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ICANN Transcription

IDNs EPDP

Thursday, 01 September 2022 at 13:30 UTC

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DEVAN REED: Good morning, good afternoon and good evening. Welcome to the IDNs EPDP call taking place on Thursday September 1 2022 at 13:30 UTC.

In the interest of time, there will be no roll call, attendance will be taken by the Zoom room. If you're only on the telephone, could you please let yourself be known now?

We do have apologies from Lianna Galstyan.

All members and participants will be promoted to panelists for today's call. Members and participants, when using the chat, please select everyone in order for everyone to see the chat and so it's captured in the recording. Observers will remain as an attendee and will have view only chat access.

Note: The following is the output resulting from transcribing an audio file into a word/text document. Although the transcription is largely accurate, in some cases may be incomplete or inaccurate due to inaudible passages and grammatical corrections. It is posted as an aid to the original audio file, but should not be treated as an authoritative record.

Statements of Interest must be kept up to date. If anyone has any updates to share, please raise your hand or speak up now. If you need assistance updating your statements of interest, please email the GNSO secretariat.

All documentation and information can be found on the IDNs EPDP Wiki space. Recordings will be posted shortly after the end of the call. Please remember to state your name before speaking for the transcript.

As a reminder, those who take part in the ICANN multistakeholder process are to comply with the expected standards of behavior. Thank you. And over to our chair, Donna Austin. Please begin.

DONNA AUSTIN: Thanks, Devan, and welcome everybody to our call today, I just noticed that it's the 1st of September, at least in the northern hemisphere. Those of you in the southern hemisphere or some of you might have got there yesterday. So it would have been the fist day of spring yesterday, which is always lovely time of year. Sadly, here, it's the—well, America does things differently. So it's not quite the first of autumn yet. So anyway, welcome to a new season.

So just a little bit of an update on string similarity data collection. On the leadership call, we had a bit of a conversation about how we can you know gather data that may help in our consideration of the hybrid model that was presented to us over the last few weeks. And we're in the process of seeing—I don't know, Ariel, if you have an update for us, but looking at whether it's possible to

gather some information about 20 or 30 of the IDN strings from the 2012 round and just kind of play with that and see what would have happened in a string similarity review, if we'd included the blocked variants. So trying to just extrapolate from some sample data how the process might work.

I know we got to a position on the last call where we acknowledged that we're only here to look at policy, and we could make a policy recommendation, but I think we'd have a better level of comfort among the group if we could understand the practical implications of the next round process. So we're seeing if we can gather some more data that would be meaningful to the conversation. So I think that was the only—okay, so it looks like we might be making some progress on that, which is great. And we'll bring that back to the group at some point, I suppose.

The other thing to mention is that we will meet next week, but it's the following week that we won't be meeting ahead of ICANN 75. And we do have the two sessions on the Saturday morning in KL and we're also doing some work on what we'll be covering in those sessions as well. So we should have more information for you next week about what the plan is for our face-to-face meetings in KL. So any questions on that? And anything I missed, Ariel?

ARIEL LIANG: You covered very well, Donna. So maybe I can just elaborate slightly more. So in terms of the data collection we're doing is basically to gather some information to assess risk related to variants when they're going through the string similarity review

process, and then also understand the operational impacts and costs and benefits of the hybrid model.

So the method staff is exploring right now is we're using some existing IDN gTLDs, and then see what the number of comparison would be based on the hybrid model as well as the three levels. And then also, there's a risk team at ICANN, and I don't know the detail yet, Steve will be able to provide more information on that. And they already have some analysis regarding various type of risks. So they could potentially be helpful in terms of doing the risk analysis regarding variants and misconnection, and of denial service, those type of risks.

So after we touch base with those teams and gather the data information, we can go back to the EPDP team and present the finding, and then hopefully, that will help the group to deliberate and understand whether hybrid model is appropriate. So just a tiny bit of elaboration on this effort.

DONNA AUSTIN: Thanks, Ariel. And one of the reasons we're looking at risk assessment—and this could be just a really light touch consideration. We don't know yet. And I'll let Steve speak to it. But one of the reasons we're doing that is there's always this concern that we're creating this huge process for what will be edge cases. So we're trying to see if there's a methodology that we could use that would be helpful for us in working through, are we creating a process here that that will be useful for many, or are we just building this complicated process and it may never be required? So Steve, did you want to speak to that a little bit?

STEVE CHAN: Yep. Thanks, Donna. To I guess clarify or, to be honest, dial back a little bit what Ariel is saying about the risk management part of it. So the idea is to provide the team with some tools to be able to perform a bit of relatively simple risk analysis. And some of that is intended to be able to provide some, I guess, more practical understanding of what the risk was like. And then also to think about the context of the risk with the solutions that you're thinking of putting into place. And so currently, that's the hybrid model.

So the idea is to potentially get someone from the ICANN Org team who's actually in charge of risk management and ICANN. And the idea isn't for him to necessarily perform the risk analysis, it's to provide more of general understanding and a toolkit to this team to be able to help it perform the risk assessment itself. So just a clarification that it's not for Org to do the risk assessment, but rather to help this team have the tools to do it itself. Thanks.

DONNA AUSTIN: Thanks for the clarification, Steve. Dennis.

DENNIS TAN: Hi, Donna. Thank you. Just reacting to what Steve elaborated on risk analysis. This is a reflection of a conversation from the Registries Stakeholder Group members. So we're still finalizing how we position this, but I think since you're doing this risk analysis, might be useful for your consideration.

