ICANN Transcription

IDNs EPDP

Thursday, 07 July 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, 7 July 2022 at 13:30 UTC. We do have apologies from Nigel Hickson, and Maxim Alzoba will be joining late.

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 is captured in the recording. Observers will remain as an attendee and will have View Only chat access.

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 e-mail 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 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. Please begin.

DONNA AUSTIN: Thanks, Devan. Welcome everybody to our IDN call for today. I'm a little bit excited because I've been working from Australia for the last six months, and I'll be back in L.A. next week. That means I won't have to get up at 11:30 p.m. for these calls. I can just wake up a little bit earlier and do them at 6:30 a.m.

So just a few updates from the chair. Hopefully you've seen an e-mail from Ariel that we've had a request from the ccPDP4 . So that's the ccNSO's IDN PDP. They want to have a chat with us about a couple of things where we may be diverging a little bit in our recommendations. And I think the plan at the moment, or what the request is, is to have that call on the 26th of July. So if you can respond to Ariel's e-mail, that would be great because we would like to get as many people from this team to that call on the 26th.

Dennis, I see your hand is up. Go ahead, please.

DENNIS TAN: Thank you, Donna. I just wanted to provide additional context as to the request from the ccPDP4. As the working group is almost finalizing their recommendations to the full working group of the ccPDP4, they think it's reasonable and important to have this joint conversation with this EPDP in order to, as you explained, to look at the similarities and potential—not so similar consistency to have this coordination and collaboration, and maybe course correct if anything is within reasonable expectations or whatnot. So I just wanted to provide that context. Thank you.

DONNA AUSTIN: Thanks, Dennis. When you gave us the update in ICANN74, can you just remind me what issues you identified as where our recommendations are a little bit different?

DENNIS TAN: Thank you, Donna. I think that the most notable one potentially is just the language, the choice of words. But it's about the potential possible changes of Root Zone LGR in which it could potentially make an existing TLD label not consistent with the Root Zone LGR—the latest version—and what happens next. The baseline expectation is that the TLD in the CCA world, the ccTLD string would be grandfathered, but they open up the exception case in which the security and stability issue rises to a certain threshold in which it might trigger the deselection process. So there is no definition as to what the level of this threshold should be, but it does open up that exception case.

Again, the language is chosen such that the ... It's not any reason for deselection, but it's a high threshold. I can't remember the exact choice of words, but the expectation is that there's a high threshold of security and stability concerns or threats in which deselection might be the only way to address that security threat if that makes sense.

DONNA AUSTIN: Okay, got it. Thanks, Dennis. Hadia.

HADIA ELMINIAWI: Thank you. I would also note to some divergence that will exist [inaudible] not yet because of the work of the similarity group. So the small similarity group has reached a conclusion. Our EPDP similarity group is thinking of a hybrid level three comparison while the ccPDP4 are only considering the label and the allocatable variants. And the reason for that is scalability and complexity because adding blocked variants would, in some cases, increase the base for comparison by 1,200 fold. Thank you.

DONNA AUSTIN: Thanks for that, Hadia. And I think most of you will be aware, and some of you were certainly involved in our small group effort that's looking at the string similarity issue. And if you are worried because you think you might have missed the results of that, we haven't got around to discussing that with the full group because the small group is still wrapping up their work.

One thing I did notice that the ccPDP did during ICANN74 was they did a stress testing exercise. Dennis, I don't know if you were involved in that, or Anil, as part of members of the ccPDP. But I just wondered whether you were involved and whether that was a valuable exercise or perhaps something we should look at doing if you think there's applicability. So, interested in your thoughts on that.

Anil.

ANIL KUMAR JAIN: Thank you, Donna. You're right. Stress test during the ICANN74 was appreciated by one and all. We had two meetings in ccPDP Working Group 4 after ICANN74. And not only this, but we have got a lot of input from the audience on various aspects which require thinking process by the members of ccPDP Working Group 4 also.

So it was overall a very welcome, very educative and informative exercise. I must recommend that, in case it is possible, EPDP should also undertake a similar test once we reach to a level where we can [inaudible] the public and we want the community to give their [inaudible] and their feedback to us. Thank you, Donna.

DONNA AUSTIN: Thanks, Anil. It's something for us to keep in mind, I think, because I think it would be, not understanding what the ccPDP have done, but this assessment there by Anil, it seems like it might be something worthwhile for us to consider, I guess, time permitting.

But if what we're trying to do here in developing our recommendations in the hope that the recommendations are implementable one way would be the stress testing idea. And maybe to some extent we're doing that along the way, but I think once we've got a fair amount of our work done, we might want to think about how we can just test out some of the recommendations that we've come up with. And Hadia's also saying in chat that it was informative and something that we should consider doing. So thanks for that feedback.

The other thing that Ariel has only recently posted to our e-mail list is the anonymized results of the survey that we sent to Chinese and Arabic IDN gTLD registry operators just to gauge their interest in seeking the variant labels for their TLDs. Obviously, the information that we've received isn't authoritative. The survey we did was relatively brief. But I think it's still a good data point for us because some of the respondents are interested in seeking the variants. But of course, that's predicated on perhaps the cost and the process that's involved in doing that.

So I think there's some good information there for us when we actually come to discussing some of those questions that are specific to existing registry operators. So I would encourage folks to just have a read through that. And of course, if there's any questions, please post that to the list.

