variant labels vs. Applied-for + allocated variant labels (Level 2)
   - Applied-for + allocated variant labels vs. Applied-for + allocated variant labels + blocked variant labels (Hybrid L2 and L3)
   - Applied-for + allocated variant labels + blocked variant labels vs. Applied-for + allocated variant labels + blocked variant labels (Level 3)

   The results show that the number of comparisons for string similarity for the cases above are 190, 343, 13,003 and 95,144 respectively. These are theoretical limits of the comparisons. In practice, the comparisons may be fewer because, for example, as comparing long Arabic strings with strings in other scripts may not be needed.
   As noted above, the hybrid model may introduce more complexity, even if in practice, the theoretical limits are not reached. With added complexity, there is a high probability that the cost will also increase, and that those costs will be passed on to applicants given the cost recovery nature of the program.

See table and methodology in Annex

<u>String Confusion Objection Recommendation:</u>

**Substantive:**

1. ICANN org suggests that the EPDP Team revise the String Similarity Objections recommendations to align more closely with the structure of the String Similarity Review recommendations noted in the previous section once finalized.

<u>Limited Public Interest Objection Recommendation:</u>

1. As noted in the General Comments above, ICANN org will not be providing input on this section as there are ongoing discussions within the Working Group and the final text of these recommendations may change. Org will provide input once the text is updated and finalized.

**Non-Substantive:**

1. ICANN org suggests that the EPDP Team be intentional and precise when using terms such as "should" or "must" while providing its output, as the language used have different implications during policy implementation.

<u>Legal Rights Objection Recommendation:</u>

**Substantive:**

1. As noted above in the string similarity review recommendations, there are two types of blocked variant labels. The first type is a blocked variant label within the same script, and the second type is a blocked variant label created by mixing various scripts. When the EPDP Team is drafting recommendations on objections, ICANN org suggests being explicit on whether they apply to only single or mixed-script blocked variant labels.

   Regarding the second type of blocked variant labels, ICANN org seeks confirmation on whether a holder of such a trademark is allowed to file an objection. If that's the case, then mixed script blocked variant labels will also need to be maintained.

   For clarity, marks can be in mixed-scripts, and if mixed-script blocked variant labels are not included in possible objection terms, then any mark holder that has a mixed script trademark would not be able to object against the mixed-script blocked variant labels.

2. In order to reduce the complexity of the String Similarity-related recommendations, ICANN org would like to point out that blocked variant labels mentioned in these recommendations are only a subset which is within the same script and excludes the mixed-script blocked variant labels (except in cases allowable in the RZ-LGR).

3. ICANN org would also like to know if there is an expectation that the tool we provide would list all of the blocked variant labels? If that's the case, having to consider all mixed

scripts as well would lead to millions of permutations creating a high level of complexity and issues. Would it be sufficient to enumerate allocatable variant labels but only respond against a specific input label if it is a blocked variant label of a primary one, without enumerating the blocked variant labels?

**Assumption**:

1. ICANN org's assumption is that the EPDP Team does not intend to recommend a new standard for review and that this output only refers to the allowable strings that can be objected against. Can the Working Group confirm that the assumption is correct?

Community Objection Recommendation:

**Assumption:**

1. ICANN org's assumption is that if an objection can be raised against a blocked variant label that can never be allocated, and the objector prevails, then the application will not move forward (the primary label and all applied for variant labels are not allowed to proceed). Can the Working Group confirm that the assumption is correct?

# Annex

## String Similarity Impact Analysis

**Randomly Pick 20 Labels in the ratio that skewed toward IDNs.**
(This is skewed toward IDNs, it was 6.8% IDN in 2012 round)