How we are using the root zone LGR to find potential confusable labels, and especially in the blocked variant labels, one observation here is that the root zone LGR or the procedure to develop the root zone LGR did not have production of confusable labels in mind as a primary objective. It was designed to look for variants that could be used, allocated, and blocked variants really are a byproduct.

Because of the work of the different script generation panels, the blocked variant was thought as a tool or vehicle in order to block some of these confusables. But again, it's not the primary objective to look just visually similar labels.

And so I think here the observation or the advice is that let's not construe or suggest that the root zone LGR is the one and only tool to determine and find all those confusable labels. But it's just a subset of it. And so as we're going through this risk analysis, we just need to be careful how we use these confusable labels, blocked variant labels that are confusable to other labels in that context. It's not a complete set, the root zone LGR is not meant to find all those confusable labels, right, because it's a very subjective determination. So just want to be mindful of that. Thank you.

DONNA AUSTIN: Thanks, Dennis. Just noting that we are going to come back to this discussion, so any further input from folks will be gratefully received. Edmon.

EDMON CHUNG: Thank you, Donna. Personally, I think what Dennis said is very important. Whatever this produces is really just a subset. And I guess that goes into that whether string similarity, or string confusion objections, we really need to allow other—the most important thing is, in my mind, not to disallow or remove the grounds for objection for those who think that certain variants or whatever collide with their interested string.

So I think, yeah, I think what Dennis mentioned, whatever the LGRs identify is really just a subset of potential confusables. And if there are legitimate interest, it's not in this policy development to determine how to do it, but rather, we have to keep the doors open for people who think that—whether their rights or their potential confusion of their string is being threatened or challenged, is, open to actually engage in some kind of challenge process. So I think that's actually a pretty important point.

DONNA AUSTIN: Thanks. So just to clarify, and maybe I'm misunderstanding here. So I agree that grounds for objection is—I think standing is for any applicant or existing TLD operator. I think they have standing to do that. Objection based on the blocked variants, I think that's probably okay. But I think perhaps where Dennis was coming at it was from a level up where all of the blocked variants go into whatever the machine is for that. Well, actually, I think people do it, not a machine, that string similarity review. So I'm not sure whether I'm misunderstanding or not. Hadia.

HADIA ELMINIAWI: I just wanted to mention that we also need to take care not to make this a reservation system. So if you're not applying for a string today, but preventing others from applying to a string because of a string that you might be applying for in the future, then technically speaking, this is, again, I'm not saying what we should or shouldn't do, we are still to look into the data that is going to be presented. However, I just caution us from doing this. Thank you.

DONNA AUSTIN: And I didn't get all of what you said, Hadia, because your audio was a bit choppy, but I think it's related to your note in chat that we need to be careful that we're not setting up a some kind of reservation system so with probably blocked variants in particular.

That doesn't mean you can't necessarily apply for—well, I don't know how it would work. But just because something is a blocked variant doesn't mean it's reserved and for only the person that's applied for the source label.

I don't know if I got that right or not. Okay. So thanks for that little touch base on that string similarity. It's great that people are still thinking about it. And we'll follow up on the data. Maybe we had some other plans to ICANN 75, but because this is still a hot topic for us, we might be able to spend a bit of time on this in KL. But we'll let you know about that next week.

Alrighty, so with that, we're going to go—it seems like we're going way back, strings ineligible for delegation. So I think we've had maybe one discussion about this so far. So Ariel is going to take

us through this again, and see where we get to this time. And then we had some draft text out for consideration. So we'll come back to that discussion and try to finalize some of the language that we put out there. So with that, I will hand it over to Ariel.

ARIEL LIANG: Thanks, Donna. So we're going back to this question that we still haven't closed. And hopefully this time with a little bit of visual and examples, we could get a clearer understanding what is being asked, and then what are the options we're considering.

So this is the charter question E5 part two. And basically, it's that asking whether the strings ineligible for delegation need to be updated to include any possible variant labels. So just to give folks understanding, what are the strings ineligible for delegation, the these are the strings associated with the International Olympic Committee, the Red Cross and Red Crescent, the intergovernmental organizations, IGOs, and international nongovernmental organizations, INGOs.

So at the top level, the policy regarding these names hasn't been implemented, because it's waiting for the next round to kickoff. But at the second level, these strings have already been developed and identified. And then in this bar chart, you will see in each category how many strings we're talking about. So it's 19 different strings related to the IOC, 3605 strings related to the Red Cross and Red Crescent. So it's not just the original Red Cross where the string is protected by the Geneva Convention, but also International Red Cross, all different strings related to Red Cross across the world. So it's 3600 plus strings in this category. And

then for intergovernmental organizations, it's 184 strings, and a lot of them are related to the United Nations, and then for international nongovernmental organizations, there were 2491 strings in this category.

So maybe I can just click on this link, and then folks can take a quick look at the strings just to refresh your memory. So the first category, the International Olympic Committee, so these are the names, I guess, that's relating to the Olympic. And then these are the strings, basically reflected in the DNS, what needs to be protected.

And then Red Cross is these ones. But as you see, these is basically for second levels. So there's hyphens allowed for like the DNS label too, but that would not be applicable for top level. The top level, what you would expect is basically the second column, which would be protected at the top level for Red Cross-related strings.

