ICANN Transcription
GNSO New gTLD Subsequent Procedures Working Group
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MICHELLE DESMYTER: Welcome, everyone. Good morning, good afternoon, and good evening to all. Welcome to the new gTLD Subsequent Procedures PDP Working Group call on the 30th of March 2020. In the interest of time, there will be no roll call. Attendance will be taken via the Zoom room.

As a friendly reminder, if you would please state your name before speaking for transcription purposes and to please keep your phones and microphones on mute when not speaking to avoid any background noise. With this, I'll hand the meeting back over to Jeff Neuman. Please begin, Jeff.

JEFFREY NEUMAN: Thank you very much. Welcome, everyone. Hopefully, everyone is staying safe and not going too stir-crazy if you're required to be at home, which is probably most of us, now.

The agenda today is to go over string similarity. We will likely spend the entire time on this topic. We're lucky enough to have a few ccTLD members on the call, so if they can listen in and help

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participate because part of this will be to just discuss some of the similarities and differences of the string similarity evaluation between gTLDs and IDN fast-track ccTLDs. So, part of that will play into that discussion.

With that, let me just ask to see if there are any updates to any statements of interest. Okay, not seeing any. Let me just double-check. Okay.

Let me also ask to see … I know Annebeth is here and I know that Giovanni is here. Do we have any other ccTLDs here on this call, just so we can see who is on? You can just put something in the chat, or a tick mark. There is one entry that says "Canada." I don't know if that Canada the CC or that could be Louisa from the GAC. Okay. We'll figure that out. No worries. Yep. Okay. Great.

So, Giovanni, Annebeth, if you could help us as we go through this document, we'll introduce different things at different times but please do, if you have anything to add from the fast-track, that would be great.

Okay. So, if we could then go to … We're now working off the Google Doc. Julie has put the link into the chat. And so, there are areas here that are highlighted, mostly to help and to help the group focus on a couple of particular areas where we have some comments.

You'll notice that this part is all clean because it's the first time in a while that we're going over this. And so, there should be no redlines in this, although there are certainly questions in here.

So, let me go to the first affirmation. Sorry, I'm just looking at the chat and hands up. Okay. So, the first affirmation is that "the working group affirms Recommendation 2 from the 2007 policy which states, 'strings must not be confusingly similar to an existing top-level domain or reserved name.'"

So, that's pretty self-explanatory. It's kind of just a background as to how we get into the string similarity evaluation. Obviously, we go on with another affirmation, and then we go on for some recommendations on how to hone in on that a little bit more.

The second affirmation is, "Subject to the recommendations below, with respect to applied-for strings, the working group affirms the standards for determining whether there is string contention set forth in the Applicant Guidebook, section 1.1.2.10, namely string contention refers to the scenario in which there is more than one qualified application for the identical gTLD string or for similar strings. Similar means strings so similar that they create a probability of user confusion if more than one of the strings is delegated to the root zone."

So, what I will do, because I understand that my audio may be choppy, let me just see if there are any comments on this affirmation while I'm doing the audio. So, if you can just give me one second, I will join the phone line.

Okay. Thanks, everyone. Sorry for that. Hopefully, the audio is a little bit better. I see that there are no comments to this, so that seems self-explanatory. I think we can go on.

So, the first recommendation is as follows: "The working group recommends updating the standards of both, a) confusing similarities to an existing top-level domain or a reserved name, and b) similarity for purposes of determining string contention to address singular and plural versions of the same word, noting that this was an area where there was insufficient clarity in the 2012 round.

"Specifically, the working group recommends," and the first recommendation is, "prohibiting plurals and singulars of the same word within the same language/script in order to reduce the risk of consumer confusion. For example, the TLDs .example and .examples may not both be delegated because they are considered confusingly similar."

So, I'm going to stop here. Hopefully, that wording makes sense. So, it'll apply both to when you're looking at confusing similarity to an existing top-level domain or reserve name and it'll also apply to looking at similarity for purposes of determining string contention. Any questions on this? It seems pretty self-explanatory. Okay.

The next one is—and then we'll get into some of the comments in here—"expanding the scope of string similarity review to encompass singulars/plurals of TLDs on a per-language basis. If there is an application for a singular version of a word and an application for a plural version of the same word in the same language during the same application window, these applications will be placed in a contention set because they are confusingly similar."

"An application for singular/plural variation of an existing TLD will not be permitted. Applications will not be automatically disqualified

because of a single-letter difference within an existing TLD. For example, .spring and .springs could both be allowed if one refers to the season and the other refers to metal objects because they are not singular and plural versions of the same word. However, if both were intended to be used in connection with the metal objects then they would be placed in the same contention set."

So, I'm going to stop here because, basically, it's requiring not just looking at the string to determine whether it's a plural or singular of each other but also it's going to look in on the intended use.