Notwithstanding some of the confusion around the intent of the survey and the manner in which it was transmitted to the recipients, I think it was a good exercise for us to undertake. And I think we've got some good information out of it. So thanks to Ariel and the team for getting that together because it wasn't easy to

work out the process about how to contact the registry operators and feed that back through. So thank you to Ariel for pulling that together. And also, thank you to those on this call that are actually involved with an existing Chinese or Arabic registry operator that was involved in responding to the survey. So thanks for that.

So for today's call, we're going to go back to charter question C1 which is about the same entity principle at the second level. And for those on the call last week, you'll recall that it did get a little bit complicated. I think in principle we were generally in agreement that the registrant or the same entity principal should apply to the registrant. So if you are a registrant for perhaps the primary IDN gTLD, then you would be the only potential registrant for that same string in the variants as well.

But as we came to understand through the discussion, there are some complications because of the relationship between the registrant and the registrar, and the registrar and the registry. But there is no relationship between the registrant and the registry. So we've got to try to unpack that a little bit today.

And Ariel has worked a bit of magic with her slide deck to try to give us some examples so that we can follow along a little bit better on some of the scenarios. And I believe she's worked with Michael and Dennis during the week to pull that together. So thanks to Michael and Dennis for that.

So what we'll do [inaudible] that's going to be the focus of our discussion here today. Maybe we won't need the 80 minutes, but just in case we do, we've got it there. So with that, I'm going to hand over to Ariel and we will get back into it. Ariel, over to you.

ARIEL LIANG: Thanks very much, Donna. So indeed the examples were developed, mainly credited to Michael. And you will see in the following slides and then also we've got really good input from Dennis in terms of questions to ask the group and different classifications of the scenarios that we have developed. So thanks to Michael and Dennis for the help.

So as a reminder, I just want to read again our charter question C1. This is something we started deliberating last week. So the beginning context of C1 is, "Both the SubPro PDP and the Staff Paper recommend that: 1) a given second-level label beneath each allocated variant TLD must have the same entity; and 2) all allocatable second-level IDN variant labels that arise from a registration based on a second-level IDN table must have the same entity."

So both SubPro recommendation and Staff Paper recommendation point to future new gTLDs and how to deal with variants. So there's agreement on the future situation involving variants at the second-level, but for this group we need to discuss whether this recommendation is applicable or can be extended to existing second-level variant labels. So we need to discuss this particular context of existing variants.

And we break this question down into two scenarios. The first one was the one that was discussed last week. "A given second-level label beneath each allocated variant TLD must have the same entity."

So in short it means the second-level label is the same, but the top-level label is different, and they are variants to each other. So this is a quick reminder of the context. So SubPro and Staff Paper both recommend that in the future situations, such labels must be allocated or withheld for possible allocation only to same entity. And then the same entity here means the same registrant. So that's the context for Scenario 1.

And then for Scenario 2, this is the one we're going to focus on deliberating today. It says, “All allocatable second-level IDN variant labels that arise from a registration based on a second-level IDN table must have the same entity.”

So this involves several considerations. First is, at the top level, it could be different. It could be different top-level labels, but then they're variants among each other. And then at the second level, they're also different labels but they're also variants among each other based on the IDN table. So what's this particular scenario says is basically all of these different labels that are variants among each other at the second level and the top level must be allocated or withheld for possible allocation for the same entity which is the same registrant. So basically, there will be a series of labels that are going to be only allocatable to the same registrant.

And then, in terms of the context of this scenario, both SubPro and Staff Paper recommend that, at least for future new gTLDs, such labels be allocated or withheld for the same registrant. So that's the context of Scenario, and it's probably a little bit confusing when I just talk about this without showing an actual example. So that's why we have the following slides to demonstrate what this means, and then what's the implication to

existing second-level variants and whether this ladder this recommendation can be extended to the existing cases.

So before we jump into the actual example, I just want to do a quick refresher on the IDN tables because that's something mentioned in the charter question itself. And then this also what we had during the foundational presentation done by Sarmad and support by Pitinan during ICANN74. So just a quick refresher.

“IDN tables define which labels can be registered for a particular language or script under a top-level domain. They validate a label and generate the allocatable or blocked variant labels of a valid label. They include Unicode code points, variants, as well as linguistic and technical constraints to determine appropriate and secure domain labels.”

So in short, I think IDN tables have a lot in common with the Root Zone Label Generation Rules. But one of the key difference is IDN tables determine what are the valid labels at the second level and then determine or calculate their allocatable and blocked variant labels at the second level. So IDN tables are for a second level, but Root Zone Label Generation Rules are for the top level.

And the reason why IDN tables are created is to “enable second-level domain names in the local languages and scripts used by the communities globally in a secure and stable manner.” So I think it has a very similar purpose as the Root Zone Label Generation Rule—for the security and stability of the Internet.

And another key difference is in terms of who creates the IDN tables. “IDN tables are developed and used by the registries for

the second level. Registries may refer to the reference LGR when developing their IDN table." So the reference LGR is something I think ICANN Org has a key role in developing.

And then, "IDN tables should not have any security and stability issues." So the main entity that creates IDN tables are registries. So that's a quick refresher of IDN tables and something mentioned in the charter question.

And I see there are some comments. And also, Donna has her hand up. I will stop here.

DONNA AUSTIN: Thanks, Ariel. So I just wanted to pick up on Satish's question in the chat because I think it's a good one. And I think it's one that we should all try to understand.

"Is there a reason why the Root Zone LGR cannot be used at the second level? That way we will have a uniform way to enumerate variants."