And then these are the International Red Cross and Red Crescent Movement. So these are the Red Cross across the world in different countries. And then the name is basically the organization and then the strings are the ones associated with these organizations. So they're going to be protected on the top level. So means they cannot be delegated, unless the organization associated with the string, they decide to apply for it. So basically, some examples here, and it's very, very long list and will not show you everything. But I just want to give you a quick look at some of these examples, what we are talking about.

Dennis has his hand up. So we're not talking about second level right now, we're talking about top level. But as Steve said, at the second level, these strings have already been identified. And we can expect a very similar approach for the top level, this is what we'll expect at the top level, those strings will be protected as well, except for the ones with the hyphen, and the dash, those are not applicable for the top level. So hopefully, we have answered your question. And I have seen your hand went down. So thank you for—oh, Edmon, please go ahead.

EDMON CHUNG: Yeah, thank you. I guess I see this generally in terms of the name and then the DNS label one and then DNS label two. How do I understand between DNS label one and DNS label two?

ARIEL LIANG: Oh, yeah, thanks, Edmon. I will welcome Steve to chime in because he's much more of an expert of this than me. But if you look at the DNS label two, there's dash in-between the words and phrases, and then that would not be applicable for top level, but that's allowed for second level. So yeah, disregard DNS level two.

EDMON CHUNG: Okay, got it. so in all of this list, I see that there are some IDN ones. The expectation is that the variants of which would also automatically be kind of blocked, right? Because if an application comes in, and for whatever reason, itself or its variants conflict with one of those names, it's already, if I understand it correctly, it's already blocked out. Is that the correct assumption?

ARIEL LIANG: Actually, that will kind of segue into my next few slides, because we did ask Pitinan and Sarmad's help to check some examples that we just randomly selected and see how the RZ LGR calculation would be. So in fact, some of them actually have allocatable variants, depends on the script. And with some of them—most just only have blocked ones. So we can take a look at those examples. Hopefully that can answer your question.

EDMON CHUNG: Yeah, but even if it's blocked, what's the expectation? So if it's blocked, I guess it depends on our policy now whether—if it conflicts with another application, which I guess the primary or the string applied for is not the actual string. Whether it blocks the application, or is that the current thinking is that it will block the registration so we don't need to think about it?

ARIEL LIANG: Yeah, thank you. That's a very good question. Actually, I think that's something the group probably want to discuss. And then that will help guide the consideration of the two options currently considered by the group. So perhaps I can just continue that. And then when we get there, we can have a further discussion of this.

So next one is basically some examples that we randomly picked from the list of strings eligible for delegation. And then Pitinan and Sarmad helped check the variant situation based on RZ LGR calculation. So we tried to select some shorter strings and longer strings and different scripts and see how it looks like.

So for example, the first one is the Chinese string or Han string of Red Cross and then actually had zero variants. So we don't need to worry about this type. And then the second one is the Cyrillic one. And Maxim can probably correct me if I'm wrong, but I think this is also a Red Cross, Red Crescent, something related to that. And it also has zero variants.

But then if you look at the following ones, they have variants for sure. And the third one that's in Hebrew, I think it's the star of David or something. Okay, thank you, Maxim, thats Ukrainian for Red Cross. But it's in Cyrillic script.

And then the third one, that's Hebrew and the RZ LGR calculation found seven blocked variants for this. And then the fourth one is Olimpia, in the Han script, and it actually has one allocatable variant, but 10 blocked ones. So this might actually have the allocatable one, and then I checked the allocatable variant of this one, and it's also protected string by itself. So that's the situation with this particular string.

And then now we can also look at some example of Latin script, protected string like World Bank, it has a 15 blocked variants. But then, interestingly, if you look at the other Latin script, United Nations, that one generated to 36,863 blocked variants. So they're all blocked. And it's actually quite interesting, because the length of the string is not indicative in terms of how many variants could be generated. And Pitinan has some inputs she'd like to share. So I will stop here. Please go ahead.

PITINAN KOOARMORNPATANA: Thank you, Ariel. For the Latin, the long ones, for the last one is actually have less than that, sorry, I might have sent the update which not included in this slide. So maybe, please ignore the last one for now. It's not that many. If we filter out the mixed script labels. Just wanted to make the note. Thank you.

ARIEL LIANG: Thank you, Pitinan. I'm sorry, I probably missed your update. I will check the number. But if you have the number at hand, please feel free to share that directly in the chat so that folks can get the most accurate information. And thank you for pointing that out.

So yeah, just back to this slide. Here you can see that in terms of the protected strings based on the RZ LGR calculation of their script, the variant situations really differ from string to string, some of them has zero variants, some of them have only blocked variants. And then some of them even have allocatable ones.

And I think the one, the Myanmar script example, it actually has 10 allocatable variant labels for this one, and 48 blocked ones. So it's really kind of dependent on what the string, the original, the primary one looks like. And the variant will differ.

That's some examples. And now we're going to the discussion about how to address the variant of string eligible for delegation. So the question asked to the group is whether the list of strings ineligible for delegation need to be updated to include the variant labels.

And I guess, implicitly, it's asking whether protection needs to also extend to the variants of those strings ineligible for delegation.

And so far, the group have discussed two different options. Option one is to keep the strict list of strings ineligible for delegation intact. So don't change the list at all, and then not to update it to include their variants. That's the first option, is basically just keep the way it is and status quo and no change needed with regard to the variants.

And then the second option the group discussed is, the first point is the same. So basically, don't change the list of the strings ineligible for delegation. But in addition to that, prevent application for all variants of those protected strings. So that's a big key difference compared to option one, is to prevent application for all variants of those strings.

