

Internationalized Domain Names Expedited Policy Development Process

Close Loop



IDN-EPDP Team Meeting #71 | 23 February 2023

Agenda

1. Roll Call and SOI Updates (2 mins)
2. Welcome and Chair Updates (5 min)
3. Review of draft recommendations that require further discussions (110 mins)
 - a. Recs that received substantive ICANN org input
 - b. Second reading of Recs that received EPDP Team input
 - c. Recs with potential gaps
4. AOB (3 mins)

Remaining Work Leading Up to Publishing Phase 1 Initial Report

Target: Publish Phase 1 Initial Report by **Friday, 21 April 2023**

Time Remaining: **8 Weeks** (including ICANN76)

1. Review Draft Text: E3 **[In Progress]**
2. Review Draft Text: A8, B4a, E1, E2, E3a, E4, E7/B5
3. Review Revised Draft Text: Incorporating ICANN org Input (Substantive & Editorial)
4. Review Draft Text: Revised or New Recommendations Due to Gaps Identified
5. Consolidate Phase 1 Preliminary Recommendations
6. Review Draft Phase 1 Initial Report: Selected Sections
7. Approve Full Draft Phase 1 Initial Report
8. Confirm Public Comment Approach (e.g., public comment input form)

Recs Received Substantive ICANN Org Input

Input for D1b - Rec 2.6

Charter Question D1b: *What should be the process by which an existing registry operator could apply for, or be allocated, a variant for its existing gTLD? What should be the process by which an applicant applying for a new IDN gTLD could seek and obtain any allocatable variant(s)? What should be the associated fee(s), including the application fees and annual registration fees for variant TLDs? Should any specific implementation guidance be provided?*

Rec 2.6: **The applicant will be required, as part of the application process, to explain the reason(s) why it needs to activate the applied-for variant label(s). In addition, the applicant will be required to demonstrate their ability to manage the primary IDN gTLD and the applied-for variant label(s) as a set from both a technical and operational perspective.**

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 “issız” 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.”

D1b - Proposed Revision to Draft Recommendations

[Original] Recommendation 2.6: The applicant will be required, as part of the application process, to explain the reason(s) why it needs to activate the applied-for variant label(s). In addition, the applicant will be required to demonstrate their ability to manage the primary IDN gTLD and the applied-for variant label(s) as a set from both a technical and operational perspective.

[Revision] Recommendation 2.6: The applicant will be required, as part of the application process, to explain why it needs to activate one or more allocatable variant label(s) of their applied-for primary gTLD string.

[New] Recommendation 2.19: The applicant will be required to demonstrate their ability to manage the applied-for primary IDN gTLD string and the requested allocatable variant label(s) from both a technical and operational perspective.

[New] Implementation Guidance 2.20: The evaluation of the applicant's capability to manage the variant label set should be closely tied to the overall evaluation of the applicant's technical capability. The evaluation should be based on measurable criteria including, but not limited to, how the applicant performs the Critical Functions with respect to second-level registrations under the applied-for primary gTLD string and the requested allocatable variant label(s).

[New] Implementation Guidance 2.21: ICANN org may conduct research that helps identify additional standards or tests that should be used to evaluate an applicant's technical and operational capability to manage the variant label set.

[ALAC Input] Implementation Guidance 2.xx: The submission process by applicants of supporting information must allow for a consistent and meaningful evaluation by evaluators with the requisite expertise.

Input for A5 - Rec 1.5

Charter Question A5: *Should there be a ceiling value or other mechanism to ensure that the number of delegated top-level variant labels remains small, understanding that variant labels in the second level may compound the situation? Should additional security and stability guidelines be developed to make variant domains manageable at the registry, registrar, and registrant levels?*

Rec 1.5: **Best practice guidelines be developed for the management of a gTLD and its variant labels by registries and registrars with a view to ensuring a consistent user experience.**

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.

A5 - Proposed Revision to Draft Recommendations

[Original] Recommendation 1.5: Best practice guidelines be developed for the management of a gTLD and its variant labels by registries and registrars with a view to ensuring a consistent user experience.

[Revision] Recommendation 1.5: A framework for developing best practice guidelines in the management of gTLDs and their variant labels by registries and registrars must be formulated with a view to encourage a [predictable] [optimal] [consistent] user experience.

[Original] Implementation Guidance 1.6: The development of best practice guidelines should involve relevant stakeholders, such as registries, registrars, and registrants who have experience or interest in IDNs in the scripts with allocatable variant labels.