Michael's response is that the Root Zone LGR does not support numbers. That's one thing. At the second level, you want to have numbers. And I might ask those that are more familiar with this than me to respond as well, but I think ... My understanding is that the IDN tables have been in existence prior to the Root Zone LGR. There isn't one definitive list or one definitive IDN table per script or language. There are a couple or a few. I'm not really sure how many. I don't know whether that's ... I'm sure somebody has the number somewhere.

So I think from a retrospective perspective, Satish, it will be difficult to apply the Root Zone Label General Rules at this point to the IDN tables. But I do believe there has been an attempt by the GDS—I'm struggling to remember GDS means at the moment—by the GDS to bring some kind of uniformity in with the IDN in tables. But if anybody else has anything that they'd like to say in this in this regard, be happy to hear it.

Michael, go ahead.

MICHAEL BAULAND: Thanks. So one big issue why you just wouldn't want to use it is really the numbers. But also, there might be a valid reason for several TLDs to not want to have the same restrictions that are made in the Root Zone LGR.

For example, .cat, Catalan TLD. They have a letter which is called ela geminada, something like that. It's kind of middle dot between two "L" letters. And even though we wanted to have that letter also in the Root Zone LGR, we were not allowed to do that. But the registry definitely wants to have that letter in their second level because it's an essential part of their Catalonian language.

So that's just one example, and there are probably several other TLDs that just want to have variant relationships differently defined than the ones in the Root Zone LGR. So technically it's possible to use the Root Zone LGR also in the second level. There are many reasons why registries just don't want to do that.

DONNA AUSTIN: Thanks, Michael. So hopefully that answers your question, Satish. Sorry to interrupt, Ariel. Back to you.

ARIEL LIANG: Thanks, Donna, Satish, and Michael for the additional comments and input regarding IDN tables.

Now let's go to the examples. That's the main thing that Michael developed in terms of the proposed string. And then we're going to use these examples to help guide our discussion today.

Now what you see on the screen are some examples of second-level labels and examples of top-level labels. The first two rows are top-level labels. The first one, the T1, is "straße." I guess it's the German way of "street." And you will notice there's a special German letter in there. So that's the first top-level label.

And then the second top-level label, which is an allocatable variant of tier one which is "strasse" and "street." And then basically you will notice the special German letter there spelled out as "ss" in the second top-level label. And then we imagine that T1 and T2 are allocable variants according to the Root Zone Label Generation Rule.

So that's the of the examples for top-level strings that we're going to deal with. And then the examples of the second-level strings are in the third, fourth, and firth row. So the third and fourth row, we imagine them as already existing second-level labels. So the first is "große." I guess it's also a German word. It's "big" or "large." So we label it as S1.

And then the second existing second-level label which is a variant of S-1 as S2. And you will notice that the double “ss” are spelled out. So it's still “grosse” and means “large.” So that's the second one.

And then the third one is currently a variant of the first- and second-level labels, but it's not active yet. But it's allocatable. So you'll notice the “o” has the umlaut which is the two dots on top. And it's also the same word, basically. It means “large”—größe.

You will note that in the Root Zone Label Generation Rule, the umlaut is not allowed in terms of this German language. We’re in the Latin script. But we imagine that, according to the IDN table of the street registry, it's allowed just by way of example. So you can see we’re probably trying to kind of indicate that maybe for the IDN table something is allowed, but for the RZ-LGR, it’s not allowed. So there may be some divergence there.

So that's the examples that we're going to use to explain the scenarios we need to deal with.

And then I just want to quickly remind folks where we were in terms of discussion of the first scenario last week. So, if you look at the example used here, basically the second-level labels are the same. It's S1, große. And then the top-level labels are different, but they’re variants between each other, T1 and T2. And what the group has reached preliminary agreement on is that such labels [inaudible] should be allocated to the same registrant for possible allocation only to the same registrant.

So that's the preliminary agreement by the group in last week's meeting. And although the group had some discussion about whether different registrars should be allowed for these scenario. But some members stated that it's technically feasible. It would be very difficult or impractical to manage at scale. So that's a quick reminder where we were when we discussed Scenario 1 last week.

And another item I want to clarify is, you notice that we use "registrant" a lot in the deck here. So when we refer to "registrant," it means an individual who registers a domain name. But at the technical level, when "registrant" is used, it's usually represented by a contact object which is mapped to a domain name. And some registrants use the contact objects for defining "registrant" and [then identify] the same registrant. But others don't.

But then in terms of the presentation today and then walking through the different scenarios today, we are just going to simply "registrant" as an individual who registers a domain name.

So that's a quick reminder of where we were when discussing Scenario 1. And now we're going to the more complicated Scenario 2. So just a reminder. We're talking about a series of domain names that include variants at the second level and variants at the top level. And what SubPro and Staff Paper recommended they all point to where it belongs to the same registrant. And we need to discuss the implication to existing variants.

So this is some explanation that I want to provide before we jump into the discussion here. First, under the current policies and

rules, a registry me activate second-level variant labels if such activation is allowed by the registry policy. And also, the sponsoring registrar requests the activation of second-level variants on behalf of the registrant.

So that's what the current policies and rules allow in terms of the activation of second-level variants. So we do have second-level variants existing currently under these rules.

And there's a caveat that the sponsoring registrar for the second-level variants do not have obligation to maintain the activated second-level variant labels throughout their domain name life cycle. So what it means is that there's a possibility that at the beginning, the variant labels at the second level belong to the same registrant. But after a while it could split to different registrants due to transfer where the domain can be sold, or some other reason. But there's no contractual obligations for the registrar to enforce the variant relationship and enforce that they belong to the same registrant.