One of the natural questions of this would be, "Well, what if it's not clear from the application what the intended use is?" We believe this should be handled through something like a clarifying question. So, if the evaluators can't tell from the application the intended purpose, whether it's a singular or plural of each other, is free to then ask a clarifying question on that.

Now, one of the things that came up in the discussion was … Actually, let me wait until I do the next bullet because it relates more to the next bullet. The next bullet is to "use a dictionary to determine a singular and plural version of the string for specific language or script."

What people have noted here is that while there are certainly dictionaries for languages there are not necessarily dictionaries for scripts. So, that is where we may run into a little bit of a difficulty when determining a strong confusion of plurals and singulars when they're in different scripts.

So, Becky is asking, "Even with the clarifying question, what's the enforcement?" Becky, if the intent shows that it is a plural and/or singular of another application then it's put into the same contention set. So, that's the enforcement.

If it's whether it is a plural or singular of an existing TLD, if the clarifying question comes back and it says it is, or the answers help the evaluators determine that it is, then the application is not allowed because you can't have a TLD that's provisionally similar to an existing top-level domain. So, I think that's the enforcement.

Or are you saying, "What if someone lies in the clarifying question?" If that is the case then that is a good question. One of the things that we had talked about but haven't put as implementation guidance, I would think that the enforcement is that they'd have to have a PIC or something in there that they're not intending to use it as the singular or plural of the other application.

Or instead of a PIC, it would be mandatory, but we really should be noting that in a recommendation because it's not there at this point. Alexander, you say your hand is up. Oh, I'm sorry. There are hands up. Sorry about that, I missed that. Paul, go ahead.

PAUL MCGRADY: So, can we go down to the second bullet point? I'm really confused about the language here. About halfway through it says, "An application for a singular/plural variation of an existing TLD will not be permitted. Applications will not be automatically disqualified because of a single-letter difference with an existing TLD. For example, spring and springs could both be allowed if one refers to

the season and one to metal objects because of the single/plural not the same word."

So, what we're saying there is they won't be permitted but then the next sentence says they are permitted. But then this is where it gets really weird. "However, if both were intended to be used in connection with metal objects then they would be placed into the same contention set."

We're talking here about comparing an existing TLD with a new application but then we jump and we say that they'll both be put into a contention set. We don't really mean that, right? We're not saying that an existing TLD will be put in a contention set.

That last sentence is … I think, the other two sentences, we could reconcile them some way by saying, "They won't be permitted except for under certain circumstances, for example," and then we could talk about whether or not we want to do that spring/springs thing. But we're not really going to put an existing TLD in a contention set, I hope. Thanks.

JEFFREY NEUMAN: Yeah. Thanks, Paul. I'm going to take the blame for that one. You're right. We had "new" and "news" in there but people didn't want to use an existing … Yeah. We changed the examples. That's my fault. What it should say, for example, "Applications will not automatically be disqualified because of a single-letter difference with another application."

Sorry, it should say … We should cross out that sentence, there, "Applications will not be automatically disqualified." Sorry. It should

say "Applications will not be automatically be placed in the same contention set." Sorry about that.

Thanks, Paul. That was my bad because I changed the example and forgot to change the sentence, so that's exactly right. It should say, "Applications will not automatically be placed in the same contention set because of a single-letter difference with another application." So, it should say "with another application." Okay. That was my bad. Sorry about that. Okay. Paul, does that make sense now? Okay. He said yeah. Okay, my bad. Alexander, go ahead.

ALEXANDER SCHUBERT: Yeah. Hi. Can you hear me?

JEFFREY NEUMAN: Yes, thanks.

ALEXANDER SCHUBERT: Good. Great. The issue about TLDs and intentions – we shouldn't look at intentions. If you see certain ccTLDs like .la or .cc, they're kind of TLD hacks. So, people are starting to use TLDs for whatever they like and not what the intention ever was. So, it doesn't matter what the applicant intends or not intends; the registrars will market it and the users will register for whatever they like.

And so, this might work, the idea you have one .spring that is for the season and "springs" for the metal objects. That might work with restricted TLDs. So, if you want to have a brand TLD—I cannot even come up with an example—and then you have a restricted

TLD for the city that is very similar but that's in the plural then that might work because the brand will, obviously, only use if for their brand and the other TLD is restricted. But two [open] TLDs with different intentions, that doesn't matter what the intention was. That doesn't help. Thank you.

JEFFREY NEUMAN: Yeah. Thanks, Alexander. I'll go to Alan, and then Susan. Alan.

ALAN GREENBERG: Yeah, thank you. I just got onto the call a minute ago as you were having this discussion, so perhaps what I'm saying is irrelevant but I don't understand why you want to restrict something … I have two points. One is, why is restricting someone because there is a single-letter difference to another application but not from an existing TLD? That's question number one.

Another question is, do you need clarity on what a single-letter difference is? Does that mean they're both four-character strings but one is different or does that mean there is an extra character or a character missing? I'm just not sure that the single-character difference has enough clarity in it. Thank you.

