

## 3 Phase 2 Final Outputs

### 3.1 Charter Questions with Final Outputs

#### C1 Charter Question:

*Both the SubPro PDP and the Staff Paper recommend that: 1) a given second-level label beneath each allocated variant TLD must have the “same entity”; and 2) all allocatable second-level IDN variant labels that arise from a registration based on a second-level IDN table must have the “same entity”.*

*Should this recommendation be extended to existing second-level labels?*

#### C1 Final Recommendations:

**Final Recommendation 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.

**Implementation Guidance 2:** gTLD registry operators should take into account Recommendation 14 in SAC060, as well as language or script communities’ widely acceptable practices among Internet users and established conventions, and consider:

- 2.1 setting a maximum number of allocatable variant domain names that can be allocated to the same registrant of the source domain name; and
- 2.2 limiting automatic activation of variant domain names to the extent possible, including in instances where the language-script community believes automatic allocation and activation is needed.

**Final Recommendation 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.

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## C2 Charter Question:

*Currently Registry Operators may activate the IDN variant labels at the second-level when requested by the sponsoring Registrar of the canonical name as described in the IDN Tables and IDN Registration Rules. Both the SubPro PDP and the Staff Paper recommend that at the second-level, the same entity definition can be achieved by ensuring that the registrant is the same.*

*Should this recommendation be extended to the already activated IDN variant labels at the second-level? How does the “same entity” requirement impact the current rules for Registry Operators for activating IDN variant labels?*

## C2 Final Recommendations:

**Final Recommendation 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.

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## C4 Charter Question:

*A registry TLD may offer registrations using different IDN tables to support different languages or scripts. In case multiple IDN tables are offered, IDN tables should produce a consistent set of second-level variant labels to help achieve the security and usability goals for managing variant labels in a stable manner, promoting a good user experience. As such, the Staff Paper recommends that IDN tables of variant TLDs be mutually coherent, i.e., any two code points (or sequences) that are variants in TLD ‘t1’ cannot be non-variants in variant TLD ‘t1v1’. This recommendation also implies that any two code points (or sequences) that are variants in IDN Table A for TLD t2, which does not have any variant TLD, cannot be non-variants in another IDN Table B for the same TLD t2.*

*Should the second-level IDN tables offered under a TLD, including IDN variant TLDs, be required to be mutually coherent? If yes, how should existing registrations which may not meet the “mutually coherent” requirement of second-level IDN tables be addressed? Rationale must be clearly stated.*

## C4 Final Recommendations:

**Final Recommendation 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).

### C5 Charter Question:

*There is existing practice by registries to harmonize IDN tables, but there is no data on the various methods they may have used. The Staff Paper suggests maintaining a common set of harmonized second-level IDN tables for all IDN variant TLDs and then (a) choosing all these IDN tables to offer for all IDN variant TLDs, or (b) choosing a relevant different subset of IDN tables to offer for each different IDN variant TLD.*

*The WG and the SubPro IRT to coordinate and consider the following question in order to develop a consistent solution: are the above suggested methods in the Staff Paper sufficient for IDN table harmonization purposes? Should any additional implementation guidance be provided for a registry?*

### C5 Final Recommendations:

**Final Recommendation 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.

**Implementation Guidance 7:** N/A

#### D4 Charter Question:

*Regarding second-level domain names, should a variant set behave as one unit, i.e., the behavior of one domain name is replicated across the other variant domain names? Or should each variant domain name have its own independent domain name lifecycle? Consider the operational and legal impact of the “same entity” principle, if any, to all aspects of a domain name lifecycle, including but not limited to: • Registration, including registration during the Sunrise Period, any Limited Registration Period, any Launch Program and during General Registration • Update • Renewal • Transfer • Lock • Suspension • Expiration • Redemption • Deletion.*