So this is also our current situation here. And with that in mind, in the following slides we aim to illustrate four possible cases regarding how two existing second-level variants may be allocated. So the first cases both belong to the same registrant under the same registrar. Second, is they belong to this different registrant but under the same registrar.

And the third case, same registrant but under different registrars. And then the fourth case, different registrants and different registrars. So now you see why we're saying this particular scenario is going to be complicated, because of these different

possibilities how the variant labels at the second level may be allocated.

And another thing we want to keep in mind is when we discuss whether and how to require the same entity rule for existing second-level variants, we cannot discuss this in a vacuum without the consideration of its implication on other non-activated but allocatable second-level variants. It definitely has implications to future allocation to other variants that are in the set. So that's why we will have some follow-up discussions of that.

I will pause here and just quickly see whether anybody has any burning questions or confusion before we jump into the examples. Maybe it will help everybody understand the scenario a bit better. But I will pause for a moment and see whether there are any comments, questions, confusions at this point. Okay, nothing.

Oh, Michael. Michael, please go ahead.

MICHAEL BAULAND: Sorry, it's a bit late. Just regarding your second point that the responding registrant currently has no obligation to maintain the activated second-level variant label throughout its domain name life cycle. This is actually dependent on the registry itself. So some of the registries, for example, we provide back-end service for some top-level domains and we also support variants in there. And for those registries, it's technically already enforced that all variant labeled belong to the same registrar and even the same registrant.

And this will be maintained throughout the whole life cycle. So when you transfer labels, you have to transfer the complete bundle. So why is it that there is no obligation currently required by ICANN? Some registries already created those obligations to their own domain space. Thanks.

ARIEL LIANG: Thanks very much, Michael. That's very helpful and important information, so I appreciate that. And I also see A.K. from ALAC has his hand up.

ABDULKARIM OLOYEDE: Yes, thank you. So I just wanted to seek clarification regarding the registry's activity in the second-level variant. Is there any condition attached to that, or something that must be done before you can activate the second-level variant?

ARIEL LIANG: Thanks, A.K. I will also invite Dennis or others to chime in if they have other additional input. But the points that are mentioned on the slide, they're part of the conditions, at least. The registry policy must allow activation, and then the sponsoring registrant needs to request the activation, basically, on behalf of the registrant. So the request needs to come from the registrant, but then the registrant needs to request the registry to activate.

And then there's an addendum to the Registry Agreement that provides additional information regarding the activation request. And we will have a chance to look at that in C2 because that

charter question mainly deals with activation-related aspects. So perhaps we can delve into detail when we get to C2 if that's okay with everybody.

But I welcome Dennis or anybody else who has more knowledge about the activation request to chime in if I miss any important details. And I see Dennis with his hand up.

DENNIS TAN: Thank you, Ariel. Just to note that Verisign TLDs do not activate variants. We calculate/generate the variants, but they remain blocked from registration.

ARIEL LIANG: Thanks, Dennis. Yes. So I guess that's kind of consistent with registry policy. So registry has a very big role in terms of determining whether activation is allowed or not. So, thank you for that additional information.

So I guess we can move on and look at each of the cases that was mentioned earlier in terms of existing second-level labels that are variants and then they're also under the same top-level label, what it looks like.

So now we're looking at two existing domains. One is S1.T1. And then the second one is S2.T[2]. And in this case, they both are allocated to the same registrant. So the same individual that registered these two websites or domains. And then they're also under the management of the same registrar. So this is really the

best case scenario. We're wishing all of the second-level variants are like this case.

So in this case, it seems that the same entity requirement is already satisfied because, indeed, they're registered to the same registrant under the same registrar. And no further action seems to be required. So this is the first case and then the best case scenario we can tell. So that means, basically, the same registrant or same entity requirement recommendation is already applied for this type of case. So nothing really needs to be done for these types of existing domains.

And then we start to get a little bit complicated. We get to the second case. We start looking at the same two existing domains, S1.T2 and S2.T[2]. But for S1.T1, it is allocated to the first registrant (Reg-1) under the first registrar (Rr-1).

But then for S2.T[2], it's allocated to a second registrant (Reg-2) [inaudible] under the management of the same Registrant-1. So, different registrants but the same registrar.

So this case may happen if, for example, one of the second-level variant domains is sold to another registrant that registrant happens to have a contractual relationship with the same registrar. So this could possibly happen under the current rules. So that's the second case we're looking at. And this is the illustration of that.

We see some hands raised. Maxim and Sarmad. So I will stop here for a moment.

MAXIM ALZOBA: Do you hear me?

ARIEL LIANG: Yes, we can hear you.

MAXIM ALZOBA: I think we either need to say that there are going to be no resellers in IDN variant TLDs which is quite new for the last, I think, 30 or 20 years, or to use it in cases to ensure that we don't miss something. Thanks.

ARIEL LIANG: Thanks, Maxim. Sarmad, please go ahead.

SARMAD HUSSAIN: Thank you, Ariel. So I guess my question on this case was that this is certainly theoretically possible, but I guess the question is are there any actual cases of this in practice or is this something which is theoretical? Thank you.

ARIEL LIANG: [inaudible]. Are you asking whether [inaudible]?

DONNA AUSTIN: Ariel, your audio is not great.

ARIEL LIANG: My audio's ...

DONNA AUSTIN: [inaudible].

ARIEL LIANG: It is better? Okay, sorry. My AirPods lost battery. I just want to confirm Sarmad's question. Are you asking whether this is an actual case, like an actual scenario where ... Do we have data to back this particular scenario? Or do you have a different question?

