5 December 2016

Response to ICANN Board Letter concerning GNSO consideration of the policy implications of the Internationalized Registration (IRD) Working Group’s Final Report

Steve Crocker

Chair, ICANN Board

Dear Steve,

On behalf of the GNSO Council, I am responding to your letter of 11 May 2016. I apologize for the delay in developing this response but it was necessary to take this time to gather and consider the information needed to comprehensively respond to your request.

In your letter, you asked the GNSO ‘to consider the policy implications of the IRD’s report, follow up as the Council deems appropriate, and, at a minimum, forward the IRD’s report as an input to the Working Groups engaged in the Next Generation Registration Directory Services (RDS) to Replace WHOIS PDP’.

With regard to the latter request, the IRD report was forward to the RDS PDP Working Group for consideration during their work on 7 July 2016. With regard to the former request, we consulted with representatives from the (previously concluded) Translation and Transliteration of Contact Information (T&T) PDP Working Group, and as a result the GNSO concludes that:

* The IRD recommendations were, in fact, considered in the development of the T&T recommendations, and
* Those members who participated in both efforts (T&T and the IRD Expert WG) made a point to explicitly compare the discussions, to flag any issues that appeared to be in conflict, and bring these to the attention of both groups, and
* All discrepancies were reviewed in detail within each group, and
* The short answer to the concern of whether or not the two sets of recommendations are in conflict is, "No, they are not." A more complete, nuanced response is as follows.

The following two recommendations are intended to be equivalent.

* From the T&T: The Working Group recommends that the language(s) and script(s) supported for registrants to submit their contact information data may be chosen in accordance with gTLD-provider business models.
* From the IRD: A registry must be able to accept and store any language or script that might reasonably be expected to be used in their target market.

There is a natural tension regarding the language and script used to represent the data among all of the points from a registrant to the final display of the data, including how the date is collected by the registrar, and how it is stored by the registry. Both the T&T and the IRD working groups recognized this and both groups agreed with full consensus that the appropriate place to anchor this preference is with the registry. The gTLD registry operator’s business model will determine how it intends to serve its target registrants, and subsequently drive the decision on which language(s) and script(s) it will use to present and manage its services.

The IRD working group went a step further in its deliberations and included the following additional recommendation:

* Registrants should only be required to input registration data in a language(s) or script(s) with which they are skilled.

The purpose of this recommendation was to mitigate any requirement that would burden registrants with special skills or requirements. The IRD recommendations are based on three foundational principles, and among these is the "User Capability Principle: the capability of the data-submitting user should be the constraining factor. Such users should not be burdened with tasks that cannot be completed under ordinary circumstances." This principle is the primary motivation for this recommendation.

These three recommendations are intended to be complementary. A registry is expressly permitted to engage in any approved business model with any registrant, but it must expect that only registrants who ordinarily work with the languages and scripts supported by the registry may use the services of the registry. Some might consider this point obvious from a business perspective, but nonetheless, the IRD working group believed this point was often overlooked in discussions of internationalization and thus chose to make it explicitly.

As a result, the GNSO concludes there is no conflict between these sets of recommendations, and as such recommends that the T&T IRT factors in the IRD Expert Working Group recommendations as part of their implementation efforts. However, should the T&T IRT find that there are policy implications resulting from the IRD Expert Working Group recommendations, we would refer them to existing mechanisms for the IRT to flag these and submit them to the GNSO Council for appropriate action.

If there are no objections or further questions from the ICANN Board on this approach, I propose that I share this communication with the T&T IRT for their information.

Best regards,

James Bladel

GNSO Chair