GNSO Comments on the IDNC Initial Report

February, 2008

The GNSO Council welcomes the opportunity to provide input to the "IDN ccTLD Fast Track" process. You will find throughout this document that the following concepts underlie the thoughts on the questions posed on the IDNC Initial Report:

1. It may be useful for the IDNC to treat the Fast Track as "experimental" in nature. It is important that the fundamental intent of the mechanism to "enable the introduction, in a timely manner and in a manner that ensures the continued security and stability of the Internet, of a limited number of non-contentious IDN ccTLDs, associated with the ISO 3166-1 two-letter codes" is upheld.

2. We understand that the Fast Track mechanism does not set a precedence nor pre-empt the longer term ccPDP. Therefore, requirements and process appropriate for the Fast Track may not be applicable to the longer term process.

3. The IDNC should consider requiring Fast Track IDN ccTLD to adhere to the IDN guidelines, including the publishing or adoption of a corresponding table at the IANA Repository of TLD IDN Practices, and policies to reduce the risks of spoofing using IDN homoglyphs.

4. Fast Track IDN ccTLD strings must not be confusingly similar[1] to existing TLDs or country or territory names in the ISO 3166-1 list.

5. Appropriate and balanced participation from the ICANN community must be maintained throughout the Fast Track process, including the development of the mechanism, as well as the management of evaluation and objection processes.

6. Considering the non-contentious nature of the Fast Track and the overarching technical and techno-policy requirements for the successful implementation of an IDN TLD, ICANN should have a contract or some other form of agreement with the Fast Track ccTLD manager that includes appropriate technical, operational and financial requirements.

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3. Mechanism for the selection of an IDN ccTLD string in the fast track

The first task is to develop a selection mechanism for IDN ccTLD strings bearing in mind the limitations and guidelines canvassed in section 2 above. The IDNC WG suggests the following elements are part of such a mechanism:

It may be useful to include a question explicitly asking whether the scope, i.e. eligible TLD strings, of the Fast Track should be defined based on a set of objective criteria.

A. Script Selection:

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[1] Note that "confusingly similar" does not implicate the same entity or country/territory operating two (or more) TLDs that are similar, as it would not be deemed "confusing". It would also not be "confusingly similar" for a country/territory to operate and apply for its own name (full, abbreviation or variant form).

(i)   Is it necessary to limit the number of scripts for which a territory can have an IDN ccTLD under the fast track? If so what is the limit?

The question should not be based on an arbitrary number, but should focus on criteria for setting the boundaries of the Fast Track.

(ii)   Is it necessary for the language represented by the IDN script to have a particular status with the Territory? If so what is the status?

Given the purpose for the Initial Report to be an instrument to solicit public comment, it may be useful to indicate and remind the reader that many countries may not explicitly have official languages.

For the Fast Track, it should be appropriate to restrict eligible IDN TLD strings to scripts and languages that have formal or de-facto official status within a country or territory.

B. String Selection:

(i)   Apart from the overarching requirements to meet the IDNA protocols and any other IDN technical requirements, are there any criteria for a string to be acceptable under the fast track (for example that the string must be a meaningful representation of the name of the Territory or an abbreviation of the name of the Territory in the relevant script)?

Given the intent to solicit public input, the question should include additional and specific examples, such as: the ICANN IDN Guidelines, spoofing using IDN homoglyphs, character variant considerations, etc. Furthermore, questions to solicit feedback on the issue of the introduction of confusingly similar TLDs should be included. For example: Should strings that may be considered confusingly similar to existing TLDs or a country or territory name, especially where such country or territory chooses not to participate in the Fast Track be avoided?

For the Fast Track, the IDNC should require an IDN ccTLD string to represent an entry contained in the ISO 3166-1 list, and be a meaningful representation of the name of the country or territory or an abbreviation of the name of the territory in a relevant script. Input should be strongly encouraged from the local language community, local government and local Internet users and other communities. A suitable process for consultation, including with relevant language communities, is appropriate.

