

# SINGULAR / PLURAL PROPOSAL

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## I. PROCESS

**Overall Proposal Concept:** This proposal uses already existing mechanisms to handle the Singular/Plural issues without creating new defined terms. It uses the Public Comment forum, Initial Evaluation, Extended Evaluation, etc.

1. During the public comment period, anyone may identify applications that are singular or plural forms of each other in the same language or of an existing TLD in the same language. The reporter must place the comment in the comment section for any of the impacted applications and indicate the language and the dictionary used to identify the reported applications.
2. ICANN Org will review the public comments regarding singular/plural string similarity to validate that the application strings are indeed singulars/plurals of each other during Initial Evaluation. ICANN Org will also check whether there are any additional applications for the same string(s) that the reporter did not identify, and if so will include these in the singular/plural assessment.
3. If ICANN Org determines that the applications are either the singular or plural of an existing TLD, or the singular/plural of other applications, the application(s) will be eligible to pursue Extended Evaluation.
4. During Extended Evaluation, the applicant(s) for their impacted applications will have a specified number of days to explain why the impacted applications will not result in user confusion with either the existing TLD(s) or the other applications, as applicable.
5. If an applicant does not respond to the notification of extended evaluation regarding string similarity, or does respond but the evaluators find that the application is likely to cause confusion, then:
  - If the application is a singular/plural of an existing TLD, the application will be rejected; or
  - If the application is a singular/plural of other applications, the application will be placed into the same contention set as the other impacted applications.
6. If the evaluators find that the application is not likely to cause confusion with:
  - An existing TLD, the application will be allowed to proceed to the next step of the process; or
  - Other applications, the TLD will proceed and not be placed into a contention set with the other applications.
7. Multiple Applications Scenarios: Where there are multiple applications involved, it is possible for there to be different determinations as to likely confusion for the individual

applications for the same string. The result of this may be that the indirect contention process, which was developed and used for the 2012 Round, may need to apply. See Examples at end of document.

8. The results of Extended Evaluation are not appealable under the appeals process.

## II. Notes / Implementation Guidance

### 1. For Number 1

- a. The notification should be through the public comment forum where there should be an option on String Confusion. No need to create a separate Singular/Plural category in the public comment forum (but leave final decision to IRT)
- b. "TLD" is the appropriate term because in theory there could be a singular or plural of a ccTLD Fast Track name.
- c. Also keep in mind that we are allowing singular/plural versions of any of the Reserved Names (.examples, .tests, etc.).
- d. ICANN should suggest to the IRT a list of dictionaries for the UN-6 language and, with assistance from the IRT, finalize this list and include it into the AGB. The fact that a particular language or its dictionary is not listed in the AGB must not preclude end-users, applicants, or other community members from identifying singular and plural forms of the same word in the same language"
- e. Where there are multiple applications for the same string, then the identification of one of these will serve to identify them all.

### 2. For Numbers 2 and 3

- a. ICANN is responsible for finding the appropriate evaluators for each aspect of an application. We should not be telling ICANN who they have to retain for this step since it is pretty much just verifying what was in the public comments.
- b. Just like all issues identified through Initial Evaluation, any issues that need further consideration should be addressed in Extended Evaluation, if the relevant applicant requests that.

### 3. For Number 4 and 5

- a. Just like all issues identified in Initial Evaluation, it is up to the applicant whether or not to respond.
- b. There is no sense gearing up an Extended Evaluation panel for this issue, unless the applicant elects to respond.
- c. Because ICANN is not in a position to enforce content restrictions, an applicant may only establish a lack of consumer confusion if it can establish a clear delineation as to eligible registrants, based on specific, objective eligibility criteria such as the possession of a license or professional qualification.

### 4. For Number 6

- a. If the evaluator(s) find that the application is not likely to cause confusion with: (a) an existing TLD or other applications, then the TLD shall proceed.

