Summary of

GNSO Comments in Response to the ccNSO-GAC Issues Report on IDN Issues

Working Group Final Draft – 21 August 2007

Working Group Information

In its meeting in San Juan, Puerto Rico on 29 June 2007, the ICANN Board approved the following resolution: "Resolved (07.56), the ICANN Board respectfully requests that that the ICANN community including the GNSO, ccNSO, GAC, and ALAC provide the Board with responses to the published list of issues and questions that need to be addressed in order to move forward with IDN ccTLDs associated with the ISO 3166-1 two-letter codes in a manner that ensures the continued security and stability of the Internet. The Board requests status reports regarding progress by the conclusion of the ICANN meeting in Los Angeles in October 2007."[1]

It was decided in the Council meeting on 19 July to form a small ad-hoc group of volunteers who would develop draft responses to the questions asked in the "ccNSO-GAC Issues Report on IDN Policy Issues. The following individuals participated:
- Bilal Beirm (BC)
- Chuck Gomes (RyC)
- Mark McFadden (ISCPC)
- Olof Nordling (ICANN)
- Sophia Bekele (NomCom Rep)
- Tan Tin Wee (NCUC)
- Yoav Keren (RC)

Avri Doria and Mawaki Chango made contributions as observers.

The group worked via email and held three teleconference calls. Rough consensus was reached by the group regarding all the recommendations contained in the draft document. In cases where there were differing opinions, language was developed that most, if not all, could support.

Document Overview

Purpose: The document contains comments from the GNSO Council in response to the ccNSO-GAC Issues Report on IDN Issues.

Four key documents are referenced throughout:
1. ccNSO-GAC Issues Report on IDN Issues
2. Adopted Board Resolutions - San Juan, Puerto Rico, 29 June 2007: Acknowledgement of Policy Progress on IDNs

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[1] The full resolution titled 'Acknowledgement of Policy Progress on IDNs' can be found at http://www.icann.org/minutes/resolutions-29jun07.htm#m.

3. Outcomes Report of the GNSO IDN Working Group
4. GNSO Reserved Names Working Group Final Report.

The comments are divided into two sections:
A. Comments related to an interim and an overall approach to IDN ccTLDs associated with the ISO 3166-1 two-letter codes in the context of the introduction of IDN gTLDs
B. Input in response to the list of issues and questions identified by the ccNSO and the GAC. Note that every response is identified as 'Proposed GNSO response', recognizing that the Council needs to finalize the responses.

Note that this document is NOT intended to replace a reading of the full document; it only highlights key statements. For full context and detail, the full document should be read.

A. Interim and Overall Approach to IDN ccTLDs

GNSO Recommendations:
1. IDN TLDs (ccTLDs and gTLDs) should be introduced as soon as practicable after technical requirements and tests are successfully completed.
2. The GNSO should be primarily responsible for IDN gTLD policies under the new gTLD policy framework and for developing any other needed policies and procedures including coordination with other ICANN supporting organizations and advisory committees as well as with any relevant language communities external to ICANN.
3. The ccNSO should be primarily responsible for IDN ccTLD policies including development of any needed policies and procedures and including coordination with other ICANN supporting organizations and advisory committees as well as with any relevant language communities external to ICANN.
4. Assuming that concerns regarding security, stability and interoperability are sufficiently addressed, neither the introduction of IDN gTLDs or IDN ccTLDs should be delayed because of readiness of one category, but if they are not introduced at the same time, steps should be taken to ensure neither category is disadvantaged because of a delayed implementation.
5. If the assumption is that IDN ccTLDs will have the opportunity to become de facto "IDN gTLDs", as has happened with some ASCII ccTLDs historically, then the selection/deployment criteria (e.g., technical, financial, operational, etc. for IDN gTLD policies) for an IDN ccTLD should be similar to those for an IDN gTLD to ensure that there is no unfair advantage.

Two other key comments:
• The GNSO supports the suggestion of granting one IDN ccTLD for each ASCII ccTLD if this results in meeting more user needs sooner, but we would also support a broader implementation that meets more users' needs sooner if that is possible.

- The GNSO is committed to working with the ccNSO however possible to expedite the introduction of IDN TLDs for both ccTLDs and gTLDs but we will not support any preferential treatment for ccTLDs.