And then the third point is that if variants can be applied, it can only be applied to by the relevant organization associated with that primary string. And then it cannot be applied by itself, it needs to be applied as part of the package that includes both the primary string and the variants. So that's the third point of option two.

And I see there's a lot of comments in the chat, sorry, I'm not able to follow that. But if you want to speak up, please feel free to raise your hand.

So these are the two options we're considering. And I just want to remind folks of some of the rationale for these two options the group to considered so far. So the first option, basically just keep the status quo, the rationale is that there's already a PDP, that's the IGO PDP, they devoted a lot of time to develop this specific list of strings that need to be protected at the top level. And then also, the protection is limited to exact match of these strings. And that's

due to the internationally recognized treaties and all those backgrounds. That's why those strings, this specific list of strings can be protected at the top level and ineligible for delegation. So that's the first rationale for that.

And then the second rationale is that the IGO PDP has developed a change procedure to add or delete strings onto that list. So basically, due to the existing measure, if any variants needs to be added to the string, and the relevant organization feels strongly to do so, they can use that change procedure to do that. So that's the second rationale for that.

And then the third rationale is there are other measures in place that can deter unrelated applicants from applying for variants of those protected strings. So for example, the GAC early warning and the GAC advice in the new gTLD process, they could potentially detect application for variants of those strings and then could submit also—there's a legal rights objection in place for a relevant mark holder—or the IGO, for example, in this case, to object to those variants.

And then the fourth rationale is as you see, some of them strings, they may generate a very large number of variants. So if those variants are added to the list, that will create a very huge complexity in terms of the application processing. So these are the rationale for option one, is basically just keep the status quo and don't add any variants to the list. And that's it.

And then in terms of option two, there are some rationale for that, too. So the key thing that we need to kind of focus on is in terms of preventing application for all variants of the strings ineligible for

delegation. So the reason some folk support this approach is that the EPDP team has already developed a recommendation related to the reserved names. So those are the names related to ICANN and the IANA function and those specific terms.

So basically, that recommendation is that application for variants of reserved names need to be prevented. So some folks are supporting the same approach for strings ineligible for delegation. And then their variants cannot be applied for by anybody, except for the relevant organizations. So that's the first rationale, because we're using a similar approach for this type of strings.

And then the second rationale is that this approach will ensure that only the relevant organization can apply for the variants of their protected string, and then nobody else will be able to touch the string in any way. So that's just to make it extra secure, I guess, for those relevant organizations to apply for the variants.

And then the third rationale, and also it's a key point, is preventing application for variants is not an expansion of rights for the protected string. That is because there's no recommendation asking to add the variants to that original list. So it's a different approach. It's just preventing application for those variants, but not adding the variants to the list itself. So that will be not an expansion of rights for the protected string. So hopefully, that will not cause complexity or complication perceived by the ICANN community and the GAC and all those relevant parties. So that's the rationale for option two.

And now what we need to kind of consider is that there are some kind of aspects, very similar to what we saw in last week's

meeting. So if we're thinking about these two approaches, maybe we also need to do some risk analysis and also consider the operational impacts and costs and benefits of both approaches.

So in terms of a risk analysis, this is just some staff suggested questions for your consideration. And we could definitely do more of this risk analysis, go beyond these questions or you can ignore these questions, but that's just our suggestion how we're going to approach these two options.

So first, maybe we can consider how likely would someone attempt to apply for a variant of a protected string. So as you see earlier in the example, there are only a few strings are very short, but a lot of them are really long, and very specific tool. So it may not be an accident that somebody decides to apply for variant for that kind of string. But that's just our impression, and maybe that's something the group can discuss how big risk you think would be for someone attempt to apply for a variant of the protected string.

And then the second consideration regarding risk is that if someone indeed submits the application for a variant of the protected string, how likely would that application pass the evaluation without triggering any other measures in the process? Like, would the GAC ever miss to file an objection or early warning towards the application if they see some suspicious strings that are similar to a protected string? And then there's also legal rights objection in place. And how would somebody miss that opportunity to file an objection towards that kind of application?

So these are some kind of relevant questions to consider in terms of risk. And then in terms of operational impact, if the group do

believe the second approach is the way to go, then from implementation perspective, what does it take to prevent application for variants of the protected strings? So does that mean, for example, in the application submission system, all the variants need to be included in the algorithm? So if somebody types a string that matches a variant of a protected string, it will trigger a warning and then that application cannot proceed?

So from implementation perspective, it means that the algorithm need to change and incorporate all the variants in there. So how feasible would that be? And so that's some operational question we need to consider too.

And then third, in terms of the costs and benefits of both approaches, I guess, the first consideration is, how would the option be perceived, taking into account that the IGO PDP has taken years to complete, and then they develop all these recommendation after careful deliberation?

So if we, for example, decide to go with the second approach, would that be perceived as a welcoming approach? Or that would potentially trigger some reaction and complication by the community?

And then the second consideration is, how would the IOC, the Red Cross, IGOs and INGOs that are relevant to this commercialization, would they welcome the prevention of application for their variants? That's probably something we need to get inputs from. And hoping, maybe, for example, our GAC members in this group could potentially gather some information, if that's possible.

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So these are some examples and questions maybe can help the group consider these two options. So I will stop hearing I see Dennis has his hand up.

DENNIS TAN: Thank you, Ariel. These are good questions. Let me start with there, and then move on to first question under cost and benefit. How would that measure be perceived to take into account the careful deliberations of IGO PDP that took years to complete?