SARMAD HUSSAIN: Right. I guess my question is, is there any registry which is actually practicing this, or is this just a theoretical case? Thank you.

ARIEL LIANG: Thanks, Sarmad. I see Michael with his hand up, but I also probably should mention that maybe at the explanations slide earlier, the four cases that we thought about, they're basically ...

In theory this could happen because if we do need to find the data, how exactly different registry's policies, like in terms of activation, and then how the registrars do in terms of allocation location, we will have to do a pretty big data collection exercise to find out that. There may be something ICANN Org has, but I don't think to the detailed level of how each registrar does in terms of the allocation of variants at the second level. That's something we have to reach out to the individual registrars to find out.

And then at this point, I don't think it's going to be feasible to gather that data to facilitate the discussion in a timely manner because that could take a lot of effort and there's also no guarantee if we do that data collection exercise that everybody's going to respond and tell us what they do. There's always going to be something missing and we don't know, but at least in theory these four cases that we think of cover different possibilities how it may look like. And then at least we can think through what to deal with these different possibilities and what kind of recommendations could possibly be made with the limited information we have.

I see Michael has his hand up. And also there's some chat. Michael, please go ahead.

MICHAEL BAULAND: Thanks. I also quickly wanted to respond to a Sarmad. I don't know any registry at the moment that would allow this. As I said before, the TLDs run by our software are very important and [it would] not be possible. And Dennis just said that for Verisign, it's also not possible simply because they do not allow variants to be registered.

But maybe it would be a possibility to contact all of the back-end operators, not the registries themselves, because there are not so many back-end operators and they would maybe be ... They should know whether they implemented some technical rules is to avoid these situations. But in general, it's possible even though I don't know of such cases. Thanks.

ARIEL LIANG: Thanks, Michael, for mentioning the back-end. Sarmad, please go ahead.

SARMAD HUSSAIN: Thank you, Ariel. So I think, then, one thing to probably note is that even though these four cases are potentially theoretically possible in practice, they're not equally likely. And there is a possibility that some of these cases are extreme corner cases or may not even exist. Just FYI. Thank you.

ARIEL LIANG: Yes. Thanks, Sarmad. That's definitely something we discussed, edge cases. And this sounds extremely familiar to the String Similarity Review discussion, too. They were considering all type of possibilities, but some are really, really unlikely. But we still considered them. And then we considered what's the right approach in terms of risk tolerance. So this a very similar kind of discussion in that vein. So I appreciate that you point this out, too.

But I guess just in terms of the interest of time, we can try to keep going forward to cover Case 3. So this is also ... I guess it's a radical case, but it could have a likelihood of happening. We just don't know whether it really happens because we don't have the data. But at least we can consider this possibility.

You're looking at the same second-level domains that are existing. And I noticed something Donna mentioned. At the top level, there are allocatable variants that do not exist currently, but the

examples we're looking at our already existing top-level labels. And then the second-level labels. They are variants. And then they already exist because, currently, that's allowed. So we're looking at current examples. And I notice that, Donna, you also realize that, too.

Now for Case 3, we see that the first S1.T1 is allocated to Registrant-1 under the management if Registrar-1. But then for S2.T1, it's allocated to Registrant-1 but under the management of Registrar-2. So they have the same registrant, the same individual that registered both domain names, but both domain names are managed by different registrars.

So this case may happen if a second-level variant is transferred to another registrar after its activation. So the possibility may lead to the outcome of this case. And I want you to also note that in theory we say, yes, it's allocated to the same registrant, the same individual. But in practice it may be really hard to identify that it's exactly the same individual that registered both domain names because different registrants use the different contact handles to identify registrants, and they may not use the other registrant's contact handle to identify the same registrant.

So technically, it may not be as a clear-cut case that you can just point-blank say it's exactly the same registrant. But for the simplicity of this example, were saying, yes, they're allocated to the same registrant, the same individual. But the domain names are under management of different registrants. So this is Case 3.

And then the most complicated case is Case 4. So the first existing domain, S1.T1, is allocated to Registrant-1 under the

management of Registrar-1. And then the second existing domain, S2.T1, is allocated to Registrant-2 under the management of Registrar-2. So it's different registrants and different registrars. So this may happen when a second-level variant is transferred to another registrar after its activation and then is later transferred or sold to another registrants. So now we have two different individuals registering these domain names, and then you're using different registrars for the management of that. So that's possibly the most complicated case.

So now we have a graphic illustration of these four cases. And I just want to pause for a moment and see whether there are any questions, comments, confusions. Or do you think, logically, we missed any other possibilities here before we go into the discussion questions next? So I will pause for a moment. And I see, there are some comments in the chat, too.

Donna, please go ahead.

DONNA AUSTIN: Thanks, Ariel. So I guess the variables are here. If I understand what Michael's saying, is that some of this is dependent on the registry policy. So if the registry is silent on the fact of whether the registrant has to be the same for variants, then that may result in a case where the registrant could be different with the variants. And I'm just trying to work out to what extent it's the registry policy that kind of underlines all of these scenarios, whether that's where the link is so that if the registrar has to follow the registry policy, do these other scenarios hold, as it relates to the possibility of a

second registrar? But maybe I'm too in the weeds and it doesn't really matter.

ARIEL LIANG: Thanks, Donna. And I see that Dennis also has some comments in the chat. And then I just want to quickly react to your comment before Dennis.

I think the details how registry policy work is a consideration, but we're looking at the outcome or the result of these policies. And then I think the four cases we are presenting here basically covers all of the possibilities as a result of the registry policy and registrar management. And then there are four different possibilities how existing domains at a second-level may be allocated.