JEFFREY NEUMAN: Yeah. So, the first sentence before the one we just went over says, "An application for a single or plural version of an existing TLD will not be permitted." So, we do address that.

ALAN GREENBERG: Yeah, that's good.

JEFFREY NEUMAN: Then we go on to say that application will not … And before that, it talks about contention set. So, we have a couple of provisions here. So, the example that we used was, "Applications will not automatically be placed in the same contention set because of a single-letter difference."

What we're trying to point out there is you're looking at the intent. Just because there is one that looks like it's a plural of another, if they're intended for two different purposes they're not considered the be confusingly similar or similar.

ALAN GREENBERG: Okay. I support what Alexander said; the intent for an open TLD may well be irrelevant. Thank you.

JEFFREY NEUMAN: So, I want to address that. Actually, you know what? I'll put myself in the queue after Susan. Susan, go ahead.

SUSAN PAYNE: Yeah. Thanks. Hi. So, I was just, again, looking at this in terms of the intent. I think, essentially, this recommendation stems out of something that came, I think, from the Registries Stakeholder Group way back when we were still in our little work streams or work tracks.

At that time, I think the proposal that the RySG had put forward referred specifically to .brands. For example, if it might be possible for something to not be considered a plural because it was, in fact, a brand rather than being intended to be the plural of the other application or the pre-existing string.

Therefore, co-existence seemed possible but I think the reason for that is because, then, the .brand has very strict controls over how that TLD and domains within that TLD could be used so that you wouldn't end up with a conflict scenario.

I think we seem to have lost that, now, in this new example with "spring" and "springs" because unless one of those TLDs, at a minimum, if not both of them, have some kind of restriction on usage, for example because they are restricted TLDs, they've got particular eligibility requirements or usage requirements, then, as the previous two speakers have been saying the intent is kind of irrelevant because the registry operator doesn't have control over what actually gets done with the second-level domains. Unless we're building in, as well, some kind of a requirement that there is that control?

JEFFREY NEUMAN: Yeah. Thanks. Yes, we are building in that kind of control. That is the whole point. I think that whether it's a PIC or some other way that if both TLDs want to coexist they will have to agree to these. If they don't want to coexist, then fine. They'll go in the same contention set or they won't be allowed. But in order to both exist, they need to do that.

So, I actually don't think this is as complicated as a lot of us are making it sound. I think that the enforcement is going to be the key. I don't think this is insurmountable. I think TLDs, all the time, have restrictions placed in it and they have to enforce it. I think the other way to completely ban plurals and singulars don't make sense because of the example Susan raised and the completely open doesn't make sense because that will then just completely obliterate the meaning.

So, we're trying to find a middle ground here, and if they both want to coexist they're going to have to agree to the terms and compliance will have to enforce it if there is a complaint.

I think we're trying to find a middle ground, here, between what exists today, which is "yeah, anything goes," and be "nothing goes." I think if we can put our heads together and put in some other enforcement, we'll put it in as a recommendation. I think we can get there.

But if we're just automatically going to assume that it'll never be enforced and no one will ever do anything, I guess then we'll just pack it up and do the complete ban or the complete allowance. Let me go to Christopher, then Alan.

CHRISTOPHER WILKINSON: Hi, good afternoon. Thank you, Jeff. A fascinating topic. There are going to be some gray areas which some of you have already evoked. All I would say at this stage is that, since we have learned that top-level domains can be bought, and sold, and transferred between different owners, whatever the intent is on the

basis of which ICANN agrees to the delegation, there must be a mechanism—call it enforcement if you like—to ensure that that intent is transferred in the event of a change of ownership of the domain. For the rest, I leave the matter to the greater experts who are already on the call.

JEFFREY NEUMAN: Yeah. Thanks. I think what you're getting at, Christopher, is that it's mandatory, it's not changeable, and it would automatically assign to a successor if there is a successor appointed for any reason. I think that makes sense. Alan, go ahead. Alan, you might still be on mute.

ALAN GREENBERG: Sorry. The Zoom unmute always evades me. You mention compliance and enforcement. Now, the UDRP explicitly is allowed to look at content in making a decision. If we have a contract which says, "I will not allow any domains within my TLD to masquerade as whatever it is, someone selling springs because I'm using it for something else," I would want to hear in writing from ICANN legal that compliance could take action against registrars or domains who allow sub-domains to be registered based on what their content is.

I don't think they would do that. I don't think that's something they would consider that they could enforce because of ICANN's restrictions on dealing with content. So, if we're going to say "based on a PIC or another commitment ICANN contractual compliance can take action for domains that are not following the rules," and the only way you recognize that is based on their content, I'd want

to make sure that they can actually take action on that. I think that's over the line. Thank you. If you're speaking, we can't hear you.