So if we take that as our baseline or perhaps goal—I mean, let me just use very broadly, goal, to honor the IGO PDP recommendations as far as—if I'm using the word rights, it's the right word, they have an entitlement over a string that represent their name, organization, and as such, it's protected by policy. But we need to be careful. We want to be careful to not be in view or use as a vehicle to extend those privileges. And so, we are kind of in an interesting situation.

And then go back to the operational impact question there on the middle of the slide, how do you prevent the applications variant of protected strings? I mean, the first thing in order to do that is to actually calculate, generate those variants so that we can do something. But I think that's not where we want to go.

So just want to reflect in my mind, so what can we do to, again, honor the IGO PDP recommendations and not interfere or be seen as interfere or extending rights? I think—and maybe this is a provocative suggestion here—is do nothing and let the other objection processes and put the burden on the IGO organizations

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themselves to look out for themselves and object to whatever application is seen to be confusingly similar to theirs, the original one. They have that avenue in order to object and gTLD application or potentially ccTLD, I don't know. But they will have the vehicle to do that without us creating these variant lists and what have you and let the system pick that up. So again, one potential option that we might want to consider. Thank you.

DONNA AUSTIN: Thanks, Dennis. Michael.

MICHAEL BAULAND: Thank you. My question is, are these lists just meant to protect the label of those organizations? Or is it more like to reserve the label so that at some later point, the organization will be able to register it for themselves? Because if it's the latter point, we will have to block all variant strings too, because otherwise, if anyone is able to register such a variant string, they automatically keep those organizations from registering their original string. Thanks.

DONNA AUSTIN: Thanks, Michael. So it's the latter. So these strings, they're not reserved, they are ineligible for delegation. But there is a procedure where the owner of the string can apply for the string. So it's a reserved string, nobody can have it. But with these strings, they're ineligible for delegation. But the organization that owns—I guess is the word—can apply for it. So it's the latter, Michael.

MICHAEL BAULAND: So the question is really, do they have to keep the right to apply for that throughout all time? Because in that case, we have to block the variants. Otherwise, we take away their right to apply for it if someone is able to register any of the variants. Thanks.

DONNA AUSTIN: Thanks, Michael. So Ariel, do you want to put your options one and two back up? So I think—I could be wrong here. So Dennis, I think you're leaning towards option one. And I think, Michael, you might be leaning towards option two. I could have that wrong. So please correct me. And then does anyone else have any thoughts on this? I thought I had this clear in my mind, but what Michael just introduced, I'm not so sure anymore. Sarmad.

SARMAD HUSSAIN: Thank you, Donna. So I'm just going to follow up on what Michael said. According to the root zone LGR, all the variant labels in a set must be administratively allocated to the same entity. That's at least the direction of the policy. And if we allow a variant label to be allocated to a third party, it means that the NGO or INGO, they will not be able to, after that point, apply for the original. And if we allow that, it will eventually break that variant set. And that's something we've been discussing, that that's not, I guess, a good thing to do. Thank you.

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DONNA AUSTIN: Thanks, Sarmad. So in theory, somebody could apply for a string that is a variant of one of the strings on this list. And I guess the variant could be such that it's not obvious that it is a variant of one of the strings ineligible for delegation. So I'm trying to work out what the consequence of that is. And Dennis, I understand what you're saying about let the objection process be the vehicle for the IGO to block the variant application on confusing grounds. I thought this was pretty clear in my mind, and I don't know anymore. Michael.

MICHAEL BAULAND: Thank you. To Dennis's point, I don't think the real problem is here whether one of the labels is confusable with the IGO's name, it's more like what I said and Sarmad confirmed, that if any of the variants, even if it's not confusable, is able to be registered at any point, this will block the main label for the IGO forever. And for that reason, I think we also have to block the variants. So option two, from my point of view. Thanks.

DONNA AUSTIN: Thanks, Michael. So I think one of the concerns that Ariel pointed out is that developing this list was a considerable undertaking. And the list itself is based on treaties and all sorts of other things. I would also say that I think at the time that the list was created, the root zone LGR probably didn't exist. So it wasn't something that was factored in.

And I think one of the concerns we had is, because this list had a pretty rigorous process to develop it, we're concerned that by

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adding the variants, that we're creating some rights, I suppose, to the variants of those strings that we don't really want to do, because all those strings are based on some kind of treaty or some other document. So in theory, the variants in that world have no standing or no relevance, because they haven't been pulled from some existing list.

But I think we acknowledged that, as Michael said, the problem here is that if a variant of one of those strings is applied for, and it's not applied for by the organization that owns that string—and I use the word own lightly—then you're canceling out the primary if it's not picked up through an objection, like Dennis was saying.

So how do we find a middle ground that doesn't make this really cumbersome in trying to—Sarmad or Pitinan, I don't know how difficult it would be to—I think that's what Ariel was trying to get to with the number of strings, but how do we find a way to protect the list and also ensure and provide some protection for the variants? And Dennis could be right that it's the responsibility of the organization itself to be looking for that protection. But given the list of variants that could be applicable, that could be a challenge. Sarmad.

SARMAD HUSSAIN: Thank you, Donna. I'll try to respond to your first question with regards to determining if some string is a variant of a reserved label or not.

I think the way it's implemented or it would be implemented in the software, in the tool, would be that it will not enumerate all the

possible variants strings. What it will do is it would, for example, it could have a list of reserved labels in it, and that's something we can feed in.