[Revision] Implementation Guidance 1.6: The framework should outline the scope and the steps involved in developing future best practice guidelines, which at a minimum should involve relevant stakeholders, such as registries, registrars, and registrants who have experience with IDNs and variant labels.

Input for A9 - Rec 1.12

Charter Question A9: *A given label in an Internationalized Domain Label (IDL) set may be in one of the following non-exhaustive status: delegated, withheld-same-entity, blocked, allocated, rejected. The WG and the SubPro IRT to coordinate and develop a consistent definition of variant label status in the IDL set.*

Rec 1.12: **A given variant label may have one of the following label states: delegated, allocated, withheld-same-entity, blocked, or rejected. If the same terminology is used for certain label states and new gTLD application statuses, their respective definitions should be consistent.**

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.

A9 - Proposed Revision to Draft Recommendations

[Original] Recommendation 1.12: A given variant label may have one of the following label states: delegated, allocated, withheld-same-entity, blocked, or rejected. If the same terminology is used for certain label states and new gTLD application statuses, their respective definitions should be consistent.

[New] Implementation Guidance 1.15: The label state status for each variant label of a primary gTLD should be recorded and tracked by ICANN org so long as the primary gTLD remains delegated. Such records, including historical ones, should be maintained in a practical manner and made publicly accessible.

Input for A10 - Rec 1.13

Charter Question A10: What is the procedure to change the label status for individual variant labels?

Rec 1.13: A variant label may go through the following transitions:

1. from “blocked” to “withheld-same-entity”;
2. from “withheld-same-entity” to “blocked”;
3. from “rejected” to “withheld-same-entity”;
4. from “withheld-same-entity” to “allocated”;
5. from “allocated” to “withheld-same-entity”;
6. from “allocated” to “delegated”; and
7. from “delegated” to “allocated”

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.

2. 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.

Org Input is incorporated in proposed responses and draft recommendations under charter question D8

D8 - Proposed Revision to Draft Recommendations

[Charter Question] D8) What additional updates to the Registry Agreement are necessary to ensure the labels under variant TLDs follow the “same entity” rule?

[New] Recommendation 2.16: A primary gTLD cannot be subject to un-delegation, either voluntary or involuntary, without affecting its variant label(s). If a primary gTLD is un-delegated, its delegated variant label(s) must also be un-delegated.

[New] Recommendation 2.17: A delegated variant label of a primary gTLD can be subject to voluntary un-delegation without having an effect on the primary gTLD and the other delegated variant label(s).

[New] Recommendation 2.18: In the event that a delegated variant label is removed from the root zone because the registry operator has been found in breach of the registry agreement, its delegated primary gTLD will also be un-delegated.

Input for B1 - Rec 2.1

Charter Question B1: *Should the same entity principle at the top-level be extended to existing gTLDs?*

Rec 2.1: **Any allocatable variant label of an existing gTLD, as calculated by the RZ-LGR, can only be allocated to the registry operator of the existing gTLD or withheld for possible allocation only to that registry operator.**

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."

Org Input is incorporated in proposed responses and draft recommendations under charter question D1a

D1a - Proposed Revision to Draft Recommendations

[Original] Recommendation 2.4: Any existing or future IDN gTLD along with its variant labels (if any) will be subject to one Registry Agreement.

[Revised] Recommendation 2.4: Any future IDN gTLD along with its variant labels (if any) will be subject to one Registry Agreement.

[New] Implementation Guidance 2.15: A new specification or an amendment to the base Registry Agreement may need to be developed to incorporate variant management provisions.

[New] Recommendation 2.22: Any existing IDN gTLD registry operator that applies for variant labels in future rounds of the New gTLD Program will be required to enter into a new Registry Agreement for the newly approved variant labels.

[New] Implementation Guidance 2.23: It is expected that the new Registry Agreement for the newly approved variant labels will be linked in some way to the Registry Agreement for the existing IDN gTLD.

Input for B2 - Rec 2.2 & Rec 2.3

Charter Question B2: Should the same back-end registry service provider recommendation be extended to existing gTLDs and their variant labels?

Rec 2.2: The registry operator of an existing IDN gTLD must use the same back-end registry service provider, the organization providing one or more registry services (e.g., DNS, DNSSEC, RDDS, EPP), for operating any additional delegated variant labels of that gTLD.

Rec 2.3: If the registry operator of an IDN gTLD changes its back-end registry service provider, that IDN gTLD and any additional delegated variant label(s) associated with that gTLD must simultaneously transition to the new back-end registry service provider.