#### D4 Final Recommendations:

**Final Recommendation 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.

**Final Recommendation 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.

## D6 Charter Question:

*To ensure that the “same entity” principle is followed, the transfer of a domain name registration to a new entity -- voluntary or involuntary, and inter-registrants or inter-registrars -- should result in transfer of all variant domain names (i.e., if s1.t1 is to be transferred, s1.t1, s1.t1v1, s1v1.t1 and s1v1.t1v should all be transferred).*

*The WG, the Transfer Policy PDP, and the RPM PDP Phase 2 to coordinate and consider the following questions in order to develop a consistent solution: to what extent should the Transfer Policy be updated to reflect domain name relationships due to variants and the “same entity” requirement?*

## D6 Final Recommendations:

**Final Recommendation 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.

## D6a Charter Question:

*Should transfers ordered by the Uniform Domain-Name Dispute-Resolution Policy (UDRP) or any other dispute resolution mechanisms be treated the same way to follow the “same entity” requirement?*

## D6a Final Recommendations:

**Final Recommendation 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.

## D7a Charter Question:

*Should the suspensions ordered by the Uniform Rapid Suspension System (URS) or any other dispute resolution mechanisms be treated the same way to follow the “same entity” requirement?*

## D7a Final Recommendations:

**Implementation Guidance 12:** A Uniform Rapid Suspension System (URS) complainant is responsible for deciding whether to include allocated variant domain names, if any, of a disputed domain name as part of their URS complaint.

## F2 Charter Question:

*In order to ensure that the “same entity” principle is maintained, what are the additional operational and legal impacts to the following RPMs that are not considered in the above charter questions, which mostly concern the outcomes or remedies of dispute resolution procedures or trademark protection mechanisms?*

- *TMCH and its Sunrise and Trademark Claims services*
- *URS*
- *TM-PDDRP*
- *UDRP*

## F2 Final Recommendations:

**Final Recommendation 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.

## D8 Charter Question:

*What additional updates to the Registry Agreement are necessary to ensure the labels under variant TLDs follow the "same entity" rule? For example, the Staff Paper recommends that the following requirements must be included in the Registry Agreement; some of the charter questions are also related to those topics:*

- *Subordinate names allocated by the Registry Operator in the TLD be treated as an atomic set. This is true irrespective of whether any of the names is actually activated in the DNS, and whether any of the variants is actually registered. [related to questions c1, d4, d5]*
- *All the different IDN tables being used by the IDN gTLD and its variant gTLDs be harmonized. [related to questions c4, c5]*
- *All the IDN variant TLDs be implemented through the same registry service provider, to promote a consistent and stable implementation across all such variant TLDs. [related to questions b2, b4]*

*Are there any additional updates that need to be considered that are not included in this list?*

## D8 Final Recommendations:

**Final Recommendation 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.

**Implementation Guidance 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.

**Final Recommendation 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.

**Implementation Guidance 17:** gTLD registry operators should publish policies, in a transparent manner, that reflect their implementation of the EPDP-IDNs Phase 2 recommendations. In particular, such policies should reflect the implementation of [Final Recommendations 1, 3-6, 14](#) and [Implementation Guidance 2](#).

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## G1 Charter Question:

What should be the proper vehicle to update the IDN Implementation Guidelines?

## G1 Final Recommendations:

**Final Recommendation 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.

**Implementation Guidance 19:** As part of documenting the process as set out in [Final Recommendation 18](#), consideration should be given to establishing a formal charter or similar standalone document for subsequent IDN Implementation Guidelines Working Group that includes, but is not limited to the following:

- 19.1 Purpose and scope;
- 19.2 Membership including the structure and roles, required expertise, selection process, and lengths of membership term;
- 19.3 Working methods including the circumstance(s) that would lead to the convening of the working group, the type of outputs the working group is expected to produce, and checkpoints for awareness building and input gathering from affected parties.

**Final Recommendation 20:** Any future versions of the IDN Implementation Guidelines must be approved by the GNSO Council prior to consideration by the ICANN Board.