The outcomes report of the GNSO IDN WG expresses agreement that "there should be single script adherence within a label at the levels where registries maintain control. Where script mixing occurs or is necessary across multiple levels, registries must implement clear procedures to prevent spoofing and visual confusion for users. [Registries] must conform to the ICANN IDN Guidelines, and must publish their language tables in the IANA Registry. Registries should be required to limit the number of scripts across labels."

Consideration must be given to the risks of spoofing using IDN homoglyphs. Confusingly similar TLD strings should be avoided in the Fast Track.

(ii)   Does a selected string need to be evaluated against the requirements and criteria and if so by whom?

Yes. The ccNSO, the ccTLDs and the GAC, in cooperation with the relevant country or territory authorities, should make the selections subject to prior rules approved by the Board based on the recommendations of the ICANN community. An evaluation process involving relevant language experts, techno-policy experts, as well as balanced participation from the ICANN community should be established.

C. String Proposal:

(i)   Who are the actors from the Territory who need to be involved in making a proposal for a string under the fast track?

The ccNSO, the ccTLDs and the GAC, in cooperation with the relevant country or territory authorities, should be able to make the selections subject to prior rules approved by the Board based on the recommendations of the ICANN community. Input is strongly encouraged from the local language community, local government and local Internet users and other communities. A suitable process for consultation, including with relevant language communities should be established.

(ii)   How is the involvement of those actors demonstrated?

Specific reference to the IANA Repository of TLD IDN Practices and the IDN Guidelines should be made to facilitate public comments.

An IDN TLD must publish or adopt corresponding tables at the IANA Repository of TLD IDN Practices. The process for which such policy is developed must be made publicly available on the TLD registry websites.

D. Objection procedure:

(i)   Once a string has been selected in accordance with the requirements and any criteria, should objections be allowed?

This question seems to have confused two possible paths: (1) a "list" (whether absolute or intrinsically defined based on a set of criteria) is established and a particular corresponding string is selected; and (2) that the prospective IDN ccTLD manager proposes a particular string. Both possibilities should be presented for a more meaningful response.

If a list of IDN ccTLD strings is to be complied (such list may be an absolute list or an intrinsically defined list such as based on and limited to the scripts included on a Territory's legal tender, etc.), and such list is accepted by the ICANN community, then an objection mechanism should be required for the designation of an IDN ccTLD manager for a particular selected string. If a mandated list is not compiled or defined, an objection mechanism must be established to uphold the non-contentious nature of the Fast Track. Such objection mechanism could be facilitated through a public comment process and form part of the evaluation process.

> (ii)   If so, who can object and on what grounds?

The ccNSO, ccTLD managers, GAC, GAC representatives, SSAC, ALAC, the RALOs, RSSAC, IANA, IAB, GNSO and the respective GNSO constituencies, should be able to lodge an objection. Such objection should be based on the security and stability of the Internet including potential issues related to spoofing utilizing IDN homographs and the introduction of confusingly similar TLDs, principles adopted by the respective groups, and the non-controversial nature of the Fast Track.

> (iii)   If an objection is lodged, what is the impact?

The Fast Track process should uphold the intent for the Fast Track to "enable the introduction, in a timely manner and in a manner that ensures the continued security and stability of the Internet, of a limited number of non-contentious IDN ccTLDs, associated with the ISO 3166-1 two-letter codes."

> 4. Mechanism to designate an IDN ccTLD manager.
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> The second task is to develop a mechanism for designating the manager for an IDN ccTLD, bearing in mind the limitations and guidelines canvassed in section 2 above. The IDNC WG suggests the following elements are part of such a mechanism:

This section included generally questions to solicit comment regarding the requirements of an IDN ccTLD manager, however, it does not ask questions regarding the process for which an IDN ccTLD manager is designated. For example, an additional section "C. Process for designating an IDN ccTLD Manager for the Fast Track" could be added with the following questions:

(i)   Does the IDN ccTLD manager need to be evaluated against the requirements and criteria and if so by whom? (To be moved from A.)