B. Comments regarding issues and questions in the ccNSO/GAC report

The following are key comments made in response to issues and questions in the Issues Report, with references to the location in the draft GNSO document in brackets:

1. Maintaining a relationship between the IDN ccTLD and the ASCII ccTLD could make it easier to have a good user experience and minimize confusion. [pp.2-3, 1st ¶ in response to question a]
2. IDN ccTLDs operated as non-territory linked *de facto* IDN gTLDs should be avoided to pre-empt unnecessary controversy regarding the blurred interface between gTLDs and ccTLDs. If such restriction is not possible, then the issue of 'unfair competition' must be addressed to ensure that the technical, financial and operational criteria required for IDN ccTLDs is the same as for new IDN gTLDs. [p.3, 1st full ¶]
3. Any IDN ccTLDs added should be done for the sole purpose of benefiting the applicable local ccTLD language community (or language communities as applicable). [p.3, last ¶]
4. The IDN ccTLD string should be meaningful to the local community and should represent, in scripts of the sovereign government's choice, a meaningful representation of the territories' name in the selected script. Input is strongly encouraged from the local language community, local government and local Internet users and other communities. [p.4, response to question a]
5. An IDN ccTLD should be a "meaningful representation of the territories' name in the selected script." [p.4, response to question b]
6. If there are multiple official scripts used in a territory, the best user experience would be to provide IDN TLDs in all of those scripts where feasible. (Suggestions were also made regarding defensive registrations, squatting, and phishing.) [pp.4-5, last ¶ and pp.5-6, response to question a]
7. The GNSO IDN Working Group (WG) agreed that "measures must be taken to limit confusion and collisions due to variants". [p.5, 1st full ¶ and p.10ff, response to question c]
8. If multiple scripts are used in a territory and if it is judged that those scripts will add value to the user experience, then the sovereign government should make the choice of which scripts and what number of scripts will be in use for IDN ccTLDs. [p.5, response to question b]
9. Unlike gTLDs, ccTLDs clearly come under the laws of one specific jurisdiction so it might be much easier to establish geographical reserved names categories or provide other means of protection for given ccTLDs. [p.5, response to question c]
10. The most obvious reasons for limiting the number of scripts would be technical to ensure security, stability and interoperability, but we are not aware of any such reasons at this time. It may be that user confusion could be another reason. [p.6, response to question b]

11. A key goal should be to try to meet the user needs as best as possible. That said, consideration should be given to whether or not adding an IDN ccTLD increases the possibilities of 1) homographic spoofing, 2) creating TLDs with little demand except for defensive registrations and 3) adding a risk of TLDs being misused for political ends. [p.6, last ¶]

12. Variable string length would seem like the right approach for IDN ccTLDs. It is important to recognize that the issues of string length for IDN TLDs is very different than those for ASCII TLDs so it does not necessarily follow that there should be variable length ASCII ccTLDs if variable length IDN ccTLDs are allowed. [p.7, last ¶]

13. Regarding what labels should be used to represent IDN ccTLDs, the draft GNSO document refers to several sections of the Outcomes Report of the GNSO IDN WG that may have relevance to IDN ccTLDs. [pp.8-9, response to question c]

14. To the extent that this approach is feasible for ccTLD IDNs, it is recommended that principles of international law be applied for making decisions regarding what strings are allowed. Where this approach is not feasible, it is suggested that a pre-consultation process be established for inclusion of the interested parties, whether opposing governments (e.g., the two Koreas for Hangul), or organized language communities (e.g., majority government vs. language minorities, language-based secessionists, etc.). [pp.9-10, response to question a]

15. It would seem prudent and sensible for ICANN and a prospective IDN TLD registry wishing to deploy their TLD in a given script used by another country to approach that country and/or the local language community in question to vet their intent, particularly from the point of view of viability and market acceptability. [p.10, response to question b]

16. A list like the ISO-3166-1 list for IDN ccTLDs is probably not necessary, but if it facilitated an earlier ability to meet user needs and/or help avoid conflicts and confusion, it could be useful [p.11, response to question a]. Some suggestions were provided regarding 'who should develop such a list [p.11, response to question b]. And it was stated that such a list should only be mandated if there were not other means to avoid security, stability, interoperability and user confusion issues or if consensus develops that such a list be mandated [p.11, response to question c].