So I think we [inaudible] considering details—what the registries do at this point—but we have to look at the result and how to manage, how to figure out if the same entity requirement is applicable or not based on the current result. So that's my quick comment.

Dennis, please go ahead.

DENNIS TAN: Thank you, Ariel. There is a lot to unpack during this conversation, and I just want to offer this. As we are looking at these four cases, let's keep in mind—and the next few slides—I think what we are trying to do here is to look through the lenses of two things in my mind. The one thing is the same entity principle and what is it.

And the second one is about the persistence requirement. Right? Meaning during the life cycle of the domain names belong to a variant set depending upon the IDN tables registration policies and whatnot. So, same entity principal and the persistence requirement throughout the life cycle.

While we're looking here right now, and Ariel's going through these cases—potentially hypothetical because we discussed the guiding of data, but that's going to take time [inaudible] cumbersome. So we're looking at these hypothetical potential cases, so our question, I think—at least in my mind—is it decidable or advisable to allow these types of potential outcomes? And if the answer is no, we should have some same entity enforced and also persistent across throughout the life cycle.

Then let's move on to the next discussion which is, okay, so what is the same entity? And we have a baseline definition which is "registrant." But [inaudible] registrant as a label, but we don't know what the registrant means exactly on a technical level. And then also who's going to enforce the same entity and at what level? So I think that, at least in my mind, is how we progress from the theoretical same entity principle.

For persistent requirement we answer the question whether it's advisable [inaudible] to have some kind of rules around those two concepts. And then move on to the next phase, which is defining what a registrant is and who's going to enforce at what level the same entity principle, if that makes sense.

I just wanted to offer that in order to frame the conversation that we're having. This is a very complex issue/concept. And on

purpose we're leaving behind ... Again, need to remind. Right? There's just no one technical solution to define or to make two domain names consistent with consistent behavior.

At the end of the day, it's going to be up to the registrant who manages the actual domain name and deploys that to web services and whatnot to actually translate that to a user experience. If the registrant chooses to use the variant domain names differently, put in different websites for different purposes, who are we to say that should not be possible?

So let's remind what we can do as a registry, as a registrar. And then registrant. Right? What we can do, who needs to enforce what, and at what level. So I just wanted to offer that. But this is great work as we are discussing and unpacking all of these complex items. Thank you.

ARIEL LIANG: Thanks so much, Dennis, for that commentary. It's indeed a very complex question we're dealing with. I know if we put forward certain recommendations, we need to think about the implications of that and also the practicability to implement such recommendations. So I appreciate that comment.

Actually, now I think we're at the end of this deck really because now it's the beginning of our discussion of the Scenario 2, the four different cases. So we have drafted these questions as a discussion point, but we may have additional questions to discuss as well.

So the first one from staff said, “We’d like to ask the group to think about Case 3 because, with Case 3, we indeed have the same registrant, but they're under the management of registrars. For such cases, is the same entity requirement already met or is it not?” So that’s the first question we have. Because through Case 1 when you have the same registrant under the management of the same registrar, it seems to us that's the cleanest case. And then it's already met—the same entity requirement. But then for Case 3, is this also satisfactory? We don't know.

But we see Edmon has his hand up.

EDMON CHUNG: Thank you. Edmon speaking personally. So I wonder if ... I understand that this is sort of hypothetical. I wonder existing registrations have these cases already at this point or is this completely hypothetical. I guess from previous discussion and what Dennis mentioned and also from, I think, the SSAC feedback on some of these issues, it's pretty clear that going forward this should be enforced with the domain lifecycle and so on with the same registrar and same registrant.

Do I understand that there have been studies and there are these cases that exists currently, or we actually don't know? If we don't know, I suggest we probably do some research on whether these cases exist before we spend too much time and effort to discuss them. But I just am curious what the current situation is.

ARIEL LIANG: Thanks, Edmon. And I think that's a similar question asked earlier about whether we have existing data on this. So, no, we don't have existing data on this. And there may be a possibility of finding out this. Maybe we can find out whether registries have a current policy of activating variants. Maybe we can find out that. And then there's also a suggestion that perhaps we can ask the back-end what they know in terms of this current situation with the second-level variants and whether this could happen.

But as I mentioned earlier, all of this data collection exercise takes a lot of time. And just based on the experience we had with the registry survey ... It's like a five-question survey. It took a couple of months at least to get it out and then receive feedback. And also not everybody responded. In fact, only two out of nine Arabic TLDs responded. So we don't know whether we can get all of the responses to get a comprehensive understanding of all of the data. But at least for these possibilities, we can think of, in theory, what all of the possibilities are to have a discussion first. And if we're panning data to discuss this question, it probably will take a very long time and we'll definitely not be able to meet our timeline. So that's the caution I want to mention.

I see Edmon still has had his hand up. And Donna also raised her hand.

EDMON CHUNG: Yeah, if I can follow up, I think it's—very quickly. I understand what you're saying in terms of surveys and those kinds of things, but just doing a zone file check and then a WHOIS check on cases, I think we can narrow it down very quickly and try to figure

out whether these cases in fact exist and how prevalent they are. Because the flip side, I think, is that if we spend a lot of ...

Because if these cases exist right now, I think the difficulty in addressing them would be quite difficult. But if we find out that, no, the cases rarely exist—either never exist or exist very rarely—then in our discussion might be very, very different. So that's just my thought.