(ii)   What measures should be taken to uphold the intent for the Fast Track IDN ccTLDs to be non-contentious in nature? For example, should an objection procedure be established? If so, who should be able to lodge an objection, on what grounds and who should adjudicate such objections?

(iii)   How should a prospective IDN ccTLD manager apply for an IDN ccTLD in the Fast Track process? Who should manage this application process?

> A. Who can be the IDN ccTLD manager:
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> (i)   Apart from the overarching requirements to meet the IDNA protocols and any other IDN technical requirements, are there other IDN specific criteria that an IDN ccTLD manager needs to meet?

Specific reference to the IANA Repository of TLD IDN Practices and the IDN Guidelines should be made to facilitate public comments.

The IDNC should require Fast Track IDN ccTLD operators to follow the ICANN IDN Guidelines and to publish or adopt corresponding tables at the IANA Repository of TLD IDN

Practices. Policies must include considerations given to reducing the risks of spoofing using IDN homoglyphs. Measures must be taken to limit confusion and collisions due to variants.

> (ii)   Does the IDN ccTLD manager need to be evaluated against the requirements and criteria and if so by whom?

Yes. A mechanism for which a prospective IDN ccTLD manager may apply for an IDN ccTLD in the Fast Track process should be established. The ccNSO, the ccTLDs and the GAC, in cooperation with the relevant country or territory authorities, should develop the process and designate a body or evaluation panel to manage the process subject to prior rules approved by the Board based on the recommendations of the ICANN community. Such panel should include relevant language experts, technical experts, techno-policy experts, as well as relevant representatives of the ICANN community.

> (iii)   Does the IDN ccTLD manager need to demonstrate a track record of managing a TLD?

Specific emphasis that this question pertain the Fast Track should be incorporated into the question.

Considering the non-contentious nature of the Fast Track and the overarching technical and techno-policy requirements for the successful implementation of an IDN TLD, experience and track record of managing a TLD would be preferable. Nevertheless, there may be situations where certain language communities have not decided to operate their LDH ccTLD because of language barrier issues that make it undesirable. Alternative demonstration of competence to operate a TLD registry should be important.

> (iv)   Does the IDN ccTLD manager need to demonstrate experience with running IDNs in the particular script?

Specific emphasis that this question pertain the Fast Track should be incorporated into the question.

Considering the non-contentious nature of the Fast Track and the overarching technical and techno-policy requirements for the successful implementation of an IDN TLD, experience and track record of running IDNs in the script for which the prospective IDN ccTLD manager proposes to offer IDN registrations would be preferable. Nevertheless, it is understood that for certain language communities the introduction of second level IDN labels with an LDH TLD is not desirable, therefore IDN registrations have not been introduced. Alternative demonstration of knowledge of IDN technologies should be important.

> B. Operation of the IDN ccTLD:
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> (i)   Given the overarching requirement to adhere to the IDNA protocols and other technical requirements on an ongoing basis how can ongoing adherence be ensured?

Specific emphasis that this question pertain the Fast Track should be incorporated into the question.

ICANN should have a contract or some other form of agreement with the Fast Track ccTLD manager that includes appropriate technical, operational and financial requirements. At a minimum, the IDNC should require Fast Track IDN ccTLD managers to follow the ICANN IDN Guidelines.

(ii)   Are elements of the registration policies of the IDN ccTLD manager relevant in relation to compliance with the overarching IDNA protocols and other technical requirements? If so how can ongoing adherence to the required policies be ensured?

Specific emphasis that this question pertain the Fast Track should be incorporated into the question.

Yes. The IDNC should require Fast Track IDN ccTLD mangers to follow the ICANN IDN Guidelines. Furthermore, IDN ccTLD managers should adhere to a single script for registrations at the levels where the registry maintain control. Where script mixing occurs or is necessary across multiple levels, registries must implement clear procedures to prevent spoofing and visual confusion for users. To ensure ongoing adherence, ICANN should have a contract or some other form of agreement with the Fast Track ccTLD manager that includes appropriate technical, operational and financial requirements.