JEFFREY NEUMAN: Sorry, Alan. I was saying ICANN does do it all the time. If the registry is making a commitment and there is a complaint that the registry is not following through with the commitment then, yes, ICANN Compliance take action or there is a PIC DRP, the .pharmacy one, for example. Yes.

ALAN GREENBERG: Even if it's based on the content?

JEFFREY NEUMAN: It is based on the commitment that the registry made. It does it all the time, or it can do it all the time. It doesn't necessarily always do it but it can. It has got the authority to do that, absolutely. Becky, do you disagree with me on that one? I want to make sure. Becky is saying no, she doesn't. So, that's not regulating content it's regulating what a registry said it would do and not do. There is a difference there.

ALAN GREENBERG: Okay, great.

JEFFREY NEUMAN: Okay. I think from this we need—and I had my hand up—a recommendation in here that states that this will be committed to …

I'm not going to word it on the spot here but, basically, a recommendation that ICANN Compliance … Or, sorry, that the commitment will be made in a mandatory PIC if there is both a singular and plural … I'm sorry. If two strings could be singulars and plurals but the intended uses are different.

Again, we'll word it a lot better than that but, yeah, it's contract compliance. I think Kathy would not mind if, judging … Well, I can't say what Kathy would or wouldn't mind but my understanding of previous positions were that if a registry voluntarily commits to this then they can enforce that.

Then, what we're trying to do is trying to not have such a harsh rule that automatically prevents strings from being delegated simply because one could, in theory, be the plural of the other, but we are prohibiting it when one string is, in fact, a plural or singular of the other.

Yeah. Becky's not speaking for ICANN legal, right. Thanks. Anne is saying we need an opinion from ICANN legal. So, just to ease the concern a little bit, this was in the initial report, as well—not exactly worded in the exact same way but the concept was—and ICANN legal did not come back with …

Although, ICANN staff, GDD did respond to recommendation so this was not something that ICANN legal said. They were looking for more details but they did not say that this was unenforceable and they could always come back and say it's unenforceable, and then we can figure it out from there. This really is in line with what all the previous discussions were.

Okay. Let's move on, then, to the next page. So, we do need to put in, and I'm assuming the note is in here that we're going to put in, another recommendation that there is a mandatory PIC to enforce this. "Can we set an action item to ask GDD for an explicit reply?" We sure can. There is no guarantee that they'll respond to it but we can certainly ask them. Okay. So, there's the note putting in in there. Okay. Thanks, Karen.

STEVE CHAN: Jeff?

JEFFREY NEUMAN: Yes, sorry. Go ahead.

STEVE CHAN: Sorry, I can't raise my hand. Yeah. I was just trying to wait until you finished the topic previously. It was a clarification, or maybe confirmation, of whether the group is intending to affirm the standard for the string similarity evaluation, which was visual-only in this respect.

And so, the reason I bring this up is because I'm curious about the interplay between that standard and the singular and plural standard that is being introduced in these recommendations.

So, would the singular and plural be layered on top of the visual? Do they just coincide with each other? Basically, how they interact with each other, assuming that the visual standard is intended to be kept for the review. Thank you.

JEFFREY NEUMAN: Yeah. Thanks, Steve. So, it is visual with the exception of the singular/plural. So, yeah, we are affirming that, subject to the singular and plural addition … Oh, it sounds like there is someone …? Okay. But we do need to address the issue of scripts, and then there is the homonym question which we will address later on.

STEVE CHAN: Sorry, Jeff. Just a follow-up really quickly.

JEFFREY NEUMAN: Yeah, go ahead.

STEVE CHAN: Thanks. So, the visual standard is not currently affirmed in these recommendations so assume there are no objections we can add in an affirmation of that in that respect. Thanks.

JEFFREY NEUMAN: Yeah. Thanks, Steve. I'm just re-reading this. So, it's not in the guidebook section 1.1.2.10? If it's not then, yeah, we should add that as an affirmation.

STEVE CHAN: Okay. We'll investigate. Thanks.

JEFFREY NEUMAN: Okay. Thanks, Steve. So, Anne is saying, "By the way, I think that analysis of potentially hundreds of domain names in a string to see if they comply with the PIC will require a whole lot more compliance staff. Are we considering that?"

So, Anne, I think there are already some broad requirements and PICs in the ICANN agreements that ICANN already has to respond to if there is a complaint. So, I'm not saying that—I think Martin said it, too—that it's on a complaint's basis as opposed to a proactive searching from ICANN Compliance. I think that's the way that things normally happen.

So, for example, there is a requirement that there are non-discriminatory practices and this whole bunch of other requirements that ICANN Compliance has to monitor and they do that through the complaint process. If you look at the .doctors of the world –or maybe that's not the right example. The category-one strings, there are lots of requirements in there that, in theory, if ICANN were to proactively monitor it would be impossible but they do it on the complaints' basis.