ARIEL LIANG: Thanks, Edmon. And I see Donna has her hand up, but I also will invite Sarmad and others who have much more knowledge about this than me to chime in. But my understanding is I don't think it's going to be a quick solution to find this through the zone files and it will require some kind of coding to even be able to extract it. So if we have a quick solution, that will be great. But I don't know whether that exists. But I welcome others to chime in.

Donna has her hand up. Please go ahead.

DONNA AUSTIN: Thanks, Ariel. Edmon, I appreciate the ... Being in a position to be able to refer to data has been really helpful to us so far.

Michael mentioned previously that it could be something that we could ask RSPs about because, generally, what happens is the registry policy will be the same for those registries are they using the same back-end. So maybe there's ...

And we can think about this as the leadership. We can think about whether there's a way to get some information or data from the RSPs. But that could be tricky because there's no contractual relationship between ICANN and back-end providers.

The other thing we could do is ... I know that the GDS Team has done quite a bit of work with registry operators on the IDN table, so maybe they have some information available. But we can also—Edmon—see if there's a way to get some information from other means that you've suggested. So I appreciate that, given that we're getting into grandfathering questions and whether to apply requirements retrospectively, it would be good to at least understand whether we're talking about a big issue or a small issue.

So the leadership team will see if there's some way that we can tackle this to try to get some data, but understanding that, as Ariel said, it could be pretty difficult to do.

So Ariel, I'll hand it back to you and see where we get to. We've only got another 20 minutes left, so maybe if we look at this from the perspective that this is ... We don't know the numbers, but if these situations currently exist, how would we deal with it? So perhaps that's the best way to move forward with this. So back to you, Ariel.

ARIEL LIANG: Thanks, Donna. And indeed [inaudible] discuss with the leadership team and think about whether and how to do this kind of data gathering to get at least a sense of how the situation is

like. But we need to get back to the team on that separately with some research and digging on our end, too.

But let's talk about the second discussion that we think of at this point. Also it's something Donna already mentioned. If Cases 2, 3, and 4 currently exist, should the same entity requirement be retroactively applied to such existing second-level variants? And if so, how do we do that?

So basically, especially for Cases 2 and 4, if the different second-level has different registrants already, how do you force them to, basically, one registrant give up his or her domain to the other? That could be a little tricky. But if we do want to enforce that retroactively, how to do that.

And then if we choose not to, then does that mean such existing second-level variants should simply be grandfathered and allowed to continue to exist throughout their domain name life cycle? Maybe there is some additional consideration we need to discuss to [inaudible] grandfathering, too. So that's the second question.

And then the third question is that in a graphic here, you see there are some non-activated but allocatable variants that do not currently exist, but they could exist in the future. S1.T2. So basically S1 is an existing second-level variant. But T2 is an allocatable top-level variant that doesn't exist now but may exist in the future. So that's one example.

And S2.T2, in a similar vein. Could they exist in the future because the top level is a variant. And then for S3.T1. S3 is an allocatable second-level variant allowed by the IDN table, but it's

not activated yet. So whenever it's going to be activated in the future, then that's another possible domain. So, S3.T1.

And then S3.T2. So basically that's another possibility for a future domain to exist.

So then for these types of variants, is this possible to satisfy the same entity requirement for their allocation for Cases 2-4? So basically, we know that the existing two domains have different registrants or different registrars or both different registrants and different registrars. So if you want to allocate these future ones, how do you allocate that? Which registrant gets which domain and under which registrant's management? So this could get quite complicated. So that's something we probably want to consider, too.

And I realize this could be very complicated, especially without data to demonstrate that these current Cases 2 and 3 actually exist. So it's going to be a theoretical kind of discussion for now. But then I also recall that we have similar theoretical discussions about string similarity that folks may remember.

And then the recommendation from Staff Paper is the maximally conservative approach, basically that the blocked variants also need to be taken into consideration. And then there's some kind of zero tolerance for any possibility of confusion between variants, including the blocked ones.

So maybe we can use the same kind of logic. If we have the maximally conservative approach, then maybe Cases 2, 3, 4, domains can continue to exist, but in the future they cannot have

the possibility of being allocated to other non-active variants if we use the same kind of logic.

But I guess that's a little, you know, jump the gun. But that's just something we can kind of think of. It could be a possibility, but it's definitely up to the group to discuss.

I see Donna has her hand up.

DONNA AUSTIN: Thanks, Ariel. I guess just an observation. So the current situation is that we don't have variants at the top level. We just have a primary gTLD at the top level. As far as I'm aware, there is no concern whether these scenarios exist or not. We need to find out whether they do. There doesn't seem to be an issue at the moment. Maybe some of our Registries or Registrars might have a better idea of whether variants at the second level are problematic if the same entity doesn't apply.

But I would suspect, given that I don't think there's any controversy around it at the moment, that if these scenarios do exist, it's not a problem. It's currently not a problem. So that being the case, why would we need to grandfather? Sorry, the other way around is what I meant.

It seems that it wouldn't be problematic to grandfather the current situation because there are currently no issues that we're aware of. But it may be that when we introduce variants at the top level and you have variants at the second level that it will become more complicated and that's where the same entity principle may be more important.

So just an observation about what the current situation is and what the future situation may look like. And perhaps it's the future that becomes more complicated as variants at the top level become available. Thanks.

ARIEL LIANG: Thanks, Donna. And I see Michael has his hand up. And I just realized something. When I was looking at the graphic of Question 3. So when the top level starts to have variants, that really [only] concerns Chinese and Arabic gTLDs in our discussion because we're talking about existing labels. And then only they have allocatable variants at the top levels. So maybe that could help us narrow the scope, but that's just a thought that crossed my mind.