17. If the respective policy issues have been resolved to their satisfaction and if processes for the introduction of IDN TLDs are in place, the GNSO and ccNSO should move ahead at their own pace to introduce top level IDNs. One should not have precedence over the other at that time. There are over one million second level gTLD IDN registrations in operation today; the majority of those registrants have wanted all along to have a full IDN name (IDN.IDN); why should their needs be delayed longer than necessary? [p.12, last ¶]

18. If there are technical reasons for delaying the introduction of IDN gTLDs when new ASCII gTLDs are introduced, steps could be taken to avoid ASCII-squatting as suggested by the IDN WG. Similarly, if ccTLDs are not ready to offer IDN ccTLDs as early as the GNSO is ready to offer IDN gTLDs, procedures could be developed to avoid possible conflicts. [p.13, 1st three ¶s]

19. In the case of the GNSO, gTLD registrants fund well over 90% of ICANN's budget. It would be very unfair if the gTLD registrants funded activities that worked against their own needs. In the same vein of fairness, technical, operational and financial criteria for the selection and operation of IDN ccTLDs should be consistent with a level playing field appropriate to the context of the deployment (i.e., such criteria should not be set so high that it excludes certain minority communities who have desperate need of IDN ccTLDs but do not have the wherewithal to meet and sustain performance criteria more appropriate for wealthy corporations and incumbents). [p.13, 4th ¶]

20. With regard to determining who can submit a request for the designation of an IDN ccTLD, a criterion or policy that excluded by design or accident, local government, local Internet business or user communities and language communities, particularly minority groups within a sovereign state should be discouraged. [p.14ff, last ¶]

21. The non-technical policies for selecting ccTLD strings should be determined by the ccNSO as the policy making body for ccTLDs with input from local stakeholders, sovereign government, local and language communities. [p.14, response to question b]

22. Regarding handling of competing requests for IDN ccTLDs, reference was made to the string contention recommendations in the New gTLD Committee Report with this qualification: "Such a process should allow for formal input from local sovereign government, the local business/user community and language communities." [p.14, response to question c]

23. Appropriate actors that should be involved in coordination efforts were identified as ccNSO, GNSO, SSAC, GAC, ALAC, RSSAC, IANA, registrants and potential registrants, IETF, ISO , sovereign governments, the community most directly served, and organised language communities. [pp.14-15, responses to questions a & b]

24. The approved applicant for an IDN ccTLD should at least be from or be supported by the local sovereign government, local Internet business and user community and the organized language community. [p.15, response to question a]

25. Regarding 'who decides on the delegation of an IDN ccTLD', the following question was proposed for consideration: "Should local legitimacy be a guiding principle in this context?" Regarding whether government consent should be required, it may be useful to clarify legitimacy of an IDN ccTLD by encouraging government involvement and knowledge, particularly in cases where local legitimacy is in question. With regard to whether ccTLD manager consent should be required, it would seem desirable to allow involvement by the incumbent ccTLD manager along with other stakeholders because of the experience they can bring to the table. And regarding whether there is there any presumptive right of the ASCII ccTLD manager over a corresponding IDN ccTLD, it is suggested that the issues of local legitimacy and a good experience for those who will directly benefit from the script(s) used for IDN ccTLDs be considered. [p.16, responses to questions under b]

26. At a minimum, IDN ccTLD operators should be required to follow the ICANN IDN Guidelines just like gTLD registries that offer IDNs. If that calls for an

agreement between ICANN and the IDN ccTLD operator, then an agreement should be required. For IDN ccTLDs running essentially as "gTLDs" with little or no connection to the "territory", it would seem appropriate that a level playing field is established with similar technical, operational and financial requirements as for any IDN gTLD counterparts, at least in the same language/script/country. [p17, response to question e]

27. From a purely DNS perspective, there is no difference between operation and management of an IDN ccTLD compared to a US-ASCII ccTLD. From an administrative perspective, IDNs require implementation of special registration processes, use of variant tables where applicable, implementation of the ICANN IDN Guidelines, adherence to the IDNA protocol, etc.