And when you or when any person—could be open to public—type in a particular label, it could flag that it is a variant of reserved label. So they will not need to manually inspect the long list of labels, they could only just type the label they want and the tool will flag that it is variant of reserved label and it can actually show that reserved label as well. Thank you.

DONNA AUSTIN: Okay, thanks, Sarmad. So, I do have some history around the Red Cross issue. And I think, Ariel, you used it as one of your examples. Oh, you used World Bank and United Nations. I think it's the United Nations one that Pitinan came back and said about 25000 blocked. Pitinan, go ahead.

PITINAN KOOARMORNPATANA: Thank you, Donna. For the United Nations, the number is correct, is about that blocked. It will come up when we have quite a number of vowel, like U, I, A. Those will generate quite a number of labels within Latin itself. But for the last one, the very long one, this one is the one that came back with about 2000 something blocked labels. Thank you.

DONNA AUSTIN: So the list at the top level will be protected. That policy has already been done. And that list was developed through a pretty

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comprehensive process. I don't think we want to provide any other rights to that list by creating variants. And then people assume that the risk is that by identifying the variants, that we are adding additional strings that may have rights in other fora outside ICANN. So I don't think we want to do that. We want to separate the two. But I think what I'm hearing—and what Sarmad said about being able to identify a variant or an applicant, potential applicant being able to identify a variant—I don't know how software works, but it sounds pretty straightforward.

So if we can create a recommendation where we're not updating the list, so we're not creating any additional rights because we're not adding to the list, perhaps augment the policy recommendation—which I think was option two, Ariel, I'm not sure—that that prevents applications for all the variants of the protected strings. I think that's probably where we're trying to get to if my understanding of what Sarmad said is correct. Michael?

MICHAEL BAULAND: Thanks. I just had an idea. I don't know if it helps, but we could introduce a rule that says like we keep only the list and no variants, but for every applied for string, we compare the string and all of its allocatable and blocked variants with this list. And then the outcome is essentially the same as option two. Because then it'll also block any applications that is a variant of one of the lists, because then one of its variants is on the list, if you understand what I mean.

DONNA AUSTIN: I think so, Michael. I think that fits into option two. Dennis, are you not comfortable with option two? Go ahead.

DENNIS TAN: I mean, honestly, I care about us coming out respectful of other PDPs' recommendations. So when I look at option two, I mean, bullet number one is rather cosmetic, right, just not updating, but in reality in the backend, those variants are going to be produced. And then the question, I think, on the slide that we have the question, the operational question, how is that going to be looked at? And what's going to be the impression of doing that when an application is blocked because of this LGR is producing variants of a name and block—and that raise the question, are you giving more rights to the string and whatnot?

So I really don't have a preference, option one, option two. I see good arguments on both, extending rights or whatnot. But in reality, if you produce the variants and you put some mechanisms in order to prevent a registration due to the variant, then you are actually using the variant mechanism to provide more rights or reasons to overcome for the other competing application. So it's a complex question. I don't have a preference. I was just giving an option where we are not the ones holding that decision or the responsibility to look out for the label.

DONNA AUSTIN: Okay. So I appreciate what you're saying in that it kind of could be considered smoke and mirrors. But I think that the important thing is not to update that list but acknowledge that variants exists. And

if there's some way to ensure that the organization that could apply for it, and if it's not that organization, then it needs to be flagged and something done about it in the same way.

So I guess if we're looking at the same entity rules, does that have applicability here? Because only the organization that has a connection with the string can apply for it. So it should follow that it's only an organization that could apply for variants. Steve.

STEVE CHAN: Thanks, Donna. I wanted to provide, I guess, maybe a bit of context from the IGO recommendations, the origins of them. And I think it's maybe helpful to recall that the primary focus of the recommendations are preventive, in the sense that it's intended to block the registration of the long list of strings that Ariel went through.

And then secondarily, there's the allowance for an exception procedure for these organizations to get their appropriate strings if they want it. So it's maybe a bit of a nuance, but like I said, the primary focus is actually to prevent application by others for these rightfully owned strings.

And then like I said, secondarily, there's also the exception procedure. I'm not sure if that emphasis makes a whole lot of importance to this group. But I just wanted to share some of the, I guess, some of the nuances from the group when the recommendations were made, although I wasn't actually there. That's my understanding of how they're actually developed. Thanks.

DONNA AUSTIN: Thanks, Steve. Dennis.

DENNIS TAN: Thank you, Donna. Steve just made me remember. So I'm not sure—I haven't read the policy on top level. But I know at the second level, the registry operators, they need to block the registration of those, but also if those are allowed for registration by the exception procedure, we also need to—sorry, we also [inaudible] to block the variants or register the variants at the second level per the registry rules.

                       So I'm not sure whether at the top level, there is also considerations about variants. at the second level, there are, which is easier for us registry operators to deal with variants, but I'm not sure whether at the top level, that was made more explicit.

DONNA AUSTIN: So, Dennis, sorry, the second level? You're saying that the variants of the strings on the list are protected as well, can't be registered?

DENNIS TAN: Not protected. I can't remember the exact language, but I do recall that depending on the registry policies, second-level domain name variants of those labels should follow the same policies, either blocked from registration or allocated to the same registrant. But again, second level.

DONNA AUSTIN:
Right. Okay, so I think what I'm going to suggest here is the leadership team will put our thinking caps on here and see if we can come up with some recommendation language and then the next time we talk about this or think about it will be the language that we come up with in the recommendation.