Okay. Anne says she's familiar with how it operates now but they seem a bit too busy. So, I don't think compliance does any proactive … Well, I shouldn't say that. I'm not aware of compliance doing proactive monitoring, let's say for the category one strings, to ensure that every registrants has the required license for those sensitive strings. It's really just on a complaint basis. Kathy, good, you've joined us. Go ahead, please.

KATHY KLEIMAN: Hi. Can you hear me, Jeff?

JEFFREY NEUMAN: I can, yes. Thanks.

KATHY KLEIMAN: Okay. It may echo a little where I am right now. Okay. I apologize. I came in a little bit … I understand there might be a new mandatory PIC, and so I wanted to ask, first, that that be very, very clearly flagged because, to the best of my recollection, we said no new mandatory PICs in the past. So, if we're changing that I think we should flag that in big, neon colors, or at least red, for the public to notice and see.

The other thing is I'm also confused about the complaints process. If it's a mandatory PIC, is it going to go through the PIC DRP or the ICANN complaints process? If you're making a representation like the kind I understand that they're going to do for the purpose of the mandatory PIC, I can support that going through the regular complaints process but I'm not sure that will happen if it's in the PIC and not in the main contract. Thanks.

JEFFREY NEUMAN: So, yes, we do need to update the section that says that there will be no mandatory PICs. We should say something like subject to whatever other sections there end up being. But in this case, it's only a mandatory PIC if there are two strings that visually look like a plural and singular of the other but because they are intended for different purposes, like "spring" and "springs," one for the season

one for the metal objects, it would only be a click added for those two TLDs if they both want to coexist. Does that make sense, Kathy?

And I should also not the second part. The second part is that PICs are enforceable, as Susan says, through both compliance and the PIC DRP. So, ICANN does its compliance action if it believes that it's straight-forward. On the basis of the complaint, it would or could enforce it directly.

If it thinks that there is more research and a panel needs to be constituted to figure it out then it would go through the PIC DRP. Does that make sense, Kathy? I just want to make sure.

KATHY KLEIMAN: I think this is all very confusing and unclear in light of history. So, I think what you're saying and what I'm seeing in chat sounds very definitive. It's not nearly as clear in practice.

JEFFREY NEUMAN: Okay. If there are other things to make it more clear I certainly would love to have some suggestions. I think we all know the intent and I think we're all on the same page with the intent behind this. If people can offer suggestions as to how to clamp down on this or to ease their fears, please do submit them. Okay.

I'm going to get back to the issue of … Oh, sorry. Jim has got a comment in the chat. "If the TLD sold, would the new owner have the ability to change the intent and associated PIC?"

So, the answer that we gave before was no, so we'll put that into the recommendations. I think the whole purpose of this is to avoid singulars and plurals that mean the same, so that's the intent.

So, we have an issue here. So, ICANN came back and said that a dictionary to determine singular and plural of a language, that's okay, but a dictionary to determine the singular and plurals with respect to a script may not be.

So, obviously, we can't get this to be completely perfect. But remember, if someone disagrees with the determination of string similarity there is always the string confusion objection. So, there is always a backstop.

Plus, if the applicant didn't like the determination itself we have an appeals process. Remember, all of this is backed up with a check and balance to help make sure that the panels get this right. Does that make sense?

So, I'm not sure we can do anything with respect to script other than rely on the strong confusion objection. Unless anybody else has thoughts on that? Okay. I'm not seeing anything with thoughts. It is a fairly complicated issue, so we'll come back to this in a little bit as well, to the complexity, when we talk about homonyms and other things that are, right now, in the new issues, but we have to determine … That's why I put a note in there to say "discuss homonyms" so that we don't forget about that.

The next recommendation, I think, is pretty non-controversial, which is to eliminate the sort tool. The reason we have to do that is it's mentioned in the guidebook and we just need to be very clear that

that technical tool was not fit for purpose. Okay, Martin. Thank you for putting the "only kidding" there.

So then, the next recommendation. This is hopefully self-explanatory but "the working group recommends the deadline for filing a strong confusion objection," instead of "should" it should be "must," "must be no less than 30 days after the release of the string similarity evaluation results. This recommendation is consistent with PIRR, so the Program Implementation Review Report, recommendation section 2.3a. So, the reason we did that was we didn't think about this in our initial report but we got some comments back that talked about the importance.

The reason this became an issue was because the string similarity evaluation results came out later than initially expected. It was always anticipated that the string similarity evaluation results would be out before string confusion objections were in but when the string similarity evaluation results came out delayed there was a very short time period to respond. And so, we believe this recommendation is needed. Does anyone have any questions about this recommendation? Great. Not seeing any.

If we can scroll down to the section that … I'm sorry, I should be a little more clear. Can we scroll down to the new section that's highlighted to deal with homonyms? All right.