- b. In addition, the ultimate Registry Agreement with any applicants that pass Extended Evaluation on this issue, must reflect the proposed registrant eligibility criteria presented during Extended Evaluation. Any changes to the eligibility criteria once the Registry Operator Agreement is executed shall only be allowed if those changes continue to establish a clear delineation as to eligible registrants, based on specific, objective eligibility criteria such as the possession of a license or professional qualification (unless the corresponding singular/plural is no longer an existing TLD).
  - c. There is just a general reference to “evaluator” in this section. This is done on purpose. If the IRT wants to establish its own criteria, it can. But if not, then like all evaluations, ICANN shall be left to find the appropriate evaluators for this issue. ICANN can elect to do this on its own or through a third party. But in either case, it needs to have established supplemental criteria that are published in the Applicant Guidebook.
  - d. Criteria must be predictable and applied consistently to all applications.
5. For Number 5 and 6
- a. Where there are two applications for a singular and a plural but only one seeks to engage in Extended Evaluation the evaluators will consider their submission on its merits. If the applicant is able to establish that confusion is not likely then the both applications will proceed. It should be noted, however, that it is likely to be more difficult for a single applicant to succeed in establishing that confusion is not likely in this scenario.

### III. Multi-Application Examples (Indirect Contention Sets)

#### Example 1:

- There are three applications, two for the TLD SPRING, referred to in this illustration as SPRING [1] and SPRING [2] and one application for the TLD SPRINGS, which are identified as being singulars/plural.
- SPRING [1] responds to Extended Evaluation, and persuades the evaluators that there is no confusion with SPRINGS.
- SPRING [2] either responds to Extended Evaluation, but does not persuade the evaluators, or chooses not to respond to Extended Evaluation.
- The applicant for SPRINGS also does not respond to extended evaluation.
- The applications for SPRING [2] and SPRINGS are not rejected, but must go into contention with each other because they are singular/plural.
- The application for SPRING [1] does not go into contention with SPRINGS, because of the outcome of the Extended Evaluation.
- SPRING [1] and SPRING [2] however are applications for identical strings, and thus they are in regular string similarity contention.
- The possible outcomes for this indirect contention set are either (1) that SPRING [2] wins the contention against both SPRING [1] and SPRINGS and proceeds to delegation, or (2) as between SPRING [1] and SPRING [2], SPRING [1] is

successful. Since SPRING [1] and SPRINGS are not in contention with each other, both of these TLDs can proceed to delegation.

#### Example 2:

- There are two applications for .BANKS and notice has been given that BANKS is the plural of the existing .Bank TLD.
- Both of the .BANKS applications [.BANKS 1, and .BANKS 2] are eligible for extended evaluation.
- If neither participates in extended evaluation, or they both do participate but are unable to show that they are not likely to cause confusion, both applications will be rejected.
- If BANKS 1 is able to show a non-likelihood of confusion, but BANKS 2 either does not participate in Extended Evaluation or it does not succeed, then the BANKS 2 application will be rejected, but the BANKS 1 application will proceed to the next step of the New gTLD Program process.

#### Example 3

- There are 2 applications for .SPRINGS and 2 applications for .SPRING. We will call them SPRING 1, SPRING 2, SPRINGS A, and SPRINGS B.
- Notice is given that all of them fall into the Singular/Plural category and are eligible for Extended Evaluation.
- Assume the SPRING 1 is confusing with SPRINGS B, but not with SPRINGS A; Also Assume that SPRING 2 is confusing with SPRINGS A, but not with SPRINGS B.
- First, there would need to be two different contention set auctions for the identical matches [SPRING 1 v. SPRING 2] and [SPRINGS A v. SPRINGS B].
  - If SPRING 1 wins its auction, and SPRINGS A wins its auction, then both can move to the delegation phase since SPRING 1 is not confusing with SPRINGS A.
  - If SPRING 1 wins its auction, and SPRINGS B wins its auction, there would need to be a third auction [SPRING 1 v. SPRINGS B] because they were viewed as being confusingly similar.
  - If SPRING 2 wins the first auction, and SPRINGS A wins its auction, there would need to be a third auction [SPRING 2 v. SPRINGS A] because they are confusingly similar.
  - If SPRING 2 wins the first auction, and SPRINGS B wins its auction, both can move to the delegation phase since SPRING 2 and SPRINGS B were viewed as not being confusingly similar.