| # | Script | TLD | Source Label — Number of Applied-for label | Number of allocatable variant labels | Number of blocked variant labels | Target Label* — Number of remaining primary label | Number of remaining allocatable variant labels | Number of remaining target blocked variant labels | Number of Comparison — L1 =DxG | L2 =(D+E)x(G+H) | Hybrid =(D+E)x(G+H+I)+ Fx(G+H) | L3 =(D+E+F)x(G+H+I) |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | Chinese | 网站 | 1 | 1 | - | 19 | 6 | 509 | 19 | 50 | 1,068 | 1,068 |
| 2 | Chinese | 游戏 | 1 | 1 | 10 | 18 | 5 | 499 | 18 | 46 | 1,274 | 6,264 |
| 3 | Chinese | 网址 | 1 | 1 | 2 | 17 | 4 | 497 | 17 | 42 | 1,078 | 2,072 |
| 4 | Chinese | 商店 | 1 | - | 3 | 16 | 4 | 494 | 16 | 20 | 574 | 2,056 |
| 5 | Chinese | 购物 | 1 | 1 | - | 15 | 3 | 494 | 15 | 36 | 1,024 | 1,024 |
| 6 | Arabic | همراه | 1 | 1 | 268 | 14 | 2 | 226 | 14 | 32 | 4,772 | 65,340 |
| 7 | Arabic | ارامكو | 1 | 2 | 147 | 13 | - | 79 | 13 | 39 | 2,187 | 13,800 |
| 8 | Arabic | بازار | 1 | - | 24 | 12 | - | 55 | 12 | 12 | 355 | 1,675 |
| 9 | Japanese | グーグル | 1 | - | 4 | 11 | - | 51 | 11 | 11 | 106 | 310 |
| 10 | Japanese | 家電 | 1 | - | 3 | 10 | - | 48 | 10 | 10 | 88 | 232 |
| 11 | Cyrillic | москва | 1 | - | - | 9 | - | 48 | 9 | 9 | 57 | 57 |
| 12 | Cyrillic | opr | 1 | - | 2 | 8 | - | 46 | 8 | 8 | 70 | 162 |
| 13 | Devanagari | नेट | 1 | - | 1 | 7 | - | 45 | 7 | 7 | 59 | 104 |
| 14 | ASCII | etisalat | 1 | - | 23 | 6 | - | 22 | 6 | 6 | 166 | 672 |
| 15 | ASCII | next | 1 | - | 3 | 5 | - | 19 | 5 | 5 | 39 | 96 |
| 16 | ASCII | stcgroup | 1 | - | 7 | 4 | - | 12 | 4 | 4 | 44 | 128 |
| 17 | ASCII | smart | 1 | - | 1 | 3 | - | 11 | 3 | 3 | 17 | 28 |
| 18 | ASCII | rexroth | 1 | - | 1 | 2 | - | 10 | 2 | 2 | 14 | 24 |
| 19 | ASCII | ladbrokes | 1 | - | 3 | 1 | - | 7 | 1 | 1 | 11 | 32 |
| 20 | ASCII | land | 1 | - | 7 | 0 | - | - | - | - | - | - |
| | **Total** | | **20** | **7** | **509** | | | | **190** | **343** | **13,003** | **95,144** |

*Target labels = labels that the source label needs to compare with in order to conduct string similarity review

- Number of remaining primary label = all other primary labels from all other applications in the same round minus the primary labels those has been processed by the previous row(s).
- Number of remaining allocatable variant labels = all other allocatable variant labels of all other primary labels in the same round minus the allocatable labels those has been processed by the previous row(s).
- Number of remaining blocked variant labels = all other blocked variant labels of all other primary labels in the same round minus the blocked variant labels those has been processed by the previous row(s).

## Methodology

Legend
L1 = primary string
L2 = allocatable variant
L3 = blocked variant

Leve 1 Comparison = total source L1 x total target L1
Level 2 Comparison = total source (L1 + L2) x total target (L1 + L2)
Hybrid Model Comparison = total source (L1 + L2) x total target (L1 + L2 +L3 ) + total source L3 x total target (L1 + L2)
Level 3 Comparison = total source (L1 + L2 +L3) x total target (L1 + L2 +L3 )

20 labels
(This is skewed toward IDNs, it was 6.8% IDN in 2012 round)

13 IDN
- Chinese x 5
- Arabic x 3
- Devanagari x1
- Japanese x2
- Cyrillic x2
7 ASCII