So, I'll review this section and then we can talk about it. So, the working group consider the proposal put forward in the public comment that homonyms should be included in the string similarity review. From one perspective, homonyms may cause user

confusion. For example, in the 2012 round an application for "tie" phonetically clashed with an existing "Thai" IDN ccTLD.

The Program Implementation Review Report noted that the … No. Sorry. Was there any more that we had on that section, on the homonyms? I know we had it in the previous document. Well, maybe not in this document but we did spend a bunch of time talking about that.

I remember we had Sarmad—I probably am saying the name. I always mispronounce the name—came on from ICANN and talked to us about that issue. I don't think there was much that we figured we can do in that situation, so we didn't get enough support from within the group to do a recommendation on it.

I'm not sure if there is anyone else on this call that could elaborate more on that. Steve, do you perhaps know any more or have that section from the previous document?

STEVE CHAN: Before we get to that I was just trying to clarify something on the section that is highlighted right now for homonyms. So, our understanding of the word "homonym" is that it's the same word and it's pronounced … Well, it's identical visually and it sounds the same but the meaning is different. That is the definition for a homonym that would automatically be in the same contention set, so I just wanted to clarify the language usage there in the section.

What I was going to mention is that I think what Sarmad was raising is a little bit higher-up. It's about the factors beyond just pluralization. I don't remember the word he used. An example he

uses, I guess, would maybe fit with what he was raising as a concern – play and then playing, or play and played. So, different tenses or different conjugations of words, as I think Emily just highlighted right now. So, that's what I think Sarmad had raised, rather than the homonym topic. Thanks.

JEFFREY NEUMAN: Thanks for that. So, in this paragraph … We've addressed the plurals and singulars but then we've discussed a number of other proposals, as Steve mentioned, to do things like, well, if we're going singulars and plurals do we do two forms of a verb, which could be as Steve said, play and playing, run and running, but we didn't come to any conclusions on that.

So, I want to open it up one last time. Let's go with this paragraph, and then we'll come back to the homonyms. Steve brought that up, although I see the definition in the chat.

So, does anyone disagree with us … Sorry, I'm asking this as a double negative. Does anyone disagree with the notion that we are not recommending doing anything with respect to anything other than plurals and singulars? So, does anybody feel like we absolutely need to be also including things like different versions of the same verb or other aspects that could have a meaning that's different?

Steve, your hand is up but I think that might have been to the last point. Yep. Okay. So, goose and geese are two nouns. They are the plural and singular of each other so that would be covered as

singulars and plurals. Sorry, Paul. Or is that your homonym thing? No. Okay.

So, I'm not seeing any hands up to discuss the two different versions of verbs. I don't know if people are as concerns about that than singular and plurals. Okay. So then, back to the homonym question.

As Paul says, definition of homonym from dictionary.com is "a word pronounced the same as another but differing in meaning, whether it's spelled the same way or not, such as heir and air or like too and two," or for that matter two and .to, which is a ccTLD. So, I don't think .two and .to would be considered similar for this purpose to an existing TLD. Paul McGrady, go ahead.

PAUL MCGRADY: Thanks. Why do we care about homonyms? Thanks.

JEFFREY NEUMAN: Well, I just asked the question. I'm asking if people care. Yeah, there were comments that were filed, and so I just want to make sure that we address them. So, Alan, go ahead.

ALAN GREENBERG: Thank you. As much as I would like to think we will not confuse people by two TLDs that sound the same, pronunciation is a rather quirky thing in multiple languages and I'm not sure how you know two things will sound the same. I mean, two and to, there is no

reason to believe that they would sound the same except in English they do.

There are many other languages and many other pronunciation quirks. I'm not sure we can cover homonyms, especially when you're looking across language. There are lots of words in French that might sound like an English word based on how they're pronounced. So, as much as I'd like to protect users, I think that's getting into a quagmire which is going to be almost impossible to enforce uniformly. Thank you.

JEFFREY NEUMAN: Yeah. Thanks, Alan. Yeah, it does sound like that but since the comments came in I want to make sure we address them. Let me just go through the comments, here. Annebeth agrees that that would be too far. Justine says, "Well, there is potential user confusion." Gigi says, "Homonyms could be confusing to end-users." Yeah.

Martin says a very important point: "Dialects can also pronounce words differently. Right. So then there are just more examples. I do want to go one paragraph before that, as well, but let me go to Alan, and then Kathy.

ALAN GREENBERG: Sorry. Greg makes a good point; just pronounce a number of words using a Boston accent where an "er" becomes an "a" and homonyms are … As I said, I'd love to address homonyms but I just don't see how we could write some rules that fairly enforced.

JEFFREY NEUMAN: Yeah. Thanks, Alan. Let me go to Kathy.

KATHY KLEIMAN: Thanks, Jeff.

JEFFREY NEUMAN: Kathy, please go ahead.