1. See input for Rec 2.1
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.”

B2 - Proposed Revision to Draft Recommendations

[Original] Recommendation 2.2: The registry operator of an existing IDN gTLD must use the same back-end registry service provider, the organization providing one or more registry services (e.g., DNS, DNSSEC, RDDS, EPP), for operating any additional delegated variant labels of that gTLD.

[Revision] Recommendation 2.2: All Critical Functions as defined by the Base Registry Agreement for the existing IDN gTLD and its delegated variant labels must be provided by the same registry service provider.

- The Critical Functions are: DNS Service, DNSSEC proper resolution, EPP, RDDS, and Data Escrow. See details in Specification 10 in the Base Registry Agreement:

<https://newgtlds.icann.org/sites/default/files/agreements/agreement-approved-31jul17-en.html#specification10>

Input for B5 - Rec 2.8

Charter Question B5: *Do restrictions that apply to a TLD (e.g., community TLDs, dot brand TLDs) also apply to its variants? Are these labels equally treated as different versions of the same string, or completely independent strings not bound by the same restrictions?*

Rec 2.8: **In future new gTLD application processes, the primary applied-for gTLD and its allocatable variant labels requested by the applicant are to be treated as different versions of the same string and will be bound by the same restrictions.**

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.

2. 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.”

3. 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.

B5 - Proposed Revision to Draft Recommendations

[Original] Recommendation 2.8: In future new gTLD application processes, the primary applied-for gTLD and its allocatable variant labels requested by the applicant are to be treated as different versions of the same string and will be bound by the same restrictions.

[Revision] Recommendation 2.8: The applied-for primary gTLD string and its allocatable variant label(s) requested by the applicant will be bound by the same restrictions, which will become contractual requirements upon execution of the Registry Agreement. The allocatable variant label(s) requested by an existing IDN gTLD registry operator will similarly be bound by the same restrictions as the existing IDN gTLD upon execution of the updated Registry Agreement that includes the newly approved variant labels. The restrictions in this recommendation refer to the differential treatment and requirements applied to non-standard application types of gTLDs, which are Community-based TLDs, Brand TLDs, and GeoTLDs.

Second Reading of Recs that Received EPDP Team Input & Recs with Potential Gaps

A7 - Rec 1.14

Rec 1.14: The EPDP Team affirmed the Recommendation 25.4 in the SubPro PDP Final Report that single character gTLDs may only be allowed for limited scripts and languages where a character is an ideograph. 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. As such, applications for single character gTLDs that are ideographs will not be accepted until relevant guidelines from the Chinese, Japanese, and Korean Generation Panels are developed, finalized after public comment, and implemented in the New gTLD Program.

[ALAC Question] While we understand that the task of developing the guidelines is to be undertaken by the CJK GPs and we support this as the EPDP Team's recommended approach, we wonder if it might be prudent to ask for the CJK GPs to have the guidelines ready for public comment by set time such that their implementation can be included in time for the next round.

D1b - Rec 2.7

Rec 2.7: The fee structure associated with future IDN gTLD applications that include variant label(s), as well as activation requests from existing registry operators for allocatable variant label(s) of their respective IDN gTLDs, must be consistent with the principle of cost recovery reflected in the 2012 Applicant Guidebook and affirmed by the New gTLD Subsequent Procedures PDP.

[EPDP Leadership Question] Could or should we entertain some discount in application fees for variants which are applied for together with the primary string, for example?

E5 - Rec 3.2-3.3

Rec 3.2: The Reserved Names list should not be expanded to include variants.

Rec 3.3: No application for a variant of a Reserved Name is allowed.

[Staff Question] Can a gTLD visually similar to a variant of the Reserved Name be applied for? If so, is there any existing mechanism to catch such an application?

[Dennis Tan's Input] We may need to revisit this part of the rationale since it argues for a practical solution since blocked variants can never be delegated and they don't need be part of the string similarity process — It argues against the Hybrid Model

“...The EPDP Team recognized that if the Reserved Names list were to expand by including the variants, all of the added variants (almost all of which are blocked and can never be delegated to the rootzone) also need to be checked against during the String Similarity Review. It means that every applied-for gTLD string would have been compared against an enormous pool of Reserved Names. Therefore, the EPDP Team agreed that the Reserved Names list should stay as is and no variants should be added. The implementation complexity of adding variants to the Reserved Names list would have outweighed the potential security and stability benefits, if any.”