And I think we're going to have to put a fair amount of thought into the rationale when we come up with the recommendation. But I think what we're probably leaning towards is option two.

So does that sound like a reasonable way to go? I don't think anyone has any real—I think we all appreciate that this is a bit of a nuanced problem. So we'll just see if we can come up with some language recommendation, and then to bring that back to the team and see what you think.

Okay, all right. I'm sorry this is taking so long, I was hoping we get to the—Dennis, go ahead.

DENNIS TAN:
Sorry, Donna, just wanted to come back—I just found the other language on the policy and just want to share the link there so that you can do your own reading. So I need to make a remark there. So the language on second-level variant is only on the INGO portion of the policy. I mean, just as a way of context, the IGO policy really separates two groups of names. So the Red Cross, IOC, IGO on one end, and then the INGO names that could be registered with a different system, and that one does consider certain considerations, provisions for variant domain names at the

second level, but not the IGO names or IOC or Red Cross. Thanks.

DONNA AUSTIN: Thanks, Dennis. Okay, we've only got 15 minutes left. So Ariel, maybe? Sorry, Steve, go ahead.

STEVE CHAN: Sorry, Donna. Maybe it's another bit of a nuanced point. But I was thinking that these options are maybe—they could include a little bit of additional color. And what I mean by that is option one, it says to leave the list intact. But I think the measures that would still prevent application of variants could still include things like the legal rights objection, GAC early warning, and GAC advice.

And so I guess the nuance I'm trying to provide here is that option two is prescribing the precise manner in which the variants of the protected strings would be blocked. So it's essentially saying that those will be blocked from registration. Whereas one doesn't eliminate protections, it just doesn't have as tight of a protection in place.

So I think if we were to maybe redo these slides, option one would just have that thing listed. We would also say that there are some protections in place based upon the program itself, which are the legal rights and GAC early warning, GAC advice. And then like I said, legal two is a prescriptive way in which the protections would be applied, they are going to be blocked and prevented from application. Thanks.

DONNA AUSTIN: Thanks, Steve. Good input. Okay, so Ariel, I think, maybe let's just have a look at the language, recommendation 2.6, I think, and see if we can try to resolve that. So we've had a little bit of back and forth on this. Registries have come back with some revised wording and ALAC's come back with some concerns about that. So let's see if we can have a bit of a chat about it and resolve it. So Ariel, I will hand it over to you.

ARIEL LIANG: Thanks, Donna. I think I will welcome Dennis and also Satish perhaps to chime in on this point, but just for the ease of viewing, I posted the suggested wording from the Registries Stakeholder Group for the rationale portion of 2.6. So I'll just read it quickly.

As IDN gTLDs have variant labels that are considered a set are yet to be delegated and operated at the root zone level, there is uncertainty about how a set of variant TLDs will be managed and operated by a registry operator.

Therefore, it will be important that applicants are able to explain their need for a set of IDN variant TLD labels, as well as to demonstrate their technical capability to operate and manage the set of TLDs.

Consequently, the applicant will be required to respond to additional application questions to address why they seek to activate those variant labels in addition to the primary new gTLD, i.e. necessity and expected usage of the variant labels, as well as how it plans to manage the set, technically, and operationally.

The applicant's response to these questions is expected to be a critical component in the evaluation process. Evaluators with requisite expertise are expected to assess these responses.

So I think that's the suggested wording from RySG. And I think the key edits they suggest is to remove "to achieve the security, stability and usability goals for IDN variants." That's one of the key area for the edits.

And then another area they're not very comfortable with is the last two sentences, because they're not sure what the goal is with regard to the last two sentences. So is the objective to promote IDN management competence question over other aspects of the application?

That's the question posted by the RySG. And then, if the answer is no, then it doesn't seem to make sense to include this particular sentence to highlight that. That's their suggestion. And then if the answer is yes, then we need to provide additional instruction to the implementation team, i.e. to seek ad hoc expertise. And then we need to make that clarification perhaps in the recommendation itself. That's what I understood from Dennis's comment. So that's from RySG.

And then, I believe ALAC also provided response to these edits. So they recognize the fact that IDN variants have been proposed in response to the needs of language communities and end users, where the use of variant labels is usual and expected. And we're also in the process of introducing variant labels and label sets for the first time. So, we know there is a high likelihood of differences

between the current operational practice and the practices that we are introducing variant labels and sets.

And the third rationale is it is important to ensure that end user aspects of socializing such differences are considered by the EPDP. And then fourth, the ALAC consider the consistency of user experience as integral part of the operational aspects. But a part of the difficulty is that the operational aspects are not defined, and perhaps implicitly assumed to be based on the current practice at the levels of registry operators, registrar and reseller.

When considering variant labels and sets, the ALAC proposed that the impact on end users, both registrants and users of domain names, be also explicitly considered under the rubric of operational aspects, in which case the consistency of end user experience vis-à-vis variants becomes important to consider.

So lastly, ALAC said they're flexible regarding the use of the phrase usability goals, but they would recommend ensuring that the consistency of user experience is captured in the rationale. So in summary, I think the ALAC really believes that consistency of user experience, that notion needs to be reflected in the rationale of this recommendation. But then, for the Registries Stakeholder Group, they don't feel comfortable with that. And then they also have additional questions about the last two sentences of this rationale language.