KATHY KLEIMAN: Yeah. Could you remind us—and I apologize if you already said it— what the rule was in 2012 on homonyms, particularly homonyms that are close? The issue of homonyms across languages is phenomenal. A number of ones come to mind. How did we treat that in the first round?

JEFFREY NEUMAN: So, homonyms were not visually similar so we did not put them into … They did not fail, for lack of a better word, the string similarity evaluation. I guess one could have filed a string confusion objection, and then it would be for a panel to determine whether they were confusingly similar. I don't think we had an example of that but someone can correct me if I'm wrong.

KATHY KLEIMAN: Okay. So, no glaring examples of problems in the first round on this. Thanks, Jeff.

EN

JEFFREY NEUMAN: Yeah, that's correct. I think it just came up because we were talking about the plurals and singulars and talking about user confusion for the plural and singular. And so, other people came in and said, "Well, if you're going to deal with the user confusion on that what about user confusion on homonyms?"

But from this discussion it seems like there is not the excitement or there is not the willingness to go into homonyms, and that's on okay result. That's totally fine but that's why we bring it up. Alan.

ALAN GREENBERG: Thank you. Yeah. My recollection, there was an awful lot of talk about sound-alike during the Applicant Guidebook discussions but, ultimately, I believe it was left in as an objection that you could make. I don't know whether there were any or not so I'm willing to accept your memory of it.

It's not 100% clear that none of the panels considered sound-alike when they made their determination of whether they were confusingly similar or not but I don't believe … It was something that was subject to an objection, but just that, and I think we have to leave it at that. I don't think we could rule it out as an objection but I don't think we can do anything in terms of the initial evaluation. The same decision was made last time. Thank you.

JEFFREY NEUMAN: Yeah. Thanks, Alan. So, the panels had strict visual similarity and that's what Steve was asking for us to confirm or affirm toward [cross talk].

ALAN GREENBERG: That's not correct because different scripts were judged to be confusingly similar and they weren't visually similar at all, so the panels did not just look at visual.

JEFFREY NEUMAN: Can you give an example, Alan?

ALAN GREENBERG: Wasn't there one of the .shop related ones, was in Japanese or Chinese and was deemed to be confusingly similar?

JEFFREY NEUMAN: Yeah, that was by an objection. That was through a strong confusion objection.

ALAN GREENBERG: No, that's right. I'm saying the panels may have considered various things other than visual but the initial review did not, but an objection process could consider things other than visual and they may have considered sound. I'm not aware if they did but they might have.

EN

JEFFREY NEUMAN:	Yeah. Thanks, Alan. Yeah. When you said "panel," I thought you were talking about the evaluation panel. Sorry. I got it. Cool. We're on the same page. Thanks. All right.

I do want to also go up one paragraph, which is the top paragraph on here. We'll get to this also in the topic of objections but I just want to make sure that we also consider whether synonyms should be included in string similarity review, like doctor and physician. We decided that we would not make any recommendations that synonyms should be in the similarity review.

Now, we'll come across this again in the strong confusion objections but I just want to make sure everyone's on the same page that we are not making any recommendations for synonyms either. And I'm not seeing any objection to that. Great.

Now, while we have CCs on the phone—or, sorry, on the Zoom room—I do want to just also do a comparison of the way that string similarity was implemented for the gTLDs and the way that it was implemented for ccTLDs.

The short answer is that there were a lot of—no pun intended—similarities in the way that was carried out. So, both evaluations looked at visual similarity alone and they used pretty much the same types of factors.

Now, where it differed was that the CCs have in their process a secondary review. So, if an evaluation finds that a CC—so this is in the fast-track—is visually similar then it would automatically constitute another independent panel to look at it more closely. What they would look at, there is a link. If you go to the ccTLD

process, they look at a whole bunch of other factors to determine whether there is, in fact, some similarity.

So, we in the gTLD process do not have a secondary review. What we are building in, however, is an appeals process. When we get to appeals we can talk about whether some of the standards of the ccTLD secondary review should or could be incorporated into an appeal from an applicant who is not satisfied with the determination that a string is similar or not.

So, I'm just reading the chat, here. Giovanni has to leave but we should look at the scientific study developed for assessing string similarity in a professional and sound way within the IDN ccTLD fast-track. But Giovanni, correct me if I'm wrong but professional review, the secondary review is unique to ccTLDs and it's only if an initial panel finds that there is visual similarity. So, the question is … Oh.

GIOVANNI SEPPIA: That's correct.

JEFFREY NEUMAN: Okay.

GIOVANNI SEPIA: That's correct. At the same time, it's correct now; I'm not saying it should be like that. What I'm saying is it's correct at present but what the history of the IDN fast-track has shown is that the people

who are initially evaluating the similarity among strings are people with no competence in string similarity.

So, it's like I'm requested to evaluate the string similarity between two Arabic strings. I'm not Arabic mother tongue. I don't know anything about Arabic, it's just something that I look at for a second in my life and say, "Yes, they may look similar," and that's what has been done so far.