Michael, please go ahead. Michael, if you're speaking, you're muted.

MICHAEL BAULAND: Sorry, my phone was still on mute. I just had an additional idea. We're still wondering whether Cases 2, 3, and 4 actually exist in the wild and we have to deal with it or not. One idea was to contact the Registry Service Providers. But another idea which is easy to implement is that we check with the Registry and the Registrar Stakeholder Groups and just ask them whether they know of such possibilities.

If someone says yes and has an example, we are done and don't need to check any further things because we have a positive example. If no one finds an example, it's the same situation we are right now because it's not approved that it does not exist. But

at least it would be a quick check to maybe find a positive case. Thanks.

DONNA AUSTIN: If I could just jump in. I think if our Registry and Registrar members are willing to take that on and just do a quick check within the stakeholder group, I think that's a reasonable thing to do.

And Maxim, I note that registries and registrars are not members of the Registry and Registrar Stakeholder Groups. That's absolutely correct, but I think there's a reasonable sample within those that it would be worth checking with.

So Michael's agreed to ask the [Registrar] Stakeholder Group. And if we could do the same within our Registries Stakeholder Group, that will be good.

And Jerry, I note your comment that there aren't many IDN registries active in the Registries Stakeholder Group. But to some extent, we're talking about the use of IDN labels at the second level, and they are not necessarily only used within IDN registries. They can be used within generic registry or Latin registries as well. So for the sake of just doing a quick check, I think it's a good suggestion.

Edmon, go ahead.

EDMON CHUNG: Thank you. I wonder if there is another question later about changes in LGRs, changes in tables that causes these situations. We don't know whether these situations happen currently in the wild, but I guess hypothetically if you change a table with, say, something that was not a variant before and now becomes a variant, this could potentially happen.

If I understand correctly, if we think about it that way, then in the top-level scenario, then of course this situation needs to be dealt with before the LGR changes. And a grandfathering or whatever schema needs to be proposed at that time. So likewise in second-level, if a TLD decides to make changes causing these situations, I guess it makes sense to require them to come up with the solution.

And if that is the case, then we can think about approaching this in the same way and saying if this happened, then the registry needs to come up with their plan and kind of leave it at that, at the policy level. Because then each registry might need to think about different ways to deal with it. But as an overarching policy to enforce the same entity principle and the same life cycle and those kinds of things, that would make it much more simpler for us in not having to deal with all of the nuances but ensure that this is not left out. So I guess that's a thought.

DONNA AUSTIN: Thanks, Edmon. And Ariel, I'm sorry. I didn't mean to take over from you. Do you want me to hand it back? I see Maxim's got his hand up.

ARIEL LIANG: He has. Donna, please continue, resume the chairing position.

DONNA AUSTIN: Maximum, go ahead.

MAXIM ALZOBA: I think it might not be a good idea to create something which is left for the particular registry to implement. From the past experience, most of such I'd say letting them implement later resulted in huge delays, total lack of transparency. And basically nobody knew how to implement it, how to check if it's implemented correctly. And it will create situations where, from some hypothetical perspective, something exists, but in reality nobody will be able to use it. So I'm not sure it's a good idea. Thanks.

DONNA AUSTIN: Sorry, Maxim. I didn't catch the beginning of that. What's not a good idea?

MAXIM ALZOBA: To say that the implementation is up to the particular registry. We will either lose the uniformity or the particular registry will not be able to make things in a reasonable pace. Because in the past where something was left, like, it shouldn't be created by a registry somehow without details. It wasn't fast to implement and a pain. Thanks.

DONNA AUSTIN: Okay. Thanks, Maxim. Ariel, I see we're three minutes from time. Was there anything you wanted to wrap up on? I think what I'm hearing at least is that people want to understand a little bit more about the scope of the problem we're trying to solve here. So we might need to think about this some more. But anything from you, Ariel?

ARIEL LIANG: Thanks, Donna. No, this is the end of the deck. Indeed, we can deliberate on the possibility of finding out some information and the scope of the problem before we continue the discussion of this. But this is the end of the deck.

DONNA AUSTIN: Thanks, Ariel. And I certainly appreciate the time that you've taken to put this together with the help of Michael and Dennis. We certainly have some difficult problems to unpack. But I have faith that we will get there. I think from a leadership perspective we need to just have a bit of a conversation and see if there's any way that we can access data that might help us with these, get through to answers to these questions

And if I could ask our Registry and Registrar colleagues to just follow up with your respective stakeholder groups and see if there's any ideas that you can come up with that would give us some usable information that would help us scope the problem that we're trying to deal with.

All righty. Thanks, everybody. I don't think ...

Oh, there was one thing. Satish, I saw that ALAC would like a bit more time on the A7 and A10 questions. Did you have a time frame in mind? Do you need a week? Do you need two weeks? How long do you think you'll need? “Maybe a week.” Okay, so I think the expectation was that we'd have feedback by the 8th. So we will extend that a week. Not just for ALAC, but for everyone. And just a reminder that we'd like to see comments from folks on the A7 and A10 text so that we can try to wrap that up. I think it's A7 and A10.

All righty. Thanks, everybody. And also please respond to Ariel's note about a possible joint meeting with the ccPDP on the 26th of July. That's pretty important. I would like to go ahead and do it at that time. So please, folks, take a look and let's see if we can make that happen.

Yes, Michael. Well, no. Please respond if you can and if you can’t make the date.

All righty. Thanks, everybody.

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 great rest of your day.

[END OF TRANSCRIPTION]