So that's the summary. And I think we need some further discussion of that among the folks in the group and then hopefully, we can arrive at that compromise. And if anybody has an idea how to harmonize the language and reach the goals of, I guess,

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ALAC, and also not making RySG uncomfortable with that language, then that will be great, too. And I will stop here.

DONNA AUSTIN: Thanks, Ariel. So I guess the good news on this is that recommendation itself for 2.6 is okay. Everybody agrees with that. It's just some of the—some of the terms in the language we used in the recommendation is at the heart of the issue.

So Dennis, I don't know if there's any kind of key points that you want to make, or Satish? Dennis, go ahead.

DENNIS TAN: Thank you, Donna. Yes. So, as we are discussing, we are discussing the language and the rationale. And I think the most important point that the Registries Stakeholder Group wants to make is that the rationale should not expand on the recommendation itself. Right. The recommendation 2.6 speaks to technical and operational competence. And that should not be— this group should not put an editorial note as to what that means.

I mean, I don't disagree what Satish and the ALAC team is seeking for us to consider, which is the usability aspect. But I don't think recommendation 2.6. and the rationale is a good place for it. I mean, I see it as an overarching goal that we want to achieve, but not in the context of 2.6.

And specifically to the point that when they say, I think in bullet four, consider consistent user experience as in integral part of the operational aspects, I need to dispute that. We're talking about the

delegation of a TLD and operation of a TLD that we don't, as registry operators, we don't manage [inaudible] content. So [inaudible] that there is some expectations that we at the registry level can see and manage and enforce rules as to how the user experience is deployed to the end user, it's not something you want to ask the registry operator to do. We get into content moderation, a thing that we don't do today, and we certainly don't want to do in the future.

So unless I'm missing something, that's what [inaudible] on those—equating operational aspects to user experience. So I think that's, again, to recap, recommendation 2.6 is operational technical competence handling protocol, EPP, and abiding, conforming to the rules that this IDN EPDP will set out for managing second-level domain labels and variant sets and whatnot. But beyond that, I think it's going into the realm of content moderation, which I think is not what we're looking for. Thank you.

DONNA AUSTIN: Thanks, Dennis, Michael.

MICHAEL BAULAND: Thank you. This time I fully agree with Dennis. After the last point, I had a different opinion. Because even if we enforce second-level domain variants to be allocated to the same entity, we have no control over user experience because the one entity could put completely different content onto two variant domains. I agree with

Dennis that this is out of scope of this working group here. Thanks.

DONNA AUSTIN: Thanks, Michael. Satish.

SATISH BABU: Thanks, Donna. So thanks for the interesting discussion and for the opportunity for ALAC team to put across our thoughts. So at the outset, I think I welcome Dennis's statement that user experience is something that has got to be accommodated in some way. Because it is an expectation that when you bring in a new regime of variant labels, it could have some impact on the way it is used. And therefore, the user experience has to be considered as part of the change that we're trying to bring about.

Now, whether 2.6 is the place where we bring that in, we are actually flexible on that. And I of course would like to go back and discuss with my colleagues on how best to kind of moderate the language so that we don't kind of raise expectations too much.

What we're generally talking about is the fact that the registry operator, the registrar, the reseller, that cycle doesn't stop there, it goes further beyond the registrant and to the end user of the label. So for us, from where we sit, that is one continuous chain. It is an artificial thing for us to say that it stops at the reseller.

So therefore, that was the perception that we had, and these comments were coming out of that. So what I would suggest is that we will, again, take a look at the proposed language, and we

will come back with the comments maybe in the next meeting or so. And then we can see how we can close this gap. Thanks very much.

DONNA AUSTIN: Thanks, Satish. One thing that did occur to me is that I'm not sure what you mean by consistent user experience. So given every user in the Internet may have different expectations, it might be helpful to expand a little bit on that consistent user experience.

But I think the other thing that is probably important for us here is what we're trying to set up for is really the application process and what the potential applicant can really define in that process and be responsible for and evaluated on.

So I guess to Dennis's point about the recommendation itself, is about technical and operational. And I think in the rationale, demonstrate the technical capability to operate and manage the set is important. And I think also—I had the language there a minute ago, but it's gone. But it's really, explain how—if they're applying for three labels, how they're going to manage that from a technical and operational perspective, and what they're actually hoping the application will achieve.

So I guess the expectation is that the three—if it's three labels—it doesn't matter where the user goes, if they go to the source label, it will be exactly the same as if they go to the variant. I think that's what you mean by the user experience.

But to Dennis's point, I don't know how much of that can be the responsibility of the registry operator. So in my mind, I'm not clear

what's doable at the top level. And whether it's, when you introduce the second level, that's when you really—the user experience is going to be way different, because that's when you start putting layers into the what turns up on a website or a URL.

So maybe Satish, if you can think a little bit about what you mean by consistent user experience, it might be helpful to this conversation. But thank you for being willing to take onboard the registry comment and see how you can adjust the rationale.

Okay, so we're a couple of minutes over. Thanks, everybody, for your time and patience. And I think we've made some good progress on IGO labels today. And we'll come back with some recommendation language and then we've got some other draft language that's been sitting there for a while that we need to come back to. So maybe we'll do that next week.

All right, thanks, everybody. Enjoy the rest of your week, what's left of it. And we will see you back here next week.

DEVAN REED: Thank you all for joining. Once again, this meeting is adjourned. I'll end the recording and disconnect all remaining lines. Have a wonderful rest of your day.

[END OF TRANSCRIPTION]