JEFFREY NEUMAN: Yeah. Thanks, Giovanni. So, the question is, then, since we're talking about appeals that could very much look like we secondary review that an IDN ccTLD fast-track goes through. Well, I should say it seems to me that to go through that review for every single string might be cost-prohibitive.

If everyone reviews or if anyone is interested and wants to look at the ccTLD process, it is very in-depth, very scientific and, presumably, very costly. It would seem to be, I think, a good idea to incorporate those standards if an applicant wanted to appeal. And then, we should look more closely at those standards to see if they could apply during that appeal.

But let me just see what's in the chat. Annebeth says, "Yeah, I agree. It must be possible to draw from this process into SubPro better to take it in the appeals process." Yeah. Cheryl says, "Can we refer to it in a footnote here?" We can. I think we should talk about it more when we get to talking about appeals. I think that there has only been, I believe, one or two decisions from a string, the

secondary review. Maybe it's just one. I know I read one. So, we can discuss it more there but it's very in-depth.

And so, Paul's saying, "A different standard would apply on appeal?" So, what I'm saying for us to consider as a proposal is that the standard for appeal as to how someone would determine whether the string similarity panel got it wrong would be to use the standards that are in the IDN fast-track of how an appeal would be processed.

So, as Justine says, we do need to add appeals. I think the sections are called "Accountability Mechanisms," even though that's not necessarily the right title. That's where the appeals are found.

Yeah. So, Paul, it's a good question about the price tag. I did ask ICANN policy to look into who paid and I believe the secondary review is paid for by ICANN in the ccTLD context. So, we are trying to get some information on the costs.

Giovanni says he's available for any other input but needs to leave. Thanks, Giovanni. Giovanni is saying it took place three times in the fast-track as other cases were treated on a case-by-case. Oh, okay. All right. So, I know I've read at least one so we'll have to look at the other two. Okay. Any other questions or comments on the similarity? Christopher, please go ahead.

CHRISTOPHER WILKINSON: Thank you. Very briefly, fascinating discussion. I agree with Annebeth and with Giovanni that there are issues here which are far more complicated than this group is really competent to assess, and I include myself in that.

But I just wanted to refer to the drafting of the yellow highlighted paragraph that's in front of us. I really don't agree that the volume of applications can be presented as an excuse for delays or other failures of evaluation. I've explained on several occasions, and I maintain my position in the text, that the applications must be sorted in priority groups and according to their subject matter. We must absolutely avoid a volume of applications which impedes professional, effective, and accountable evaluation. Thank you.

JEFFREY NEUMAN: Yeah. Thanks, Christopher. That may have to be done in batches but we'll get to talking about that later on, that other subject that deals with that.

CHRISTOPHER WILKINSON: Yeah. I know it comes up mainly elsewhere but in this text we should not accept that, even in the previous round, the volume of applications was an excuse for delays.

As a footnote, I have provided yourself and the staff with an alternative text on this subject in the relevant section of the report which, as far as I can see, has not yet been transferred into the text. Thank you.

JEFFREY NEUMAN: Okay. Thanks, Christopher. We will take a look at that. Did you submit that to the full group or just to us?

CHRISTOPHER WILKINSON: I would have to search my sent mail to find out exactly who I sent it to but I certainly sent it to you and to the staff.

JEFFREY NEUMAN: Okay. Thanks. Sorry if I missed that. We will take a look. Okay. Any other questions or comments on this section? All right. So, I'm not going to go into another subject. I do want to mention that invites now should have gone out for the calls in April, I believe, so you should have that on your calendar.

Our next call will be … I'm just waiting for someone to post it up on the chat. There are a whole bunch of screens up and not my calendar. The next call will be April 2nd. Yes, April 2nd at … I believe it's 20:00 UTC. Yes, there we go, for 90 minutes. So, on that call we will get to, I believe, objections. Is that correct? I have to go.

You know what? Let's click on the work plan just so everyone can see. Why don't we put that up? I'll just wait a minute, here. Sorry. I know I just threw this on staff to put it up, so bear with them. Thanks, Emily. Yeah.

So, Christopher, as you know, some have changed their clocks over. What we do in this group is we stick to the same UTC time no matter who changes over and who doesn't. So, we will then go to— I'm sorry— applicant freedom of expression and then objections.

So, to the extent that we get to applicant freedom of expression, we'll start on objections as well. We don't need the string similarity review again because we've just done that, so I think that'll be good. That'll give us some extra time with objections.

We're making some good progress here so I'm very pleased with the way we're going and it really does look like we should have a draft final report ready to go out well before the next ICANN meeting. Good job, everyone, and keep working on it. Thanks, everyone.

[EMILY BARABAS:]   Thank you so much, Jeff, and thank you, everyone. Meeting has been adjourned. Stay safe and well.

[END OF TRANSCRIPTION]